



**Rick Noriega:  
Tough and Realistic  
Solutions to Fix the  
Broken Immigration  
System**

## The Rick Noriega Immigration Plan

**Our nation's immigration system is broken – Texans know it first hand, as do citizens all along our southern border. Washington has stood by and done nothing.**

Washington seems content to ignore the immigration issue during this election year, but Texans are demanding answers. Washington's failure to solve the immigration problem has placed a tremendous burden on Texas, and angered citizens across the state.

As Sector Commander in Laredo during the National Guard's Operation Jump Start, Rick Noriega oversaw the deployment of hundreds of National Guard troops to the southern border to partner with U.S. Border Patrol in their security and patrol efforts. As a result, he has seen first-hand what it takes to provide real border security on the ground to fix our porous borders. But border security is only part of the solution to our immigration system.

As Chairman of the Task Force on Border Security in the Texas House of Representatives, Rick Noriega has seen the burden placed on states by Washington's failures to enact real reforms. Rick Noriega knows that this issue too often gets politicized, instead of efforts being made to resolve the problem. This is an emotional issue and there aren't simple solutions.

Washington's immigration failure isn't just a problem for folks on the border. Our broken system is forcing all Texans to deal with harsh realities and to make tough choices. The vast majority of illegal immigrants come to the United States to better their lives. Like generations of other Americans, they come to work hard and make a better life for their children; and they play an enormous role in the Texas economy.

Many employers would be hard pressed to meet their labor needs without illegal immigrants, but we must also acknowledge that the current system allows some employers to exploit and abuse the undocumented. Victimized workers have no legal status and no means to seek redress and this arrangement drives down wages and lowers the quality of life for every Texan. This crumbling structure is not just economically unsustainable, it is immoral. It benefits lawbreakers, exploits workers and burdens Texas families.

Rick Noriega's plan recognizes that we are both a nation of immigrants and a nation of laws. We deserve an immigration policy infused with realistic solutions designed to solve this complex problem rather than just point fingers. The Noriega immigration

# The Noriega Immigration Plan

- Secure the Border
- Crack Down on Employers
- Turn Illegal Immigrants into Taxpayers and Get Rid of Real Criminals

plan is a three-part, commonsense proposal that insists Washington actually do something.

A sensible, effective Noriega plan will:

- **Secure the Border.** We need to get tough on the border with real enforcement measures – additional border guards and state of the art electronic surveillance of the barrier already in place—the river--instead of impractical approaches like a border fence.

Nothing less than old fashioned boots on the ground combined with our best surveillance technology will solve the problem. Gimmicks don't count on the border. Hard work does. The Noriega plan calls for immediately authorizing Operation Jump Start II, to place additional manpower on the border now. This is only a first step, however. To provide more sustainable security, the Noriega plan will develop and deploy new surveillance technologies and hire and train 18,000 new Border Agents to provide lasting security at the border. Any serious immigration plan must also address the tragic and ugly consequence of Washington's continued inaction: human trafficking – we need punishment for trafficking that matches the crime.

- **Crack Down on Employers.** To solve the immigration problem, we need to address employers offering jobs to the undocumented population. Our current approach to immigration - enforcement only - targets illegal immigrants, while letting employers off the hook. This is unacceptable and doesn't get the job done. The past eight years have seen dramatically fewer employers penalized for illegal hiring and facilitating false documentation.<sup>i</sup> The Noriega plan will reverse the recent free pass given to employers.

Rick Noriega also understands the very real benefits that the undocumented population provides to Texas employers and the overall Texas economy– a net gain of over \$420 million.<sup>ii</sup> While cracking down on employers, we also need to fully grasp the contribution of this labor force to our state's economy and not lose sight of some hard truths about our economy. We understand that employers should not be immigration agents. But we also need to ensure that we punish the egregious employers who knowingly break the law and exploit the undocumented. We can't just keep looking the other way.

- **Turn Illegal Immigrants into Taxpayers and Get Rid of Real Criminals.** To solve the immigration problem, we must be realistic about the 12 million illegal immigrants already here. Enforcement alone is not a practical solution. Instead of mass deportation proposals, which are not realistic and are financially unsound, we need to turn the folks already here into taxpayers.

