

Improving Border Security and Immigration Within Existing Law

Today, Homeland Security Secretary Michael Chertoff And Commerce Secretary Carlos Gutierrez Announced A Series Of Reforms The Administration Will Pursue To Address Border Security And Immigration Challenges. The following reforms represent steps the Administration can take within the boundaries of existing law to secure our borders more effectively, improve interior and worksite enforcement, streamline existing guest worker programs, improve the current immigration system, and help new immigrants assimilate into American culture.

BORDER SECURITY

- 1. The Administration Will Continue To Strengthen Security At The Border With Additional Personnel And Infrastructure.** We are committed to implementing the following border security measures by December 31, 2008:
 - 18,300 Border Patrol agents
 - 370 miles of fencing
 - 300 miles of vehicle barriers
 - 105 camera and radar towers
 - Three additional UAVs

We will also work to ensure that 1,700 more Border Patrol Agents and an additional UAV are added in 2009.
- 2. The Administration Will Maintain The Policy Of "Catch And Return" For Illegal Aliens Apprehended At The Border.** For years, limited detention space forced the release of many illegal border crossers from nations other than Mexico with nothing more than a Notice to Appear for a hearing before an immigration judge. Many aliens ignored these notices and instead blended into U.S. society. The Administration has ended this practice and instituted a policy of "catch and return," ensuring that all removable aliens caught trying to cross the border illegally are held until they can be removed.
 - **The Administration Will Further Increase Funding For Detention Beds So There Are Places To Detain 31,500 Illegal Aliens Until They Can Be Returned.**
 - **The Administration Will Also Press Recalcitrant Countries To Work With The United States To Repatriate Citizens Who Are In The United States Illegally.**
- 3. The Departments Of State And Homeland Security Will Strengthen Legal Efforts To Keep International Gang Members Out Of The United States.** Gangs are at the root of many U.S. crime problems today, and many of the most dangerous gangs draw significant membership from abroad. The Federal government already denies visas to known members of certain gangs from China, the former Soviet Union, and El Salvador. Today, the President is directing the State Department and the Department of Homeland Security (DHS) to expand this list of dangerous organized gangs from other nations and to ensure that members of those gangs are barred from entry into the United States.
- 4. The Administration Will Expand Exit Requirements So Persons Who Overstay Limited-Duration Visits To The United States Can Be Identified.**
 - **By The End Of 2008, The US-VISIT Exit Requirement Will Be Underway At All U.S. Airports And Seaports.** The Department of Homeland Security will continue to explore effective and cost-efficient means of establishing biometric exit requirements at land border crossings.
 - **The Administration Will Establish A New Land-Border Exit System For Guest Workers, Starting On A Pilot Basis.** This will help ensure that temporary workers in the country now follow the mandate to leave when their work authorization expires.

5. **The Administration Will Require All Travelers To Our Ports Of Entry To Use Passports Or Other Similar Secure Documents.** Since January 2007, air travelers have been required to carry a passport for entry into the United States. Because of passport processing backlogs, a temporary accommodation has been made for U.S. citizens traveling in the Western Hemisphere, which will be phased out. Starting January 31, 2008, DHS will phase in a requirement for passports or other secure documents for sea and land ports of entry.
6. **Beginning This Fall, The Secretary Of Homeland Security Will Deliver Regular "State Of The Border" Reports.** These reports will keep the American people informed of the Federal Government's progress in securing the border and hold the Administration accountable for continuing improvement.

