

**Remarks by U.S. Senator Charles E. Schumer  
6<sup>th</sup> Annual Immigration Law and Policy Conference  
Migration Policy Institute  
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Good morning everyone. I'd like to begin by thanking my dear friend, Doris Meissner, for inviting me to share my thoughts with you today regarding the prospects for achieving comprehensive immigration reform in 2009, and to outline the main principles that will be part of the legislation that will be introduced later this year.

Doris was a great public servant for many years at the agency that was then known as INS, and it is no surprise to me that she continues to serve her country through her cutting edge research and publications at the Migration Policy Institute. Her research has made, and will continue to make, enormous contributions to the immigration policy conversations we are having in Congress.

When Doris invited me to speak to you, I did not know I would be delivering my remarks the day before the White House's Summit on Immigration Reform.

And while I can imagine that many of you would have preferred that this speech occur the day after the summit rather than the day before—in hopes that I could tell you what transpired—I can tell you that there is no better time for this speech than today.

Today, I want to share with you the core of what I will tell the President tomorrow during our meeting.

And the very first thing I will tell the President is something that I think will sound familiar. When the President asks me whether Congress can pass comprehensive immigration reform this Congress, I will smile and say, "Mr. President, yes we can. All of the fundamental building blocks are in place to pass comprehensive immigration reform this session and, even possibly, later this year."

For the past several weeks, pundits, columnists, and reporters have almost all been saying that the prospects for comprehensive immigration reform look bleak. They say that immigration reform is an uphill battle, that there are not enough votes in Congress for reform, and that the situation is altogether dark.

But to all of these naysayers, and to all of the people who are so desperately looking to their Government for leadership on this critically important issue, I say this—it is darkest just before the dawn, and I promise you, we've been through the darkness and a new day is dawning.

First of all, I have no doubt that President Obama has an unyielding commitment to achieving comprehensive immigration reform. And I truly believe that his leadership will be the critical difference in getting us over the hump this time around.

And I also want to take this opportunity to recognize the remarkable leadership that my predecessor—Senator Kennedy—provided to the immigration subcommittee for the last 46 years. He served with great distinction and was at the center of all of the critical immigration debates of our time. His leadership will truly be missed, and no one can fill his shoes.

When Senator Kennedy relinquished his post as Chairman of the Immigration Subcommittee, I had to ask myself whether I truly believed we could accomplish immigration reform, or whether leading this subcommittee would be tantamount to embarking upon a fool's errand.

At the time I made the decision to take over the immigration subcommittee, there were several other Committees I could have chosen to chair instead—any of which would have presented an opportunity to make large changes for both New York and for America.

If I did not believe we could accomplish immigration reform this year, I would never have chosen to accept the immigration subcommittee post. Committees of inaction and legislative backwaters are not places in which I thrive.

And since the day I became Chairman of the Immigration Subcommittee, I have worked hard each day to achieve immediate positive results while never losing sight of the larger goal of building consensus for comprehensive immigration reform.

As an example, I do not believe that a bipartisan immigration bill can be enacted if my colleagues on the other side of the aisle do not believe that Democrats are serious about enforcement.

For this reason, I recently helped demonstrate this commitment by working with Attorney General Holder and Secretary Napolitano to ensure that Immigration and Customs Enforcement has the necessary Title 21 authority to perform investigations and make arrests in order to assist our Government's comprehensive efforts against the violent drug, weapons, and human smuggling cartels on our border.

For far too long we had three separate agencies, all with different missions, each trying to stop these cartels individually. The cartels that smuggle drugs and illegal aliens have integrated their activities, and now, our federal agencies will also have a better integrated response.

This alliance with Secretary Napolitano will also soon yield additional positive results—such as providing DHS with enhanced authority to seize real property used by human traffickers and to crack down on employers who knowingly hire and exploit illegal immigrants to perform cheap labor in atrocious working conditions.

Other short term reforms are also critical to laying the groundwork for comprehensive immigration reform. For instance, in conjunction with the Attorney General, we are

increasing funding for the EOIR Legal Orientation Program. These funds will ensure that our immigration courts are correctly deciding as many cases as possible in the first instance.

The savings created by this program will more than pay for the appropriations requested. Far fewer judicial and governmental resources will be expended because the courts will need to grant far fewer continuances and meritorious claims will be readily identified by all parties and quickly adjudicated without the need for unnecessary appeals.

Finally, I am also asking appropriators to increase funding for refugee resettlement. These funds will assist our most vulnerable and sympathetic immigrants to build new lives in the United States. Many of these immigrants are Iraqi and Afghani refugees who risked their lives to assist our troops on the battlefield and who now live in the United States because they are no longer safe at home.

Even as we accomplish these immediate goals, I assure you that we remain intensely focused on our ultimate goal—passing comprehensive immigration reform as quickly as possible.