We must reestablish the rule of law. The Noriega plan is a realistic solution, forcing the individuals already here to come out of the shadows, learn English, and pay any back taxes that they owe. We also must strengthen criminal background checks to make sure that criminals and lawbreakers are deported immediately.

Texans are acutely aware of the failure of Washington to solve this problem; those of us in Border States are the ones most directly impacted by Washington's inability to resolve this issue with tough, realistic policies. Texans deserve an immigration approach that secures our border, while remembering that immigration policies often have real human consequences. Forcing the undocumented population to become legal, in conjunction with reestablishing the rule of law, is the only approach that replaces political gamesmanship with legitimate problem-solving.

# The Noriega Immigration Plan

- Establish Real Border Security Measures
- Empower Local Leaders
- Increase Partnerships between the Federal Government and State and Local Law Enforcement
- Enforce Harsh Penalties for Those Who Traffic in Human Cargo as well as Drugs
- Reject Gimmicks like the Border Fence

## Secure the Border

**Washington's Failed Approach.** More than 4 million illegal immigrants have arrived in the U.S. since 2000, bringing the total undocumented population to approximately 12 million.<sup>iii</sup> One reason for this population spike is the failure to secure the border with Mexico.

In 2000, the last year before the Bush Administration, U.S. Border Patrol located 1.64 million deportable immigrants at the Southwest border. By 2006, the most recent year that full statistics are available, the number of Southwest border apprehensions had dropped to 1.07 million.<sup>iv</sup> This drop-off was not because fewer individuals were trying to cross the border – it's because there was not sufficient manpower and resources securing the border.

Immigration and border enforcement is a federal responsibility. Washington's failure to enforce the border or enact real solutions has forced states to pick up the slack. The National Conference of State Legislatures found that in 2005, approximately 300 immigration bills were introduced in state legislatures across the country. By 2007, after Congress failed to enact sensible immigration reform, that number jumped to 1,562.<sup>v</sup>

**The Noriega Solution:** Securing the border must be the first step in any real immigration solution. Despite tough talk, Washington has failed in this effort, and border states like Texas see that failure every day. As the Laredo Border Sector Commander during Operation Jumpstart, Rick Noriega knows first-hand what it takes to really secure the border.

The Noriega plan rejects gimmicks like the border fence and instead focuses on hard work, patrols, human intelligence and state of the art technology. This is a matter of will, not rocket science. We simply have to be willing to do what it takes to secure our border.

The Noriega plan will:

- **Establish Real Border Security Measures.** As Rick Noriega learned during Operation Jump Start, there's no substitute to well-equipped and well-trained human intelligence at the border. Real border security means additional patrols, developing new technologies to monitor the border, and deploying additional electronic surveillance equipment. Such steps will not only protect against unlawful entry to the U.S., but also will crack down on the drug and human smuggling operations that have thrived due to the porous borders of recent years.

Operation Jump Start was an important first step in bringing greater security to the border. The combined efforts of the border patrol and the Texas National Guard were instrumental in reducing illegal border crossings and cracking down on the flood of narcotics and human trafficking. Border state governors agreed. The governors of California, Arizona, New Mexico and Texas – two Democrats and two Republicans – are staunch supporters of the program. In fact, Governors Richardson, Napolitano, and Schwarzenegger wrote a letter to the President and to leaders of the House and Senate insisting that the program be extended.

The Noriega plan calls for the immediate authorization of an Operation Jump Start II, which will redeploy the National Guard to assist Border Patrol efforts on the southern border. To provide more sustainable and lasting border security, the Noriega plan will also hire and train 18,000 new Border Patrol agents.

