

Press Release

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PREPARED REMARKS BY SECRETARY NAPOLITANO ON IMMIGRATION REFORM AT THE CENTER FOR AMERICAN PROGRESS

Thank you to John Podesta for that warm introduction. John is a good friend of mine, and I admire the work he's done here at the Center for American Progress to advance the national debate on a range of important issues. John and I have worked together extensively, and I look forward to his continued partnership.

It's not news to say that these are challenging times. From our first day in office, this new Administration was called on to meet an economic and financial crisis as deep and threatening as we've seen since the Great Depression. The President took bold and difficult steps to prevent the collapse of our financial system and reverse the ominous trends of negative growth and massive jobs loss.

Today, thanks in no small part to the Recovery Act and other steps we have taken, the economy is growing again and job losses have slowed. But that progress is fragile, and we can't let up until all the millions who are looking for work today can find it. Yet we know that surviving this storm isn't enough if we fail to do the things we must to fortify America for the long run.

That's why this Administration is taking on the critical challenges that have been ignored in Washington for too long. We are laying a new foundation for growth and prosperity that will strengthen the economy, families and small businesses throughout the country.

By tackling the issue of health insurance reform, we can bring new security and stability to families and businesses across the country. By planting the seeds of growth for a new, clean energy economy, we can open the door to the creation of millions of good jobs and secure America's continued leadership in this new century. By making a serious, national commitment to education reform—which means college or technical training accessible to every young person willing to strive for it—we can insure their success, and America's success, in a world where the best educated workers and workforce will win.

So even as we press to end this recession and get America back to work, we are determined to deal with long lingering problems that cloud our future. And another problem that has been punted from year to year, from Congress to Congress, from Administration to Administration, is the clear need for immigration reform.

We all know the story: A steady influx of undocumented workers, crossing our borders illegally in search of work and a better life. A market among employers willing to flout

the law in order to hire cheap labor. And as a result, some 12 million people, here illegally, living in the shadows—a source of pain and conflict.

It is wrong. It's an affront to every law-abiding citizen and every employer who plays by the rules.

Like the Administration's other priorities, when it comes to immigration, we are addressing a status quo that is simply unacceptable. Everybody recognizes that our current system isn't working and that our immigration laws need to change. America's businesses, workers, and faith-based organizations are calling for reform. Law enforcement and government at every level are asking for reform. And at the Department of Homeland Security, we need reform to do our job of enforcing the law and keeping our country secure.

Over the past ten months, we've worked to improve immigration enforcement and border security within the current legal framework. But the more work we do, the more it becomes clear that the laws themselves need to be reformed.

Let me be clear: when I talk about “immigration reform,” I'm referring to what I call the “three-legged stool” that includes a commitment to serious and effective enforcement, improved legal flows for families and workers, and a firm but fair way to deal with those who are already here. That's the way that this problem has to be solved, because we need all three aspects to build a successful system. This approach has at its heart the conviction that we must demand responsibility and accountability from everyone involved in the system: immigrants, employers and government. And that begins with fair, reliable enforcement.

We know that one-sided reform, as we saw in 1986, cannot succeed. During that reform effort, the enforcement part of the equation was promised, but it didn't materialize. That helped lead to our current situation, and it undermined Americans' confidence in their government's approach to this issue. That mistake can't happen again, and it won't happen again.

The American people expect us to act. Americans value our identity as both a nation of immigrants and a nation of laws. Unfortunately, too many politicians and pundits have treated these values as contradictory. They are not, and we will pursue reforms that emphasize both. The immigrant story is part of what it means to be an American – but failing to fix a broken system that undermines our shared values of lawfulness and fairness is not.

This is why key members of Congress are taking steps toward legislation that will create an immigration system that works. This is why the President continues to be fully committed to reforming our immigration laws, and why he asked me to take a lead role in this effort.

WHAT HAS CHANGED SINCE 2007

While everyone may agree that the status quo isn't working, what everyone may not be aware of is how much the immigration landscape has changed since comprehensive reform efforts fell short in 2007. I've been dealing hands-on with immigration issues since 1993, so trust me: I know a major shift when I see one, and what I have seen makes reform far more attainable this time around.

For starters, the security of the Southwest border has been transformed from where it was in 2007. The federal government has dedicated unprecedented resources to the Mexican border in terms of manpower, technology and infrastructure—and it's made a real difference.

Last March, the Obama Administration announced a Southwest Border Initiative that has increased the resources the government is dedicating to combating drug cartels, and the smuggled cash and illegal weapons they thrive on. The Departments of Homeland Security, Justice and Defense have dedicated unprecedented resources to this initiative. This includes additional inspection and surveillance technology, as well as hundreds of personnel specializing in fields like inspection, intelligence and prosecutions. At DHS, we started screening 100 percent of southbound rail shipments for illegal weapons and cash—for the first time ever.