INTERIOR ENFORCEMENT

7. **The Administration Is Training Hundreds Of State And Local Law Enforcement Officers To Address Illegal Immigration In Their Communities.** The Administration is maintaining the 287(g) program and expanding other measures that help State and local law officials. These measures include a broad array of enforcement tools, such as formal task forces, greater use of the ICE Law Enforcement Support Center, delegated border search and seizure authority under Title 19, and enhanced partnerships to address location-specific threats, such as gangs.
8. **By This Fall, U.S. Immigration And Customs Enforcement Teams Devoted To Removing Fugitive Aliens Will Have Been Quintupled In Less Than Three Years.** There were 15 seven-member Fugitive Operations Teams in 2005. As of this week there are 68; there will be 75 by the end of September.
9. **The Justice Department Will Initiate Regulatory Action To Close The "Voluntary Departure" Loophole Manipulated By Many Illegal Immigrants.** Illegal immigrants who settle their cases by agreeing to voluntarily depart sometimes then gain extra time inside the United States by filing a procedural motion to reopen the case. New regulations will clarify that filing such a motion will terminate the voluntary departure status and make the alien subject to the order of removal. They will also set a presumptive \$3,000 civil penalty for failing to comply with a voluntary departure agreement.

WORKSITE ENFORCEMENT

10. **Today, The Department Of Homeland Security Issued A "No-Match" Regulation That Will Help Employers Ensure Their Workers Are Legal And Help The Government Identify And Crack Down On Employers Who Knowingly Hire Illegal Workers.** In cases in which an employer has a significant number of employees with inaccurate personal identity information, the Social Security Administration will send the employer a "No-Match" letter. The regulation clarifies that employers may be held liable if they ignore the "No Match" problems by failing to take specified steps within 90 days of receiving the letter.
11. **In The Coming Months, The Administration Will Publish A Regulation That Will Reduce The Number Of Documents That Employers Must Accept To Confirm The Identity And Work Eligibility Of Their Employees.** Presently, no fewer than 29 categories of documents can be used to establish identity and work eligibility. Employers have little capacity to verify the authenticity of these documents, and the sheer quantity of accepted documents is an invitation to fraud. This regulation will reduce unlawful employment by weeding out insecure documents now used often for identity fraud.
12. **As A Civil Counterpart To The Administration's Strategy Of Using Criminal Investigations To Deter Illegal Employment, The Department Of Homeland Security Will Raise The Civil Fines Imposed On Employers Who Knowingly Hire Illegal Immigrants By Approximately 25 Percent.** Efforts to secure the border will fail unless the "magnet" that attracts illegals is turned off. Unfortunately, the fines for relying on illegal workers are so modest that some companies treat them as little more than a cost of doing business. DHS will use existing authority to update civil fines for inflation in order to boost fines by about 25 percent, as much as is allowed under current law.

- 13. The Administration Will Continue To Expand Criminal Investigations Against Employers Who Knowingly Hire Large Numbers Of Illegal Aliens.** Arrests by U.S. Immigration and Customs Enforcement for criminal violations have increased from 24 in FY 1999 to a record 716 in FY 2006. There have been 742 criminal arrests since the beginning of FY 2007 (through July 31), and there is anecdotal evidence that companies are taking notice and adjusting their business practices to follow the law.
- 14. The Administration Will Commence a Rulemaking Process To Require All Federal Contractors And Vendors To Use E-Verify, The Federal Electronic Employment Verification System, To Ensure That Their Employees Are Authorized To Work In The United States.** The Federal government ought to lead by example. As there are more than 200,000 companies doing Federal business, this will significantly expand use of E-Verify, and make it more difficult for illegal immigrants to obtain jobs through fraud.
- 15. The Administration Will Help States Make Greater Use Of E-Verify.** Some States already mandate the use of E-Verify by some or all of their hiring agencies, and other States are considering similar requirements. The Administration will assist such efforts through outreach and offers of technical assistance.
- 16. The Administration Will Bolster E-Verify By Expanding The Data Sources It Can Check.** This will make it easier to catch individuals who commit identity theft. New sources of data will include cross-checks of visa and passport information.
- 17. The Administration Will Seek Voluntary State Partners Willing To Share Their Department Of Motor Vehicles Photos And Records With E-Verify.** Agreements to allow E-Verify access to the repository of photographs in state DMV databases will help prevent illegal immigrants from using fraudulent driver's licenses to obtain employment. Such agreements will also lay the groundwork for further expansion of the electronic employment eligibility verification system.

