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March 27, 2006

The Honorable Arlen Specter
Chairman
Senate Committee on the Judiciary
SD-224 DSOB
Washington, DC 20510

The Honorable Patrick J. Leahy
Ranking Minority Member
Senate Committee on the Judiciary
SD-224 DSOB
Washington, DC 20510

Dear Chairman Specter and Ranking Member Leahy:

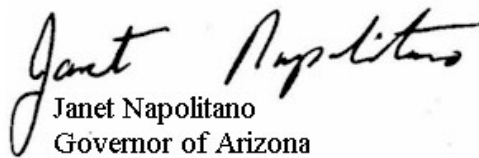
On behalf of our fellow Western Governors we are writing to thank you for your leadership in shepherding a comprehensive immigration bill through your Committee. As you know, the illegal immigration problem is greatly affecting many of our states. We all share the desire to alleviate the burdens it has placed on our state and local governments, our business and our citizens. We cannot overstate either the importance of this problem to our States or our desire to see Congress act on this pressing problem. We have attached a policy resolution that explains the position of the Western Governors in relation to the issue. It passed unanimously at our WGA meeting on February 28th. As you begin the full-Senate debate on the immigration bill, we ask you to consider the positions laid out in our resolution. In particular please note the following:

- **Border Security and Enforcement** – We support your efforts to substantially increase the number of border patrol personnel and to enhance border security and surveillance through technological innovations. We ask you to also consider adding language to authorize the completion of a comprehensive database that will interface with state, national and international criminal and terrorist databases, and includes state-of-the-art privacy safeguards. In addition, we believe that the construction of Western regional federal correctional facilities to house criminal aliens who have been apprehended and convicted in state criminal justice systems should be authorized. To the maximum extent possible, families that are detained should be kept together and kept separate from the general population in detention facilities.
- **Reimbursement of Costs Incurred by States** – States and localities have incurred enormous costs as a result of the failure to control illegal entries along our international borders. We support your efforts to require the Department of Homeland Security to either assume responsibility for detained individuals or to compensate States for these costs.

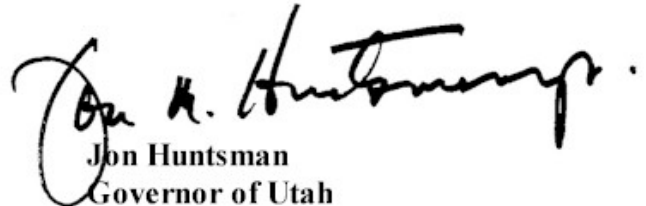
- **Labor Pool and Visa Issues** – We support your efforts to more than double the number of employment-based visas, and particularly your efforts to increase them for the high-tech and bio-tech industries as well as for seasonal hospitality workers.
- **Enactment of a Guest Worker Program is Essential** – A national temporary guest worker program should be established to supplement areas where there are documented shortages of U.S. workers. We heartily support your efforts to include a temporary guest worker program in the bill. We agree that the sanctions that have been under discussion for undocumented individuals already residing in the U.S. such as fines, payment of back taxes, background checks, and demonstrating proficiency in learning English are appropriate and necessary. We would oppose granting blanket amnesty to these individuals.

Thank you again for your leadership on this issue and for your consideration of these requests.

Sincerely,



Janet Napolitano
Governor of Arizona
Co-lead on
Border Security/Illegal Immigration



Jon Huntsman
Governor of Utah
Co-lead on
Border Security/Illegal Immigration

cc: All members of the Senate Committee on the Judiciary
All members of the Western States Senate Coalition

Attachment: WGA Policy Resolution 2006-01, "U.S.-Mexico Border Security and
Illegal Immigration



Western Governors' Association Policy Resolution 2006-01

U.S.-Mexico Border Security and Illegal Immigration

A. BACKGROUND

1. The bilateral economic relationship with Mexico is vital to the United States. The North American Free Trade Agreement (NAFTA), which has been in effect since 1994, is emblematic of the relationship. In bilateral trade, Mexico is the United States' second most important trading partner, while the United States is Mexico's most important trading partner. The U.S. is the largest source of foreign direct investment in Mexico. These links are critical to many U.S. industries and all the border communities in Western states.
2. The deepening economic, historic and long-term social ties between Mexico and the U.S. have resulted in hundreds of millions of legal crossings every year along the U.S.-Mexico border.
3. The U.S.-Mexico border also experiences more legal and illegal crossings than any other border in the world. Over a million people cross the border illegally each year, most of whom are of Mexican origin, with a growing percentage coming from countries other than Mexico.
4. Large segments of the border are either left unguarded or have for many years been staffed with an insufficient number of U.S. Border Patrol agents.
5. As a result of the shared border and proximity to Mexico, Western states of the continental United States suffer a disproportionate financial burden on health care, education, the environment and criminal justice systems because of unauthorized migration from Mexico. Illegal immigration, however, is not solely a Western issue. It impacts the economy of the entire nation.
6. In addition to the economic impacts, illegal border crossings affect our national security. Drug dealers and terrorists cross our borders along with individuals searching for economic opportunity. Securing our southern border is essential to protecting public safety, and must go hand-in-hand with any effort to address the economic and humanitarian consequences associated with illegal immigration
7. Because border control measures have increased in recent years, so has the use of human trafficking networks, resulting in more violent crimes along the border, a dramatic uptick in assaults on law enforcement, and overwhelmed state and local criminal justice and correctional systems.

