

# Take criminal out of illegal

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By JOE VAIL

With relatively little fanfare, the U.S. Senate on June 28 effectively killed the Comprehensive Immigration Reform Act (CIRA). When the cloture vote was tallied, undocumented workers in Houston and across the country knew they had lost any chance to resolve their immigration status before the presidential election of 2008.

In my work at the Immigration Clinic at the University of Houston Law Center, I have daily contact with so-called "illegal immigrants."

Contrary to what you may have heard on talk radio, these people are not gun-toting, drug-smuggling criminals determined to invade our country and destroy our culture.

Here's a true picture. Most of these undocumented workers have resided here for several years, and they hold demanding jobs and pay property, sales and income taxes. The vast majority have no criminal record, save for their unlawful immigration status, and many are raising children born in the United States. And without exception, every one of them had pinned high hopes on gaining proper documentation under the immigration reform bill.

The bill failed for a simple reason: Across the country, opponents successfully rallied against provisions that would provide "amnesty" to millions of men and women who had illegally entered the United States.

Facing an election year in 2008, many senators knew that supporting "amnesty" could be political suicide and voted to derail debate on immigration reform until stricter border controls could be created.

The paradox here is that the U.S. Senate killed a raft of provisions that would have dramatically improved our border security. As proposed, CIRA would have provided:

- 18,000 new border patrol officers over the next six years.
- New vehicle barriers and border fencing extending for hundreds of miles.
- Seventy ground-based radar and camera installations along the southern border.
- Four unmanned aerial vehicles to monitor border activity.
- New resources to detain more than 27,000 aliens per day.

The other paradox is that the failed immigration reform bill never offered blanket "amnesty." Undocumented workers would have been required to pay substantial fees to start transitioning toward lawful permanent status — a process that could take up to 13 years to complete. The bill would have ended so-called "chain migration," where one family member can gain green cards for other family members, and it would have granted priority status to workers deemed meritorious for their educational background, proficiency with the English language and overall employment potential.

But the reform package is now dead, and the obvious question remains: Short of rounding them up and deporting them, what can we do with the 10 million to 12 million undocumented aliens living in the shadows in the United States? Rep. James Sensenbrenner, R-Wis., a leading advocate for stringent immigration controls, has called for making conditions so "difficult" in the United States that undocumented workers would be compelled to return to their native country.

In fact, nothing could be further from the truth. The people I see at our Immigration Clinic have sacrificed savings, borrowed money and taken incredible risks to search for a better life in the United States.

They will not leave, no matter how difficult things become in their new home — even as Rep. Sensenbrenner and others revile them as lawbreakers who do not deserve lawful status.

Closing the potential door to legal status leaves our Department of Homeland Security responsible for millions of these "lawbreakers." In addition to tracking down potential terrorists, our security personnel are now forced to pursue undocumented workers who want only one thing: a chance to be recognized rather than ostracized by the country where they live as law-abiding taxpayers making contributions to society.

There's no question that beefed-up patrols along our southern border have made it much harder for men and women to enter the country illegally. But thousands are still willing to try — and literally risk their lives in the attempt to reach the "promised land" of the United States, with hundreds dying each year in the Arizona desert. Meanwhile, stricter border controls also mean that immigrants who historically returned to their native countries on a seasonal basis now find their routes blocked in not one but both directions.

With no easy means of returning "home," they remain in the United States and add to the burgeoning population of illegal aliens.

When the next chance for significant immigration reform rolls around, probably in 2009 or 2010, jingoism and xenophobia will once again rally voters against any move to provide "amnesty" to "lawbreakers."

These are powerful forces — but they pale next to even more compelling ones: the hunger, poverty and civil strife that prompt people to leave their homes in search of a better life in the United States.

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