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2006

*WHETHER THE ATTEMPTED IMPLEMENTATION OF THE REID-KENNEDY  
IMMIGRATION BILL WILL RESULT IN AN ADMINISTRATIVE AND NATIONAL  
SECURITY NIGHTMARE*

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,  
BORDER SECURITY, AND CLAIMS

OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

JULY 27, 2006

Serial No. 109-130

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## C O N T E N T S

JULY 27, 2006

### OPENING STATEMENT

The Honorable John N. Hostettler, a Representative in Congress from the State of Indiana, and Chairman, Subcommittee on Immigration, Border Security, and Claims

### WITNESSES

Mr. Peter Gadiel, President, 9/11 Families for a Secure America  
Oral Testimony  
Prepared Statement

Mr. Michael Maxwell, former Director, Office of Security and Investigations, United States Citizenship and Immigration Services  
Oral Testimony  
Prepared Statement

Mr. Michael Cutler, former Examiner, Inspector, and Special Agent, Immigration and Naturalization Service  
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His Excellency Nicholas DiMarzio, Bishop of Brooklyn  
Oral Testimony  
Prepared Statement

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Prepared Statement of the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Immigration, Border Security, and Claims

Letter from the Honorable F. James Sensenbrenner, Jr., a Representative in Congress from the State of Wisconsin, and Chairman, Committee on the Judiciary; the Honorable Henry J. Hyde, a Representative in Congress from the State of Illinois, and Chairman, Committee on International Relations; and the Honorable Peter T. King, a Representative in Congress from the State of New York, and Chairman, Committee on Homeland Security to the U.S. Conference of Catholic Bishops

Report from the United States Government Accountability Office entitled "Immigration Benefits: Additional Controls and a Sanctions Strategy Could Enhance DHS' Ability to Control Benefit Fraud," submitted by Michael Cutler, Former Executive Examiner, Inspector, and Special Agent; Immigration and Naturalization Service

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Article entitled: "Irish in America Are 'Under Seige'," by Caitriona Palmer, submitted by the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas and Ranking Member, Subcommittee on Immigration, Border Security, and Claims

Letter from the Essential Worker Immigration Coalition et al., submitted by the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Immigration, Border Security, and Claims

WHETHER THE ATTEMPTED IMPLEMENTATION OF THE REID-KENNEDY IMMIGRATION BILL WILL RESULT IN AN ADMINISTRATIVE AND NATIONAL SECURITY NIGHTMARE

THURSDAY, JULY 27, 2006

House of Representatives,  
Subcommittee on Immigration,  
Border Security, and Claims,  
Committee on the Judiciary,  
Washington, DC.

The Subcommittee met, pursuant to notice, at 12:49 p.m., in Room 2141, Rayburn House Office Building, the Honorable John Hostettler (Chairman of the Subcommittee) presiding.

Mr. **HOSTETTLER**. The Subcommittee will come to order.

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This is the second in a series of hearings reviewing the Reid-Kennedy immigration bill, S. 2611.

The United States admits more permanent resident aliens than any other country, more than 1.12 million in fiscal year 2005, a year in which we also gave refuge and asylum to some 79,000 other aliens.

In December, the House passed a bill that would ensure that our generous immigration laws, written by both Republican and Democratic Congresses over 5 decades, would be enforced and not abused.

In the Reid-Kennedy bill, the Senate proposes to replace our current rational immigration process with a scheme to allow an unknown number of additional aliens who came here illegally to stay forever.

Many would have us adopt that bill without public review. I believe, however, that before we consider a new amnesty, we must examine that bill in the light of the lessons that we learned from the last amnesty in 1986.

As part of this assessment, the Subcommittee today will review the ability of U.S. Citizenship and Immigration Services to process the additional applications required by S. 2611 on the bill's extremely tight time schedule and the effects of granting those benefits on the national security.

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Immigration adjudications were a mess in 2001 when President Bush set 6 months as the goal for processing immigration applications. Congress supported this goal with \$500 million in funds and furthered that effort in 2002 when it split immigration benefits from enforcement, in part, to ensure aliens received the benefits they were due.

Those efforts have borne fruit. From a peak of 3.8 million, USCIS's backlog stands at 276,000 cases today.

Despite these gains, the USCIS ombudsman has found that the agency "has ongoing difficulties in providing timely service." An adjustment applicant must wait more than 1,000 days in Greer and naturalization takes more than 900 days in Charleston.

The ombudsman has cited aliens who have waited years for benefits. This is unacceptable.

S. 2611 would add an overwhelming burden to USCIS, as it struggles to provide timely services. To comprehend this burden, consider that in fiscal year 2005 USCIS completed just less than 7.5 million applications. S. 2611 would add 10 million to 20 million more amnesty applications, many with short processing times.

How could this added burden not detrimentally affect aliens waiting to immigrate

lawfully?

Past experience is not encouraging. When the Clinton INS tried to process a large number of naturalization applications in time for the 1996 election under Citizenship USA, it made serious mistakes, naturalizing some 71,000 aliens with FBI rap sheets, 10,800 of whom had felony arrests. USCIS would face even greater challenges today.

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Its ability to process the new amnesty applications under S. 2611 would be impeded, if not hobbled, by fraud. That fraud is best assessed in terms of the 1986 amnesty. Hundreds of thousands of aliens are estimated to have fraudulently received amnesty under the 1986 law.

What is worse, terrorists fraudulently abused the 1986 amnesty to remain in the United States. One, Mahmud Abu Halima, a leader of the 1993 World Trade Center bombing, received amnesty as an agricultural worker in the 1986 law, even though he really drove a cab.

Another, Mohammed Salameh, driver of the truck in that attack, also applied fraudulently for amnesty. To support his amnesty claim, Mir Kasi, who killed two in front of the CIA in 1993, presented leases, employment letters and a letter from a friend in Pakistan. The 9/11 Commission staff found that these documents were all typed from the same typewriter.

The drafters of S. 2611 did not make USCIS's job easier. Confidentiality bars, which hampered INS in investigating fraud in the 1986 amnesty, are not only replicated in this bill but they are raised, further frustrating fraud investigations.

Moreover, it is reasonable to assume that fraud under S. 2611 would be more pervasive and sophisticated than in the 1986 amnesty. There are now more illegal aliens and thanks to computers they have access to higher quality fraudulent documents. Even the most diligent agency would be hard-pressed to combat fraud under the scheme in the Senate bill.

USCIS's diligence in combating fraud under the crush of millions of future amnesty applications is questionable, however. Mike Maxwell, former chief of the Office of Security and Investigations at USCIS, who is with us today, has testified that the agency "is operating an immigration system designed not to aggressively deter or detect fraud but, first and foremost, to approve applications."

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Given past terrorist abuse of amnesty, the rubber stamping of millions of amnesty applications would pose an unacceptable risk to our people and our nation. This risk is heightened by the fact that S. 2611 would give valid IDs to aliens who were never screened by a consular officer in their home countries and who were never inspected at a port of entry. A new name and a new ID would allow a terrorist, known by his real name to our Government, to pass through our society undetected.

We will review these issues with our witnesses today.

At this time, I would turn to identification of the witness panel. Without objection, all Members' opening statements will be made a part of the record.

Now I will introduce this panel of witnesses.

Peter Gadiel is a founder of 9/11 Families for a Secure America, an organization comprised of families of victims killed in the September 11 terrorist attacks and survivors of the attacks. His 23-year-old son James, an assistant trader for Cantor Fitzgerald, worked on the 103rd floor of the north tower of the World Trade Center.

Mr. Gadiel has volunteered full-time since early 2002 in the cause of securing U.S. borders against entry by terrorists. A graduate of Case Western Reserve School of Law, he is a member of the New Hampshire bar.

Mike Maxwell is an independent national security consultant with more than 15 years of experience in the law enforcement and security arenas. He is the former director of the Office of Security and Investigations within U.S. Citizenship and Immigration Services. As director, Mr. Maxwell was responsible for implementing and managing a comprehensive security program for USCIS.

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Mr. Maxwell has conducted lectures and training sessions in security planning and management, law enforcement management and other fields for Federal agencies, like the FBI, the DEA, ICE and the Department of Defense. He holds a Masters degree from Cambridge College.

Michael Cutler is a retired senior special agent with the Immigration and Naturalization Service's New York district office. He received his Bachelor of Arts degree from Brooklyn College of the City University of New York in 1971 and that year joined the INS as an immigration inspector at JFK Airport. From 1973 until 1974, he was assigned as an examiner to the unit responsible for adjudicating petitions filed by United States citizens and lawful permanent resident aliens for their alien spouses.

In 1975, he became an INS criminal investigator. In this capacity, he rotated through all of the divisions in the New York district's investigations branch. In 1991, he was made a senior special agent and assigned to the Organized Crime Drug Enforcement Task Force.

Mr. Cutler has appeared as a witness at congressional hearings at the invitation of both Republican and Democratic Members. He is currently a fellow at the Center for Immigration Studies.

Bishop Nicholas DiMarzio was installed to lead the Roman Catholic Church's Brooklyn diocese in October 2003. He began his ministry to migrant communities in

1976 as the refugee resettlement director for the archdiocese of Newark. Then-Father DiMarzio moved to Washington in 1985 when he was appointed the executive director of Migration and Refugee Services for the U.S. Catholic Conference.

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He was elevated to the rank of Bishop by Pope John Paul II in 1996 and thereafter chaired the Migration Committee of the U.S. Conference of Catholic Bishops and the Catholic Legal Immigration Network, Incorporated. In 2000, Bishop DiMarzio was appointed a member of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People.

Gentlemen, if you will please stand and raise your right to take the oath.

[Witnesses sworn.]

Mr. **HOSTETTLER**. Thank you very much. You may be seated.

And let the record show that the witnesses have responded in the affirmative.

Gentlemen, you will notice the set of lights before you. Without objection, your entire written testimony will be made a part of the record. We ask that if possible you summarize as close within the 5 minutes for your oral testimony.

Mr. Gadiel, you are recognized. And could you turn the microphone on there?

#### TESTIMONY OF PETER GADIEL, PRESIDENT, 9/11 FAMILIES FOR A SECURE AMERICA

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Mr. **GADIEL**. Sorry.

Mr. **HOSTETTLER**. Thank you.

Mr. **GADIEL**. Mr. Chairman and Members of the Committee, thank you for the opportunity to speak on behalf of so many who are the victims of crimes committed by illegal aliens, crimes made possible because our Government failed to prevent terrorists and felons from crossing our nation's borders.

As president of 9/11 Families for a Secure America, I and my Members agree that S. 2611 would be an administrative and national security nightmare. But words such as "administrative" are bloodless, bureaucratic terms that don't adequately describe the devastation amnesty inflicts on Americans.

Speaking as the bereaved father of a young man killed by terrorists who were allowed into our country only because of the power and influence of the open borders lobby that now stands behind S. 2611, I will speak in plain English. Passing of this amnesty will result in Americans being murdered and subjected to other horrific crimes committed by



the dangerous illegal aliens who would be permitted to legally remain in the United States.

We know this to be true because such crimes directly resulted from the 1986 amnesty.

This proposed amnesty is much larger and will cause crime on a much larger scale, yet that result is easily avoided if the House sticks to its guns and defeats S. 2611.

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As you pointed out a few moments ago, the 9/11 Commission itself reported how many people involved in terrorist acts—the 1993 attack on the World Trade Center and the murders outside the CIA headquarters—were here thanks to the 1986 amnesty. It is interesting to note that the terrorist, Mir, the one who shot the people outside the CIA headquarters, had filed a fraudulent claim and his claim is being litigated on his behalf by Catholic Social Services.

These are only a few of the long list of killers and would-be killers that we know about who were permitted to remain in the U.S. thanks to the 1986 amnesty. And we know of them only because their crimes and conspiracies made the headlines. We can never know how many other illegal aliens received amnesty that later went on to commit horrible crimes, and we will never know because their ordinary street crimes did not get front page attention.

Although we know that Americans were murdered and brutalized because of the 1986 amnesty, we don't know how large that number is. But since nearly one-third of Federal inmates are foreign born, we can be certain that the number of victims is quite large.

In the 4.5 years I have given in support of efforts to secure our borders, I have heard from hundreds who have been the victims of crimes committed by illegals. Without exception, they know that these crimes occurred because our Government failed to live up to its most basic obligation to its citizens: To protect us from foreign attack.

The 9/11 Commission staff put it in simple terms: "Terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country." Yet with S. 2611, the Senate pretends that 9/11 and thousands of other crimes never happened.

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In 2002, the first time I was invited to speak at a press conference for Members of Congress, I noted that independent polls consistently showed that over 70 percent of Americans want drastic immigration reform immediately. I said that this majority would soon waken to the fact that the big obstacles to secure borders were the Congress and President George W. Bush and his predecessor, Bill Clinton. I predicted that soon that majority would be fed up, turn on these politicians who have blocked the changes needed to protect another 9/11.

Recent changes have shown that that prediction is accurate. In the last month, nearly half the States and many cities and towns have passed laws to fight illegal immigration

and its damaging effects on their economies and society.

Nevertheless, the U.S. Chamber of Commerce, La Raza, ACLU, the Catholic Church and the rest of the open borders lobby continue to show that for them the suffering and death endured by Americans is nothing but a cost of doing business, a cost of enlarging the membership. To its eternal shame, the Senate continues to do the bidding of that lobby and demands that our borders remain wide open to illegal aliens and the unknown criminals and terrorists among them.

Last year, the House forced passage of the Real ID Act over the opposition of the open borders lobby in the Senate. Real ID will keep future terrorists from obtaining driver's licenses that were the critical tool for the mass murders of 9/11.

Today, again, for the good of our country, the House must act in opposition to the Senate and defeat S. 2611.

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My son, James, was not a statistic; he was a human being trapped with hundreds of his co-workers on the top floors of the World Trade Center while the building beneath them, forcing them further and further up till they had no refuge. I love him today as much as I ever did. I miss him every second of every day. But I am just one of thousands who are forever deprived of the love and comfort of someone dear to them because Congress allowed illegal aliens to enter and remain in this country.

And there are many thousands more who, although they have survived their attacks, their lives are ruined by violent sexual acts, beatings, stabbings and other crimes, causing permanent physical and psychological damage.

How many more parents like me, how many children, siblings, husbands, wives of victims of illegal alien crime must you and the Congress hear from before you reject once and for all the demands of the open borders lobby?

And, last, a plea to President Bush. Mr. Bush, shortly after 9/11, you stood on the ruins of the World Trade Center and since my son's remains have never been recovered, that is the only tomb he will ever know. Mr. Bush, you said, "I hear you." Well, Mr. Bush, I don't think you did hear us, and the Senate hasn't heard us, and I think it is time you started to listen to us and enforce the laws of the United States and protect us from foreign invaders.

Thank you very much.

[The prepared statement of Mr. Gadiel follows:]

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#### PREPARED STATEMENT OF PETER GADIEL

Mr. Chairman and members of the committee, thank you for the opportunity to speak

on behalf of so many who have been the victims of crimes committed by illegal aliens; crimes that were made possible because our government failed to prevent terrorists and felons from crossing our Nation's borders. I am President of 9/11 Families for a Secure America (9/11FSA), an organization whose membership is comprised of family members of those killed in the terrorist attacks of September 11, 2001. For obvious reasons our members strongly oppose S2611 because it would facilitate entry of terrorists into our country.

We fully agree that S. 2611 would be an administrative and national security nightmare, but words such as "administrative" and "national security" are bloodless bureaucratic terms that fail to adequately describe the devastation amnesty inflicts on individual Americans. Speaking as the bereaved father of a young man killed by terrorists who were allowed into our country only because of the power and influence of the same Open Borders Lobby that is today promoting S. 2611, I will speak in plain English. Passing this amnesty will result in Americans being murdered, and subjected to other horrific crimes committed by the dangerous illegal aliens who would be permitted to legally remain in the United States. We know this to be true because this was the result of the 1986 amnesty. The amnesty proposed in S.2611 will be far larger than that of 1986, and thus will cause crime on a much larger scale. This is a disaster that can easily be avoided if the House sticks to its principles and defeats S.2611.