- **Empower Local Leaders.** Any immigration reform plan must also empower local leaders because local leaders know best how to secure their sections of the border. The mayor of Laredo doesn't need a Washington bureaucrat telling him how security in Laredo works. For years, communities on the border have been asking for the resources for practical efforts to develop areas of the border to make it easier for local law enforcement to watch, monitor and track the border. The Noriega plan will call for federal grants to implement local development and security initiatives.
- **Increase Partnerships between the Federal Government and State and Local Law Enforcement.** State and local law enforcement have been particularly burdened by Washington's immigration policy failures. The Noriega immigration plan will increase homeland security grant programs to provide assistance to law enforcement agencies along the border and will boost funding for Byrne/JAG criminal justice grants, which will provide needed law enforcement assistance funding to states and localities over-burdened by new responsibilities related to immigration enforcement.
- **Enforce Harsh Penalties for Those Who Traffic in Human Cargo as well as Drugs.** One of the tragic consequences and dirty undersides of our broken system is the profligation of human trafficking. Any serious immigration plan must confront this ugly reality. Stopping illegal immigration means stopping the trade in human lives. We need tough penalties that match the nature of the crime.

Drug traffickers currently face much more severe federal penalties than do those who traffic in human cargo. Many who smuggle immigrants across the border and deal in other forms of human trafficking are unfazed by getting caught and continue their operations even after their initial apprehension. We need to ensure that our policies and penalties punish human traffickers to the fullest extent of the law and with full recognition of the heinous nature of their crimes.

- **Reject Gimmicks like the Border Fence.** The border fence is a 700-mile monument to Washington's failure, not a realistic solution. The federal government abusing the power of eminent domain to seize Texans' private property in order to build a wall is simply not effective. Originally John Cornyn did not support a border fence. By 2007, he flip-flopped and changed his tune, voting for the fence three times.

## Crack Down on Employers

**Washington's Failed Approach:** To solve the immigration problem effectively, we need an immigration policy that targets both the supply and the demand sides of the immigration equation. Washington's do nothing approach to immigration hasn't worked for Texas. The shoddy enforcement of recent years has given a free pass to employers, despite their critical role in the rise in the undocumented population.

- In 2007 and 2008, 98% of all worksite immigration arrests were of undocumented workers, despite the fact that many employers and supervisors were knowingly employing illegal immigrants.<sup>vi</sup>
- In 1999, 417 employers received fines for employing illegal immigrants – a number that dropped to three by 2004 and was only 17 in 2007.<sup>vii</sup> This is not a drop in illegal hiring practices; it demonstrates a clear lack of enforcement.

Employers and those who profit on the backs of the illegal immigrant population in our country need to be the focus of immigration enforcement as well as the illegal workers themselves. Focusing on only one side of the equation will not achieve real results or address the root cause of illegal immigration.

**The Noriega Solution:** The Noriega plan focuses on both the supply and demand sides of the immigration equation. To fix a broken system, we need a balanced approach to enforcement that holds employers accountable for illegal hiring, while fully recognizing the impact on the state's economy. A previously-cited study found that removing undocumented immigrants from Texas would cost the state gross product over \$17 billion and that this population puts \$420 million more into Texas state economy than they use in services.<sup>viii</sup>

### The Noriega plan will:

- **Increase the Number of Agents Devoted to Employer Investigations.** In a nation of approximately 6 million employers, it's outrageous how few fines and penalties are given for illegal hiring practices. As part of a balanced approach to immigration enforcement, the Noriega plan will have more Immigration and Customs Enforcement agents devoted to employer investigations.
- **Boost Employer Penalties for Illegal Hiring.** The current scarcity of fines and criminal penalties for employers who

# The Noriega Immigration Plan

- Increase the Number of Agents Devoted to Employer Investigations
- Boost Employer Penalties for Illegal Hiring
- Shut Down the Shadow Economy

engage in illegal hiring, not to mention the relatively minor punishments doled out to those who are penalized, does not provide a true disincentive to hiring undocumented workers. The Noriega plan will increase the criminal penalties for facilitating false documentation and engaging in illegal hiring. The Noriega approach will rely on both financial penalties and prison-time for employers who knowingly facilitate false documentation for undocumented workers.

- **Shut Down the Shadow Economy.** A large “shadow economy” currently exists in which businesses employ undocumented workers and operate outside the rule of law. Such an arrangement allows businesses to pay their labor “under the table” and avoid paying taxes or minimum wage. This hurts legal workers searching for employment and endangers the undocumented worker, who has no legal standing to ensure that the employer does not take advantage of their undocumented status to engage in illegal labor practices.

