



Remarks by Homeland Security Secretary Michael Chertoff and Department of Commerce Secretary Gutierrez at the State of Immigration Address

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Secretary Chertoff: Good afternoon everybody. I am joined here by Secretary Gutierrez, the Secretary of Commerce, who I am delighted to have with me. As you probably remember, last August we promised to provide regular updates to the American people on our efforts to secure the border, enforce immigration laws and meet the needs of our economy by reforming temporary worker programs to the extent the current laws permit us to do so.

This will be the third update since the administration announced our 26 immigration reform and transformation initiatives in the wake of the failure of comprehensive immigration reform to pass Congress last year. Today we are going to highlight three major areas: first our continued progress at the border, second our continued efforts to provide employers with better tools to maintain a legal workforce and third, our efforts to strengthen and make more efficient our foreign temporary worker programs.

In each area you will see clear evidence of our progress, and of our commitment to address the nation's immigration challenges using the tools, resources and authorities at our disposal. But again we will remind you that the need to address this program more comprehensively by Congress remains. And we hope Congress will in the very near future turn to this issue once again.

As in the past, I would like to begin by highlighting our efforts at the border itself, specifically fence construction, border patrol hiring and technology. As you will see, we currently have slightly less than 330 miles of fencing that's been built. And we are moving toward our goal of 670 miles of fencing by the end of calendar year 2008.

We continue to work with landowners on the southern border to gain the access we need to conduct surveys and make decisions about the right kind of infrastructure to deploy on our border. We have had several hundred meetings, including town halls and meetings with individual landowners. We continue to be open to good-faith discussion about alternatives. But what we are not open to is endless debate or delay. We have an objective that Congress has mandated. It is our intention to meet that objective and to fulfill our obligation to the American people to get this fencing built.

With respect to border patrol staffing, you will see a dramatic increase since the President took office in fiscal year 2002. We have gone from 9,800 border patrol to our current border patrol numbers of 16,471. That by the way, is an over-5,000 Border Patrol agent increase from where we were when we announced the beginning of this effort as part of our Secure Border Initiative.

And we are on track to meet our goal of over 18,000 border patrol agents by the end of this calendar year. Again we are going to continue to post on our web site on the metrics of our progress towards achieving this goal. And we are achieving the goal without compromising on the standard of training, which is so necessary for those agents who are going to be working the very demanding environment of our border.

One of the special initiatives I would like to highlight is Operation Streamline. And this is a particular initiative under which all aliens caught crossing the border in designated high-traffic zones are actually criminally prosecuted before they are deported as part of an administrative process. This of course is a project we undertake in partnership with the Department of Justice and particular prosecutors who work with us to present these cases to the courts.

We initiated Operation Streamline in the Del Rio sector of Texas in December 2005, expanded it to Yuma in December 2006, and further expanded it to Laredo sector in October 2007. The results of this criminal prosecution initiative have been striking. We have seen significant reductions and apprehensions, a decrease in the recidivism rate of aliens prosecuted under the program, meaning once they get prosecuted, they stop trying to come in again, and a reduction in smuggling -- in smuggling organizations and illegal entries in the relevant urban areas.

If you look at apprehensions, you could see a steady decrease from the time we began these initiatives to the present. The reason this works is because these illegal migrants come to realize that violating the law will not simply send them back to try over again, but will require them to actually serve some short period of time in a jail or prison setting. And will brand them as having been violators of the law.

And that has a very significant deterrent impact. In this regard, I want to thank the Department of Justice, which very recently announced a plan to higher an additional 64 prosecutors and 34 -- 35 support staff to help with our various immigration-focused law enforcement initiatives at the Southwest border.

Apart from fencing, apart from people, a very important enabler is technology. And we continue to invest resources to develop, install and integrate our SBInet technology solutions to help Customs and Border Protection and the Border Patrol get effective control of our nation's border.

Some weeks back there was a lot of discussion about a prototype project known as Project 28. But contrary to some of the down-beat media reports, Project 28 produced a functioning prototype system that added value to the Border Patrol effort and that we are now prepared to actually operationally deploy in two parts of the border in Arizona.

