

So what's so difficult about fixing our broken immigration system?

By Don Crocetti¹

Politics, special interests, the lack of collaboration and true leadership in Congress and the Administration, and greed, to name a few. Does this surprise anyone? It shouldn't, as this has been the case for decades. While the political bickering (understatement) has gotten worse and special interest groups much more influential, our Government has never had the will (or should I say stomach?) to control illegal immigration or create a legal employment-based system that effectively addresses the labor needs of this country. As a former career federal immigration official with more than 35 years administering and enforcing immigration laws, and one who considers himself apolitical, objective, balanced, and compassionate, I have yet to see one proposal that adequately addresses the shortcomings of our immigration system, or that could legitimately be labeled "immigration reform". If I were to be appointed the king of immigration {or whatever} and given the authority to clean this mess up, this is what I would do:

- Require all employers and entitlement agencies (federal, state, and local) to use E-VERIFY.
- Perform ongoing audits and site inspections to encourage compliance and detect violations. Significantly penalize violators.
- Require all foreign nationals who are not lawfully in this country to appear in person by a specific date to have their biometrics and biographic information collected and a registration document issued. Failure to do so would render said nationals ineligible for subsequent immigration benefits while in the U.S.
- Conduct background checks on these nationals to identify those who pose a threat to national security (ns) and/or public safety (ps).
- Grant those who are not a threat to ns and ps, are employed, have a job offer, and/or are otherwise financially capable of maintaining their stay without public assistance, and who have been in this country for at least three {or whatever} years, lawful temporary residence (LTR) status valid for five years.
- After five years as a law abiding and productive member of society, enable these LTRs to apply for lawful permanent residence (LPR) status. [This is not a "*path to citizenship*" as these LPRs will need to meet longstanding naturalization requirements just like all other LPRs.] Another option, should it be necessary to reach a compromise, would be to have these LTRs remain in temporary status until they become eligible for permanent status under an existing provision of law. Under this option, the LTRs would apply for an extension of temporary stay every five years.

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- Develop an automated/ electronic data-driven system to determine the labor needs of this country. Empower the states to collect and input the data necessary to determine occupational shortages in their area of jurisdiction. Require employers to use this automated labor system to recruit seasonal, temporary, and permanent foreign workers.
- Develop an automated and biometric-based entry/exit system to track all arrivals and departures. Bar those who fail to arrive and depart as authorized from making application for and receiving any kind of immigration benefit while physically present in the U.S. Require all violators to pay a fine and depart the U.S. before seeking future immigration benefits.
- Modify the deportation process to allow for the expeditious removal of unauthorized foreign nationals without formal time-consuming and expensive hearings or proceedings *absent a viable claim of persecution or eligibility for some other form of statutory or regulatory relief*. To ensure due process, empower an independent legal review body similar to the military Judge Advocate General (JAG) to review each preliminary finding for legal sufficiency.
- Require state and local law enforcement agencies who have temporarily detained foreign nationals for known or possible criminal misconduct or other activity to contact Immigration and Customs Enforcement (ICE) and honor their detainers for up to 48 hours.
- Statutorily authorize the National Guard, and if necessary, other military branches, to support Customs and Border Protection (CBP) in securing our land borders.

Now this would be true “IMMIGRATION REFORM”!