The time for reform is now. Our system is badly broken. And, as Pastor Joel Hunter eloquently told the immigration subcommittee last month, our broken system forces good people to break the law because we give people no option to act lawfully. I encourage all of you to listen to his moving testimony on our judiciary committee's website.

In furtherance of our efforts to pass comprehensive immigration reform, we have convened a series of hearings entitled: "Road to Comprehensive Immigration Reform in 2009: Clearing the Hurdles."

The first hearing examined whether comprehensive immigration reform could be enacted in 2009. The second hearing examined the current state of our border security and the remaining steps that need to be taken to achieve operational control over the entire border.

I will also be holding two more hearings in July. The first hearing will consider all of the existing ideas and solutions for achieving a simple and workable biometric-based employment verification system. The second hearing will determine how best to structure our employment-based immigration system for the future.

During the last few months, I have thought long and hard about what an immigration bill must look like in order to obtain 60 votes in the Senate.

After my many meetings with stakeholders, and other members of Congress, I truly believe that the fundamentals for immigration reform exist if we coalesce around seven key principles that the American people overwhelmingly support.

The main idea that underlies each of these seven principles is that the American people are fundamentally pro-legal immigration and anti-illegal immigration.

We will only pass comprehensive immigration reform when we recognize this fundamental concept. The following seven principles are all based on this concept, and comprise what I believe to be the framework for a bill that can receive overwhelming Congressional support:

1. Illegal immigration is wrong, and a primary goal of comprehensive immigration reform must be to dramatically curtail future illegal immigration.
2. Operational control of our borders--through significant additional increases in infrastructure, technology, and border personnel--must be achieved within a year of enactment of legislation.
3. A biometric-based employer verification system—with tough enforcement and auditing—is necessary to significantly diminish the job magnet that attracts illegal aliens to the United States and to provide certainty and simplicity for employers.
4. All illegal aliens present in the United States on the date of enactment of our bill must quickly register their presence with the United States Government—and submit to a rigorous process of converting to legal status and earning a path to citizenship—or face imminent deportation.
5. Family reunification is a cornerstone value of our immigration system. By dramatically reducing illegal immigration, we can create more room for both family immigration and employment-based immigration.
6. We must encourage the world's best and brightest individuals to come to the United States and create the new technologies and businesses that will employ countless American workers, but must discourage businesses from using our immigration laws as a means to obtain temporary and less-expensive foreign labor to replace capable American workers; and finally
7. We must create a system that converts the current flow of unskilled illegal immigrants into the United States into a more manageable and controlled flow of legal immigrants who can be absorbed by our economy.

The first of these seven principles is that illegal immigration is wrong—plain and simple. When we use phrases like “undocumented workers,” we convey a message to the American people that their Government is not serious about combating illegal immigration, which the American people overwhelmingly oppose.

Above all else, the American people want their Government to be serious about protecting the public, enforcing the rule of law, and creating a rational system of legal

immigration that will proactively fit our needs rather than reactively responding to future waves of illegal immigration.

People who enter the United States without our permission are illegal aliens, and illegal aliens should not be treated the same as people who entered the United States legally.

To the advocates for strong, fair, effective, and comprehensive immigration reform, I say to you that the American people will never accept immigration reform unless they truly believe that their government is committed to ending future illegal immigration—and any successful comprehensive immigration reform bill must recognize this fact.

I have spoken to many such advocates in the past several months, and one of the main reasons I am optimistic about achieving reform this time around is that advocates understand the need to embrace this principle during the current debate.

Second, any immigration solution must recognize that we must do as much as we can to gain operational control of our borders as soon as possible.

But we also need to set the record straight. The American people need to know that, because of our efforts in Congress, our border is far more secure today than it was when we began debating comprehensive immigration reform in 2005.

Between 2005 and 2009, a vast amount of progress has been made on our borders and ports of entry. This progress includes:

- (1) 9,000 new border patrol agents in the last 4 years;
- (2) construction of 630 miles of border fence that create a significant barrier to illegal immigration on our southern land border; and
- (3) implementation of new border technologies which serve as “force multipliers” and allow the border patrol to maintain control of larger segments of the border with fewer agents.

All of these measures have contributed to what the New York Times reported on May 15, 2009 is “an extraordinary decline in the number of Mexican immigrants going to the United States.”

Those of us who support comprehensive immigration reform have shown our commitment to tough and serious border enforcement.

But opponents of Comprehensive Immigration Reform continue to repeat the same old argument that no conversation regarding immigration reform should even begin until we show that we are serious about securing the border.

Well, to those people, I say the time has come to end the divisive rhetoric about our border. It is time for those who reflexively parrot the “border first” mantra to re-engage in the long-promised, yet long-delayed, conversation regarding reforming our nation’s broken immigration system.