In 1986, Senator Edward Kennedy, then-Representative Charles Schumer, and other sponsors of amnesty claimed that 'only' one million illegal aliens would be eligible for amnesty. In fact, due to fraud in administration, and underestimation of the number of illegals in the United States, over three million illegals were actually granted amnesty.

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The investment firm of Morgan Stanley recently estimated that there are over 20 million illegals in the United States. Yet, at a recent meeting with DHS officials, 9/11 FSA Vice-President Bruce DeCell and I were told that Administration statisticians had "worked the numbers" and "only seven million" illegals would apply. That is approximately one third the Morgan Stanley estimate, oddly enough, the same fraction used by sponsors of the amnesty of 1986. The track record of the promoters of the 1986 amnesty in predicting the number of illegals who would be eligible tends to confirm what appears to be common knowledge to nearly everyone in the country today: the 20 million figure is closer to the mark.

In 1986, sponsors of amnesty also assured us there would be safeguards to screen out those who were a danger to our country. Their failure to honor that promise is as clear as their inability to predict eligibility numbers.

The 9/11 Commission itself showed us that the 1986 amnesty resulted in dead and injured Americans. It noted that two of the conspirators (Mohammed Salameh and Mahmud Abouhalima, aka Mahmud the Red) in the 1993 attack on the World Trader Center were illegal aliens permitted to remain in the US because of the 1986 amnesty. A third plotter (Mohammed Abouhalima, aka Abo Halima) was permitted to stay in the US for six years until just before the attack when his application under the '86 amnesty was

finally denied. Despite the denial he remained in the US to help carry out the plot he had helped plan during the period he was "legal."

Mir Aimal Kansi who shot five people outside CIA headquarters was an illegal alien also permitted to remain in the US thanks to the 1986 amnesty law. At the time of his 1993 attack his fraudulent claim was still being litigated by Catholic Social Services.

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Former 9/11 Commission staff member, Janice Kephart, has documented a large list of foreign terrorists and their methods of entering the United States and embedding themselves here. (Her 2005 paper, Immigration and Terrorism, Moving Beyond the 9/11 Staff report on Terrorist Travel is available on the World Wide Web at <http://www.cis.org/articles/2005/kephart.html>)

Obviously, Ms. Kephart's list of terrorists and would-be terrorists includes only those who have been uncovered by law enforcement. Their involvement in terrorist activities resulted in the research which disclosed their grants of amnesty under the 1986 legislation. The FBI has stated that there are sleeper agents in the United States and of course since we do not know who they are we cannot know how many of them have been granted full access to our society through amnesty.

In addition, we can never know many other illegal aliens received amnesty and later went on to commit 'ordinary' violent street crimes which did not, because of the lack of a terrorist connection, result in exposure of their link to the 1986 amnesty.

We know that Americans were murdered and brutalized because of the 1986 amnesty. Although we don't know how large that number is, since nearly 1/3 of federal inmates are foreign born, we can be certain that the number of victims is very considerable. Because the agencies that will be assigned responsibility for screening applicants will not be able to do meaningful background checks on the 20 million illegals who would apply for amnesty under S. 2611, the opportunities for terrorists and 'ordinary' street criminals, are obvious.

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In the four and a half years I've given in support of efforts to secure our borders, I have heard from hundreds who have been the victims of crimes committed by illegals. Without exception they know these crimes occurred because our government failed to live up to its most basic obligation to its citizens . . . to protect us from foreign attack. The 9/11 Commission staff put it in simple terms: "terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country." Yet, with S.2611 the Senate pretends that 9/11 and thousands of other crimes never happened.

In 2002, the first time I spoke at a Congressional press conference I noted that independent polls consistently show 70% to 90% of Americans want drastic immigration reform immediately and that this majority would soon awaken to the fact that the biggest obstacles to secure borders were the Congress and Presidents George W. Bush and Bill Clinton. I predicted that soon this majority would be fed up and turn on those politicians

who have blocked the changes needed to prevent another 9/11. Recent events have shown that prediction to be accurate, for in the past few months, nearly half the States and many cities and towns have passed laws to fight illegal immigration and its damaging effects on their economies and society. They have left the Congress in the dust while they act to preserve themselves.

Among the municipalities that have enacted legislation or policies to discourage illegal immigrants from remaining in their jurisdictions are: Suffolk County, N.Y., Avon Park, FL, Herndon, VA, Sandwich Mass., Maricopa County, AZ, Butler County, OH, Danbury CT, Lima, OH., Hazleton, PA,

States that have acted are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and Wyoming,

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These actions have taken place despite well funded and coordinated opposition to any restrictions on illegal aliens by Catholic Charities, ACLU, LaRaza (the Race), Maldef, LULAC, US Chamber of Commerce, agribusiness, the travel industry, etc. It must be noted, for example that Catholic Charities, which receives 60% of its budget from governmental sources is among the most pervasive of open borders lobbying groups. 9/11 FSA members have encountered Catholic Charities lobbyists active in the following issues in state legislatures: for legislation to grant drivers licenses to illegals, against legislation to make engaging in human trafficking a crime; for instate college tuition rates for illegal aliens.

In addition, the Mexican government, through its forty eight consulates and in violation of treaty obligations, lobbies city, county and state law making bodies throughout the nation in opposition to any legislation that would impede illegal immigration.

For these, the constituent members of the Open Borders Lobby, the suffering and death endured by Americans as a result of illegal immigration is just a cost of doing business. To its eternal shame, the Senate continues to do the bidding of that lobby, demanding that our borders remain wide open to illegal aliens and the criminals and terrorists among them. S.2611 exemplifies the Senate's mindless support of that destructive policy

Last year, the House forced passage of the REAL ID Act despite intense opposition from the Open Borders Lobby and the Senate. REAL ID will keep future terrorists from obtaining the drivers licenses that were critical to carrying out the mass murders of 9/11. Today again, for the good of our country, the House must act in opposition to the Senate and defeat S.2611

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My son, James, was not a statistic. He was a human being. I loved him and I love him

now as much as ever. I miss him every second of every day. There are many thousands more like me, who are forever deprived of the love and comfort of someone dear to them because Congress allowed illegal aliens to enter and remain in this country. And there are many thousands more whose lives are ruined by violent sexual acts, beatings, stabbings and other crimes causing permanent physical and psychological devastation.

How many more parents like me, and children, siblings, husbands and wives of victims of illegal alien crime must you in the Congress hear from before you reject once and for all the demands of the Open Borders Lobby.

Shortly after 9/11, Pres. Bush stood on the ruins of the World Trade Center, and because none of his remains have ever been found that was the only tomb my son will ever know. The President said: "I hear you." I believe he and the Senate did not hear us. I believe it is time he, and they, started.

Mr. **HOSTETTLER**. Thank you, Mr. Gadiel.

Mr. Maxwell.

TESTIMONY OF MICHAEL MAXWELL, FORMER DIRECTOR, OFFICE OF SECURITY AND INVESTIGATIONS, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

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Mr. **MAXWELL**. Mr. Chairman, Members of the Subcommittee, I am pleased to be here today to discuss the impact and implementation of S. 2611 by USCIS would have on national security.

As a former director of the Office of Security and Investigations, the only law enforcement component within USCIS, I must point out that the basic premise of this hearing and implementation of 2611 could create an administrative and national security nightmare that is faulty.

The fact is an administrative and national security nightmare already exists at USCIS under our current immigration policy.

Asking USCIS to implement a proposal as sweeping as 2611 without first addressing existing national security vulnerabilities in our immigration system would be irresponsible at best and could actually facilitate ongoing criminal enterprises.

I therefore agree with Director Gonzalez who said just this past Monday, at a naturalization ceremony in New Jersey, "If we had to institute a guest worker program today, then the system couldn't handle it."

I would go one step further, however, and suggest that USCIS could never implement 2611 without compromising this nation's security. The integrity of the underlying immigration system is simply too flawed.

Three overarching issues must, in my professional view, be addressed before any policy reform can be effective. The first is rampant corruption. When I last briefed this Subcommittee, the Office of Security and Investigations had a backlog of over 2,000 complaints against USCIS employees. Included among these were national security cases. I had no case management system and a grand total of four criminal investigators in the field.

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Today, almost a year later, the backlog is well over 3,000 complaints. New complaints are still coming in at a rate of around 50 per week. OSI still has a grand total of four criminal investigators in the field and no case management system.

Despite four arrests and two convictions of USCIS employees in the past few months alone on charges including soliciting sex for citizenship, selling \$1 million worth of green cards in a money laundering scheme, falsifying immigration documents and embezzlement, USCIS management continues, in writing, to insist that sufficient safeguards are built into the system to prevent immigration officers from illegally granting the benefits of their choosing, to the person of their choosing, at the time of their choosing, for the reason of their choosing.

The second issue is a prevailing customer service mentality that prioritizes reducing backlogs and moving benefits above all else. For example, USCIS has created an auto-adjudication system that can apparently process applications for work permits from start to finish without any employee actually examining the supporting documentation for signs of fraud. The system bypasses all but the initial IDA, security name check and therefore searches only the printed name of the applicant and not any spelling variation or aliases—hardly effective.

With a work permit in hand, an alien can obtain a Social Security number and, even under the Real ID Act, a driver's license, then open a bank account, perhaps obtain a fire arms license, board an aircraft, et cetera.

USCIS personnel, without the knowledge of the USCIS or DHS chief information officers, developed a computer system, embedded it into the DHS IT backbone, allowing for remote users to manually insert immigration files into the USCIS database in such a manner so that all security background checks were circumvented and immigration benefits were granted to aliens of their choosing.

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Following an initial report from IT security staff, senior USCIS leadership quashed any further investigation, including criminal investigation, of the system and took actions to cover up its existence. It should be noted that official USCIS documents revealed this program was not a law enforcement program.

As of March 10, 2006, the USCIS headquarters Asylum Division had a backlog of 515 asylum cases involving applicants residing in the United States who have provided

material support to a terrorist or terrorist organization. Their cases are on hold to give DHS time to develop procedures for considering whether the secretary of Homeland Security should exercise discretion to grant them a waiver of inadmissibility so they can stay permanently in the United States despite their terrorist ties.

The third issue is the ongoing failure to share critical law enforcement information within DHS or between DHS and other agencies. As of August 2005, some 1,400 immigration applications that had generated national security hits on IBIS were sitting in limbo at USCIS headquarters because the adjudicators trying to process them were unable to obtain the national security information that caused them to be flagged from other agencies.

As of late September 2005, USCIS had a total backlog of more than 41,000 applications with IBIS hits, requiring further investigation. Because USCIS is not a law enforcement, the FBI does not permit USCIS personnel to conduct name checks on immigration applicants and as of May 2006, the FBI name check backlog had grown to almost 236,000.

As non law enforcement personnel, USCIS adjudicators are prohibited from routinely running criminal history checks on applicants.

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In closing, Mr. Chairman, on June 20, Karl Rove told the National Federation of Independent Business, "Immigration is turning into a big problem. The more you look at it, the more clearer it is that every single part of the system is broken."

In medical parlance, we must stop the hemorrhage before we can treat the underlying condition. The proposed Senate bill and its associated timeline would overwhelm an already overburdened USCIS and put this nation at great peril.

Thank you, Mr. Chairman, Members of the Subcommittee. With that, I will be happy to answer any questions.

[The prepared statement of Mr. Maxwell follows:]

#### PREPARED STATEMENT OF MICHAEL J. MAXWELL

[Note: Image(s) not available in this format. See PDF version of this file for complete hearing record.]

Mr. **HOSTETTLER**. Thank you, Mr. Maxwell.

Mr. Cutler, you are recognized.

#### TESTIMONY OF MICHAEL CUTLER, FORMER EXAMINER, INSPECTOR, AND SPECIAL AGENT, IMMIGRATION AND NATURALIZATION SERVICE

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Mr. **CUTLER**. Thank you, Mr. Chairman.

Chairman Hostettler, Ranking Member Jackson Lee, Members of the Subcommittee, ladies and gentlemen, it is an honor to come before this Subcommittee hearing to offer testimony on an issue that is one of the most challenging and important issues our nation faces today.

I commend Chairman Hostettler and Members of this Subcommittee for demonstrating true leadership at a time that our nation is in need of true leadership.

The principle by which most responsible and sensible people live their lives could be summed up by the phrase, "Safety first." Yet this fundamental and common sense approach is clearly lacking among all too many of the senators of our nation. They voted for a bill that utterly ignores the findings and recommendations of the 9/11 Commission at a time when our nation is threatened by acts of terrorism.

Nearly every week we read news accounts of suspected terrorists being arrested in countries around the world as well as within the borders of our own country. We see compelling coverage of bombings of trains in Spain, England and most recently India. One of this country's closest allies, Israel, has been forced to take military action to defend itself against terrorism in the Middle East, and yet inexplicably there are senators and others, including the president of the United States who insist on pushing forward to implement the GuestWorker Amnesty Program that would be utterly disastrous for national security.

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USCIS is unable to cope with all of its responsibilities as we speak. The GAO issued a report in March of this year that makes it clear that USCIS is unable to carry out its vital missions today without the added burden that the GuestWorker Amnesty Program would undeniably bring to bear against that overworked, underfunded and, in general, inept agency.

I would recommend a copy of this report be reviewed by the Members, not only of this Subcommittee but by all members of our Government who favor a GuestWorker Amnesty Program.

Mr. **HOSTETTLER**. Mr. Cutler, if I could just interrupt. Without objection——

Mr. **CUTLER**. Sure.

Mr. **HOSTETTLER**. I will submit into the record the March 2006 report that you reference, "Immigration Benefits: Additional Controls and a Sanction Strategy Could Enhance DHS' Ability to Control Benefit Fraud." Thank you.

[The report follows in the Appendix]

Mr. **CUTLER**. That is the report, and I appreciate that you do that.

Thank you, Mr. Chairman. Sure.

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My fear is that because we are dealing with millions of illegal aliens who, in the parlance of the open borders advocates, are undocumented that means they have no verifiable means of proving their true identities. This means that if the program were to be enacted under S. 2611 that it will be a simple matter for illegal aliens, including terrorists or criminals, to walk into an immigration office, along with millions of other illegal aliens, and produce a false name and then get an official identity document from our Government bureaucrats.

These documents would then enable them to circumvent the various no-fly and terror watch lists. They would be able to use these documents as breeder documents, get driver's licenses, Social Security cards, open bank accounts, even library cards, all the while staying under the radar and obscuring and concealing their true identity, and all of this at a time when the citizens of our country have witnessed an erosion of many of the freedoms that we have come to take for granted in the name of national security.

I have heard the President often state that if our nation allowed aliens who simply wanted to work to do so, that law enforcement could then focus on the terrorists. I have to respectfully disagree with this optimistic but extremely naive assessment.

Awhile back, Robert Mueller, the director of the FBI, testified before the Senate Intelligence Committee about his concerns about so-called sleeper agents. As you know, a sleeper agent is a terrorist, spy or enemy combatant who one way or another succeeds in gaining entry into the United States to carry out an attack or other hostile act against our country.

But while awaiting his instructions, however, such individuals do whatever they have to do to not call attention to themselves. Many, as we have seen, get low-profile [jobs], such as driving an ice cream truck, a taxicab, work in a used car lot, or attend school. Often the job that they take provides them with mobility to move freely among us as they conduct clandestine meetings, surveillance or other preparatory functions till the day that they are called into action.

