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Testimony to the Senate Homeland Security & Governmental Affairs Committee

“Securing the Border: Defining the Current Population Living in the Shadows and Addressing Future Flows”

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Chairman Johnson, Ranking Member Carper and members of the committee: thank you for inviting me to testify today. As the son of immigrants and the current Executive Director of the LIBRE Initiative, I will focus my testimony today on my personal story, our work with the Hispanic community and the need for legislative reform on immigration.

Waves of immigration permeate America’s history. My personal story begins in 1942 - a time when labor to work the orchards and the fields was needed in America, as millions of our soldiers fought to defeat the fascist powers of Europe. We looked to Mexico, to Mexicans like my grandfather and uncles, who were asked to leave their families and hometowns to fill the need, as braceros.

As our G.I.’s were winning battles in the Pacific, European and North African theatres, laborers came in droves to harvest the bounty of our farms and orchards: laborers with diligent hands to plant seeds; to cultivate the fields and irrigate saplings; to make sure fruit trees were pruned, and blossoms were thinned; that fruits were kept warm from the cold, and vegetables were fumigated, picked, sorted, packed, stacked and transported to market and to our soldiers abroad.

During the 70’s and 80’s, not much had changed. This was still the way of life for our family - moving along the highways through the states of California, Nebraska and Washington following the crop seasons.

It is a way of life that takes its toll, and while my parents were legal residents, it was much harder for those living in the shadows.

I recall, at 16, a fellow worker walked over to my father, and said he decided he would be moving back to Mexico after five years of hard living in the United States. Overworked, poorly paid, unappreciated, and tired of living in the shadows, he said he had had enough. My dad

placed his hand on his shoulder, held it there for some time, and wished him well. He was gone by the end of that week, never to be seen again.

I suppose it's what some would call self-deportation.

At 17 years of age, I had dropped out of high school myself, working the orchards and fields, in order to help the family make ends meet.

But by the fall of '87 dad determined it was time for us to leave the fields for good. After 30 years of farm work, he had no retirement, no health plan, no vacation or sick leave days accrued. Quietly, without fanfare, we got in our car after filling the last bin of apples and simply moved on.

But I was fortunate my parents had invested their entire savings in a small business – a 16 unit motel just off the freeway in the small northwest town of Toppenish, Washington. After spending borrowed money on renovating the place, higher profits soon poured in, and after years of sacrifices, things were falling into place.

I had soon obtained a GED, and went off to college. Seventeen years after having dropped out of high school, I was appointed by President George W. Bush as his Associate Director for the Office of Public Liaison at the White House – to serve as his representative to the U.S. Latino community.

And this is what strikes me most about this exceptional country: it's that my parents (with their 4th grade education and all), my uncles, my cousins and my friends from school - who all started out as farm laborers –left the fields long ago. They moved on to become professionals, middle class Americans living in urban and metro areas. Their children have become lawyers, teachers, engineers, counselors, computer programmers – they have good, high paying jobs.

It is a testament to this nation - to our free market system and to the industrious character of those who come to America - that so many of us, millions who started out with nothing, achieved beyond our expectations. My family and I are but one example of this rugged individualism that made our nation the most powerful and prosperous nation on earth.

Today, 2 million migrants labor in our orchards and fields alone. When you count those who work tarring hot roofs, taking care of our old and milking dairy cows - or washing dishes in the humid back room of a restaurant and mowing lawns as I understand Chairman Johnson did - it goes up to millions and millions.

Our nation's ability to absorb waves upon waves of "the least of these" teaches me not to fear waves of poor immigrants coming to America.

Instead, I fear a growing government that hinders economic growth; that restricts opportunities. I worry about a government that would criminalize the rational activity of someone selling their labor to improve their condition, and another who buys labor in order to make a profit – which is what our current immigration law does.

That is not America's legacy, it is not who we are.

The arc of our nation's history shows that when Americans worked too hard, sacrificed too much and saw only the powerful flourishing while they suffered, the remedy was more freedom, not less. It was freedom that allowed us to flourish, to find our calling.

And so, if we were lifted up by freedom, shouldn't we work to pass on that same freedom to others?

LIBRE believes we should, which is why we work across the country providing information about our free market system; about how limiting the size and scope of government is essential to a growing and robust private sector, and how essential it is to honor our nation's legacy by honoring the virtues of hard work, self-reliance and personal responsibility.

We proudly provide services that uplift and develop a person's skills and talents, to better position them in the marketplace. We offer services such as English language tutoring, driver's license exam training, and valuable instruction to launch businesses such as entrepreneurship workshops. LIBRE staff and volunteers have partnered with other community service organizations to offer tax preparation, health checkups, and back-to-school events.

Our team works in Hispanic communities and neighborhoods around the country, and we offer our services at no cost to people across the country from Florida to Texas to Colorado. We believe that by helping Latinos and others acquire the tools they need to succeed in the free market, we enable them to build their own American Dream, and to contribute to a country that they love and to which they are deeply dedicated. We're thrilled to be one small part of a culture of service – of giving back to the community, and of helping people to build a better future together.