In fact, as reported on May 8 in The *Houston Chronicle*, visits down to the border by two members of Congress, members of our Homeland Security Committee Representative Sheila Jackson Lee and Representative Christopher Carney, actually had them observe with approval a lot of the progress that has been made and the value that has been added by this technology project. As a consequence, we plan to award the Arizona Deployment Task Order contract to Boeing to install the first operational configuration of this concept in two areas within the Tucson sector of the Border Patrol. This is, of course, a concept that envisions fixed towers with radar, sensors and remote-controlled camera equipment, unattended ground sensors, and common operating picture equipment and software.

In addition to this, we will continue to roll out our ground-based mobile surveillance systems. We have our four unmanned aerial vehicles operating, and we continue to deploy independent ground sensors. Do these efforts work? The answer is yes. We continue to see a decrease in apprehensions period as compared to the same period in prior years, 16 percent on the Southwest border and 15 percent overall.

Don't take my word for it. The words of the *San Francisco Chronicle* on May 16: "The tightening of the border has made it increasingly difficult, dangerous and expensive for laborers to return to the United States if they leave, disrupting the traditional circular flow of farm workers from Mexico to California's fields into Salinas' central valleys."

The Financial Times June 4: "After nearly a decade of double-digit increases, remittances into Mexico have begun to decline. It appears that laws to crack down on Illegal workers are having an impact." And a recent survey by the Inter-American Development Bank found that the number of Latino immigrants sending remittances home from the U.S. dropped from 73 percent to 50 percent in the past three years. This is attributed at least in part to this increased enforcement of the rules in the interior.

Now there is a negative metric, or a metric that while showing progress is an unhappy one. And that is the increase in border violence. As we have consistently predicted, when enforcement increases, when criminal organizations feel that their criminal businesses are being injured, they will fight back, and they will fight back with violence. Regrettably therefore, violence has continued to increase over the last several months as a consequence of this greater tempo of enforcement.

This fiscal year 744 incidents of violence have been perpetrated against Border Patrol agents, a 26 percent increase over the same time last year. Some of these attacks have shown a remarkable, callous disregard for human life, including one incident where an agent was literally struck and murdered by a vehicle fleeing into Mexico driven by a smuggler. I had the occasion to meet with the family of this agent shortly after he died as a result of this homicide. And I assured them we were going to continue to do everything we can to protect the

Border Patrol as they work to protect the American people.

I also have to observe that as a consequence of President Calderon's courageous and determined decision to proceed after the organized crime cartels on the Mexican side of the border, they have also seen an uptake in violence in Mexico. Hundreds of Mexican law enforcement officers have lost their lives or been attacked by violent drug cartels, including senior officials of the law enforcement establishment. President Calderon should be applauded for his efforts to dismantle these drug cartels and criminal organizations who are literally fighting to control portions of Mexico south of the border.

But we have to do more than applaud his work. We have to actually encourage it and assist it, and support his work as good partners with Mexico, dedicated to dealing with these organized crime organizations. And in these regard I want to call attention to the Merida initiative. We urge Congress to continue to move to pass practice appropriations legislation that will allow this very important plan to get over a half a billion dollars in money this year into Mexico to support this courageous effort to fight drug and organized crime violence.

We have a unique opportunity, one that may not come again, to partner with a determined leader in Mexico, so that we can address a shared problem in a partnership way that we cannot afford to ignore. Now of course we are not only focused on efforts to control the border between the ports of entry, we are increasing our security and our efficiency at the ports of entry themselves. We continue to move forward with the Western Hemisphere Travel Initiative, which is slated to go into effect in June 2009 at our land and sea ports of entry.

As you will remember, this initiative reduces the types of identification that can be presented at the border so that we get to a requirement of reliable identification for people who want to enter the United States. And it also has eliminated the old system of allowing people to simply orally declare their citizenship and get waved on through.

We have already implemented the first part of our effort to shrink the kind of acceptable documentation at our airports, and compliance has been close to 100 percent. Likewise, as we've increased the rigor of our requirements at the land and sea borders, we have found very high compliance rates. And we are working hard to increase the type of reliable documents, and the number of reliable documents which Americans and Canadians can use once this Western Hemisphere Travel Initiative gets implemented in June of next year.

For example, the new pass-card being issued by the State Department has received more than 200,000 applications, and production is set to begin this month. I have applied for one myself. I hope you have to, or you will shortly Secretary Gutierrez. What these cards are going to do is not be more reliable, but they will be faster, because instead of having to read a driver's license, there will be a machine-readables only. You can simply zip through a machine-reader, which will make the process and times faster.