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A few days before a terrorist carries out an attack, he is in fact likely to hide in plain sight by going to his job. If our Government makes it that much easier for a terrorist to legally get a job under an assumed identity, then Al Qaida should give the people in our Government who make this possible the MVP award.

The GuestWorker Amnesty Program will undoubtedly entice ever-increasing numbers of illegal aliens to head for our country, because this program will convince people throughout the world that in the United States not only will you be permitted to break the law and get away with it, but that we are actually willing to reward you for breaking the

law by even providing you with Social Security benefits when you commit identity theft and use somebody else's Social Security number, even as law enforcement agencies across our country are increasingly turning to asset forfeiture strategies to combat a wide variety of crimes on the city, State and Federal level.

Moreover, there is no door that could be shut so there is no way to keep the millions more illegal aliens from gaining access to our country. The confidentiality provisions would also hobble efforts by law enforcement officials to make certain that criminal and terrorist aliens have their applications properly scrutinized, inviting more fraud.

The avalanche of applications will further erode any effort to restore integrity to the benefit system, meaning that fraud will become even more attractive to criminal and terrorist aliens, furthering encouraging more of them to seek to enter the United States, making it easier for them to game the system, and then we wind up with a vicious cycle where we have more aliens filing more applications, and quality will continue to erode as more applications are filed.

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And, meanwhile, decent people who file applications for benefits will be put on the back of this line because the overflowing system won't be able to deal with their applications. That was one of the lessons of the 1986 amnesty, in fact.

Additionally, a meaningful effort needs to be made, not only to deny applications where fraud is involved but to prosecute people who become involved in fraud and to remove aliens who are identified as being the beneficiaries of fraud applications. Right now they file an application with little fear of either criminal charges being brought or administrative deportation actions being initiated.

So if you consider all of this and you realize that the bill of 1986 is essentially a reworked version that we are looking at now, it makes no sense to continue along this path. S. 2611, at a time that we are in now, facing terrorism, facing growing problems with narcotics and gang activities in the United States, makes no sense, and any kind of amnesty program must not be considered at this time.

I look forward to your questions.

[The prepared statement of Mr. Cutler follows:]

#### PREPARED STATEMENT OF MICHAEL W. CUTLER

Chairman Hostettler, Ranking Member Jackson Lee, members of the subcommittee, ladies and gentlemen, it is an honor to come before this subcommittee hearing to offer testimony on an issue that is one of the most challenging and important issues our nation faces today. I commend Chairman Hostettler and members of this subcommittee for demonstrating true leadership at a time when our nation is in need of true leadership.

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The principle by which most responsible and sensible people live their lives can be summed up by the phrase, "Safety first." We instill this principle in our children as soon as they are old enough to understand the words. Yet, this fundamental and commonsense approach is clearly lacking among all too many of the senators of our nation. They voted for a bill that utterly ignores the findings and recommendations of the 911 Commission at a time when our nation is threatened by acts of terrorism. Nearly every week we read news accounts of suspected terrorists being arrested in countries around the world as well as within the borders of our own country. We see compelling coverage of bombings of trains in Spain, England and India, most recently. One of this country's closest allies, Israel, has been forced to take military action to defend itself against terrorism in the Middle East. Yet inexplicably, there are senators and others who insist on pushing forward to implement a guest worker amnesty program that would be utterly disastrous for national security.

USCIS, United States Citizenship and Immigration Services, the agency that would be responsible for administering the proposed guest worker amnesty program, is unable to cope with all of its responsibilities as we speak. The GAO issued a report in March of this year, makes it clear that USCIS is unable to carry out its vital missions today, without the added burden that the guest worker amnesty program would undeniably bring to bear against that overworked, under funded and in general, inept agency. The report is entitled, "Immigration Benefits: Additional Controls and a Sanctions Strategy Could Enhance DHS's Ability to Control Benefit Fraud" and can be found at the following link:

*<http://judiciary.house.gov/media/pdfs/gaoimmbenefits31006.pdf>*

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I would recommend that a copy of this report be reviewed by the members of not only this subcommittee, but by all members of our government who favor a guest worker amnesty program.

My fear is that because we are dealing with millions of illegal aliens who, in the parlance of the open borders advocates, are undocumented, have no verifiable means of proving their true identities. This means that if this program were enacted, these millions of illegal aliens would be able to go to an immigration office, assume any identity they found convenient and receive official identity documents from our government. It would be a simple matter for a terrorist or criminal, to walk into such an office, provide a false name to the over-worked bureaucrat at USCIS who will probably be given only a minute or two at most to interview each applicant. The terrorist would then receive a guest-worker identity document in that new identity that would permit him to circumvent the various terrorist watch lists or so called, "No fly" lists and thereby embed himself in our country and gain access to what are supposed to be secure venues. Undoubtedly, these identity documents will become the most valued breeder document enabling the bearer to receive driver's licenses, credit cards, Social Security numbers and even library cards in a false name, completing the process of creating new false identities at grave risk to national security, at a time that the citizens of our country have witnessed an erosion of many of the freedoms we have come to take for granted.

I have heard the President often state that if our nation allowed aliens who simply wanted to work, to do so, that law enforcement could then focus on the terrorists. I have to respectfully disagree with this optimistic but extremely naïve assessment. Awhile back, Robert S. Mueller, the Director of the FBI testified before the Senate Intelligence Committee about his concerns about so-called "sleeper" agents. As you know, a sleeper agent is a terrorist, spy or enemy combatant, who one way or the other succeeds in gaining entry into our country awaiting instructions to carry out a terrorist attack or other hostile act against our country. While awaiting his instructions, such individuals do whatever they have to do in order to not call attention to themselves. Many, as we have seen, get a low-profile job such as driving an ice cream truck or a taxi cab, work at a used car lot or attend school. Often the job they take provides them with the mobility to move freely among us as they conduct clandestine meetings, surveillance or other preparatory functions for the day they are called into action. A few days before a terrorist carries out an attack he is, in fact, likely to hide in plain sight by going to his job.

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If our government makes it that much easier for a terrorist to legally get a job under an assumed identity, then Al Qaeda should give the people in our government who make this possible, the "MVP Award." When we see commercials on television or ads in the newspapers for various goods or services, the ad usually concludes with a disclaimer by the provider of that product or service that details the potential negative impact that the product may have on the consumer. With all of the high-pressure sales pitches we have been bombarded with by members of the United States Senate in attempting to sell their bill, S. 2611, they have neglected to provide a disclaimer, so I will do it for them.

If we provide illegal aliens with guest worker amnesty that differentiates how we treat aliens based on how long they have been here, it will be virtually impossible to make certain that this, along with all of the other provisions, will have integrity, just as it will be impossible to make certain that many more illegal aliens don't run our borders, stow away on ships or gain entry through ports of entry, claiming that they have been here for the 5 years that would virtually provide them with the "keys to the kingdom." There would be no way to force these millions of illegal aliens to leave our country because we cannot enforce their departure today. The guest worker amnesty program will undoubtedly entice ever increasing numbers of illegal aliens to head for our country because this program will convince people throughout the world that in the United States, not only will you be permitted to break the law and get away with it, we are willing to reward you for breaking the law by even providing you with Social Security benefits if you commit identity theft and work, or claim to have worked, under someone else's Social Security number, even as law enforcement agencies across our nation are increasingly turning to asset forfeiture strategies to combat a wide variety of crimes on the city, state and federal level. Moreover, there is no door that can be shut, so there is no way to keep millions of more illegal aliens from gaining access to our country. The confidentiality provisions would also hobble efforts by law enforcement officials to make certain that criminal and terrorist aliens have their applications properly scrutinized. The avalanche of applications will further erode any effort to restore integrity to the benefits system meaning that fraud will become even more attractive to criminal and terrorist

aliens, further encouraging more of them to seek to enter the United States and making it easier for them to game the system to enable them to embed themselves within our country and hide in plain sight. As it is, each year the director of USCIS and his subordinates promise to reduce the backlog of pending applications for a wide variety of immigration benefits including the granting of resident alien status and the conferring of United States citizenship upon aliens. It is common knowledge that there is an inverse proportion between quantity and quality. The more work you try to do in a limited period of time, the more that the quality of the work you are doing suffers. By having USCIS make the reduction of the backlog of pending applications the priority, more fraud escapes detection. Consequently more aliens get away with committing fraud, emboldening still more aliens to file more fraudulent applications for benefits, further eroding any efforts at quality control and fraud detection. This creates an ever-increasing backlog and an ever-increasing spiral of fraud. In order to break this dangerous cycle, we need to establish a clear priority of combating fraud where those who perpetrate fraud can expect that they may well be discovered and prosecuted. Additionally, a meaningful effort needs to be made to locate, arrest and deport alien beneficiaries of fraudulent applications.

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Because of the current pressure to move the applications, much of the fraud escapes detection and only a relatively infinitesimal number of aliens are ever prosecuted or deported because they were involved in immigration benefit fraud. A guest worker amnesty program that has the potential of dumping millions of more applications into the hopper at USCIS would be absolutely disastrous for any effort at combating immigration benefit fraud and restoring even a modicum of integrity to the immigration system and would fly in the face of recommendations of the 911 Commission.

As all of this is going on, our valiant soldiers are fighting in far off lands to help protect our nation against terrorists while some of our politicians at home are seemingly unwilling to secure our nation against the scourge of terrorism in the name of free trade and a desire to keep our nation's borders wide open. They use deceptive language to obfuscate the issue and, quite frankly so has the President of the United States. I have often heard the President say that he wanted to legalize immigrants. I am, as you know, a former INS special agent. This combination of words, "legalizing immigrants," has confounded me. Language is important and so I think it is important to make this point. To offer to make immigrants legal is about as meaningful as offering to make water wet. Water is wet and immigrants, by legal definition, are already legal. In fact, an immigrant is defined as an alien who has been lawfully admitted for permanent residence. An immigrant has a so-called "green card" and is able to travel freely around our country and across our nation's borders. An Immigrant has the right to work at any job he is qualified to do. An immigrant has the right to petition the government to have his spouse join him in the United States as an immigrant and may also do this for his (her) minor children. Indeed, an immigrant is on the path to United States citizenship. How much more legal would the President want to make an immigrant?

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I believe that just as the members of the Senate who voted for S. 2611 and other pro

illegal alien advocates are not likely to provide a disclaimer for their remedy to the immigration crisis confronting our nation today, this improper and misleading use of the term immigrant falls under the heading of "deceptive business practices." By eliminating the distinction between illegal aliens and immigrants, it becomes a simple matter to keep hammering away at the concept that America is the land of immigrants and that immigrants have made immeasurable contributions to our nation over the years. I am a strong advocate for the recognition of the contributions of immigrants to our nation, indeed, I am the son of an immigrant; however, there is a world of difference between an immigrant and an illegal alien.

There is scant difference between the bill the Senate recently passed and the disastrous Amnesty of 1986, notwithstanding the protestations of the members of the Senate who would take issue with my position. But, if they do not want to learn the lesson of relatively recent history where the Amnesty of 1986 is concerned, then I would recommend that they study much more distant history and study the strategy behind the "Trojan Horse." Only a fool would permit strangers into his home without knowing their true identity or purpose for seeking to enter. Yet, this is precisely what S. 2611 facilitates. In these perilous times, this is not acceptable and must not be allowed.

In support of my concerns about the failings of USCIS I respectfully request that a copy of the GAO report I cited previously be attached to this testimony along with a press release prepared by USCIS dated June 29, 2006, entitled, "A Day in the Life of USCIS" that details the myriad tasks that are performed on a daily basis now, before they might have to deal with the onslaught of millions of amnesty applications that the Senate bill would cause. I have attached a copy of that press release to my prepared testimony and believe it provides ample evidence of just how USCIS is over-extended, even without the guest worker amnesty program it would be mandated to administer under the provisions of S. 2611. It may be found at the following website:

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<http://judiciary.house.gov/media/pdfs/gaoimmbenefits31006.pdf>

Simply stated, a guest worker amnesty program would not only attract even more illegal aliens into our country enabling terrorists and criminals to more easily blend into our country, it would also provide unknown aliens with official identity documents in assumed identities that would enable the terrorists and criminals with an easy means of creating new identities they could use to travel freely across our borders, around our nation and gain access to secure venues and embed themselves in our country. This would, I fear, create a grave risk to our nation's security.

I look forward to your questions.

Mr. **HOSTETTLER**. Thank you, Mr. Cutler.

Bishop DiMarzio, you are recognized.

TESTIMONY OF NICHOLAS DiMARZIO, BISHOP OF BROOKLYN

Bishop **DIMARZIO**. Thank you, Mr. Chairman and Members, for this opportunity to testify today.

I have to disagree with one of my former panelists, because I don't think the Catholic Church is part of the open border lobby. I do agree with another who said that we already have a nightmare here, a security nightmare, because we have an untold number of undocumented aliens in this country. That is a grave security problem.

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The Catholic Church has long experience in working with immigrant populations. In our Catholic Legal Immigration Network, we have 158 agencies that do offer legal services. They are all BIA accredited. And so we, too, wish to make people legal in this country, and we respect the immigration laws, and we also respect the right of nations to protect their borders.

There is no question that we have not done a good of protecting our borders, but I would contend that the problem, as well as being a border issue, is a labor market issue. The problem is in the labor market as much as it is at the border.

We need to deal with it in a comprehensive way to deal with all of the issues so that we can have security. It is obviously our goal, and background checks, as we have heard already, are critical. I think with the new information technology we have, if we have a will to find a way to make background checks better, I am sure we can do that.

We must be sure also to give adequate resources to implement the program. In the last amnesty, of which I think I am a survivor, I was here in 1986, worked with Congress, was running the Catholic Church's implementation program, we needed to have perhaps a better relationship with the Immigration Service at the time.

I hope that USCIS in this time, if we are able to bring some program of legalization around, will have a better relationship with us called, the qualified designated agencies, which helped the Immigration Service at that time to process all these applications.

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Obviously, fraud is a major concern. The Catholic Church does not stand for fraud. We, in our application process, made very effort to make sure that any application process by us was certainly legal and had the proper documentation. That is where the qualified entities can be of great assistance to the Immigration Service in doing that work.

I think also, as we look to the—there are certain qualifications that we need in a program as we are finding it. In order to deal with the security issue, we have to be in a comprehensive approach to dealing with all of the factors that influence undocumented immigration.

I just finished a term as the commissioner for the Global Commission International Migration, a U.N.-inspired body, that will bring its report to the United Nations this



September. What is clear in the many hearings we had around the world that undocumented migration is an international problem.

But only with international cooperation can we ever hope to resolve this problem. We need to work with the nations from which these people come to deal with the issue in an upfront and enlightened manner so that we can stem the flow of unregulated migration, which is good neither for the people nor for the countries from which they come or to which they come. We are clear that that is our policy.

I think also we need to look at the opportunities that this presents. This program characterizes that amnesty is probably more a legalization program. There are rather onerous burdens that have to be passed in order for this to happen. I urge the House to work with the Senate to improve the bill so that it is something that is comprehensive, something that will aim at security, which is a paramount question in our society today so that we can have an immigration system that works.

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We need immigrants in our country. It seems our labor market needs them, but we have to find a way we can bring them here legally without any of the external problems that have plagued us in the past. If the law is broken, we must fix it. And, certainly, when we fix it, we must do it in the right way, and I am sure that with the expertise of Congress that this can be done.

So thank you for this opportunity to speak today.

[The prepared statement of Bishop DiMarzio follows:]

#### PREPARED STATEMENT OF MOST REVEREND NICHOLAS DIMARZIO

I am Bishop Nicholas DiMarzio, bishop of Brooklyn, chairman of the Catholic Legal Immigration Network, Inc. (CLINIC), and a consultant to the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration. I would like to thank subcommittee Chairman John Hostetler (R-IN) and Ranking Member Sheila Jackson Lee (D-TX) for having me today to testify before the subcommittee.