8. As a result of federal requirements to treat indigent illegal immigrants needing emergency care, many hospitals in Western states have lost millions of dollars to unpaid bills.
9. Because U.S. Border Patrol activity is concentrated around larger border cities, the flow of illegal immigrants is diverted into rural mountainous and desert areas. A tragic and growing number of deaths of migrants are occurring in remote, often uninhabited, desert areas. More than 300 migrant deaths occurred each year along the U.S.-Mexico border in the years 2001-2003.
10. Many of those seeking economic betterment in the U.S. attempt to cross the U.S.-Mexico border with their families and/or small children in tow. The risk of death, injury or criminal exploitation during this undertaking is high for adults and even more so when families and children are involved. Detention facilities in the U.S. for immigrants apprehended for attempting to enter illegally may also subject families and children to criminal exploitation by others detained.
11. Should these individuals reach the U.S., they may require assistance to fully participate as residents. When an immigrant arrives in the U.S., they face many anticipated and unanticipated challenges. These can include language barriers, difficulty navigating the current visa system, establishing a residence, getting children enrolled in school and finding employment.
12. The increased volume of illegal immigrant traffic into rural mountainous and desert areas along the border has also led to the severe degradation of forests, grasslands and waterways through increased trash and carving of new roads and paths. Environmental destruction has occurred across the landscape adversely impacting national monuments and wildlife refuges, which have long-been recognized as needing special protection. Not only federal, but state, private and tribal lands have been damaged as well.
13. Unauthorized immigration also impacts the ability of large landowners, particularly ranchers, to carry out their livelihood. They now need to allocate resources to collect waste left by migrants, repair fences cut to assist crossings, and restore habitats degraded by immigrants and border patrol.
14. Agriculture historically and currently plays a pivotal role in Western state economies. It is a seasonal industry that has become heavily dependent upon a stable and reliable foreign labor pool. To the detriment of our nation's food production, our current immigration law addresses neither documented U.S. labor shortages nor marketplace dynamics. Without a lawful avenue to provide seasonal employees, current law encourages continued unlawful migration to the U.S.

B. GOVERNORS' POLICY STATEMENT

1. Comprehensive Reform: Western Governors support the development of a comprehensive national immigration policy. This policy should have the overarching

purpose of protecting and preserving the safety and interests of the United States and its citizens while recognizing the needs of Western industries to have a stable and legal supply of workers quickly available where there are no willing U.S. workers otherwise available.

2. Oppose Blanket Amnesty: Western Governors recognize that how best to handle the status of millions of undocumented persons currently present in the U.S. is a complex issue. Western Governors do not support granting blanket amnesty to all such undocumented persons and believe that appropriate sanctions should be part of any solution.
3. Reduce Delay for Legal Immigration: In reforming the current systems for work visas and pathways to permanent citizenship, Congress is urged not to inadvertently create incentives for additional illegal immigration by creating unnecessary hurdles and lengthy delays for those who wish to immigrate legally for work or citizenship. For example, the current delay for issuance of a permanent resident visa to the Mexican-born spouse of a current permanent resident is in excess of 6 years, during which the spouse is required to remain outside the U.S. (Department of State Visa Bulletin, Feb. 2006). Such enforced separation of the nuclear family is contrary to our national policy and values, and virtually guarantees illegal migration.
4. Border Security and Enforcement Provisions: Comprehensive national immigration reform should provide the following:
 - a) Full funding at the authorized level of the federal investment in law enforcement personnel and infrastructure along the border as set forth in the “Intelligence Reform and Terrorism Prevention Act of 2004” (Public Law No. 108-458; 118 Stat. 3638, et seq.) that implemented many of the 9-11 Commission’s recommendations;
 - b) Cutting-edge enforcement technology, including a comprehensive database that interfaces with state, national and international criminal and terrorist databases and that also includes state of the art privacy safeguards;
 - c) Enhanced border security and surveillance through technology such as unmanned aerial vehicles and ground-based sensors and radar that provide wide area intrusion detection;
 - d) Better coordination of law enforcement efforts by federal agencies in the U.S. with their Mexican counterparts by sharing information relevant to the flow of illegal migrants and human and drug trafficking organizations.
 - e) In consultation with the states, the construction of Western regional federal correctional facilities required to house criminal aliens who have been apprehended and convicted in state criminal justice systems.

