CHAPTER EIGHT

THE HOOVER PLAN

"Tenemos que apprender como compartir recursos y

opportunidades en nuestro hemispherico." (We have

to learn how to share resources and opportunities in

our hemisphere). -Robin Hoover, speaking to Mexico’s

President Felipe Calderón Hinojosa at the president’s

residence in Los Piños, Mexico City, Mexico

Mark Townley, who was then serving as president of Humane Borders, and I observed a young girl, maybe 14, short, clothed in layers, a soft cloth bag filled with essentials and two gallons of water. She had stopped in front of the small shrine of the Virgin of Guadalupe in El Sasabe, Sonora, Mexico. Getting to the border from there was involved a diagonal, uphill walk of about 20 minutes. She knelt before the shrine with the ease of comfort that comes from a lifetime of devotion and the physical strength of youth. She had knelt very closely to the shrine and her supple body arched easily to take in a fish-eye lens drink of this simple shrine. Then she bowed. I know she prayed. I could feel the energy. She took her things and boldly walked alone toward the border. My eyes followed her as long as the light would let me. How can one capture those moments or to what can they be compared on our side of the border? Religion is a major source of personal support for many migrants.

In my ministry, I rarely observe children her age taking such leaps. Perhaps the young, unwed mother, but she has had time to adapt to the experience of child bearing welling up inside. Some children such as those living in Tapachula, Chiapas, Mexico I have seen who have lived on the streets for years might compare. No, not in my ministry have I observed such confidence, conviction and certainty that there is a mediated God going before our young people. No wonder her parents, her family, her church, and her pastor can let her go. These sterling moments of insight keep me from being totally cynical. My analysis is sometimes sterile or easily dismissive, yet the truth is that one is fed by these moments in order to endure the others.

The Pascua Yaqui named themselves the Easter People after learning about Christianity. They dance the deer dance at different times of the year. It comes from the story in the Psalms where we read of the deer that yearns for God like the deer yearn for the water from the stream. Three times, deer antlers have been laid upon our water station. This signifies a thank-you but also a God bless you. It is even stronger. It is a God bless you and your whole bloodline through eternity. Finding antlers on a station I was servicing, I have received my blessing. I hope and pray that the young girl found a blessing in the desert that was equivalent.

We need a migrant-driven reform, reform that considers young girls about to journey into the unknown. But the needs of all cannot be met. I really don’t want to see 14-year-old girls crossing the desert. She is not a threat to national security but paternalistically, I don’t want to see her there. It’s dangerous. I don’t want to see a nation that would ignore her or refuse to acknowledge her needs. By our rules, she is far too young to work. In her culture and on her side of the border, that is not the case. This young girl is a challenge to our perception of human rights and requires consideration of other cultures as we construct social ethics. It’s controversial to give her a desk in a U.S. classroom. She could be the victim of violence in Mexico. Perhaps she was fleeing terror in Central America. Her presence challenges our hearts and our minds. I don’t want to see deaths of good people because of the horrific policies we have chosen to pursue economically, militarily, as an unchecked sovereign desirous of having its way in the world. As difficult as all of this is, we need migrant-driven reform that will meet the needs of real people in real situations which will not change until we give them attention.

Citizens say they want to achieve national security and have stable labor. They say they want expanded human rights, less political noise on the border and less violence associated it. Centuries of preaching, the writings of many denominations, the creation of specialized ministry institutions and more show that religious concern about these matters is shared across millennia. The claim offered here is that these cannot be achieved unless the concrete human needs of the migrants in the southwest desert are met creatively and with compassion. If there is no border reform, there will be no peace, only more death and expense.

 Current policies are self-defeating. Making it difficult to come to the U.S. from Mexico destroys the environment and kills migrants. Making it expensive to come to the U.S. transfers wealth to the Mexican cartels and kills migrants. Not granting asylum doesn’t recognize the hurting in our midst. Not granting refugee status ignores global responsibilities. Not recognizing the U.S. war on international migrants is a form of blind arrogance. Pushing migrants to the edges of the desert is inhumane and kills migrants. There’s nothing to like about current U.S. strategies for the conscionable person. Yet, these are the current U.S. strategies.

 Rational plans must be developed that address the many competing realities along the border. Something must be done about the large undocumented population of migrants living in the U.S. without an approved legal status. Almost half of them came to the U.S. legally and overstayed their visas. Something must be done about the large, undocumented population of migrants crossing our border in order to work in the U.S. and/or to reunite with members of their families. The search for work and family makes a moral claim that ultimately must be accommodated. In the bigger picture, something must be done to integrate economies and to reduce disparities in wealth that contribute to migration. From a theological perspective, much must be done in order to teach the western hemisphere how to share resources and opportunities.