Today, I would like to concentrate my testimony in the following areas:

elements necessary to correct inefficiencies which occurred in implementing the 1986 Immigration Reform and Control Act (IRCA)—the last legalization program—and to ensure efficient processing of applications for any legalization enacted this year;

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the value of a comprehensive approach to immigration reform as an antidote to the immigration crisis we face in our country today, including how such an approach is consistent with, and beneficial to, national security goals; and

elements of H.R. 4437 which we find problematic because they harm legal immigrants,

refugees, and asylum-seekers.

## THE ROLE OF THE CATHOLIC CHURCH IN IMMIGRATION REFORM

The Catholic Church has a long history of involvement in the immigration issue, both in the advocacy arena and in welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. Many Catholic immigration programs were involved in the implementation of IRCA in the 1980s and continue to work with immigrants today. In fact, the U.S. Conference of Catholic Bishops (USCCB) was a national coordinating agency for the implementation of IRCA. We have a strong working relationship with the Department of Homeland Security (DHS) and with U.S. Citizenship and Immigration Services (USCIS), the agency that would be largely responsible for implementing any new legalization and temporary worker programs. There are currently 158 Catholic immigration programs throughout the country under the auspices of the U.S. bishops.

Our experience in working with immigrants throughout the years compels us to speak out on the issue of immigration reform, which we believe is a moral issue which impacts the human rights and human life of the person. The Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience; "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17–19). In the New Testament, the image of the migrants is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way; "I was a stranger and you welcomed me" (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod. (Mt. 2:15).

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In modern times, popes over the last hundred years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all people have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.[\(see footnote 1\)](#) Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work; "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."[\(see footnote 2\)](#) In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of unauthorized migration."[\(see footnote 3\)](#)

In an address to the faithful on June 5, 2005, His Holiness Pope Benedict XVI referenced migration and migrant families; ". . . my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day."

In the pastoral letter *Strangers No Longer: Together on the Journey of Hope*, the

United States and Mexican bishops point out why we speak on the migration issue; "As pastors, we witness the consequences of a failed system every day in the eyes of migrants who come to our parish doors in search of assistance. We are shepherds to communities, both along the border and in the interior of the nation, which are impacted by immigration. Most tragically, we witness the loss of life at points along our southern border when migrants, desperate to find employment to support themselves and their families, perish in the desert."[\(see footnote 4\)](#)

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For these reasons, the Catholic Church holds a strong interest in the welfare of immigrants and how our nation welcomes newcomers from all lands. The current immigration system, which can lead to family separation, suffering, and even death, is morally unacceptable and must be reformed.

## IMPLEMENTATION OF COMPREHENSIVE IMMIGRATION REFORM

As the then Director of the U.S. Catholic Conference's Migration and Refugee Services (MRS), I oversaw the Catholic Church's participation in programs to assist the millions of aliens who applied for immigration benefits under IRCA. Since that time, I was appointed a bishop by the Holy Father, where I now head the diocese of Brooklyn, one of the largest and most diverse dioceses in the country.

From my position as a bishop, not only do I minister to a diocese that has within it many immigrants, I also serve as Chairman of Board of Directors for the Catholic Legal Immigration Network, Inc. (CLINIC), which advises and provides immigration services for dioceses all around the country.

My time with MRS, my experience as a bishop, and the research that the Church has conducted over the last several decades lead me to conclude that it is possible to establish a program to permit deserving undocumented aliens to apply for earned legalization without crippling the process of adjudicating other applicants for immigration benefits or jeopardizing our national security. In order to do this, however, Congress will have to provide a number of things:

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Adequate Resources

Proper Planning Before Implementation

Establishment of a Separate Entity within USCIS to Implement the Bill

The Use of Qualified Designated Entities

Rigorous Background Checks

These five elements are a subset of a larger list of necessities that I outline later in my testimony. However, because the subject of today's hearing is the question of the

adequacy of an already over-burdened USCIS to process applications for legalization, I will set out those factors at this point in my testimony.

## ADEQUATE RESOURCES

It will be essential that Congress provide adequate resources for DHS to implement and execute any earned adjustment program. As passed by the Senate, the Comprehensive Immigration Reform Act (CIRA) of 2006 anticipates this by establishing fees that will generate approximately 66 billion dollars of revenue dedicated to processing applications for earned adjustment.

The fee-generated funds, alone, will not be adequate, however. Congress will also need to directly appropriate funds to get the program started. And it will need to be vigilant to ensure that fee-generated funds are not diverted for other purposes, as has often been done in the past

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While some may quarrel with the use of appropriated funds for this purpose, I would suggest that the alternative would likely require the expenditure of far more funds and yield a less desirable result. Imagine how much it would cost to apprehend, detain, and deport the estimated 12 million aliens who are in the United States illegally? The cost of properly implementing an earned adjustment program is tiny when compared to the cost of the alternative approach.

Mr. Chairman, we believe that any comprehensive legislation can be implemented through reasonable fees imposed on applicants and with some supplemental funding appropriated by Congress. Fees should not be imposed, however, which place the program out of the reach of qualified applicants.

**Proper Planning Before Implementation/Reasonable Enactment Period:** Sufficient time should be given between enactment and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants who qualify should be suspended between the two dates. However, Congress should mandate an expedited rulemaking process so that the program is not delayed significantly. If key issues are not resolved at the program's outset, inefficiencies and litigation will occur. The application period for the program should last at least one year so that all qualified applicants can raise the application fee and apply for the program.

**Rigorous Background Checks and Security Clearance Procedures:** Given the terrorist threat, any program will lack credibility and support if it does not a "good moral character" requirement and rigorous identity and security clearance procedures. Steps must be taken, however, that persons are not denied eligibility based on appearance or demeanor, and that sufficient checks and balances are in place to ensure that no one who qualifies is unjustly denied from the program.

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**Establishment of a Separate Entity within USCIS to implement the bill:** A separate

entity, similar to the asylum corps, should be created within USCIS to implement legislation; such an entity should be adequately funded through appropriations. A program that attempted to operate through existing systems would worsen the backlog and customer service problems that have plagued DHS in the past.

**The Use of Qualified Designated Entities:** Qualified designated entities (QDEs) which are Board of Immigration Appeals (BIA)—recognized should be created to assist in implementation of any new program. QDEs play a crucial role in public education, outreach, convincing applicants to come forward, preparing strong applications, and liaising with the government.

Mr. Chairman, these elements are crucial to the successful implementation of comprehensive immigration reform legislation. Other important elements should also be included in any final measure:

**Operational Terms:** Operational terms in the bill, such as "continuous residence," "known to the government," and other important eligibility criteria should be specifically defined to avoid delays and to eliminate confusion. The lack of a precise definition of these terms caused many cases to languish in 1986.

**Generous Evidentiary Standards:** Evidentiary standards should be based upon "preponderance of evidence" and should include a wide range of proof, since migrants do not often create a paper trail. This would allow the maximum number of persons to participate in the program.

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**Broad Humanitarian Waiver:** A broad humanitarian waiver of bars to admissibility, such as unlawful presence, fraud, or other minor offenses is necessary. See refugee waiver (INA 209c) or NACARA waiver.

**Confidentiality:** Applicants for either the legalization program or temporary worker program should be extended confidentiality and not be subjected to deportation or arrest if they do not qualify. Such confidentiality should be preserved unless criminal issues are raised that are not associated with undocumented status. Without this assurance, it is likely that many persons would not come forward and the goals of the program would not be achieved.

**Derivative Benefits:** Immediate family members should receive the same benefits under legalization/temporary worker program as the worker. This would keep families together and minimize fraudulent applications from family members desperate to remain with their loved one.

## THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

Mr. Chairman, we believe that the best way to secure our borders and to ensure that our immigration laws are just and humane is to enact comprehensive immigration reform legislation.

Since 1993, when the U.S. Border Patrol initiated a series of enforcement initiatives along our southern border to stem the flow of undocumented migrants, Congress has appropriated and the federal government spent about \$25 billion on border enforcement, tripling the number of Border Patrol agents and introducing technology and fencing along the border. During the same period, as Congress has enacted one enforcement-only measure after another, the number of undocumented in the country has more than doubled and, tragically, nearly 3,000 migrants have perished in the desert of the United States. It is clear that another approach is necessary.

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Mr. Chairman, the U.S. Catholic bishops believe that any comprehensive immigration reform bill should contain the following elements:

policies which address the root causes of migration, such as the lack of sustainable development in sending nations;

a legalization program which gives migrant workers and their families an opportunity to earn legal permanent residency;

a temporary worker program which protects the labor rights of both U.S. and foreign workers;

reform of our family-based immigration system to reduce waiting times for family reunification; and

restoration of due process protections for immigrants.

As you know, the U.S. Senate passed the Comprehensive Immigration Reform Act (CIRA) of 2006, which contains many of the elements the Catholic Bishops believe are necessary to comprehensively reform our flawed immigration system. Although it does not contain all the elements the U.S. bishops would like to see in legislation, it is the right approach and direction our country should be taking in tackling the problem of illegal immigration. In our view, an enforcement-only approach to immigration reform will not address the need for legal avenues for future flows of immigrants to come to the United States to work or join family members, nor would it address the plight of 11–12 million undocumented in the nation. We encourage you to work with your Senate colleagues to produce a bill which encompasses the elements outlined above.

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I would like to say upfront, Mr. Chairman, that we are wary of recent suggestions that the Senate-passed bill's legalization, temporary worker, or immigrant visa provisions be modified in a way that would delay their implementation or subject them to subjective "triggers." We believe that any bill which Congress enacts should not only be comprehensive in nature, but must be implemented in a carefully calibrated manner. Indeed, we note that the Senate-passed already contains a number of mechanisms designed to ensure proper implementation of the legislation. We firmly believe, however,

that Congress should not enact into law a scheme that would require further congressional action before implementation of the legalization, temporary worker, or immigrant visa provisions or subject those provisions to "triggers" that are vulnerable to the vicissitudes of political pressures, rather than objective measurements of what is necessary in order to properly implement the legislation.

Mr. Chairman, I would like to concentrate at this point in my testimony on how the enactment of comprehensive immigration reform would enhance, not undermine, our ability to protect the nation from terrorist threats. The overriding principle which supports this view is that by enacting comprehensive immigration reform, we would better be able to identify who is already in the country and to identify and control who enters it. By enacting a program which provides an earned path to citizenship, for example, a far greater portion of the 11–12 million undocumented persons in the nation likely would emerge "from the shadows" and identify themselves to the government. The establishment of additional employment and family-based visas for low-skilled workers and their families would provide legal avenues for those seeking to enter the United States, helping to better ensure that the government knows who is entering the country and for what purpose. The current reality is that our government is unaware of the identities of the overwhelming majority of the 11–12 million undocumented who are in the United States and unable to monitor efficiently those who cross the border illegally.

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Mr. Chairman, I am not alone in this assessment. I would like to submit for the record, with your permission, a statement from nine former Department of Homeland Security (DHS) officials who agree that the best way to secure our borders is to enact comprehensive immigration reform legislation. In their letter, they write, ". . . enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long-term if it is coupled with a more sensible approach to the 10–12 million illegal aliens in the country today and the many more who will attempt to migrate to the United States for economic reasons."

In addition, the Catholic Legal Immigration Network, Inc. (CLINIC) recently completed a study on national security and immigration policy. As part of that study, CLINIC staff interviewed a wide range of counter-terrorism experts in order to examine what the United States must do to reduce the threat of terrorism and how immigration policy and U.S. immigration system fits into an overall security strategy. The study provided several policy recommendations to enhance national security through the U.S. immigration system, including the enactment of comprehensive immigration reform.

First, in our view and the view of these experts, national security should not simply be equated with protection from physical attack. It also entails protecting our economic and political interests; immigration policies should not deny us access to the global economy. Policies which attempt to prosecute, jail, and deport 7.2 million undocumented workers—five percent of the U.S. workforce—do not protect our economic security and weaken us. Policies which would separate 10 percent of U.S. families by deporting their undocumented family members undermine our values.

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Second, we should better assess the effectiveness of immigration policies as a deterrent to terrorists. Does a certain immigration policy relate to a legitimate national security goal? For example, we do not believe that the summary return of asylum-seekers, the indefinite detention of immigrants, or the removal of due process protections necessarily make us safer, but they certainly have the effect of impinging on civil rights and undermining the fairness of our laws.

Third, our immigration policies should help our relationship with immigration communities, not alienate them. The United States should be able to identify and run background checks on non-citizens, but is unable to do so if these non-citizens feel safer underground. Enabling state and local law enforcement to enforce immigration laws also has the effect of alienating major immigrant communities and reducing our ability to identify and prosecute smugglers, traffickers, and would-be terrorists.

Fourth, comprehensive immigration reform should make our nation safer, not less safe. By bringing 11–12 million undocumented persons "out of the shadows," we can identify who they are, where they live, and with whom they may be affiliated. By creating legal avenues for migration, we are better able to control who is coming into the country and for what purpose.

Finally, we must implement a policy of assimilation of immigrants to make us more secure. As we have seen in other nations, such as France and England, the lack of integration policies have led to violence and unrest. We also need to assimilate in order to ensure our economic stability, so that new workers may advance and develop in their skills.

Mr. Chairman, it is clear that national security is not just about keeping those who harm us out of our country, but about keeping those who help us in and allowing others who want to help us to enter. Comprehensive immigration reform will help us achieve this goal

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## THE IMMIGRATION REFORM DEBATE AND H.R. 4437

As you know, in December 2005, the House of Representatives passed H.R. 4437, the Border Security, Anti-Terrorism, and Illegal Immigration Control Act of 2005. While the U.S. bishops appreciate the need to secure the nation's borders and believe that passage of a House bill was a necessary first step to begin the immigration debate, the USCCB opposes H.R. 4437 because we believe it is overly punitive, too narrowly focused and would cause harm to legal immigrants, asylum-seekers, refugees, and the nation. We strongly believe that an enforcement-only approach will not solve the problem of illegal immigration, but could exacerbate it by driving migrants further underground and into the hands of unscrupulous smugglers. Mr. Chairman, with your permission I would like to submit a copy of correspondence opposing the legislation, dated December 14, 2005, to all members of the House of Representatives from Most Reverend Gerald R. Barnes, bishop of San Bernardino and chairman of the USCCB Committee on Migration.



Mr. Chairman, let me say that, despite the opposition of the USCCB to H.R. 4437, we are not opposed to all aspects of the bill. Steps taken in Title I, for example, to increase resources for border security are necessary to ensure security for our country. We also appreciate the leadership of the House of Representatives in launching the immigration debate, which, although contentious, is necessary for the betterment of our communities.

Mr. Chairman, I would like to highlight some of the major provisions of H.R. 4437 which we find problematic and which we believe would undermine the fairness of our immigration laws without necessarily making our nation safer.

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*Criminalization of Undocumented Presence.* As you know, Mr. Chairman, Section 203 of H.R. 4437 would make undocumented presence in the country a criminal offense and a felony, subject to at least one year of jail time. While the authors of H.R. 4437 have indicated their willingness to reduce the nature of the offense to a misdemeanor rather than a felony, we believe that this provision would unjustly and unwisely make undocumented immigrants—especially those who are here presently—criminals and would not serve the best interests of our nation. It is well established that the large majority of immigrants who come to this nation do so to work to support themselves and their families. Indeed, over eighty percent of the undocumented population in this nation is involved in either a part-time or full-time employment. They benefit our nation in terms of the taxes they pay and the work they perform. Instead of criminalizing these persons, we should permit those who are deserving to earn a legal status so they can come forward and contribute to our nation without fear.

