

Controlling Immigration*

Hon. Lamar Smith, Chairman,
House Subcommittee on Immigration and Claims

My perspective on immigration comes in part from being from South Texas and in part from the number of years I have represented 400 miles of the border with our southern neighbor Mexico, and from a longstanding interest in international relations. Obviously not all immigrants are from one country, nor do all immigrants come across the border illegally. In fact, half overstay their visa. But the point is that America has a wonderful tradition of in fact being a good neighbor. We are the most generous country in the world. We admit as many legal immigrants as every other country combined. That generosity, that humanitarian instinct must continue. America is great today because of the contributions of so many of our immigrants. They have contributed their work, their talents, their creativity, their vibrancy, and we are richer as a result. The desire of so many immigrants to come to America seeking liberty and justice is absolutely essential to keep that flame of democracy alive and we need that injection of those ideals and idealism regularly to keep America going.

But at the same time, I don't believe all is well with our immigration policy. I believe we must address what I consider to be not just a concern but a crisis in our immigration policy. I say a crisis and not just a concern for a number of reasons. Last year in Los Angeles County public hospitals, for example, two-thirds of the billing was to illegal aliens. Last year, for example, 25 percent of all federal prisoners in the United States were foreign born, most of them illegal aliens. As the INS testified before a subcommittee recently, you can now purchase any fraudulent documents needed to become a U.S. citizen for \$30 on any street corner in southern California. That's a drop from \$150 three years ago, which means that fraudulent documents are far more widely circulated today, far more widely used, and easier to obtain. That strikes me as being unfair to a number of individuals.

First of all, it is unfair to American taxpayers who are forced to foot the bill to pay for the benefits that so many of these individuals use with the fraudulent documents. Secondly, it's unfair to the American workers who often have to compete for scarce jobs with individuals who have come into this country wrongly. Thirdly, it's unfair to the legal immigrants who wait years and years and play by the rules and then the other individuals cut in line in front of them.

The accusation is sometimes made that if we are going to put severe controls on illegal immigration, if we are even going to talk about legal immigration and trimming it in some way, we are doing it as a result of bigotry or worse. My answer to that is no. First of all, the great majority of the American people are not bigots. A great majority of the American people, of course, want to reduce immigration. So if there is any segment that cuts across every ethnic background, every socioeconomic background, every political background over the last 20 years of public opinion polls, it is the desire to secure our borders and have an immigration policy that is not only fair but that also sees to it that individuals

who are illegally trying to get into our country are slowed down, and that individuals who are legally trying to get into our country are not punished.

Although not to the same extent as with illegal immigration, we also have to take a look at legal immigration. Let me say at the outset that I think legal immigration must continue at higher levels. America must continue to be the most privileged country in the world. That is not to say that legal immigration policy should not be scrutinized. As you well know, individuals who are likely to become public charges in the United States are supposed to be screened out. Yet, in the past several years the number of individuals screened out as a result of that policy has been as low as .6 of 1 percent. Often we see high levels of individuals from many countries who have taken advantage of our very generous federal benefits system.

The other problem that so often we have with legal immigrants, most of whom are coming under family sponsorship – family reunification – is that the sponsors deemed to be financially responsible for the legal immigrants are not being held to that responsibility. We need to do a better job of holding individuals accountable when they say they are going to be financially responsible for legal immigrants. The concept of public charge has been declared unenforceable by courts of law and, as a result, no one has ever been held financially responsible, as they should be and as they signed an affidavit to be, when they sponsor the legal immigrants.

We also need to do a better job – and this applies to legal immigrants and to U.S. citizens as well – to make sure that as many people as possible who are legally admitted to this country come in with the idea of being productive members of our society, not with the idea of taking advantage of a very generous benefits system.

Another thing that concerns me regarding legal immigration is the low assimilation rate. We need to do what we can to immigration policy so as to encourage individuals to become citizens of our country and not to maintain allegiance to another nation. I think we should try to encourage these individuals to become citizens, but at this point I think it's a problem that so few have chosen to do so.

Regarding legal immigration, I would like to pose a question: with more than 1 million individuals now coming in each year – record numbers – shouldn't we trim the numbers around the edges and allow immigrants who are here time to assimilate and become productive citizens?

I would like to raise another question – about the original intent of family reunification. I think we might be better served by trying to put a greater emphasis and a greater number on the immediate family than perhaps the extended family.

I am raising these questions, but I don't have all the answers. It is my feeling that Congress will consider legislation for the reasons I have given. My hope is that Congress will consider major immigration legislation prior to getting involved in the 1996 presidential campaigns. That may well help pass legislation, but I'd rather pass legislation on the basis of its merits and not on the basis of political rhetoric on the campaign trail.

Immigration is a very complex and very sensitive subject. I want to go forward with bipartisan support, which I hope will begin at the subcommittee level and continue through the full committee and to the House floor.

Note:

* Excerpted from address given at the Awards Luncheon of the 1995 CMS National Legal Conference on Immigration and Refugee Policy, Washington, DC, March 10.