 In 2014 and late in 2015, many Central Americans were leaving state-sponsored and some U.S.-sponsored terror that comes from the military presence in Central America. Women with kids and, increasingly, men with kids, were making their way north on trains across Mexico to the northern border. Though all elements must be addressed together in a systematic way, as a matter of justice those living in the US without legal status are the number-one priority for reform. Having a large undocumented population in the US is very un-American.

 To begin addressing the needs of this group and the needs of the larger U.S. population, it is best to begin with some good social scientific observations that have been fairly stable over time. First, decades of observation reveals that most of the people who cross our border with Mexico - including South Americans and Central Americans - do not want to become U.S. citizens. My friends and I have interviewed and polled thousands of migrants just before they have crossed into the U.S. Most migrants will tell you that they just want to be in the U.S. 24 to 36 months to make money for their families. This time span has grown somewhat over the years, as it takes longer to recoup the costs of the migration today than it did one or two decades before. Instead of becoming citizens, most want to participate in the U.S. economy and eventually return home. Second, and consistent with that first observation is the reality that on average, some 35 percent of the persons living in the U.S. undocumented self-deport every 10 years or so. These are not static populations. Frequent comparisons to major migrations from Europe and Asia are unwarranted because there was an ocean keeping many early migrating families from returning home. That said, there have always been people who came to the U.S. to work and eventually go home. Most of the keels and ribs laid in New York and Boston for clipper ships were laid by Swedish boat wrights who went home when a job was finished.

 Migrants leave their countries for many reasons. They may leave in order to be with family, to retire, to help family members who have special needs, to build mother a house. Many actually do participate in the U.S. Social Security system; some go home and then draw Social Security payments from the U.S. One does not have to be a U.S. citizen to participate in the employment insurance system of the U.S. Many pay into the system but never collect. Many die before they are eligible. The creation of a version of Social Security, with contributions and beneficiaries from Mexico, Canada, and the U.S. has been studied and may one day become a reality.

 Any analysis of the undocumented population living in the U.S. must lead one to acknowledge that the percentage of undocumented persons living in the U.S. did not grow as high as it did overnight. Also, no remedy or proposed immigration reform solution will change the percentage of undocumented living in the US overnight. Politicians and presidents flick pens to sign bills, but the pens are not magic wands. These issues have to be sorted out in the field. The U.S. deported huge numbers of Mexicans in the ‘30s only to bring them back in the ‘40s and deport them again in the ‘50s. A lot of the cross-border traffic was relatively organized through the Bracero program that began in 1942 and formally ended in 1964. It was undertaken so that the US could prosecute WWII. If the will of some current politicians were followed and millions of migrants were deported, the impact on the economy would be disastrous and huge numbers of Christians who support migration policy reform would be in jail, adding to the drain on the economy.

 If people are willing to pay attention to values and model policies accordingly, the first step would be to provide migrants with a legal status to remain in the U.S. at least some period of time. Rational people can disagree about how long that might be, but it stands to reason that it should be at least as long as it takes to become a naturalized citizen, so those who do want to become citizens will not have to radically disrupt their lives with a return to their country of origin.

 Just as in the Immigration Reform and Control Act of 1986, the process I propose would begin with an interview. There is much to learn from the past. During the IRCA86 legalization period, the interviews averaged some 30 minutes. The migrants came in, established identity and length of stay in the U.S. Criminal background checks and health status were determined. The new program would be the same. But, with this interview, the U.S. gains significant information in regard to national security issues. So-called sending countries would be required to provide thorough background checks.

 A visa would be issued that roughly leads to a path to citizenship but is not tied to it. The legal status line and the citizenship lines should be very separate. Interviewers should be allowed to exercise a range of discretion to issue visas that reflect the migrant’s employment, intention to stay in the U.S., ages and stages in life, desire to become a citizen, and the needs of the migrant’s family such as children enrolled in schools. The U.S. should be proud of educating our neighbor kids. They will be spending money here and probably back at home. Spending money is Mexico is OK and not deleterious to the U.S. economy. The largest corporation in Mexico is Walmart. A trip down any boulevard in Mexico City is a trip down U.S. Franchise Lane. What is spent there goes directly into retirement investments and so on. The dollars still circulate, potentially faster. Poor people spend less. Given that the increased demand on the Bureau of Citizenship and Immigration Services would be significant over the next decade, these visas should be offered for perhaps seven to twelve years.