*Criminalization of those who "assist" undocumented persons.* Section 202 of H.R. 4437 would expose to felony prosecution anyone who "assists" an undocumented person or provides assistance that permits an undocumented alien to "remain in the United States," knowingly or in reckless disregard to whether a person was in the country illegally. In our view, Section 202 goes well beyond the scope of addressing alien smuggling and has the great potential to implicate many good Samaritans under the broadened definition of smuggling, including church personnel. For example, under Section 202, a church group or priest that provides food aid, shelter, emergency medical care or other forms of assistance to an individual could be imprisoned and risk forfeiture of their assets for "assisting" an undocumented person. Certainly alien smuggling and trafficking for profit or commercial gain are activities that need to be sanctioned. Existing law already provides for harsh penalties for such behavior. However, H.R. 4437 goes far beyond increasing penalties for these heinous activities. Instead, it would jeopardize millions of Americans—neighbors, family members, faith institutions, and others—who live and work with undocumented immigrants.

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*Criminalization of Passport or Visa Fraud.* Section 213 would make a variety of forms of passport, visa, and immigration fraud criminal offenses, making even one such instance punishable by more than a year in prison, and, thus, making them aggravated felonies that would render persons so convicted inadmissible and ineligible for any

immigration benefit. Although no one supports passport or visa fraud, distinctions should be made for those who engage in it for nefarious purposes and desperate refugees who are fleeing persecution. Often times, refugees must fabricate documents to escape persecution because they cannot obtain valid ones from the authorities persecuting them. Not only would this section render legitimate refugees ineligible for relief because of the means they had to use to escape their persecutors, it also would jeopardize battered women and children acting under the direction, force, or coercion of a parent, guardian, smuggler, or trafficker.

*Mandatory Detention for Undocumented Aliens Apprehended at or Between Ports of Entry.* Section 401 would require the mandatory detention of an alien apprehended at a U.S. port of entry or along an international land or maritime border of the United States. We are concerned that this provision is so overly broad that persons who are in the country legally and vulnerable populations will be harmed, such as U.S. citizens without proper documentation, legal permanent residents, asylum-seekers who are not in expedited removal and have a credible fear of persecution, unaccompanied children, and trafficking victims. It also would add additional stress to our overly burdened detention system, leading to increased use of local jails and the commingling of non-violent offenders with violent ones as well as the separation of families.

*Enforcement of Federal Immigration Laws by State and Local Authorities.* Sections 220–222 would grant broad authorization to state and local law enforcement authorities to enforce federal immigration laws. We reject the premise in these sections that all persons suspected of being undocumented immigrants should be rounded up by state and local police agents. State and local law enforcement authorities have many serious concerns on their hands, such as protecting our communities from violent criminals. If these provisions are enacted into law, we fear that immigrant communities would no longer trust local police to protect them or to share with them important information about crime in their neighborhoods. We also are fearful that massive-scale enforcement of civil immigration laws by ill-trained state and local police officials will result in inadvertent deprivations of even citizens' and lawful permanent residents' civil and constitutional rights.

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*Expedited Removal.* Section 407 would expand and mandate the use of expedited removal with respect suspected illegal aliens who are not nationals of Canada, Mexico, or Cuba and who are apprehended within 100 miles of a U.S. international land border, within 14 days of entry. We are concerned that bona fide asylum seekers would be harmed by this provision, since in many instances Border Patrol agents, untrained in the finer details of asylum law, will be making life and death decisions for individuals.

*Indefinite Detention of Individuals who cannot be returned to their country.* Section 602 would permit the indefinite detention of certain aliens who cannot be removed to their country of nationality. As you know, the U.S. Supreme Court has stated that a person can only be held for a period reasonably necessary to effectuate removal, and found six months to be reasonable. Holding a person longer than the period of their penalty violates basic human rights.

*Creation of 700 miles of Fencing.* H.R. 4437 would mandate the construction of 700 miles of fencing along the U.S.-Mexico border. We do not believe that the erection of such a wall would address the underlying causes of migration and would not deter desperate migrants from attempting to enter the nation. It could lead, however, to an increase in smuggling networks and to more dangerous attempts to enter the country, increasing the number of migrant deaths. As I explained earlier in my testimony, Mr. Chairman, we believe that the adoption of comprehensive immigration reform will help ease the pressure along our southern border.

*Elimination of Diversity Visa Program.* Section 1102 would eliminate the Diversity Visa program, created in 1990 to give foreign nationals of nations without a high volume of immigrants an opportunity to immigrate to the United States. This program has been successful in bringing in a diverse number of individuals who have at least a high school education and some job training. Given the new security checks for those entering the country, we see no justification for the elimination of this program.

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Mr. Chairman, these are some of the provisions in H.R. 4437 which cause us grave concern, although they do not represent the totality of our concerns. We hope we can work with you and your staff in the days and months ahead to ameliorate these provisions and work toward a just comprehensive immigration reform package.

## CONCLUSION

Mr. Chairman, I would like to thank you for inviting me to testify before your subcommittee today. Our nation stands at an important time in her history, when we need to remain vigilant against outside threats without sacrificing values which we hold dear—justice, fairness, and opportunity. We must honor and continue our history as an open and democratic society which values hard work and the contributions of immigrants. As soon as possible, I ask that you work with your Senate colleagues to fashion a comprehensive immigration bill which is just, humane, and provides for the security needs of our country.

Mr. **HOSTETTLER.** Thank you, Bishop.

At this time, we will turn to questions from Members of the Subcommittee.

First of all, Mr. Gadiel, you concluded your statement that we must enforce our immigration laws. Is it your understanding, having studied, I am sure very closely, the work of the 9/11 Commission, is it your understanding that if immigration laws that were in place prior to September 11, 2001 would have been aggressively enforced, that the plan that led to the tragic events of September 11 could have been derailed?

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Mr. **GADIEL.** I think there is no doubt of that. The 9/11 Commission report, in great detail, described how the consular officials in Saudi Arabia granted visas to people who

were clearly ineligible and should have had secondary inspection and their applications were defective on their face or had missing answers. And every one of them is a young, single male from terror-sponsoring nations, and not one of them was eligible, not one.

But the reason the State Department issued these visas was because they are pressured by the open borders lobby to let more people in. The travel industry wants to sell more airline tickets, the college industry wants to sell more seats, and the high-tech industry wants more cheap labor. And so there is this enormous pressure, and that is why we don't enforce their laws.

Mr. **HOSTETTLER**. Thank you.

Supporters of the Senate's amnesty bill have argued that the bill will actually enhance our national security by bringing illegal aliens out of the shadow, as they say. Do you agree with that?

Mr. **GADIEL**. Well, Mohamed Atta had a driver's license and he was out of the shadows, and I don't know what good that did us on 9/11. And what this does is it allows people who are terrorists to, when they get their American citizenship, to adopt a new name, which, in effect, wipes them off of the terrorist watch list. They can adopt a new name. They go back to their own country they are not even known by that name anymore.

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It gives the veneer of legitimacy to anybody no matter how dangerous that person is. If we had given—we almost did give citizenship, in a sense, because of the open access and process in this country, but if we had given him citizenship, it would have been even more of a privilege for him.

Mr. **HOSTETTLER**. Thank you.

Mr. Maxwell, in your testimony, you state that USCIS has "a customer service mentality that invariably trumps national security concerns." You also state that high-ranking immigration officials have termed immigration "a right rather than a privilege."

What effect would these attitudes that are there today have on USCIS's ability to screen applications under S. 2611 for national security risks?

Mr. **MAXWELL**. This attitude is really a carryover from the INS days. It simply transferred from INS into CIS as DHS was created. And despite calls from Director Gonzalez that national security is the forefront for his agency, once you leave Washington, D.C., the pressure of backlog elimination that currently exists within USCIS simply forces managers in the field to push applications forward at the expense of national security. They have to meet the mandate of backlog elimination.

S. 2611 will just continue to put pressure on the managers in the field. And so what they will do is they will continue to develop programs in the field despite calls from senior leadership at headquarters so that they can meet the mandate of Congress, and

national security will suffer. They will simply cheat the system so that they can push benefits through the system.

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Mr. **HOSTETTLER**. Thank you.

Mr. Cutler, you are a former INS examiner. How difficult would it be to verify that an illegal alien has resided in the United States for a given period of time, say, 5 years?

Mr. **CUTLER**. It would be difficult with the resources that are there, because we keep hearing about background checks. A background check is not the same thing as a field investigation. All a background check means is you run fingerprints and a name that the person put on their application. A proper investigation would require agents to go out, knock on doors, show photographs, interview people. It is an arduous task. It might take days per application.

If you are dealing with millions of applications and you are dealing with a workforce of a couple of thousand agents, the numbers don't add up. It would take many, many years to even begin to get a handle on it, and meanwhile with the open borders that we have and with the Visa Waiver Program that we have, we are being inundated by aliens on a daily basis and we would be getting inundated with applications.

In fact, I think in 1986 the original estimate was that there would be about a million to a million and a half aliens applying for amnesty. When the final numbers were in, I believe the actual number of applications that had been approved was more than 3.5 million. Partially, they may have been undercounting, but I also believe that we had aliens who entered the United States after the program actually began to give amnesty and people successfully claimed to have been here for the requisite number of years in order to qualify.

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And I think that with the lack of resources and the much greater number of potential applicants today, there is just absolutely no way that this system would have even a shred of integrity.

Mr. **HOSTETTLER**. Thank you.

Mr. Maxwell, how many contract workers does USCIS currently have?

Mr. **MAXWELL**. They have approximately 7,500 contractor workers on the books now.

Mr. **HOSTETTLER**. Will USCIS need to hire additional contract workers to adjudicate the applications under S. 2611?

Mr. **MAXWELL**. They would have to hire more contract workers. Just prior to my resignation in February, discussions were they would hire between 7,500 and 10,000

additional employees, most of that outsourced to contract employees.

Mr. **HOSTETTLER**. For just——

Mr. **MAXWELL**. Just to handle what at that point was called the Temporary Worker Program.

Mr. **HOSTETTLER**. Very good.

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What would be the ramifications for national security and public safety by allowing contract workers to adjudicate amnesty applications?

Mr. **MAXWELL**. Really, the answer to that is a two-pronged answer, and it really raises some grave concerns for national security. At the time, I was involved in planning for the Temporary Worker Program, as it was called then. There was discussion that the contract employees would not undergo a full background investigation and would still be given access to sensitive law enforcement databases to vet the alien applicants, which raised some grave concerns, because at the same time we had just convicted a contract employee for accessing those sensitive law enforcement databases and releasing sensitive law enforcement information to a criminal who was being investigated by the Drug Enforcement Administration.

So without thoroughly vetting those contract employees and giving them access to terrorist watch list, obviously connect the dots, we are not sure who we are giving access to these terrorist databases and can they be co-opted by foreign intelligence, by terrorist groups, by criminal organizations? Absolutely.

Mr. **HOSTETTLER**. Can they be planted?

Mr. **MAXWELL**. Can they be planted? Absolutely. That was one concern that we raised, and our recommendation was that all contract employees, all Federal employees undergo a full background investigation which would be at great expense, obviously, before they be given access to these sensitive law enforcement databases.

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The second part of the equation was hiring this second workforce for USCIS to conduct background investigations on the alien applicants, that the background investigation process itself is flawed.

As the inspector general recently reported, 45,000 aliens from high-risk nations, state sponsors of terrorism, have been released into the general population since 2001 because the background check process itself is flawed.

We simply cannot verify the backgrounds, the identities, the countries of origins of everybody who comes through the system. We just don't know who they are. We are essentially giving these people new identities, releasing them into the country even

though they are coming to us from countries that sponsor terrorism. So it really does present a grave national security risk.

Mr. **HOSTETTLER**. Thank you.

The Chair recognizes the gentlelady from Texas, Ms. Jackson Lee, for questions.

Ms. **JACKSON LEE**. I thank the Chairman very much.

In a better day, I would like to be in a conference right now really ironing out, I think, the concerns that have been articulately expressed really over and over again by so many. I do want to acknowledge that we appreciate the witnesses who are here and the very diverse testimony that comes forward.

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And I do want to acknowledge and express again the sympathy to Mr. Gadiel and also raise a question with you.

If we are trying to fix what is a broken system, and might I say that it is broken both in terms of the legal system and an undocumented system, we have to fix both, along with border security, one of the elements that has been crucial is to get the men and women on the front lines well prepared.

I believe you had an opportunity to review H.R. 4044 that talked about my legislation giving equipment to the Border Patrol, border security. Is that a good place to start along with some of the other issues that we are discussing and to include the northern border where we provide the night goggles, the power boats, the computers, the training, technology for trained Border Patrol agents?

We know statistically that Border Patrol agents, by the few numbers that they have now, have stopped about \$1.7 million from coming across the border. Just imagine if they had the equipment and the staffing, training the kind of effective tool they would be.

Is that an important step for Congress to make and fund to its maximum what they need to provide those kinds of resources?

Mr. **GADIEL**. Absolutely, without question. I think it is quite obvious and logical that the more people that are on the borders, patrolling the borders and the better equipment they have, the more people we will stop. And, certainly, the northern border is not something that can be ignored at all. I agree with you 100 percent on that.

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Ms. **JACKSON LEE**. Well, I appreciate your support of my legislation, and I look forward to trying to pursue this very point.

I do want to go to Bishop DiMarzio and thank you so very much, because before us we have just recently announced the Pence-Hutchison bill, and I take to heart Mr. Maxwell's

comments. I think it would be an outright outrage to talk about, if you will, contracting out security data.

But one of the failures of the IRCA, and if you might share why we failed at IRCA, because you were actively involved in helping or hoping to make it work. We failed in IRCA, [one], because we shortchanged the funding, we shortchanged the partnership, we didn't do employer sanctions. But here you are today.

We are all recognizing that we have 12 million undocumented, hardworking, taxpaying individuals who simply want an economic opportunity. And the Pence-Hutchison bill that talks about report to deport is frivolous and foolish.

So tell us how we can make IRCA work and how nonprofits who understand that we do have a system of laws and a system of immigrants, and we don't want to violate laws, we want to deal with the large humanity that we have and really stop ignoring the challenges before us. And that is, of course, to gain control of the border, to conduct workforce enforcement and certainly not skimp on the dollars.

How can we make this an effective implementation, say, for example, of a conference report that would take a large part from the Senate bill?

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Bishop **DIMARZIO**. I think again from the experience of the last time, there were failures, but there were a lot of successes. An overwhelming amount of good citizens have been added to this country, and I think that is what we have to look at, the success that has happened there.

I think the paradigm has to be changed. I think in the past we had an adversarial relationship between the INS and the entities that were designated by Congress to assist them. They knew that they could not do the job by themselves. They need to set up, obviously, USCIS, a separate unit, and they could never add it to the present unit. And I think we have got to look at in the past IRCA was talked about as kind of a tripod, looking at enforcement, the legalization issue and the workplace enforcement, the border enforcement and workforce enforcement. I think those same elements still need to be addressed.

The workforce enforcement, talking about employer sanctions, isn't sufficient, because most employers are on it. They check what they are given and it is not adequate. We need to have a secure way in which employers can be sure that they are hiring workers that are authorized for employment. And that is something that needs to go contemporaneously with securing the border, while at the same time giving legalization to the people that are already here.

Ms. **JACKSON LEE**. And how can nonprofits be helpful in this process, short of the component of the Pence bill, which is to contract out Government's work? But you can be effective in helping to make sure this actually works properly.



Bishop **DIMARZIO**. I think there is a network across the country of nonprofits that are looking to assist people, assist the Government, assist the country in making sure that the legalization process is legal and that it is expeditiously carried out. So I think the network is available.

I think we are a self-correcting system in our country; we can improve things. If we see that something is wrong, that is our greatest asset. We have been able to change and to improve, and think what we have learned from the past, and there has been several analyses. We can make sure that those problems don't reoccur and that we design a system that is even more effective.