All that is needed now is to give the border patrol the additional infrastructure, technology, and personnel necessary to ensure that it is impossible to unlawfully cross the border without being detected and apprehended.

This technology is available and will be deployed in the near future while—at the same time—more border personnel is deployed in the short term until the technology is up and running. These measures for additional border security must be part of any comprehensive immigration reform bill.

Third, we must recognize that illegal immigration will never seriously be stifled unless and until we end the job magnet currently engendered by the seriously flawed I-9 regime. As we speak, any individual who steals a social security number and has access to a credible fake ID can get a job in the United States.

The current system creates havoc for both employers and employees. No one has any certainty.

Employers who accept all credible documents in good faith are not guaranteed that they will never be targeted by ICE for turning a blind-eye toward illegal immigrants in their workplace.

And employers who question suspicious documents face potential lawsuits from U.S. Citizen employees who can rightly claim that they were wrongfully profiled as illegal immigrants.

The E-Verify system, as presently constituted, cannot completely solve this problem. In fact, all that is necessary to obtain employment using E-Verify is to uncover a U.S. citizen’s social security number and to produce a credible fake ID with that U.S. citizen’s name and address.

Only by creating a biometric-based federal employment verification system will both employers and employees have the peace of mind that all employment relationships are both lawful and proper. This system will be our most important asset in dramatically reducing the number of illegal aliens that are able to live and work in the United States.

There are many proposals for practical and effective biometric-based employment verification systems, and the immigration subcommittee will be vetting each of these proposals during its upcoming hearing in July.

The fourth principle is that we must create a mechanism whereby all illegal aliens present in the United States on the date of enactment of comprehensive immigration reform must quickly register their presence or face immediate deportation.

Illegal aliens, however, will never register their presence unless the Government provides some mechanism for these individuals to eventually obtain legal status and a path to citizenship upon acknowledging that they broke the law and agreeing to pay their debt to society.

The people who advocate enforcement-only approaches fail to understand that many illegal immigrants have risked their lives to come to the United States, and will risk their lives to remain in the United States in order to provide financial support to their families abroad. The majority of the American people understand that expelling tens of millions of people is simply not practical and will ultimately fail.

Just as the American people are strongly against illegal immigration, they are also just as strongly against turning their country into a “roundup republic,”—where they will be confronted by nightly news stories of sympathetic families being torn apart at gunpoint during harsh enforcement raids. The American people prefer a pragmatic solution that works to empty rhetoric, however satisfying, that fails.

Fifth, we need to recognize that reuniting families is an important value of our immigration system. By dramatically reducing the number of illegal aliens who are able to enter the United States, we will create room for both families and employment-based immigrants so that the total number of immigrants to our country is no greater than today.

Sixth, we need to recognize the important contribution that high-skilled immigrants have already made, and must continue to make, toward revitalizing and reinventing the American economy.

No immigration system would be worthwhile if it is unable to attract the best and brightest minds of the world to come to the United States and create jobs for Americans—as has been the case for Yahoo, Google, Intel, E-Bay, and countless other companies.

That being said, any reformed immigration system must be successful in encouraging the next Albert Einstein to emigrate permanently to the United States while, at the same time, discouraging underpaid, temporary workers from taking jobs that could and should be filled by qualified American workers.

Finally, any successful immigration system must include a process that changes the current substantial flow of illegal immigration of unskilled workers into a much more manageable and controlled flow of legal immigration tied to American economic needs.

Any immigration system that seeks to dramatically reduce illegal immigration must be realistic.

If we were to attempt to end all future immigration into the United States—as some on both sides of the aisle might want—we would simply create a system that encourages immigrants to seek to penetrate our weakest areas in order to enter illegally, because no legal pathway would exist for those who only wish to create a better life for themselves or their families.

A broken system produces crooked people.

But if, however, we give people who might otherwise immigrate illegally—especially people who are currently willing to risk their lives to make it to our country at all costs—a realistic hope that they will be able to immigrate legally, but only when our country's economy will support their arrival here, we would then truly create the ideal multi-faceted system for combating illegal immigration while remaining true to America's founding principle of being a nation that welcomes—and is made richer by—legal immigrants.

The road ahead will not be smooth, and I can assure you it will certainly not be straight. But, as you can see, I am working as hard as possible to achieve the goal of comprehensive immigration reform, and I am convinced that we will soon have a bipartisan bill on the floor that incorporates these seven key principles, each of which the American people overwhelmingly support.

I thank all of you for your many years of hard work and contributions to this debate, and I ask all of you for your much-needed support as we proceed ahead toward the ultimate goal. G-d bless you all and I look forward to announcing positive developments in the upcoming days.