Compared to last year, seizures in all categories—drugs, smuggled cash, and illegal weapons—are up dramatically. For example, just looking at bulk cash, Customs and Border Protection has seized at the border more than \$34 million in cash being smuggled southbound so far this year—more than four times as much as at this time last year.

Moreover, the immigration debate in 2007 happened during a period of historically high levels of illegal entry into the United States. Two years later, because of better enforcement and the current economic circumstances, those numbers have fallen sharply. The flow has reduced significantly – by more than half from the busiest years, proving we are in a much different environment than we were before.

These are major differences that should change the immigration conversation. In 2007, many members of Congress said that they could support immigration reform in the future, but only if we first made significant progress securing the border. This reflected the real concern of many Americans that the government was not serious about enforcing the law. Fast-forward to today, and many of the benchmarks these members of Congress set in 2007 have been met. For example, the Border Patrol has increased its forces to more than 20,000 officers, and DHS has built more than 600 miles of border fencing. Both of these milestones demonstrate that we have gotten Congress' message.

We've also shown that the government is serious and strategic in its approach to enforcement by making changes in how we enforce the law in the interior of the country and at worksites. We have replaced old policies that merely looked tough with policies that are designed to actually be effective.

We've revised and standardized our immigration-enforcement agreements with state and local law enforcement to make sure that these agencies are effective force multipliers in our efforts to apprehend dangerous criminal aliens. We've expanded the Secure Communities program, which identifies illegal aliens being booked into local jails. Yesterday, we marked the end of the first year for this program, which is being used by 95 jurisdictions and has identified more than 111,000 criminal aliens.

Furthermore, we've transformed worksite enforcement to truly address the demand side of illegal immigration. We are auditing the books of thousands of employers suspected of relying on illegal labor to achieve an unfair advantage in the marketplace. As part of this effort, Immigration and Customs Enforcement audited more employers suspected of hiring illegal labor in a single day in July than had been audited in all of 2008. We're also encouraging workplace compliance by expanding and improving the E-Verify system—an Internet-based system that allows participating employers to electronically verify the employment eligibility of new hires. More than 167,000 employers at 639,000 worksites use E-Verify. In the past month, the program has grown at the rate of nearly 2,000 employers per week.

Improved interior and worksite enforcement is a critical part of comprehensive immigration reform. We've demonstrated that when it comes to that issue, this Administration is committed to action.

In addition, recent improvements at managing the legal immigration system also prove that the federal government is ready to handle major reform.

We've ended a year-long backlog for background checks on applicants for green cards and naturalization. We've expanded the opportunity for a widow to gain legal status here, despite the untimely death of her U.S. citizen spouse. We've launched a new interactive website that allows people to receive information about the status of their immigration cases by e-mail or text message, and we have reduced the time it takes to process those cases.

In addition to these changes, since 2007 we have made significant strides in technology. For example, new biometric technology allows us to take the fingerprints of people coming into the United States and compare their prints against databases we couldn't access before. This means we have new and enhanced abilities to quickly identify people committing immigration fraud, either by using someone else's documents or by forging documents to escape detection for a past crime or immigration violation. We also have enhanced our capacity to exclude those suspected of supporting terrorism or other serious international crimes before they enter our country.

Overall, these and other changes make comprehensive immigration reform more attainable as a matter of both politics and policy. At the border, in the interior of the country, and when it comes to legal immigration, the government has made significant strides to improve enforcement. This is a fundamental change from 2007.

Here's the other thing that has shifted in this debate: a larger segment of the American public has embraced the need to engage this debate and arrive at a sensible solution to this problem. CAP has helped to document this shift.

There are leaders of the law enforcement community speaking out, saying that immigration reform is vital to their ability to do their jobs keeping Americans safe. Faith leaders, including the National Association of Evangelicals, have announced their support for immigration reform as a moral and practical issue. We are seeing more business leaders and more labor leaders engaged in this debate in a constructive way than we have ever seen before.

These constituencies have all arrived at the same conclusion that prevails among the American people: this is a problem that needs to be fixed—and the best way to ensure that we can uphold our laws is to make sure our laws are rational and enforceable.

WHY DHS NEEDS IMMIGRATION REFORM

That reality is apparent to us at DHS. Over the past year, as this Administration has pursued more effective strategies within the current laws, the picture of how exactly those laws need to be changed has become clearer than ever before. In the past ten months, we have made tough choices, and implemented significant reforms within the current legal framework—but they are not enough to create the system that we want or that we need. If we are truly going to fix a broken system, Congress will have to act.

When it comes to immigration, I took an oath as Secretary of Homeland Security to secure the nation by enforcing the law and managing legal flows across the border. Let me be clear: to do this job as effectively as possible, DHS needs immigration reform.