 Previous reform plans have raised one hurdle after another in the way of the migrant on his or her way to become a citizen. Rather than creating a gauntlet that ensures bureaucratic nightmares, human rights violations and more, the new system should be mindful of family and based upon achievement. It should be consistent with the general U.S. system of meritocracy. Continued legal status is maintained by demonstrating and maintaining responsibility by securing a driver’s license, maintaining automobile and health insurance, required vaccinations, and language classes as appropriate.

 The migrant has a new incentive to comply with this kind of system. With a new visa, migrants could leave the U.S., travel to visit family and to maintain family ties, rather than starting another family in the U.S., participate in the U.S. economy, take out installment loans, and stimulate the U.S. economy with billions of dollars in savings currently held in U.S. financial institutions. Dollars spent in housing markets would be far more useful to the U.S. economy than dollars merely on deposit. Undocumented people have huge sums of money on deposit in U.S. banks.

 No one can argue that the current path to citizenship in the U.S. is particularly fair, that visas are fairly distributed, that waiting times are fair, that costs are appropriate. There’s not much to like about the current U.S. immigration system. It is long overdue for a major overhaul. The disparity between the treatment of a Haitian and a Cuban defies analysis. The waiting time for a Swede versus someone from India is incomprehensible. The quota system is far from fair.

 The term “comprehensive immigration reform” is ambiguous at best. It suggest a major overhaul of the immigration system as it currently exists. Many reform proposals could be adopted without overhauling the entire system. The proposals for reform addressed here are separate and specific. Both a major overhaul and the adoption of migrant-centered reforms could be done at the same time or separately. The argument here is that the current system is unfair and should be dramatically reformed as a matter of justice.

 There are social costs associated with the migration. They must be recognized as part of the experience of the undocumented living in the U.S. The social costs must be considered when we discuss those who want to migrate on employment based visas to participate in the U.S. economy. In the ‘80s, the average stay of a migrant was less than two years. Now the average stay is longer than nine years. That is in response to border enforcement which has made it harder to cross the border, more expensive to cross the border and more deadly to cross the border. The migrant is aware of these developments and he or she chooses to simply remain in the U.S. instead of returning to be with family. This fact alone drives up many costs to the U.S. economy. It increases the likelihood that a migrant will make demands upon various social services. It is simply true that our fences do keep people in.

 With a new type of visa, the migrant can restore circularity, that is, continue coming and going across the border, at least every six months. The integrity of families could be maintained. The economy would be stimulated. Migrants would be purchasing airline tickets. And migrants should be permitted to bring their families with them. More people create more demand and more demand means more job opportunities in the U.S. Former U.S. Secretary of Labor Robert Reich has repeatedly shown this works in his experience and in his writing.

 With the new visas, the migrant population would be more likely to positively interact with law enforcement, report physical and sexual abuse, enjoy greater human rights status, and learn that interactions with officials need not be seen as draconian. With the new visas, families would not be separated, fathers from children, mothers from their kids, wives from husbands.

Instead ICE agents are deporting undocumented persons at record pace. In the last 10 or so years, the U.S. has deported U.S. citizen children with their parents who lack status to remain in the US. These deportations deprived U.S. citizen children the protections of healthcare, law, education, language, their extended families, culture, and so much more.

Also, the new visas would enable full participation in the U.S. economy and dramatically increase the likelihood that law enforcement officials would be able to locate suspects through a trail of credit and debit transactions, leases and other financial records.

 Over a period of years, migrants would be well on their way to establishing a foothold in the U.S. until they choose to permanently return to their country of origin. They would be motivated to comply with the incentive structures that characterize a path to citizenship. The percentage of the people living in the United States who are foreign born would be reduced, along with much of the resentment that has been historically associated with that phenomenon.

 The next group that would be considered is those who wish to come to the United States to work legally. Already, the U.S. has more than 90 types of visas that allow individuals to come to the U.S. to work, study, visit, pass through airports, receive medical treatment and so on. Several of these visas are employment-based, and there is much to be learned from them.

 Of primary concern in these reform proposals is a new visa that would accommodate those persons coming to the U.S. from our neighbors to the south in order to work in areas like construction, landscaping, hospitality, custodial care. These are the individuals who make up the population that is currently crossing the deserts in the southwest. These are not terrorists. They are healthier on average than U.S. citizens, and they commit fewer crimes on average than U.S. citizens. We need them. The economy wants them. They create demand in many sectors of the economy that creates far more jobs than do the tax credits given to the wealthy.

