

## **Politicians Must Ensure the Temporary Worker Program Has an Enforceable Exit**

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As the United States approaches the debate on comprehensive immigration reform, it is critical that the debate include the most overlooked element of reform -- the exit process. While much attention is spent on the entry aspect of a temporary worker program (TWP), little effort has gone into the exit aspect. This omission is a problem.

Fundamentally, if a comprehensive immigration reform package is put in place that does not include an enforceable exit process, then America will find itself back where it started – a large number of immigrants residing in the country illegally. There is an historical example from Europe that should serve to remind both the Bush Administration and Congress that reform must include an enforceable exit process for those foreigners allowed entry to the U.S. via a TWP.

In the U.S., there are four pillars of comprehensive immigration reform. The first is securing the border, which involves increasing the number of border patrol agents and building infrastructure (permanent walls or detection capabilities) to stop the flow of illegal immigration. The second pillar is enhanced interior enforcement, which includes cracking down on employers who hire illegal immigrants by increased worksite enforcement, more aggressive detention and removal activities of known criminal elements, and stepping-up prosecutions of immigrant violations.

The third pillar is dealing with the removal and/or absorption of the estimated eight to twelve million illegal immigrants already in the U.S. – with solutions ranging from granting outright asylum to requiring them to go back home, pay a fine, and begin the process of legal immigration. The final pillar is creating a prospective solution made-up of immigration services transformation and a TWP for lower skilled, low-cost workers who currently immigrate illegally.

Some in Congress have correctly demanded a greater emphasis on securing the border and enhancing interior enforcement before any TWP is started. There is historical support for their position. Beginning in the 1950s, European countries promoted guest worker programs. The underlying premise of those programs was that the guest workers – as guests – would eventually go home. They didn't, and Europe now finds itself living with an estimated twenty million poor and unassimilated immigrants mostly from the Middle East and North Africa.

In 2001, Germany marked the fortieth year since the first Turkish guest workers arrived to fill the jobs that Germans didn't want. Now, the roughly two million Turks in Germany are still considered "aliens." Other European countries had similar

programs. Because the Europeans believed that the guest workers would eventually go home, little effort was made to integrate them.

Now, as Rob Broomby from the BBC has noted, many of those guest workers are retired and “their children and grandchildren are trapped between two worlds, too ‘Europeanized,’ ever to return to the Middle East or North Africa, but lacking the language skills and education to forge ahead in their new countries.” These younger people – mostly born in Europe – find themselves living in the banlieues of major European cities plagued by high unemployment, poverty, and alienation. More problematic in a post-September 11th environment, is that some of these individuals find themselves attracted to the radical imams preaching hatred of all things Western.

In reaction to the guest workers who never went home, the cheaper labor from the newer Eastern European countries now part of the European Union, and the radicalization of the Muslim population, many European countries are prohibiting additional guest worker immigrants except those possessing high skills – similar to America’s H-1B visa immigrants.

America must learn the lessons of Europe. The most critical lesson is that those who come usually decide to stay. Hence, an enforceable exit process must be part and parcel of any TWP. Any comprehensive immigration reform must include specific authorization and funding for monitoring the employment status and location of those individuals given worker visas, a modernized exit process that contains the appropriate carrots and sticks for both the employees and employers, and increased enforcement and judicial resources to remove those who don’t leave when their visa expires.

Most reasonable minds agree that short of transformational economic reforms in Mexico and other countries whose inhabitants seek illegal entry into the U.S., the only viable solutions for the U.S. to deal with illegal immigration is to reduce the supply via a secure border and strong interior enforcement, which drive up the transaction costs for illegal immigrants, and to reduce the demand via aggressive worksite enforcement and a legal mechanism for American employers to meet their employment needs with individuals willing to do the work, which drives up transaction costs for employers using illegal immigrants and simultaneously drives down the demand for illegal immigrants.

Because transformational reforms are not happening in Mexico or other countries, millions of foreigners will continue to yearn to provide a better life for their families by migrating to the U.S. and sending money back home. To ensure that any TWP does not achieve the same results as the guest worker programs in Europe achieved, an enforceable exit process must be a necessary element of any comprehensive immigration reform package approved by Congress and signed by President Bush.

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