Reform legislation would provide lasting and dedicated resources at our borders, and provide some critical legal tools that we don't currently have to combat smuggling organizations. For example, we need tougher anti-smuggling laws in dealing with the aggravated crimes smugglers commit—including assaulting law enforcement officers, endangering children, threatening relatives and abandoning people in the desert—hundreds of whom succumb to death from heat and lack of water. We also need to update current laws that don't cover some of the new means by which criminals conduct their business. For instance, today's smugglers and drug traffickers often move cash through "stored value" cards, which aren't even considered monetary instruments under the current money-smuggling laws.

In addition, we need improvements to the current law when it comes to interior and worksite enforcement. Dishonest businesses often ignore the civil fines for illegal employment now on the books because they're so low. It's also very difficult to prosecute these crimes as felonies because of the over-elaborate intent requirements built into the current statutes.

Moreover, some current laws covering immigration-related fraud have to be brought more in line with common sense. Right now, a corrupt immigration attorney who facilitates hundreds of immigration violations by knowingly helping aliens fraudulently seek asylum or permanent residence is treated almost the same as an alien who buys a single fake green card.

On top of this, in order to have fully effective law enforcement, we need Congress to create the legal foundation for bringing the millions of illegal immigrants in this country out of the shadows, require them to register and pay all taxes they owe, and enforce the penalties that they will have to pay as part of earning legal status. Let me emphasize this: we will never have fully effective law enforcement or national security as long as so many millions remain in the shadows.

Making sure these people become full taxpayers and pay their fair share will both benefit our economy and make it easier to enforce the laws against unscrupulous or exploitive employers. A tough and fair pathway to earned legal status will mandate that illegal immigrants meet a number of requirements—including registering, paying a fine, passing a criminal background check, fully paying all taxes and learning English.

These are substantial requirements that will make sure this population gets right with the law. It will help fix our broken system.

THE BROAD NEED FOR REFORM

While it's important to emphasize the need for immigration reform from an enforcement perspective, the need for reform stretches far beyond those reasons. We have to make sure the immigration system works to support American families, businesses and workers.

As part of the Administration's outreach on this issue, my Department has held stakeholder meetings with more than 1,000 people and organizations across the country. The businesses, community leaders, labor leaders, faith groups and law enforcement we've met with all have different stories, but they all reach the same conclusion: we need reform. This reform will be part of the new foundation for growth, prosperity, and security that this Administration is working to create.

Our system must be strong enough to prevent illegal entry and to get criminal aliens off our streets and out of the country. But it must also be smart enough to reward the hard work and entrepreneurial spirit that immigrants have always brought to America—traits that have built our nation.

Requiring illegal immigrants to register to earn legal status, as I discussed earlier, will strengthen our economy as these immigrants become full-paying taxpayers. As labor leaders have made clear to me, immigration reform will be a boon to American workers. Think about it: unions will never achieve the best terms for workers when a large part of the workforce is illegal and operates in a shadow economy. By contrast, the status quo

not only hurts American workers, it also stifles potential opportunities to grow our economy.

A few months ago, I held a forum where I heard from technology executives in Silicon Valley, our country's center of technological innovation. They told me that they want to increase their workforce and help get the economy moving again, but some of the major barriers they have to growing their companies are visa laws that make it difficult for high-skilled foreigners to stay here to work. Today, we have a system where America educates many of the brightest individuals from around the world, and then tells them to leave the country when many of them would rather start their own ventures or strengthen businesses right here in America. This hurts the economy for all of us, and it has to change.

Going forward, our visa policies must work for every sector of our economy, and across the income scale. In my meetings, leaders in agriculture, service industries and other fields have told me that current visa policies are hindering the growth of businesses looking to expand. To address this economic need, we need carefully crafted programs that allow American businesses to hire needed foreign workers while protecting the labor and health-and-safety rights of all workers. We need to revise our current provisions for legal migration to help assure a legal workforce in cases where businesses can't find Americans to fill their jobs. These changes will make our economy stronger and more prosperous at all levels.

Community and faith leaders have also emphasized to me that we need reform because of how difficult the current laws can be on families, especially families of mixed legal status. Our immigration system is outdated where families are concerned, and we need to modernize and streamline the laws governing this process.

No one should have to wait in a line for years in order to reunite with a spouse or a young child. And we must protect the families of our men and women in the armed forces, some of whom volunteer to serve this country before they even become naturalized citizens. These individuals risk their lives to ensure the safety of all Americans. We have a duty to ensure that their families are treated with dignity when their soldiers return from combat.

I have had the honor of administering the oath of citizenship to active-duty personnel who had been serving our country long before I swore them in. These men and women are a reminder, as the President told them on the day of their swearing-in, that America is not just "a collection of rights," but also "a set of responsibilities...it depends on each of us doing our part."

CONCLUSION

So we all have to do our part to have a system that works. At the end of the day, when it comes to immigration, people need to be able to trust the system. Americans need to know that their government is committed to enforcing the law and securing the border—and that it takes this responsibility seriously. Law enforcement needs to have better legal