The states have also stepped up and become part of the solution to this issue of secure documentation. The state of Washington is currently issuing its own version of an approved, enhanced driver's license that will be acceptable at the border. New York has announced that it has completed its business plan to begin producing those enhanced driver's licenses. And other states are on the way to doing so as well.

As we move away from the borders, we have to also look at the issue of how we enforce the law of the interior, because we know that only by promoting a legal workforce can we reduce the incentives for people to come in illegally in order to do work in this country.

One critical tool for our success is giving the employer the means to check whether the applicant for a job is in fact presenting a valid social security number and name that match what is in our government databases. And the tool used to do this is E-Verify. This system has been a tremendous success, and the proof of the pudding is the marketplace itself. Every week on average, about a thousand new employers join this program. And I will tell you that at this point, I will estimate that is almost -- maybe actually more than ten percent of the new hires being hired in the United States are currently being run through this E-Verify system.

We have almost 70,000 employers currently enrolled. The system works. Of those workers who are legal, 99.5 percent of them roughly are verified essentially instantaneously. And if those workers who have a mismatch -- legal workers who we estimate to be about a half a percent, they are able generally to resolve their issue within less than two days.

Now of course we do have some people who don't resolve the issue of mismatch. And that's because in fact the number and the name don't match, and it's not merely a clerical error. We recognize that means that they are likely to be here illegally, or be using at least a false social security number and a false name to get work.

And those people frankly, shouldn't be working.

This system is doing the job it should do. It is resolving honest mistakes in a way that protects the worker. It is also identifying those who are not permitted to work because they are not here legally. And that's what it should do as well. Now last year Congress gave a clear vote of confidence in the program by significantly increasing our appropriation for E-Verify. Several states have also indicated that they believe E-Verify is valuable and have enacted laws encouraging or requiring their businesses to use E-Verify.

We want to continue to have congressional support for this very important program. It should be re-authorized. Funding should be expanded. And to show that we are supporting this not just with words but with deeds, last Friday the President issued an executive order that is going to significantly increase the impact of E-Verify on the federal contracting workforce, because after all if we expect private employers to use E-Verify, the federal government should lead by example and not merely by exhortation.

The President's executive order directs me to designate an electronic employment eligibility verification system - and I have designated E-Verify - that federal contractors will be required to use to verify the employment eligibility of their new workforce. The President also directed that federal departments and agencies require that the federal contractors use that E-Verify system to check the work authorization of the new hires and all their employees assigned to work on federal contracts.

E-Verify, working with these other agencies, is going to give these contractors the tools they need to make sure that workers who were hired to work on federal contracts are legal workers. It is always embarrassing frankly, when we have these periodic operations in which we discover illegal workers working on federal projects paid for by federal money that is ultimately paid for by the taxpayer.

So we are going to make sure we finish getting our own house in order first, even as we work to continue to make sure that others in the private sector use this system. Also today OMB has concluded its review of a proposed rule amending the federal acquisition regulation to implement the President's executive order. As with all regulations, there will be a comment period for the regulations that we are issuing, the -- counsel was issuing. But we are looking forward to get this -- new system up and running later this year.

Finally, we are going to continue to keep the pressure up on employers and on illegal aliens by bringing significant cases. As you know recently we brought a case against a meat-processing operation in Iowa. Almost 300 immigrants, illegal immigrants pleaded guilty to using fraudulent documents to get their jobs in an Iowa meat-processing plant. That means they took the identities of innocent Americans and misused those identities. And at least in some instances, caused damage to the innocent American whose identity was stolen.

For those who say that we are only focusing on the illegal workers themselves, I point out that last year we had over 90 employers, or those in a supervisory chain who were convicted of crimes. We have had one CEO or President of a company sent to jail for 10 years. We have had recent conviction of a union official from the United Food and Commercial Workers union for his involvement with the activities at --.

We will continue to pursue employers. I know these cases take a little bit longer. There is a -- it is always more difficult to work up the chain. I can tell you as an old organized crime prosecutor and as an old drug prosecutor, you always start with the bottom ring first, then you work your way up to the top ring. But I guarantee we are continuing to work on making cases against that top ring and we will do so whenever the evidence supports bringing that kind of a case.