Mr. **HOSTETTLER**. The gentlelady's time has expired.

The Chair recognizes the gentleman from Iowa for 5 minutes for questions.

Mr. **KING**. Thank you, Mr. Chairman.

I would like to thank the witnesses as well, and I appreciate your continued involvement in this issue.

To sit here and listen, one of the things that occurs to me, and I think I direct my first question to Mr. Maxwell, is that the concept of processing millions of people through a background check or background test and the first foundation of that would be, what information, what identification documents would they bring to the table for that background check?

And let's presume that since the majority are from Mexico, let's just talk specifically of Mexicans as a standard, do you know what percentage of Mexican citizens have a legitimate document that identifies who they are? What percentage gets birth certificates at birth and that tracks them through life, for example?

Mr. **MAXWELL**. I don't know specifically, sir, what percentage have legitimate documents. I do know, however, that the Castorena cartel in Mexico is the largest organized crime family dealing specifically in counterfeit documents in Mexico, operates in 50 cities in the United States. It is a \$300 million a year counterfeit document trade here in the United States. They can produce counterfeit documents with embedded biometrics, documents that can fool law enforcement upon visual inspection.

Mr. **KING**. So if you were going to verify, you would have to go back and verify at the place of birth.

Mr. **MAXWELL**. Absolutely.

Mr. **KING**. And that is the only way that one could actually do that legitimately.

Mr. **MAXWELL**. Absolutely.

Mr. **KING**. And that concurs with a constituent I have when I asked him that question, and he is from Mexico and a good legal resident and a good business person in my district, his answer was, "I don't know what the percentage is but I can buy whatever I want—driver's license, birth certificate—easily purchasable on the market.

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I see Mr. Cutler leaning ahead.

Do you care to comment, Mr. Cutler?

Mr. **CUTLER**. Yes. Thank you, Congressman King. Good to see you.

You know, even the way our process has worked has been very disturbing to me. I recall that for years when the old INS would replace lost alien cards, because of the crush of time, the idea of moving it quickly, we were replacing our own alien cards without reviewing the immigration file. And then you would get a hold of the file and you would see where that person had gotten 8 or 9 or 10 cards, and when you saw the photographs, they were all obviously of different people.

Mr. **KING**. Thank you.

And let me, again, direct a question back to Mr. Maxwell first, and that is just slightly off topic, but if there were Ellis Island centers established through legislation that is proposed in this Congress and that would be in various countries around the world, in fact any country around the world but the closest proximity, again, would be Mexico, as a former employee of USCIS, how could a private company possibly conduct background checks faster than USCIS? How would they pass and lap USCIS in their efforts to do so within a week turnaround for 10 million or 12 million?

Mr. **MAXWELL**. Well, Congressman King, based on my knowledge of the Castorena family, I would have grave concerns about operating or establishing an Ellis Island center privately owned in Mexico and thinking that it would be operated by anybody but that family in Mexico and thinking that you are going to get legitimate documents coming into the United States. I don't think it is going to happen.

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Mr. **KING**. Even aside from that, which is a profound and legitimate point, aside from that, can you imagine a legitimate company being able to do background checks faster than or in cooperation with CIS as accelerating the process that currently exists with USCIS?

Mr. **MAXWELL**. In tandem with USCIS? I don't believe they could.

Mr. **KING**. And wouldn't they have to rely upon USCIS in order to have a legitimate background check?

Mr. **MAXWELL**. Absolutely.

Mr. **KING**. And so they are already limited by Government in a private sector there would just be injected into the middle of this would just be another layer of bureaucracy still limited by the bureaucracy that would be over the top of it.

Mr. **MAXWELL**. If there is going to be some level of integrity in the system, there is always going to have to be a Government check somewhere along the line to ensure that the information the Government is getting is accurate.

Mr. **KING**. Not the hirings of law breakers.

Mr. **MAXWELL**. Correct.

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Mr. **KING**. Thank you.

And then I would turn to Bishop DiMarzio, and I appreciate your testimony, Bishop, sincerely, and the level and the tone that you bring to this and the commitment that you have made.

I just have a series of questions, and I know I will run out of time before we get this explored as far as I would like, but does the Church draw a distinction between legal and illegal with regard to the migrants that you referenced in your testimony?

Bishop **DIMARZIO**. Obviously, the distinction is there, that we don't say persons are illegal but their status may be illegal, and we do make the distinction. Obviously, when we speak about it and what we have said right along, our testimony has been longstanding, that there obviously are people who break the law.

Mr. **KING**. And I would yield my time back after thanking the witnesses, but I would be one who would support a second round, Mr. Chairman.

Mr. **HOSTETTLER**. The gentleman is instructed there will be a second round of questions.

The Chair now recognizes the gentlelady from Texas out of order, without objection, for 5 minutes for questions.

Ms. **JACKSON LEE**. I thank the Chairman very much.

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And I think we have in this Committee attempted to find common ground, but I would be remiss if I did not express the frustration I have in holding these hearings when we have two legislative initiatives, one vote on by the House, which you may agree or disagree with, and one voted on by the Senate. Regular order requires that we, right now,

be in conference trying to resolve this matter for the American people.

Mr. Maxwell, you have shared with us a litany of issues, and we had great interest in the issues that you offered to us. In fact, my commitment to you is that we are going to fix some of these insurmountable mountains that you have indicated. We don't need corruption. We don't need to have a system that is broken. We need to fix it so that people who are impacted negatively can, in essence, have the right route to go. And I don't think that you are here speaking about us not fixing the system. You want it to be fixed.

And so I, again, say that we are here, we haven't gained control of the border, we haven't done a good job of workforce enforcement, and the Republicans have missed any number of opportunities to fund the dollars. I mean, look at the 9/11 Commission report, D's and F's in terms of the work that we are supposed to do.

I am going to put into the record a statement, I am not sure of the date, Mr. Chairman. I ask unanimous consent. It is from the Irish Echo, "Irish and America Under Siege." And I will read this quote: "If the Irish antecedents of Andrew Jackson, John F. Kennedy and Ronald Reagan are trying to enter the United States today, they would have to do so illegally." And so I would ask unanimous consent to put this in the record.

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Mr. **HOSTETTLER**. Without objection.

Ms. **JACKSON LEE**. The reason why I do so is because I want the question of immigration to be the face of America. Every single person has an immigrant background except for our Native Americans. And so rather than throwing darts, we need to be trying to fix this broken system.

Mr. Maxwell, just if you would just briefly say, would more funding and more oversight help in some of the issues that you would raised with USCIS?

Mr. **MAXWELL**. I think it would help, ma'am, but also I think there needs to be a paradigm shift. The workforce is horribly demoralized. There needs to be a shift in management, a shift in leadership. There needs to be accountability. We recognize the immigration system itself is flawed. There is no integrity in the immigration system. It needs to be changed. So let's change it. Let's get to the business at hand and just get it done.

Ms. **JACKSON LEE**. Let's get it done. Let's give you what your rules are and what you are supposed to enforce, how you are supposed to enforce it and the tools to do it.

Mr. **MAXWELL**. Absolutely.

Ms. **JACKSON LEE**. And let management know that those who are working need to be rewarded, need to know what the ifs, ands and don'ts are, they need to know the yeses and the noes; is that correct?

Mr. **MAXWELL**. Absolutely.

Ms. **JACKSON LEE**. And that is what reform is all about.

Mr. Cutler, you worked—and let me thank you for your leadership and your service.

Mr. **CUTLER**. Thank you.

Ms. **JACKSON LEE**. One of the issues is fraudulent documents. We have got legislation making its way, trying to fix this whole issue of getting rid of these fraudulent documents. As you well, I have legislation to set up a task force. How much of an element is that and us getting to work on dealing with the massive fraudulent documents?

Mr. **CUTLER**. Well, I thank you for your leadership as well, and I think it is a very important issue. The only question that sticks in my mind is what resources would the Administration allocate, because that always seems to be the problem. I have been here for hearings where we have discussed where the Congress would authorize hiring many more people for both the Border Patrol and ICE and the Administration was willing to hire.

But it is also a matter of providing the training for the field agents. Right now they are not getting training in the identification of fraudulent documents at ICE. They are still not getting the foreign language training so that they can do meaningful field investigations and interviews. And these issues have been going on for years now.

And we also need to go after the fraud schemes as well as the fraud documents, and I believe your task force addressed that also. Because no matter what we do on the border, if we don't have integrity to the immigration benefits program, it is kind of like securing your house with good strong locks and then handing out the keys to anybody who walks by.

Ms. **JACKSON LEE**. Absolutely. Absolutely.

Mr. **CUTLER**. So this is very important, and I do appreciate what you are trying to accomplish with that.

Ms. **JACKSON LEE**. More resources, more focus and more training.

Bishop DiMarzio, if you would just—you were very good in at least saying to us that we don't have to be failures in this process, do we? And the immigrants that you meet, undocumented maybe, I don't know your range of those who you come in contact with, if we just separate the fact that we have got to secure our borders and we are all in the war on terror, we are not ignoring that, the immigrants that you meet, the immigrants that may come through the Catholic diocese all over America, the economic immigrants, what are

they wanting and how can we fix their particular situation?

Bishop **DIMARZIO**. I think most immigrants, if you ask them, they come because they want a better life for themselves and their children, and that is clearly the motivation that lets them leave their home countries.

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If the situation in many of these countries were better, they would opt to stay. No one particularly wants to be a migrant. Necessity dictates that this happen. I think, again, in a comprehensive approach, we would look to some of the sending countries and try to work with them to see if we can do something that will deter some of the migrants coming, especially those who come obviously in an undocumented manner.

Irregular migration is a worldwide problem. It is not only a north-south problem, it is a south-south problem, in many places in Africa, we had a hearing there in South Africa, and we see that even in Africa there is a large migration of people.

The issue comes down to you have to have international cooperation. You need to work in that way. I think the success of most people that come here is clear. Migrants come with the idea they want to succeed, they want to work, they want to make a better life, and the vast majority do so. I think we have got to look at that issue as part of the heritage of our country and at the same time not ignore the security issue, which is overwhelming today.

Ms. **JACKSON LEE**. Mr. Chairman, I close by simply saying, if I have gotten anything from all four of the witnesses, all of them, it is that we need to roll up our sleeves, we need to get to work, we need to provide the kind of funding, targeting, training and most of all we need not spend our time on additional hearings that would thwart us getting into a conference and doing the heavy lifting that American people require.

I thank the gentlemen, I thank the Chairman. I yield back, and I ask unanimous consent for my statement to be placed in the record.

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Mr. **HOSTETTLER**. Without objection.

[The prepared statement of Ms. Jackson Lee follows in the Appendix]

Ms. **JACKSON LEE**. Thank you.

Mr. **HOSTETTLER**. Bishop DiMarzio, we are discussing S. 2611. Can you tell me if the U.S. Conference of Catholic Bishops officially supports S. 2611 or any of the Committees, say, the Committee on Migration?

Bishop **DIMARZIO**. I think we have had some support of various elements. I don't think we have given a blanket support for the whole bill, but there are certain things that

we would agree with.

Mr. **HOSTETTLER**. Could you elaborate on some of those provisions?

Bishop **DIMARZIO**. Right now, I think I would not be able to do that off the top of my head.

Mr. **HOSTETTLER**. Could you offer that for the record at a later time?

Bishop **DIMARZIO**. Sure, we will. We could do that.

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Mr. **HOSTETTLER**. Thank you very much.

Mr. Gadiel, it has been argued that the legalization provisions in S. 2611 did not constitute an amnesty. How do you respond to that argument?

Mr. **GADIEL**. Well, in a way, I agree. It is not an amnesty; it is something more. An amnesty is you commit a crime, amnesty means that you are restored to your civil rights as they were before you committed the crime. This one amounts to saying that—it is comparable to saying, "You rob a bank, you stay clean for a couple of years, and we will give you \$1 million at the end." In this case, the \$1 million is the citizenship.

What we are saying to people is, you have broken the law, pay few bucks in taxes, don't get in trouble for a couple of years and then you get the big prize, which is what they wanted originally.

So this is not amnesty. This is something far, far, far beyond amnesty. I can't find a word for it. "Earned legalization" is a good way of concealing that it is something other than amnesty.

Mr. **HOSTETTLER**. Thank you.

Mr. Cutler, as a former special agent, how difficult would it be—you referred to undocumented aliens, and there is a lot of discussion about undocumented aliens.

Mr. **CUTLER**. Right.

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Mr. **HOSTETTLER**. How difficult would it be for an illegal alien to obtain documents that showed he had worked or resided in the United States for a given period of time?

Mr. **CUTLER**. Well, it would be very, very simple. It is a cottage industry. There are document vendors everywhere willing to sell you identity documents claiming you are anybody or anything you want to be.

But I also want to quickly take this opportunity to make a point that I think is important. We are indeed a nation of immigrants. My background is one of immigrants. My mother came here fleeing the oppression of Eastern Europe. My grandma died in the Holocaust; I am named for her. So when we talk about illegal aliens we are not talking about immigrants.

We have to get back to the language. Section 101 of the Immigration and Nationality Act talks about the terms. If we don't have a clear understanding of what we are dealing with, it becomes hard or impossible to have a meaningful conversation.

An alien is a term that has fallen from disuse, but an alien is not a pejorative. The term, "alien," by law, is defined as any person who is not a citizen or a national of the United States. And I think we need to make a clear distinction between someone who is here as an immigrant, meaning they have been lawfully admitted, and someone who is here as an illegal alien.

And when people hear, "Well, we want to do things for immigrants," well, that is right, because these are folks who have been lawfully admitted. To want to legalize an immigrant is like offering to make water wet. An immigrant already is legal.

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So we need to draw a clear distinction, and I think so much of the discussion has to been to obfuscate the distinction between what it is to be an alien who has been lawfully admitted and an alien who either entered the United States through a port of entry and then violated the terms of their admission, committed a crime and so forth, or an alien who ran the border and snuck in in the dead of night.

So documentation, going to your question, is very simple to come by, but I think we really need to remain focused, if you would forgive me for the suggestion, on having clear nomenclature so that we all understand precisely what we are trying to achieve and what we are really talking about.

Mr. **HOSTETTLER**. Very good. Very good. I appreciate that.

And in fact, today, many of the individuals who are referred to as undocumented aliens are not undocumented. Don't they have documents?

Mr. **CUTLER**. Yes. Many of them have in fact entered the United States, in fact I recently testified at a different Subcommittee hearing about the fact that 40 percent of the illegal alien population is believed to have in fact entered the United States through ports of entry, and it is important to make the point that the 19 terrorists who attacked our nation on September 11, 2001 all entered our country through ports of entry. They were not undocumented. They were aliens who either got visas through fraud or otherwise entered the country by gaming the system, and they have become very adept at gaming the system.

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Mr. **HOSTETTLER**. And even individuals who came into the country illegally, in many cases, are documented. They are fraudulent documents.

Mr. **CUTLER**. Oh, absolutely. They are fraudulent, these documents, and they do it for two reasons. And this is, again, why we have got to be careful. You know, the road to Hell is paved with good intentions. Yes, many of the people who come here are economic refugees, and I think what the bishop said is right, we do need to go after the sending countries and perhaps tell countries like Mexico, "If you want a trade agreement, clean your own house. Provide a situation where your most valuable export aren't your own people." And I think that is very important. It is important for the well being of these folks and for America's security.

But among these people, it is almost like a Trojan Horse, and I refer to that in my testimony, is that we are letting people that we don't know who they are. We are not letting them in, they come in in the dead of night in some cases, and they are here to do harm to us. And these are the sleepers that I spoke about.

And when someone is working at a job and you don't know what they are up to, whether they are driving taxis and so forth, they are hiding in plain sight. And every time you will see where a terrorist suspect is arrested, it is rare to see where it says that they were unemployed. They always have a job listed after their names. And they have identity documents. And they are either getting real documents by concealing their true identities and applying for "lost" driver's license, lost passports, lost whatever, or they are getting counterfeit documents. Those are the two basic types of documents.