 The reform proposals offered here are intended to be minimalist, to manipulate the fewest number of variables possible in order to achieve the biggest relative result. They are intended to be efficient, effective and equitable. Hopefully, they are just and reflective of the concerns of the faith communities that have honed them and held them up as principles that date back millennia.

 I’ve developed my own shorthand version of these proposals that some of my friends and colleagues simply call “The Hoover Plan”. I propose that, given the current situation on the southwest border, the United States extend to Mexico, Honduras, Guatemala, and El Salvador a quota of U.S. worker visas based on our needs and reflective of the realities in the desert southwest of the U.S.

 At any moment there are more than 11 million undocumented living in the U.S. About 7.2 million are Mexican nationals. As noted, more than 40 percent of the undocumented present in the U.S. overstayed their visas. About one-third of them are not Latinos. A large number of them came legally and have been here for many years. They could be on a path to citizenship or otherwise accommodated in the visa provisions outlined above.

 From the four countries mentioned, the best estimates are that during the 2000s the U.S. population grew by approximately 300,000 new undocumented migrants each year. The numbers are far lower today. Much attention has been given to the near net-zero migration between the U.S. and Mexico but there are other net gains, especially from Chinese who overstay and other nationalities who do the same. Given that many come, many are arrested and many self-deport each year, the actual number of visas in circulation would have to be significant to keep a stable population of these workers in the U.S. The calculations are complicated, and they would have to be made yearly in order to make the number of these visas beneficial to the U.S. economy. As the population of those currently living in the U.S. without documentation diminishes under a new legalization program that enhances security, stabilizes labor, expands rights and reduces the political noise along the border, the numbers of new visas for workers wanting to come to the U.S. would rise.The time to transition to a legal status for all would simply be the time it takes to complete the interviews and issue visas. The time to reduce the current undocumented population with the new visas would depend on the length of visas given to the first group.

The visas must be realistic in order to effect change. If the term of the visas is too short, there would be no incentive to comply. When President George W. Bush sent the National Guard to the border in May 2006, I was quoted on the front page of the New York Times saying that the U.S. has a stunning lack of imagination. Using the workforce hours of the National Guard, interviews could have been conducted, visas issued and most of the undocumented population of the U.S. could have become documented by Christmas of that year. This would have done more for national security than all of the border enforcement efforts for the whole year.

 In my plan, the four countries would select and certify the workers who want to come to the U.S. They could be pre-screened for worker fitness, health status, criminal background, education, English proficiency, etc. Several high-ranking officials in Mexico have told me that Mexican officials would cooperate in criminal background checks with DHS if their citizens were allowed to more freely participate in the U.S. economy. This is fair. In my lifetime, the U.S. has spent billions to achieve certain levels of public health and to provide security and to facilitate financial transactions. It is OK to have a border that maintains these gains. Each of the countries would receive a quota and each country would benefit by selecting the persons who can represent it in this system.

 Before the migrant received a visa, labor unions could cooperate across the border in job training programs, worker certifications and safety instruction. Employee benefit programs, including insurance and retirement, could be designed.

 Once migrants were issued visas, they would be required to place some financial resources at risk. This could be done by using the existing accounting system of the U.S. Internal Revenue System. The IRS handles payroll withholding and could easily accommodate the new accounts. I suggest migrants make an initial deposit to open an account with the IRS that is at least as high as the average amount migrants spend to cross the U.S.-Mexico border, approximately $4,000.00. This figure was about $600 in the year 2000, so it would have to be reviewed in any legislative proposal and perhaps along with the annual labor certification that sets quotas for the new visas.

 Once the migrant has been screened, worker groups are involved and the new account established with the IRS, the migrant receives his or her visa. Serious consideration of this new kind of visa by Congress should include evaluating the social costs of migration. Faith leaders have long known that migrants frequently leave families in the country of origin and begin new families in the U.S. This has costs for both countries. This practice is exacerbated by current enforcement practices that lengthen the average stay in the U.S. by migrants. In order to reestablish circularity, reduce social costs, and establish a new country-of-origin guest worker program in which the door revolves, these new visas should not be issued for more than 24 months to thirty-six months. If 36, then the migrant would be required to return home for up to a month during the visa period.