All I have talked about so far is enforcement. But, as we said, when we pursued the issue of comprehensive immigration, we know the American economy does need workers. And it's going to need workers from other countries even though we have had an increase recently in unemployment. But they have got to come in a way that is legal, visible and regulated.

We currently have at least some programs that allow that to take place. And what we are trying to do now is to make those programs as accessible and as attractive as possible so that people can use the legal pathways as much as -- as conveniently as possible in order to satisfy their labor needs.

Let me give you just a brief survey of some of the things we have done recently. In April we published an interim final rule that extends the total period of optional practical training from 12 to 29 months for -- immigrant students with a degree in science, technology, engineering or mathematics, who have accepted employment with an employer enrolled in E-Verify.

What this does is it allows us to continue to keep smart, well-educated foreign students who want to come over and ultimately get a work visa, allows us to keep them in place doing productive work while they are awaiting the work visa process. And that's not just good for them. It actually creates jobs in the American economy for others as well. So it's a win-win both for the students, a win-win for the employers and a win-win for American workers.

The H-1B program, which is similarly focused on getting some of the best and the brightest to get these work visas so they can work and produce, and add value to the United States. This program also has to be refined to be made more fair and more orderly. For this reason, in March of this year we published an interim final rule that prohibits the filing of duplicate -- multiple H-1B petitions by a single U.S. employer for the same foreign worker.

Essentially what happened was it was like buying a lot of lottery tickets. Some people tried to hoard the marketplace, or flood the marketplace by filing duplicate -- multiple applications to try to get as many of these spots as possible.

That wasn't fair to other employers. It didn't do the job of distributing these visas as widely as possible and as efficiently as possible in the economy, so this new regulation will act to prevent employers from flooding the system with petitions and will allow a broader array of employers to participate in a fair and more equitable fashion in this system.

I'm also pleased to announce that we will be extending the validity period of the employment authorization documents that we issue to individuals who are waiting adjustment of status to lawful permanent residence or in colloquial phrase, the green card.

Currently, adjustment applications are granted employment authorization documents with only a one year maximum validity. Beginning later this month, we'll start issuing these documents with a two-year validity period for aliens who are waiting adjustment of status if their application is expected to be pending for more than a year.

This, again, is eliminating a persistent source of frustration for workers who are here, who have a pending adjustment application but have to go and renew their employment documents every single year. It's going to cut the paperwork there.

Finally, I'd like to talk about the H-2B program, which relates to seasonal and temporary non-agricultural workers. As you know, the cap on this went down and we're still awaiting Congressional action to lift the cap up, again, which is going to help not only ease applicants for jobs and not only the employers who want to hire them, but all the other people who benefit when workers produce productive activity and then the benefits ripple through the economy.

Currently, up to 66,000 foreign workers are admitted under this visa category and typical employment for H-2B workers includes landscaping, hotels, crab and clam industries, and resort areas; particularly those things which become more populated during the summer months.

As you know the Labor Department published a proposed rule in May addressing a number of bureaucratic and inefficiency concerns that had been raised about this program. But today we have sent over the Office of Management and Budget here at the Department of Homeland Security a new proposed regulation which would also propose some significant changes designed to increase the effectiveness and attractiveness of this H-2B-9 immigrant classification program.

It eliminates certain regulatory barriers, adds protection for foreign workers, and increases efficiency and coordination. It also proposes to change the definition of temporary employment to recognize that some H-2B employment could last up to three years. Under this change, an employer who demonstrates a temporary need lasting no more than three years could keep the same worker in the same job for all three years provided they can demonstrate that there's no American worker available to do that work, because we do put Americans first.

Again, it's going to answer a complaint that we've heard for a long time from the business community. It implements one of the reformed proposals we tried to get done through comprehensive immigration reform, and it's going to produce benefits not only for the employees themselves, but for everybody else who benefits when we can invigorate businesses, particularly seasonal and temporary businesses that produce benefits throughout the entire economy.

The bottom line is we're doing what we said we were going to do last August. We're doing tougher enforcement; more effective enforcement. We are showing results. We are trying to work with the existing law to make it as easy and non-bureaucratic as possible for temporary workers to be brought in to fill jobs American won't fill.