We don't ask the documented status of the individual because at The Libre Initiative, we believe freedom drives progress, and upholds the dignity of the individual - all individuals. It is freedom that harnessed the vast capacities of hard working, industrious Americans and made our nation the most prosperous, most powerful nation on earth – the kind of capacities so readily found in our immigrant community today.

Public policies must encourage investments in private enterprises, incentivize small and large businesses to expand, to buy new equipment, and hire more employees. In so doing, policies that seek to legalize the relationship between willing employers and willing employees must be part of our economic framework if we are to adequately address market demand for labor.

Today, more than 11 million undocumented immigrants live in the U.S., comprising approximately 5% of the national labor force.¹ These, who so often are simply labeled as “undocumented” or “illegal” and disregarded, are men and women - fathers, grandmothers, sisters and sons – all with a strong desire to contribute to our nation as they work for a better future. They are American in their principles – entrepreneurs, hard workers, dedicated students, and family-oriented. We do not negate the fact that they broke the law to get here, and that should be addressed in any legislative reform. But at their core, these are not bad people; it is a bad law.

It has been nearly 30 years since the last immigration reform in this country. The 1986 Immigration Reform and Control Act, while providing legal authorization for the undocumented population at the time, did little to address the future flow of immigrants.² Subsequent adjustments to visa quotas failed to keep pace with labor demand.³ And the recent executive actions similarly ignore the issue. Immigrants come because there is opportunity here. As long as America is a prosperous nation, they will continue to do so. The status quo leaves our country vulnerable and only exaggerates the current situation – an exposed border and a shadow labor market.

Congress must act to provide the legal avenues necessary to absorb the current undocumented population as well as accommodate future immigrants. Both are essential. Immigration reform should address the children brought here through no fault of their own and allow for the undocumented population to ultimately become citizens after paying back taxes and any other appropriate penalties. But at a minimum, the U.S. should put in place a pragmatic, viable market-based worker visa program that legalizes voluntary employee-employer arrangements in a way that provides immigrant workers fixed, legal certainty, and allows our private sector to adequately respond to market forces.

To be successful, work visas must be provided for employment at all skill levels, avoiding the exceedingly complex, cumbersome H2 visa program requirements that effectively serve as a

¹ Passel, Jeffrey S. and D’Vera Cohn, “Unauthorized Immigrant Totals Rise in 7 States, Fall in 14: Decline in Those From Mexico Fuels Most State Decreases.” Washington, D.C. Pew Research Center’s Hispanic Trends Project. November 2014.

² Hinojosa-Ojeda, Raúl, “The Economic Benefits of Comprehensive Immigration Reform.” Cato Journal, Vol. 32, No. 1. Winter 2012.

³ Id.

deterrent to participation. While many argue that such a program comes at a price to the native-born population, the long term impact of immigration is net positive for both the native-born and immigrant populations. Research illustrates that immigrants possess skills and preferences that compliment, rather than substitute, American workers.⁴ Such complementary skills and labor add productivity and value to the U.S. economy.⁵ This complimentary labor force is exceptionally needed in light of America's aging workers. Over the next 5 years, Hispanics will account for over 40% of the increase in U.S. employment, based on current immigration levels. However, if immigration reform is achieved and higher Hispanic immigration levels are permitted, figures suggested even higher GDP averages over the next 20 years.⁶

The program must be flexible and induce participation: that means charging reasonable fees; matching a willing worker with a willing employer; approval of application extended to the applicant's immediate family; renewal that is required every 3 years; and a program that allows for circularity and time for visa holders to seek improved job opportunities.

A more robust legal immigration system will also positively impact our nation's borders. Having a simple, predictable and effective legal immigration system would reduce the number of illegal border crossings each year. In 2014, there were nearly 500,000 apprehensions at the

Southwest border alone.⁷ At current spending levels, the federal government would have to spend \$315 billion dollars over the next 20 years to continue protecting the border at current levels.⁸ America does and should retain the ability to limit immigration in light of national security interest, but we know what arbitrary quotas do not work. Instead, a more employment based solution which balances the market demand for foreign labor with our national security interests should be pursued.

The majority of immigrants would not risk their lives or endure the cost of illegal immigration if there was a viable legal option that kept pace with market forces. But today, there is no such option.

Thank you.

⁴ Furchtgott-Roth, D., "Does Immigration Increase Economic Growth?" Manhattan Institute for Policy Research. 2014.

⁵ Peri, Giovanni., "The Effect of Immigrants on U.S. Employment and Productivity." Federal Reserve Bank of San Francisco. August 2010.

⁶ Gillula, James, "Hispanic Immigration and US Economic Growth." IHS Economics. February 2015.

⁷ Jeh Johnson, "Remarks: Border Security in the 21st Century." October 2014.

⁸ Collins, Laura and Ben Gitis, "The Budgetary and Economic Costs of Addressing Unauthorized Immigration: Alternative Strategies." American Action Forum. 2015.