STREAMLINING EXISTING GUEST-WORKER PROGRAMS

- 18. The Department Of Labor (DOL) Will Reform The H-2A Agricultural Seasonal Worker Program.** No sector of the American economy requires a legal flow of foreign workers more than agriculture, which has begun to experience severe labor shortages as our Southern border has tightened. The President has therefore directed DOL to review the regulations implementing the H-2A program and to institute changes that will provide farmers with an orderly and timely flow of legal workers, while protecting the rights of laborers.
- 19. The Department Of Labor Will Issue Regulations Streamlining The H-2B Program For Non-Agricultural Seasonal Workers.** Because businesses in seasonal industries such as landscaping and hospitality frequently have a difficult time locating temporary workers, the H-2B program has proven quite popular. Some employers report significant processing delays, however. DOL's proposed rule will speed processing by moving from a government-certified system to an employer-attestation system akin to the PERM system that has reduced backlogs in other areas.
- 20. The Department Of Homeland Security Will Extend The Visa Term For Professional Workers From Canada And Mexico To Attract More Of These Talented Workers To The United States.** The United States must compete for foreign professional workers, and those who elect to lend their talents to the U.S. economy should be welcomed with open arms, not given a bureaucratic runaround. Yet the roughly 65,000 workers who enter the United States each year on the TN visa must go to the trouble of renewing their visa every year. This regulation will extend the TN visa duration to three years – the same term as other popular professional visas.
- 21. The Department Of Homeland Security And The Department Of Labor Will Study And Report On Potential Administrative Reforms To Visa Programs For Highly Skilled Workers.**

IMPROVING EXISTING IMMIGRATION

- 22. The Administration Will Reform And Expedite Background Checks For Immigration.** Current mechanisms for conducting immigration background checks are backed up, slowing processing times and endangering national security. The Administration is investing substantial new funds to address the backlog, and the FBI and USCIS are working together on a variety of projects designed to streamline existing processes so as to reduce waiting times without sacrificing security.
- 23. The President Is Directing The Department Of Homeland Security And The Social Security Administration To Study The Technical And Recordkeeping Reforms Necessary To Guarantee That Illegal Aliens Do Not Earn Credit In Our Social Security System For Illegal Work.** Currently, aliens who make Social Security payments while working here legally can continue to accrue credits even if they overstay their visa. Improved data-sharing can lay the foundation for eventual Congressional action to eliminate this practice (which proved an obstacle to comprehensive reform). The relevant agencies are ordered to report to the President with a detailed plan for eliminating the problem.

ASSIMILATION

- 24. The Office Of Citizenship Will Announce A Revised Naturalization Test In September 2007.** The new test will emphasize fundamental concepts of American democracy, basic U.S. history, and the rights and responsibilities of citizenship. It will inculcate the basic values we share as Americans, and encourage civic knowledge and patriotism among prospective citizens.
- **The New Standardized Test Will Ensure Fairness By Eliminating Current Wide Variations In The Quality Of Testing Between Regional Offices.**
- 25. The Office Of Citizenship Will Provide Additional Training For Volunteers And Adult Educators Who Lead Immigrants Through The Naturalization Process.** In October 2007, the Office of Citizenship will introduce a web-based training program that covers U.S. government, civics education, and the naturalization process. To complement these on-line materials, USCIS will convene eight regional training conferences, beginning in October 2007, to improve the ability of citizenship instructors and volunteers to teach American history, civics, and the naturalization process to immigrant students. An on-line training module will also be available by the end of the year.
- 26. The Department Of Education Will Launch A Free, Web-Based Portal To Help Immigrants Learn English, And Expand This Model Over Time.** Knowledge of English is the most important component of assimilation. An investment in tools to help new Americans learn English will be repaid many times over in the contributions these immigrants make to our political discourse, economy, and society.