 With the new visa in hand, the migrant can look for work or can work with contacts made within labor pools prior to crossing into the U.S. The worker has the visa in his or her hand, which avoids a great many of the abuses of the Bracero program that included incentives for employers to abuse employees. In the Bracero program, the employer held the visa and could coerce the migrants by threatening to turn them over to immigration authorities.

 Once the migrant is employed, each employer transmits the 941 Payroll Withholding to the IRS at each payroll period. Ten percent of the new visa-holder’s compensation is withheld as an additional withholding. This amount is added to the migrant’s initial deposit of $4,000 that was made prior to crossing the border.Thus, for the entire duration of employment under the legal terms of the short-term visa, the migrant is forced to save money. The saved money cannot be sent back home or be used by the migrant until the term of the visa expires.

 At that time, one of two things can occur. Either the migrant collects the money and transfers it electronically to his or her place of residence, or - if the migrant fails to comply with the terms of the visa - the full amount of the account is forfeited to law enforcement and the migrant becomes a federal fugitive with no legal recourse. Paying for law enforcement with forfeited funds greatly reduces a significant drain on the federal coffers, as Department of Homeland Security operations are funded by the general fund. Citizenship and Immigration Services is funded by user fees. Under this plan, law enforcement costs are borne by the migrants who fail to comply and not by the U.S. taxpayer.

 This is fair. For the first time in U.S. immigration policy history, there will exist an economic incentive for compliance with the terms of an employment-based visa. Similar concepts might be adopted for use in existing employment-based visas. A significant number of the undocumented include individuals who came here with legal work visas and never returned to their country of origin.

 In addition to the economic incentive structure established by the new visa account with the IRS, failure to comply would result in other negative effects as well. The sending country that certified a worker would lose that slot in the quota system. The migrant who is now a fugitive is automatically adjudicated by the failure to comply with the terms of the visa. He or she receives an automatic five-year bar from re-entry to the U.S.

 Some who have reviewed these proposals over the last decade think elements of them to be creative, others harsh. One local news reporter took the plan and shared it with a harsh conservative restrictionist running for Congress and also with a very liberal pro-immigrant attorney. Each said support should be given to the plan because it reaches across concerns of both the right and the left, Republicans and Democrats, the Liberals and Conservatives. Certainly any plan that incorporates some of the ideas and considerations offered here will require even more adaptations. This plan is not a panacea, but it is a hopeful place to start a new and fresh conversation for reform.

 The alternatives have their own peculiar problems. Most of the current proposals, and arguably the current laws that remain in effect, select what some would consider the “best” and screen out the “worst” migrants. Some consideration of qualifications should be made as to who will receive visas but there are other considerations, some cultural, some religious.

 The U.S. just recently observed the 50th anniversary of the signing of the 1965 Immigration and Nationalization Act. For fifty or more years, the US has seen to it that immigration attorneys were at near full employment. The law is so complicated, immigrants require representation. Many proposals such as the failed McCain-Kennedy bill would have required many immigration attorneys to represent migrants for more than a dozen years.

Proposals in recent years would have the migrants get their authorizations to work and put them on a path to citizenship. They would be forced into making choices over their families “there” and their livelihood “here”. These are not fair choices. Present laws are designed to select the very “best” migrant and make them over in our image. That is an act of cultural imperialism. It is to be avoided. A softer and still effective system that restores circularity and systematically transfers billions of dollars into poorer countries at the lowest levels of their economy through hard labor and exports the English language and technical job skills has an important long-term effect in the hemisphere. It would also keep the U.S. younger, vibrant, and attuned to the needs and realities of our neighbors.

 Plans now allow for only relatively small, set numbers of people to participate systematically in our economy. The Hoover Plan would allow for many millions to participate over the decades. Such participation amounts to a Marshall Plan for the western hemisphere and also helps us achieve the goals of security, adequate labor and human rights and to share the joys and costs of our economy and social systems.

 This plan would avoid many of the racist claims that have justifiably been leveled at U.S. immigration laws over the decades. Faith communities cannot accept as justifiable the practices that perpetuate racist trends in the U.S. populace. We have opportunities to continue and enrich the so-called American Experiment.

 Every plan for reforming migration and immigration policies with which I am familiar calls for a far greater militarization of the U.S.-Mexico border. Every incremental move to militarize the border has resulted in more deaths. Every change along the border as far as enforcement is concerned has resulted in more migrant deaths, greater violence in Mexico, increased environmental degradation, more resentment toward the U.S., more human rights violations, and more resentment from civil libertarians in the U.S. Hopefully, “The Hoover Plan” will cut through some of those arguments and provide a basis for a new public discourse.