# The Noriega Immigration Plan

- Force the Undocumented Population to Pay a Fine and Become Taxpayers
- Establish Criminal Background Checks
- Increase the Number of Annual Visas

## Turn Illegal Immigrants into Taxpayers and Get Rid of Real Criminals.

**Washington's Failed Approach:** There are 12 million illegal immigrants in the U.S. who are already living here. At the current rate of enforcement, it would take over 100 years to deport all of the illegal immigrants in our nation.

**Mass Deportation isn't Realistic.** According to a comprehensive study, deporting 10 million undocumented immigrants would cost over \$200 billion.<sup>ix</sup> Even Senator John Cornyn (R-TX) has stated, "[t]he dirty secret is that we couldn't deport 10 million illegal immigrants if we wanted to."<sup>x</sup>

Instead we need a policy approach that re-establishes the rule of law, deports the criminals and bad apples, and forces the folks already here and working to pay back taxes, become taxpayers, and emerge from the shadow economy.

**The Noriega Solution.** To fix the broken immigration system, we need to rely on practical approaches that acknowledge the realities of our current situation and provide realistic and orderly ways to reestablish the rule of law and solve the problem.

The Noriega plan will:

- **Force the Undocumented Population to Pay a Fine and Become Taxpayers.** In combination with secure border enforcement and cracking down on employers, any realistic immigration policy approach must address what to do with the 12 million individuals already in the United States.

The solution is to do what is best for Texas and the nation – that is, require the illegal immigrant population to come out of the shadows, pay a fine, and become taxpayers through an orderly process under the rule of law. Any deportation-only alternative is simply unrealistic and unenforceable. But turning the undocumented into taxpayers will require more than just a fine.

Just as the border will require more agents, we'll need more agent-staffers to handle the massive workload of putting these folks on a path to citizenship. We can't just put people "in the back of a line" that never moves. We have to invest resources in both sides of the equation.

- **Establish Criminal Background Checks.** Currently, our broken immigration system does not devote sufficient technology or resources to ensuring that those within our

nation are law abiding. As part of the effort to close the shadow economy and force the undocumented population to become taxpayers, the Noriega plan will require a detailed criminal background check to ensure that those within our borders contribute to our nation in a lawful and productive manner.

- **Increase the Number of Annual Visas.** To force immigration through legal channels, the Noriega plan will boost the number of visas available each year for both high and low-tech, white-collar and blue-collar workers. Instead of education then expulsion, immigration policy should encourage the thousands of foreign students who take advantage of Texas colleges and universities to become vibrant contributors to the state economy after they graduate through increased access to H1B visas. Similarly, agricultural, seasonal worker, and NAFTA visas must be promoted as legal alternatives to attempted illegal border crossings.

---

<sup>i</sup> Spencer Hsu, "Immigrant Crackdown Falls Short," Washington Post, December 25, 2007 and Stewart Powell, "Immigration raids often spare employers," Houston Chronicle, June 30, 2008.

<sup>ii</sup> Darryl Fears, Washington Post, "Texas Official's Report Ignites a New Border Conflict," December 15, 2006..

<sup>iii</sup> Pew Hispanic Center, The Size and Characteristics of the Unauthorized Migrant Population in the U.S., March 2006.

<sup>iv</sup> 2006 Yearbook of Immigration Statistics, Office of Immigration Statistics, U.S. Department of Homeland Security, 2007.

<sup>v</sup> Associated Press, "States Act on Illegal Immigration to Fill Federal Void," July 17, 2008.

<sup>vi</sup> Spencer Hsu, "Immigrant Crackdown Falls Short," Washington Post, December 25, 2007 and Stewart Powell, "Immigration raids often spare employers," Houston Chronicle, June 30, 2008.

<sup>vii</sup> Spencer Hsu, "Immigrant Crackdown Falls Short," Washington Post, December 25, 2007.

<sup>viii</sup> Darryl Fears, Washington Post, "Texas Official's Report Ignites a New Border Conflict," December 15, 2006.

<sup>ix</sup> Rajeev Goyle and David A. Jaeger, the Center for American Progress, 2006.

<sup>x</sup> Christian Science Monitor, "Time to Get Real About Enforcing Immigration Laws," August 8, 2005.