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That is why the lynchpin that holds immigration enforcement together are these documents, which is why this is one of the critical areas of vulnerability, and it is still not being addressed.

And listening to Mr. Maxwell's testimony, coupled with my own experience, it makes it very difficult to sleep at night. Peter is a good friend. I wish I didn't know him, because I know him because of the loss of his son on 9/11. And my neighbors, many of them lost family.

What we are trying to do, Mr. Chairman, is to prevent another 9/11. We live in a perilous world, as you well know, and our concern is that, for whatever reason, when you look at 2611, it is almost as though there was no 9/11 Commission report. The whole point, I thought, to the Commission and their report was so that the legislators of our country and the president of our country could take the advice and the findings of that commission that was convened specifically to find where the loopholes were and then do something about it.

And when I read 2611, it is almost as though there had been no 9/11 Commission report. I recently testified before the Senate Judiciary Committee, and the whole focus was on the economics of immigration, but nothing was done to discuss the 9/11 Commission findings. I was the only witness who raised the issue, and nobody wanted to

discuss that component of that problem.

So if we don't address the security issues, nothing else we do matters. And that is why I am pleased to be here today, and that is why I am very happy with your leadership, because I think it is critical for Congress and for that American people to understand that the Senate bill almost utterly ignores the fact that there even was a 9/11 Commission. It is incredible to me.

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Mr. **HOSTETTLER**. Thank you, Mr. Cutler.

The Chair recognizes the gentlelady from California for 5 minutes for questions.

Ms. **WATERS**. Thank you very much, Mr. Chairman. I, too, would like to register a concern that we are proceeding with these hearings in a most unusual way.

We have two bills that have been passed, one on the House side and one on the Senate side, that should be in conference and we should be seriously working in conference to resolve the differences and to make changes and come up with a realistic immigration reform bill.

And there are those who would say that these hearings that are being held here and the ones that will be held all during the month of August are somewhat political and that it simply is an attempt to get those people who are opposed to any immigration reform in a sensible way all stirred up in order to maybe pass one version of the bill rather than working out the differences in the bill.

However, I decided to come back to the hearing and I have decided, perhaps, to even participate in some that will be held during the recess, particularly in the San Diego area. Because I do think, as it has been alluded to today, that we owe it to America to work hard at this and to do our very, very best to do the right thing about immigration reform.

And so I have come today to ask a simple question that I have been asking over and over again. We have 11 million to 13 million undocumented immigrants, illegal immigrants, no matter how you try and define, as was attempted just a moment ago, what is the correct language to use.

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I do not use illegal alien. I have found it to be unacceptable and disliked by many legal immigrants, just as the word, "refugee," that was applied to many people after Katrina was used, and they objected to that definition of who they were. And I just kind of respect how people generally feel about what they are called. And so I shall refer to them as undocumented workers or illegal immigrants.

Now, I would ask those who are here today, Mr. Gadiel and perhaps Mr. Cutler, the House bill that you said is being discussed here does not talk about what you do with 11 million to 13 million illegal immigrants or undocumented workers. What would you do?

They are here.

The Senate bill talked about a path to legalization, recognizing that if you have not been here for 2 years or more, that perhaps you should be returned. You should be returned. If you have been here 2 to 5 years, then you have to pay taxes, you [have] to learn English, you have to do all these things, you have to get in line. They talk about, they give us a way by which to deal with the fact that they are here, 11 million to 13 million. What would you do with them?

Mr. **GADIEL**. My answer is attrition. Deprive people of the rights that they do not deserve. Deprive people of the ability to get jobs, deprive people of the ability to finance mortgages, deprive them of Government-backed mortgages, make sure they are not voting, make sure that they are not obtaining any benefits like in-State tuition, driver's licenses. Mike has a wonderful analogy. He said, nobody would break into an amusement park if they couldn't get on the rides. Well, once they are in the amusement park, if you shut down the rides, people will leave because they have no benefits.

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Ms. **WATERS**. I am going to interrupt you, not because I want to be disrespectful to you but I just want to pinpoint a few things. Undocumented worker, illegal immigrant, in the country for 20 years, own a house, two children, they are legal, the undocumented grandmother not legal; she doesn't know any other place. This is home, 20, 30 years. What do you do with her?

Mr. **GADIEL**. I repeat: attrition, attrition, attrition. It is not a matter of a luxury that we can offer to people from around the world to be here illegally. The 9/11 terrorists were able to function in this country because they had an ocean in which they could operate in plain sight.

Ms. **WATERS**. No, no, no, no. I go along with that. I do. And, look, I want this country to be secure, and I want us to have good immigration reform.

What do you do with the 20-, 30-year illegal immigrant here who has no other place to go? They don't know anything about any place in Mexico or any place else. They have two children and a grandchild. What do you do with them?

Mr. **GADIEL**. Let me point out that when a person comes here from a foreign land, they know nothing about this country.

Ms. **WATERS**. What do you do—excuse me, reclaiming my time.

Do you have any better—

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Mr. **CUTLER**. I do.

Ms. **WATERS**. Yes.

Mr. **CUTLER**. Thank you, Congresswoman Waters. Look, there are two things here. Number one, when we talk about someone who has been here for 2 years or less, there is no illegal alien who is going to walk into an immigration office and admit to being here less than 2 years.

Ms. **WATERS**. Okay. Well, let's take that off the table.

Mr. **CUTLER**. All right. But let me——

Ms. **WATERS**. Reclaiming my time, let's take that one off the table. Answer my question about this 20-to 30-year-old——

Mr. **CUTLER**. There is a provision where an alien who can show hardship, who can make the case that you are making can apply for suspension of deportation or the equivalent, revocation of removal. But the bottom line is, that is a small percentage. The bulk of the people we are talking about aren't what you are describing. The majority, in my experience, as an agent, are people that have been here for 3 or 4 years and——

Ms. **WATERS**. Yes, but you don't have any—you don't have that documentation here with you. You cannot tell me——

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Mr. **CUTLER**. But my point is——

Ms. **WATERS**. That you know how many people have been here 30, 20, 15, 10 years——

Mr. **HOSTETTLER**. The gentlelady's time has expired.

Ms. **WATERS**. Unanimous consent for him to try and answer the question.

Mr. **CUTLER**. I will do it in 30 seconds, Mr. Chairman.

Mr. **HOSTETTLER**. Is the hypothetical situation that the gentlelady suggests covered by current law, and is that individual——

Mr. **CUTLER**. There are legal remedies for someone that is here for 30 years, but the problem is really identifying how long they are here. We have heard so much today about how easy it is to falsify data as to who you are as well as how long you have been here.

Mr. **HOSTETTLER**. And that individual is subject to deportation today under the immigration laws today.

Mr. **CUTLER**. Yes.

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Mr. **HOSTETTLER**. Thank you very much.

The Chair recognizes the gentleman from California, Mr. Issa, for questions.

Mr. **ISSA**. Thank you, Mr. Chairman. And I was more than happy to just be a spectator and listen to this. I come from San Diego, have 2 secondary checkpoints in my district, and so I think more than most districts I see every day the good and the bad that comes from legal and illegal immigration.

I want to just make a couple of quick points. One, I guess, is that I was in San Diego in 1986, and between 1986 and 1989, basically, we had a huge amnesty. So if you were here for 30 years, my arithmetic says that is 1976, and so those who were here for 30 years or 25 years were already eligible in the last go-round.

But I do think there was a point made, and I think Mr.—I am going to get your name right—Gadiel?

Mr. **GADIEL**. Gadiel.

Mr. **ISSA**. I think you, sort of, made it, and I think it is a very important point that we get on the record. People who come to the United States from Mexico, because Mexico is not really good at—or Guatemala—teaching English at a primary level, they generally come with very little knowledge of the United States. They generally come basically and start from square one.

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So the argument that people who have been here for a substantial period of time are somehow alienated because they are going to be strangers in a strange land, isn't that the definition of what every immigrant deals with.

Mr. **GADIEL**. Yes, that is the definition, plus the fact that since so many illegal aliens today are not assimilating, they retain the culture and language of their home country so that the ability to re-assimilate in their home countries is going to be, in most cases, a simple matter.

Mr. **ISSA**. And I have the greatest respect for the gentlelady from California. She and I serve a State that sees every day very similar problems. But I do kind of have one odd difference with her—not odd by I think predictable—that the difference between the House version and the Senate version is not a difference between Republicans and Democrats, it is a difference between the vision of two bodies that if I read it correctly is irreconcilable unless one body makes major concessions that are presently, publicly unwilling to make.

Then with all due respect to the gentlelady from California, going out and holding a series of field hearings, having Members of the House reach out to the public and be reached out to by the public couldn't be [more] appropriate. And, again, I don't think we

defined partisan as the difference between the House and the Senate. And these field hearings, including from this Committee and Subcommittee, I guess I have a hard time understanding, they may be bicameral if there is a term for that.

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John McCain has led the charge for a very different vision than Darrell Issa, and I think that finding a way to come together, which I support, is going to require making sure we have the pulse of America.

Is there anyone that sees somehow that I am wrong, that you just have to dot an I between the House vision and the Senate vision, both of which are bipartisan?

Mr. **GADIEL**. I think you are right. They are irreconcilable. They are two entirely different philosophies. One is to reward illegal behavior, and the other is to—and put our country at risk and the other is to punish illegal behavior and preserve our security.

Mr. **ISSA**. Thank you. And I will limit time because I know time is short.

I appreciate the opportunity to, sort of, clear up a couple of areas, Mr. Chairman. I yield back.

Mr. **HOSTETTLER**. Thank you.

The Chair recognizes the gentleman from Iowa for purposes of a second round of questions.

Mr. **KING**. Thank you, Mr. Chairman.

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Kind of, in a way, picking up where I left off in the previous round, I direct my question to Bishop DiMarzio, and that is we have existing laws today, and I would ask, do the American bishops, and I believe you are here to testify on behalf of American bishops, do they support enforcement of existing law?

Bishop **DIMARZIO**. Yes, we do.

Mr. **KING**. And then that includes the deportation that is part of the existing law for violation of immigration laws?

Bishop **DIMARZIO**. Obviously, when the law can be enforced, we would say, "Enforce it." But I think what we are dealing with here is an issue that we can enforce the deportation of 10 million to 12 million people. I don't think it is practical. I think when we look at a law that is broken, that is not effective, it is time to change it.

Mr. **KING**. Bishop, that is a judgment call, and we have heard testimony here on more of the attrition effect. I don't think there is anybody on this panel, I don't know of anybody in this Congress that has advocated that we round up 12 million people and

deport them, although we often hear that as the rebuttal as to why we can't enforce our existing laws.

So we could go down this path of enforcing a law wherever people come in contact with the law and be deported back to their home country, and the Church is consistent with—supports that then, I understand.

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Bishop **DIMARZIO**. That is true. We also have programs in the countries in which they come and are supported by the bishops in those countries to help these deportees to find a new life in those countries so that we see that that is a reality and we are working with that.

Mr. **KING**. And that is something I very much support and appreciate that.

Then with regard to the labor supply in this country and the statement that we need immigrants and we can bring them here legally, that is a judgment call, I think, that the American people are in the process of debating right now.

But if there are 12 million illegals in America and the testimony this Committee has received is that perhaps out of that 12 million, 7 million that are working. And of those 7 million, they represent about 5 percent of the workforce, 5 percent of about 140 million workers in America, doing about 2.2 percent of the productivity because they are generally the lower-educated.

So if that all stopped and if it couldn't stop and wouldn't stop all at once under anybody's scenario, but it would be a gradual transition, we have in this country 77.5 million non-working Americans. And of those, there are at least 61.1 million that are in a prime working age, between 20 and 65, another 9.3 million between the ages of 16 and 19 that aren't in the workforce in any way whatsoever that are missing and they are unskilled. And they are missing their opportunities to get into this economy.

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So I raise this because I think that there is a lot yet to be learned about whether America needs a lot of unskilled labor or not, given that we have got so many people that are not working in America.

But I would like to take this discussion a little bit further and that is the last published population of Mexico was 104 million and 46 percent want to come to the United States. And the people that would come to the United States would be first the young men but the people that were young, the younger they are, I guess, from an age of maturity standpoint, from there on they are more likely to come because they have more to gain and less to lose.

And so if 46 percent want to come to the United States and the more than come here the more that are likely to follow, then it is an easy scenario to see where Mexico could perhaps not be 104 million but maybe 52 million or 50 million or less in a matter of a

generation. And then that great vacuum that is created there, who is there to rebuild Mexico and what kind of disservice would the United States be doing to this nation of Mexico if we opened our borders in that fashion?

I would point out something our founding fathers put right in the Declaration of Independence: "Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes. And, accordingly, all experience hath shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed."

Those forms to which the Mexican people have become accustomed will never change as long as the United States of America is a relief valve for the human suffering south of us. And I would submit that we are doing a grave disservice to the Government and the people south of our border if we are going to believe that we are the relief valve for all human suffering that might want to come to the United States.

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And the point that I would make at the conclusion of this is that the question that never gets asked, I will say seldom gets asked and never answered is, is there such a thing as too much immigration, legal and illegal, and if so, how much?

And I would submit that to Bishop DiMarzio, please.

Bishop **DIMARZIO**. You don't ask easy questions, do you? Obviously, population is another whole question. Are there ever too many people of the world? We haven't got there yet.

One of the great economists that recently died, Julian Simon said, "The ultimate resource is people. People create other resources." Again, everything has to be limited. I think from the Catholic Church's point of view, we talk about the common good, and we have to have our laws that deal with immigration and population, that deal with the common good.

Again, one of the issues you brought up is the labor market. We don't have control over the labor market in the United States. We don't understand it very well. We have got various views of what the labor market is and displacement that is caused by undocumented workers or documented aliens. We have no consensus. We have on both sides of the issue great disagreement. Now, that is part of the problem we are having, to come to some kind of a decision with Congress. You have got conflicting information, and I think some of the information is correct and some of it is incorrect, if you want my opinion. But you need to look at that very carefully.

I think a restrictionist point of view, just because we fear people coming to this country, that is the only basis of it, obviously can't be held on any tenable way.

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Mr. **KING**. And I thank the Bishop. And I would just point out that Congress does



have to answer that question.

I appreciate your testimony and all of your testimony, and I would yield back to the Chairman. Thank you.

Mr. **HOSTETTLER**. I thank the gentleman.

The questions of the Subcommittee being completed, I want to thank members of the panel, witnesses that have appeared today, your contribution to the record.

Gentleman from Texas want questions?

Mr. **GOHMERT**. If I could ask a few.

Mr. **HOSTETTLER**. Oh, I am sorry.

Mr. **GOHMERT**. I am sorry.

Mr. **HOSTETTLER**. No, no. The gentleman from Texas, Mr. Gohmert, is recognized for 5 minutes.

Mr. **GOHMERT**. Thank you, Mr. Chairman.

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My friend from Iowa has pointed out some interesting things and asked some interesting questions, and he doesn't ask easy questions, but I would like to go one past a point he made about 46 percent people in Mexico being interested in coming to the United States and go through that.

You know, those of you that have been to Mexico, you are familiar with it, you deal with people, Mexican nationals in this country, you know they have some really smart people. I would submit that the United States citizenry, on the average, is not smarter than those in Mexico, that, on the average, we do not have harder working people than those in Mexico. Mexico has incredible, vast resources.

So the question I come to, what over the U.S. history and the Mexican history has caused the United States and Mexico to come to the point that nearly half of their people want to leave and come here? Anybody got any insights into that? Because if we can answer that question, then we could really get to the heart of dealing with this issue, I would think.