In the end these are not permanent solutions. A truly permanent solution requires a more comprehensive look at the issue of immigration reform. Only Congress can take that step and although we bought some time, perhaps, this problem is going to persist until Congress grabs the nettle and decides that we're going to put together a comprehensive immigration reform program that everybody can live with.

With that I'd like to ask Secretary Gutierrez up here.

Secretary Gutierrez: Thank you. I would like to talk a little about the business environment and what is happening in the business community as it refers to immigration and the need for immigration reform. There's a lot of discussion about the burden of immigration but there is not enough conversation about the risk of not having enough immigrants, especially a risk to our economy and a risk to our competitive position as it relates to the rest of the world.

So as you can see from the Secretary's comments immigration reform remains a top priority for the Bush Administration. In the absence of legislation from Congress we've been proactively tackling this issue head on with as many administrative actions as possible.

The American people want and deserve a thoughtful, broad-based approach to immigration that focuses on the security and the economic prosperity of our country. Last August, Secretary Chertoff and I announced a package of administrative reforms that sharpened existing tools to protect our citizens and make our immigration system more workable.

We've made strides in securing our border. In fact, we've made great strides in securing our borders and enforcing existing immigration laws. But we cannot neglect our economic security; and that's exactly what we're doing by not passing comprehensive immigration reform.

At a time when we are facing tough economic challenges, our actions must boost our economy, not hamper it. The reality is that we simply do not have enough workers at both ends of the spectrum and I will repeat that. Our reality as a nation is that we do not have enough workers at both ends of the spectrum. That means for low-skilled, field laborers, all the way to high-skilled technology workers.

For example, for the fifth straight year our H-1B cap was filled at or before the start of the fiscal year. This year the cap was reached in one week. That's why, as Secretary Chertoff mentioned, we are proposing administrative reforms to our high-skilled programs and to the H-2B non-agriculture temporary worker program.

In addition, we have proposed changes to the H-2A agricultural seasonal worker program. The changes will make the H-2A system more efficient and ensure an orderly and timely flow of legal, foreign workers. They will also protect the rights of all agricultural workers, American and foreign, and make no mistake we need both. We don't have enough domestic workers to meet the food needs of our country.

The *New York Times* ran an article with the headline "Shortage of Labor to Cut Food Supply: Farmers Handicapped by Lack of Help Reduce Their Crop Acreage." That headline and the article ran in 1920. Coincidentally that was amidst one of the worst anti-immigration waves that we have ever seen.

Nearly a century later we face similar challenges, but this time, rather than reduce consumption we'll have to turn to foreign producers or move our farms overseas to feed our families. In fact, that is already happening. A survey by the U.S. Farm Group, Western Growers, indicated American companies now farm more than 45,000 acres of land in Mexico employing 11,000 people.

At a time when we are looking to further secure our food supply to tighten our import safety and to continue to increase and contribute to world supply because of the prices of food, we should not encourage the outsourcing of American agriculture. And what Congress is doing by avoiding to pass comprehensive immigration reform is effectively encouraging the outsourcing of American agriculture.

We know there are employers who have not been able to fill many jobs with American workers. We simply can't ignore the problem and hope that the issue will go away. A comprehensive solution remains the best and

the most long term option. Without it, we're getting a piecemeal approach, which is something we talked about when we mentioned the fact that comprehensive reform had failed, we talked about the fact that we were going to get a piecemeal approach to a national issue.

For example, in 2007 states enacted 240 immigration laws. That's up from 84 the year before. Immigration is being debated in every capital in the country. A total of 1,562 immigration bills were introduced last year. This patchwork of laws is untenable in the long term. So we will continue to look at ways to improve existing programs and address all aspects of immigration. Other major economies around the world have realized the need for immigration policy to help them grow their economies, and we are all competing for growth, and everyone is trying to grow their economies and most major economies have realized that they cannot grow without a comprehensive immigration policy.

Our country has a long history of making immigration work. We have more experience than any other nation and it has been one of our greatest advantages, if you look back through our economic history we would not have accomplished what we have accomplished if it were not for the help and the work of immigrants.

We can make immigration an advantage that will last for a century. The issue is not going to go away. Regardless of who is President and regardless of which party is in power, immigration will remain both a tough challenge but also a tremendous opportunity for our country if we get this right, if we approach it in a thoughtful way, and if we are decisive about confronting a problem that will not go away.

