

## *The Wall Street Journal*

### Review and Outlook

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### Immigration Plan B

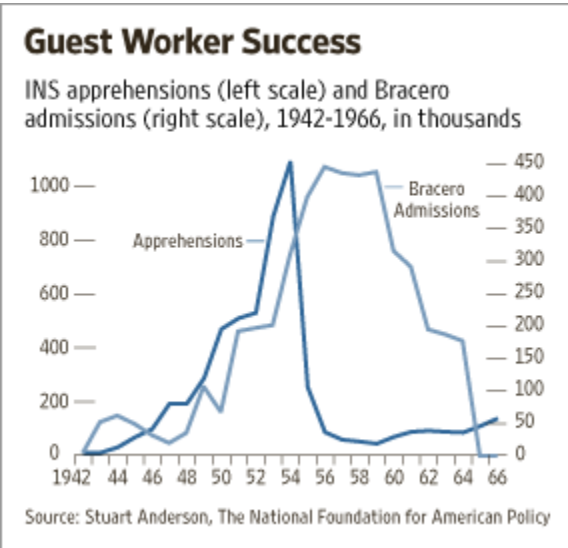
Last week the Senate immigration bill was smothered in its crib by the same folks who said the status quo was unacceptable. Now the status quo is what they have. Congratulations. Hope they like it.

Our own view is that the current policy, warts and all, is preferable to some vast new enforcement regime that harasses employers for hiring willing workers. This makes no more sense today than when it was first proposed 20 years ago. We don't see the logic or fairness in punishing business owners for failing to detect and oust illegal aliens in their midst, especially when Citizenship and Immigration Services has proven so inept at performing the same task. Employers encounter enough red tape without also being required to double as deputy immigration cops or risk facing federal raids and steep fines.

We also had problems with some of the measure's proposed changes to our current legal immigration policies, such as replacing family-based migration with a government-run "point system" for newcomers that smacks of industrial policy. Silicon Valley can do a more efficient job than Uncle Sam when it comes to choosing and maintaining the high-skilled workers it needs to keep U.S. companies competitive.

Supporters are saying the Senate bill can be revived, but the legislation was moving in the wrong direction before last week's Senate vote. One amendment cut in half the size of a guest-worker program that probably wasn't big enough to begin with. Given the hostility on the right and left, and the Democratic Congress's desire to deny President Bush any political victory, the measure is probably too ambitious to survive.

The better approach might be to go with a more modest, stripped-down version that avoids the "amnesty" canard and improves things at the margin. Current laws are too restrictive for some industries, especially high-tech and agriculture. The visa quota for foreign professionals is filled faster every year, the market's way of saying make more visas available.



Regarding agriculture workers, the problem isn't the number of visas available; it's the cumbersome and litigation-prone process that employers and workers must navigate to use them. As John Hancock, a former Labor Department official, once put it, "The current program, with its multiple regulations and related requirements, is too complex for the average grower to comprehend and use without the aid of a good lawyer or experienced agent." The result is more illegal immigration.

A more streamlined bill could address both these concerns and in the process test the bona fides of restrictionists who keep saying they like immigrants, so long as they're here legally. The cap on visas for high-skilled workers could be lifted or removed. Congress might also consider exempting from the cap foreign nationals who receive a master's degree and above from a U.S. school. For agribusinesses, the procedure for a farmworker visa could be simplified by reducing paperwork and expediting the labor certification process.

But the most important thing Congress could do before giving up altogether is put in place a guest-worker program for future immigrants. If we want to reduce illegal entries, let's provide more legal ways for foreigners to enter the country. It's worked before and it could again.

Back in 1942, in response to a shortage of agriculture workers caused by World War II, Congress authorized the Bracero guest-worker program. For the next two decades, Mexican workers were permitted to enter the U.S. on a temporary basis to fill gaps in the labor market. As the nearby chart illustrates, illegal border crossings subsequently plummeted. Between 1953 and 1959 they fell by some 95%. In 1960, mainly in response to complaints from labor unions, the program was scaled back and eventually phased out. But there's no reason Congress can't put in place a Bracero- like program with proper worker protections and receive a similar result.

A guest-worker program for newcomers wouldn't solve the problem of the 12 million illegal aliens already here, but it would help ensure that our illegal population doesn't continue to grow. The lesson of the Bracero program is that if we provide immigrants with a regulated, legal way to enter the country, they'll use it.

Some restrictionists will oppose this, too, because their real goal is a "time out" on all immigration, as the Tom Tancredo Republicans put it. That may sell in some precincts on the right, notably among those who worry that the country is becoming less Anglo-Saxon. But that isn't the majority view among conservatives, much less the country.