Border security and enforcement should not hinder the flow of legitimate travel and commerce between the western states and Mexico. To ensure the free flow of legal goods and lawful visitors, the Western Governors call on the federal government to: ensure adequate resources for the US-VISIT program (see GAO report of January 6, 2006, <http://www.gao.gov/new.items/d06318t.pdf>) ; promote and facilitate Cyberports

and Fast Lanes; reduce federal delays and bureaucracy for permits to expand and modernize ports of entry; and better coordinate and expedite visa issuance between the Department of State and the Department of Homeland Security. (See WGA Policy Resolution 05-28 Border Ports of Entry Infrastructure, <http://www.westgov.org/wga/policy/05/border.pdf>)

5. Labor Pool and Visa Issues: Western Governors support Foreign Worker Visa reform as a critical component of national immigration reform and an effective border enforcement strategy. We call on the Administration and the Congress to:
 - a) Provide full funding at the authorized level for both the Department of Homeland Security (DHS) and the Department of Labor to process all employment-based visas in a timely manner;
 - b) Eliminate current visa backlogs (as long as five years) and prevent future backlogs by making up to 90,000 additional employment-based immigrant visas available annually;
 - c) Increase the numerical limitation on H-1B and H-2B visas to meet U.S. industry demands, particularly in the high tech and bio tech industries and seasonal hospitality operations;
 - d) Streamline the processing of H-2A visas to create a more workable system to enable agricultural employers to hire needed foreign workers for seasonal jobs.
 - e) Maintain the L-1 visa program; and
 - f) Grant expedited work authorization for foreign nationals who complete University-level degrees in U.S. institutions to ensure that the benefits of the educational investment the nation has made in these individuals remains in the U.S.

6. Guest Worker Program: A national temporary guest worker program should be established to supplement areas where there are documented shortages of U.S. workers. The new temporary guest worker program should require proper background checks and screening by the federal government including the use of recently proposed biometric, tamper-resistant identification instruments. Realistic steps, including measured and appropriate sanctions, should be taken to address the status of millions of undocumented individuals who already reside in this country. A new temporary guest worker visa program should reduce the need for illegal crossings, providing a safe way for workers to enter the country and return home to their families.

7. Realistic Enforcement: Western Governors encourage enforcement of current federal employer sanctions for knowingly hiring undocumented labor. To that end, the federal government must adopt a secure, reliable and fast employment verification system accessible to employers electronically on a 24/7 basis. The Systematic Alien Verification for Entitlements Program (SAVE) pilots in numerous states provides an opportunity to determine if SAVE is the appropriate system for this type of verification. The pilot programs should be finalized and analyzed rapidly to determine if SAVE could serve this need. Any system should interface with the Social Security Administration (SSA) databases to ensure prompt and accurate production of social security cards that

employers can rely upon for work authorization. The SSA and the DHS verification programs must be fully funded at the authorized levels to resolve this urgent security problem.

8. Detention of Children: Detention facilities along the border must be designed and enforcement personnel must be instructed to alleviate the burden of separation on families detained at the border. To the maximum extent possible, families should be kept together and kept separate from the general populace of detained individuals.
9. Financing and Reimbursements to States and Localities: The federal government must work closely with the states to provide immediate resources required to offset the enormous costs imposed upon the states as a result of the failure to control illegal entries along our international borders. Of particular concern are the costs of incarcerating unauthorized immigrants who are being housed in state and local correctional facilities. Full funding of the true costs must also be made readily available to reimburse states for verified expenditures made in furtherance of the apprehension, detention and emergency care of undocumented persons and for local costs such as medical transport.
10. U.S. Foreign Policy Needs: The Federal Government should more aggressively and more effectively address the root cause of illegal immigration, not just its consequences. Western Governors call on the federal government to reduce illegal immigration by working with the Mexican and Latin American governments to generate economic growth, improve the standard of living, and promote ownership in those countries. Western Governors also request that the Bush Administration call on the Government of Mexico to help reduce illegal immigration by enforcing Mexico's immigration laws thereby reducing the flow of non-Mexicans traveling to the U.S.-Mexico border with plans to enter the U.S. illegally. Measurable progress on these goals should be considered in Foreign Aid provided to these governments.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association (WGA) shall encourage and support federal legislation and programs consistent with the principles articulated in this resolution.
2. WGA shall post this resolution on the WGA web site to be referred to and used as needed.

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