Bishop **DIMARZIO**. I think you are living in a globalized world, and when our neighbors to the south have a different economy, different opportunities, you just have to look at your TV sets, they don't have to go too far.

Mr. **GOHMERT**. Okay. But that begs the question: What has caused that different economy?

Bishop **DIMARZIO**. Well, it is an inequality between the economic development of nations, underdevelopment in certain countries and superdevelopment in others, so that the equalization of this is a macro issue.

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Mr. **GOHMERT**. But the expression has been used over the years, "Capital is a coward." Money flows into places where it is at least risk. So why has the capital not gone to Mexico to develop that country where half of America wants to go to Mexico? What has made the difference? Why has that economy flourished here and not flourished there? That is what I would like to get to the heart of.

Bishop **DIMARZIO**. Obviously, capital also wants to be safe, and if they don't feel that they are secure, if there is an unstable government or government that has taken advantage of the investment of capital, that is a problem. But, again, the trade agreements that we are trying to negotiate, have negotiated with many of these Latin American countries do hold some hope if we recognize that it is not only good——

Mr. **GOHMERT**. Yes, but that is talking about where do we go from here. I would like to get to the heart, if anybody else has an answer.

Mr. **GADIEL**. Perhaps it is the corruption that is so endemic in Mexico and the fact that perhaps property is not secure and that there is an oligarchy that—and I can't give you any deep thing, but I know the country is highly corrupt and there is an oligarchy, and that is not conducive to a middle class. And then, naturally, it is going to cause people to want to come to this country.

Mr. **GOHMERT**. Yes, sir?

Mr. **CUTLER**. Yes. I think Peter is on the right path. I think it is a matter of much of the GNP is enjoyed by a very small percent of the Mexican economic elite so that wages are depressed, working and living conditions are horrific for anybody except for those at the very top of the economic food chain in Mexico. Whereas, in the United States I think there are greater opportunities for a much broader spectrum of our citizens.

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And I think that because of that, there are greater economic opportunities in the United States, better standard of living in the United States, as compared with what Mexico is experiencing.

Mr. **GOHMERT**. Mr. Maxwell, do you have any comment?

Mr. **MAXWELL**. Yes. There is one important point here is they can come here and do it simply, under the radar and send money back, and that is a very important piece of the puzzle.

Mr. **GOHMERT**. Yes, but that doesn't answer my question, why they can come here

and make more money than they can, why they don't have a thriving economy in Mexico. And I hated to cut the Bishop off but I really want to get to this because I think it is at the heart of all of this we are discussing. If we can figure out and point our finger to why they are not as successful or more so in Mexico, then we get to the heart of the problem, then we deal with why people want to come here instead of stay in their own beautiful, wonderful country.

And my time is running out, so I would just propose this to you: It has been mentioned that perhaps there is a great deal of corruption and oligarchy. The GNP is enjoyed by a very small number of people. I would submit to you that that means that they are not a nation of laws. They don't follow the law. It is dictated by whomever happens to be in charge.

And that, apparently, from what some of you have said, the difference is, in this country, for most of our history, we have done a far better job of following the law and applying it across the board and even though there is unfairness, we do a better job of applying it across the board and enforcing it than Mexico has.

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And so how ironic that we would be asked to ignore our law, the very thing that has made us more successful, potentially, than Mexico, and we are being asked to ignore our law, which would make us like the country 46 percent apparently want to leave.

Thank you, Mr. Chairman.

Mr. **HOSTETTLER**. I thank the gentleman.

Once again, I want to thank the members of the panel for your testimony and your contribution to the record. It has been highly valuable.

All Members will have 5 legislative days to make additions to the record.

We have noticed the markup of two private immigration bills and a private claims resolution. Currently, we do not have a working quorum of six Members, so, therefore, without objection, the Chair will recess the Subcommittee, subject to the call of the Chair later this afternoon when we are able to get a working quorum.

We are recessed.

[Whereupon, at 2:20 p.m., the Subcommittee was adjourned subject to the call of the Chair.]

## A P P E N D I X

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Material Submitted for the Hearing Record

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

At the hearing today, we will hear testimony on whether implementation of the Senate's Comprehensive Immigration Reform Act of 2006, S. 2611, would result in an administrative and national security nightmare. We also will hear testimony on the possibility that criminals and terrorists will be able to slip through the security clearances and that they will create new identities for themselves that will be recognized by the U.S. government.

We have had extensive experience with legalization programs. We have implemented seven of them in the last 20 years. This includes the Immigration and Reform Control Act (IRCA), the Nicaraguan Adjustment and Central American Relief Act (NACARA), the Haitian Refugee Immigration Fairness Act (HRIFA), and the Legal Immigration and Family Equity Act (LIFE Act). The experience with IRCA, however, is the only one that has involved millions of applications.

In implementing the IRCA legalization programs, INS worked closely with other federal agencies; leased additional office space at 109 locations; hired and trained approximately 2,000 additional employees, including a large number of retired former federal employees; and obtained assistance from volunteer agencies.

IRCA specified that application fees would have to be high enough to cover program expenses. In addition to the filing fee, applicants were required to pay for services performed in connection with the application, such as fingerprints, photographs, and medical examinations.

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INS permitted applicants to file their applications with community organizations, which were called "Qualified Designated Entities" (QDEs), instead of applying directly to INS. Approximately 980 QDEs participated in the program.

INS was able to process 3 million applications. This included 1.7 million people in the regular legalization program and another 1.3 million in the program for special agricultural workers.

The primary issue with regard to S. 2611 is whether U.S. Citizenship and Immigration Services ( USCIS) would be able to process millions of additional benefits applications. Emilio Gonzalez, the director of USCIS, has acknowledged that if USCIS had to institute a guest-worker program today, the system could not handle it. He went on to explain, however, that USCIS is undergoing a complete overhaul, which includes everything from upgrading immigration facilities to computerizing the paper files that currently must be mailed across the country when an applicant changes addresses. USCIS expects to be able to handle the increased case load if S. 2611 is enacted.

INS was able to process 3 million applications 20 years ago, and we have two advantages now that INS did not have in 1986. First, we have the benefit of experience with seven large legalization programs, including IRCA. Second, technology has improved dramatically in the last 20 years. When the IRCA legalization applications were being processed, information was still being disseminated in mailings and by telephone, and computer capability was primitive compared to what computers can do today.

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The second issue is whether terrorists and criminals would be able to slip through the background checks that would be performed as part of that application process. This is not a situation in which we are trying to prevent terrorists and criminals from entering the United States. The undocumented immigrants who would be able to apply for legalization under S. 2611 are already in the United States. Moreover, legalization applicants would receive the same security checks that are performed on other aliens who are seeking residence in the United States. If the security checks are inadequate, they are inadequate for all applicants, not just legalization applicants.

Another issue is whether terrorists and criminals would be able to use fraudulent documents to create new identities. We are much better at dealing with document fraud now than we were 20 years ago when the IRCA applications were processed. It also is worth noting that the 9/11 terrorists used their own identities when they entered the United States as nonimmigrant visitors. They did not need false identities to enter or to remain in the United States. We cannot deal with terrorists unless we know who they are, which is an intelligence issue, not an immigration issue.

LETTER FROM THE HONORABLE F. JAMES SENSENBRENNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY; THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS; AND THE HONORABLE PETER T. KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, AND CHAIRMAN, COMMITTEE ON HOMELAND SECURITY TO THE U.S. CONFERENCE OF CATHOLIC BISHOPS

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REPORT FROM THE UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE ENTITLED "IMMIGRATION BENEFITS: ADDITIONAL CONTROLS AND A SANCTIONS STRATEGY COULD ENHANCE DHS' ABILITY TO CONTROL BENEFIT FRAUD," SUBMITTED BY MICHAEL CUTLER, FORMER EXECUTIVE EXAMINER, INSPECTOR, AND SPECIAL AGENT; IMMIGRATION AND NATURALIZATION SERVICE

[Note: Image(s) not available in this format. See PDF version of this file for complete

hearing record.]

ARTICLE ENTITLED: "IRISH IN AMERICA ARE 'UNDER SEIGE'," BY CAITRIONA PALMER, SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

IRISH IN AMERICA ARE 'UNDER SIEGE'  
BY CAITRIONA PALMER

WASHINGTON D.C.—Irish immigration activists warned U.S. lawmakers last week that the future of the Irish community in America is at risk if comprehensive immigration reform is not passed.

"The facts are clear to us," said Niall O'Dowd, chairman of the Irish Lobby for Immigration Reform. "Without immigration reform, the Irish-born community in the United States will no longer exist and one of the greatest contributors to the success of this nation will be no more."

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Speaking as a witness before the U.S. Senate's Judiciary Committee hearing on immigration, O'Dowd said that the Irish undocumented community in the U.S. was "under siege" and that America would be the "big loser" should Irish immigrants have to return home.

"Our neighborhoods are disappearing, our community organizations are in steep decline. Our sporting and cultural organizations are deeply affected by the lack of legal emigration," he said.

"The sad reality is that there is simply no way for the overwhelming majority of Irish people to come to the United States legally at present."

Testifying before a sparsely attended committee that included Democratic Senator Ted Kennedy, an avid supporter of the ILIR, O'Dowd told the hearing that current immigration law would have prevented Kennedy's ancestors from entering the country.

"If the Irish antecedents of Andrew Jackson, John F. Kennedy and Ronald Reagan were trying to enter the United States today they would have to do so illegally," he said.

Praising the ILIR for their efforts, Kennedy said that prior immigration reform in the U.S. had unintentionally penalized the Irish.

"The way that the legislation was developed worked in a very dramatic and significant way against the Irish," Kennedy said.

The hearing was the first opportunity for the ILIR, a New York-based grassroots

organization that has dramatically raised the profile of the undocumented Irish community in the U.S., to provide a formal presentation to senior U.S. lawmakers about the effects that living in the shadows has had on the community.

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"Their driver's licenses will not be renewed which means mothers cannot drive their children to school. The day-to-day struggle of living illegally in America has taken a heavy personal toll on them. I submit that they deserve better," O'Dowd said.

Under the glare of bright lights and against the whirr of digital cameras, O'Dowd sat at a long rectangular table in front of the imposing horseshoe-shaped committee table. A large clock with bright red numbers kept track of the five-minute speaking time allotted to each witness.

Scattered behind O'Dowd in the packed committee room on Capitol Hill were dozens of supporters, many of whom were undocumented, wearing the now-familiar green and white "Legalize the Irish" t-shirts.

They listened as other witnesses including Commerce Secretary Carlos Guitierrez, a native of Cuba and a naturalized citizen, testified that immigration was to the key to America's future economic health.

"I have lost many things in my life—my wallet, my keys," Guitierrez told the committee. "But I have never lost my passport. It is my most prized possession."

Sitting in the back row of the room listening intently to the testimony was Bruce Decell, whose 28-year-old son-in-law, Mark Petrocelli, died in the north tower of the World Trade Center on Sept. 11, 2001. Wearing a photograph of his son-in-law on the lapel of his suit and holding a large framed photo of the twin towers, Decell had come to Washington D.C. to protest comprehensive immigration reform.

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"If they're going to amnesty in millions more illegal aliens, Americans are going to die. And I'm against it," he said, offering a view held by many opponents of the Senate-backed bill.

One expert told the committee that illegal immigration jeopardized U.S. national security and that terrorists could exploit what he called a lax legal framework.

"When the United States provides an alien with resident alien status or when we naturalize an alien, we are providing him with the 'keys to the kingdom,' " said Michael W. Cutler, a fellow with the Center for Immigration Studies.

But Steve McSweeney, a 32-year-old undocumented contractor from Ireland, said that he and other undocumented Irish had labored for years in America and that they were only asking for legal status.

"I believe I've given my fair share to America," said McSweeney, who has lived illegally in the U.S. for nine years.

"I was one of the first respondents to Ground Zero. I spent nearly two weeks in hospital afterwards where I had a serious arm operation because I cut my arm back there," he said.

The Senate Judiciary Committee hearing was the latest in a series of hearings called by the House of Representatives and Senate amid fierce debate over how to address illegal immigration.

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At stake is an immigration bill agreed by the U.S. Senate and backed by President George W. Bush that would provide a path to citizenship for the more than 11 million illegal immigrants currently living in the U.S. Senate lawmakers are under intense pressure to reach a compromise between this bill and a competing House bill that stresses strict border security.

this article available at:  
<http://www.irishecho.com/search/searchstory.cfm?id=18030&issueid=477>

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LETTER FROM THE ESSENTIAL WORKER IMMIGRATION COALITION ET AL.,  
SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND  
RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER  
SECURITY, AND CLAIMS

July 27, 2006

Rep. John Hostettler, Chairman  
Subcommittee on Immigration, Border Security, and Claims  
House Committee on Judiciary  
Washington, DC 20510

Re: Submission for the Record—Hearing July 27, Subcommittee on Immigration,  
Border Security and Claims: "Whether Attempted Implementation of the Senate  
Immigration Bill Will Result in an Administrative and National Security Nightmare"

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Dear Chairman Hostettler:

The undersigned broad coalition of organizations writes to echo its support and commitment to comprehensive immigration reform. Collectively we call on Congressional leaders to focus on the substance of the issue and on the economic and national security needs of our nation. As evidenced by the calls to action made by the



American people, business and labor communities, unions, religious organizations, immigrant rights groups and others, the time to act and repair our broken immigration system is now and the way to do it is comprehensive in nature. Republicans and Democrats from both Chambers of Congress should work together towards a practical compromise that is responsive to our country's needs. Moreover, we urge leaders to remain committed to finding a procedural path that will result in a piece of legislation that addresses the real issues and realities.

We recognize that the House and Senate approach this debate from different perspectives and come to the table with two very different pieces of legislation. Undeniably, negotiations during a conference committee will be difficult. However, it is imperative that this process continue to move forward and not be derailed by partisanship or politics. The undersigned groups remain committed to the comprehensive reform principles below and stand ready to work with Members of Congress to address these issues:

Improve national security through smart and targeted enforcement, combined with workable and realistic immigration reform measures that would create disincentives for illegal immigration;

The implementation of an efficient, practical and accurate employee verification system. This system should be rolled out in a reasonable manner so as not overly burden employers or employees either financially or functionally;

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A future guest worker program that will help to meet the employment needs of our economy when U.S. workers are not available and ensures appropriate workplace and wage protections while providing these contributing members of society the opportunity to earn legalization and citizenship; and

A path to earned legalization and citizenship for undocumented workers who meet qualifying criteria. This program should include also a fix to the employment and family based immigrant visa process and numerical limitations.

The opportunity before us is a unique one. We must all work together to reform our immigration policies so that we can enhance our security, protect our economy, and continue our heritage as a country of immigrants. The alternative, to do nothing or worse, to do more harm, is not and should not be an option. We urge you to work with leadership towards a solution that Congress and the American people can be proud of.

Sincerely,

Essential Worker Immigration Coalition  
U.S. Chamber of Commerce  
National Restaurant Association  
American Immigration Lawyers Association  
National Immigration Forum

Tamar Jacoby, Senior Fellow at the Manhattan Institute  
National Council of La Raza

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Asian American Justice Center

Service Employees International Union

New American Opportunity Campaign

American Nursery and Landscape Association

Esperanza USA

Grover Norquist, President of Americans for Tax Reform

Coalition for Immigration Security

[\(Footnote 1 return\)](#)

Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)* September, 1952.

[\(Footnote 2 return\)](#)

Pope John Paul II, *Sollicitudo Rei Socialis (On Social Concern)* No. 39.

[\(Footnote 3 return\)](#)

Pope John Paul II, *Ecclesia in America (The Church in America)* January 22, 1999, No. 65.

[\(Footnote 4 return\)](#)

*Strangers No Longer: Together on the Journey of Hope*. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States. January 23, 2003, No. 57.