Thank you, and I will be happy to take your questions.

Question: Secretary, I wanted to ask you about --

Secretary Chertoff: Which Secretary; there's two.

Question: -- I'm sorry, Secretary Chertoff. I wanted to ask you about a traveler that was issued by the State Department in April that talked about what we're talking about, the violence along the border; and they say in part it's because of lucrative narcotics trade continues along the U.S.-Mexico border, which indicates that the drug cartels you are speaking of are fighting over the routes for smuggling drugs; and I wondered what that says about securing the border when there's so much violence and it's related to the drug cartels which are trying to fight for routes.

Secretary Chertoff: It says a number of things. First of all, that's typically what happens as you start to enforce and you make it harder, they start to fight over the shrinking pie, so to speak, and who gets the best opportunity to exploit what additional space is left. So that's, in some sense, a good sign. The bad news is it causes a lot of violence and death and it's created a lot of havoc, particularly in Mexico.

I think several lessons flow from this. First, we've got to get this Merida initiative agreed to and funded in a way that's practical, that operates as a partnership as opposed to us simply dictating; and then recognizing that both countries have a common interest in securing the border.

Second, we need to make sure we're protecting ourselves on our side of the border. That means continuing not only to enforce the law the way we've been doing, but continuing to make sure our border patrol has the right mix of technology and infrastructure that gives them the most protection. And one of the arguments about this fencing is not only does it keep drug smugglers and human smugglers out, it makes it harder for them to get across with loads of drugs or whatever, but it also actually protects the border patrols because it makes it harder for people to shoot at them from across the border. We've had occasions of that; or to otherwise commit acts of assault.

So I think the lesson is clear. We certainly can't back down in the face of violence. We've got to work with the Mexican government to continue to put the pressure on, break these cartels like we've done with organized crime in other settings, and we've got to get to our friends in Mexico the assistance and support that they need.

Question: Secretary Chertoff, about the executive order on E-verify for federal contractors, do you have somewhat of a number of how many contractors that would involve and how many workers potentially?

Secretary Chertoff: I think we were potentially talking about hundreds of thousands, if not millions of workers. This is going to apply to contractors who are getting a new contract. Once this comes into effect they're going to be required to run all their employees through E-verify. Or if they have a contract and they're going to bring

new employees onto the contract, they're going to have to do that.

Since I can't predict what contracting is going to be like in the next two or three years I can't give you a precise number, but it's going to be at a minimum hundreds of thousands and I think maybe millions of people will be run through that program.

Question: Can you tell us whether this will cover subcontractors as well contractors?

Secretary Chertoff: I think now we're getting into exactly the area where we're going to wind up having to write the detailed regulation. There are all kinds of issues about what the contracting entity is, so we're going to get into all kinds of topics that will be fascinating for the lawyers. But I'm not going to try to give the legal analysis from up here.

The basic principle is this: if you're working for the federal government and you're being paid with federal taxes you ought to make sure that you're employees are obeying federal law when it comes to their employment authorization, and this executive order as implemented in detail by the regulation will do precisely that.

Question: Mr. Secretary, do you have any concerns of lately the failure of the Merida initiative not only can put at risk the struggle from the Mexican government, I guess the drug smuggling, but also can affect the current cooperation between -- in securing the border.

Secretary Chertoff: I assume it's going to succeed. I think the logic for the Merida Initiative is strong. I know that many people have been making the case for it. I've made the case for it. I know my cabinet colleagues have made the case for it. I know the Mexican government's made the case for it. It seems to be indisputable that it's a joint problem we have at the border and it's something that we have to jointly solve. This President has not only said the right things, President Calderon; our President as well; but not only has said the right things but he's done the right things and he's done them at a considerable cost to some members of his government who have been the target of assassination plots. So I think we have a moral responsibility to work with the Mexican government but I also think that we have very practical self-interest reasons to work with Mexico on breaking the back of these drug organizations.

Question: And in regards to the raids and the enforcement issue, don't you think that maybe you are affecting somehow the rights of almost 400,000 U.S. citizens which are the children of the illegal immigrants.

Secretary Chertoff: You know, it's always very sad when a child winds up paying a price for an offense or violation of law that the parent commits, and we try to deal with the issue of arresting people in a way to make sure children are not left unattended. We recognize when people are deported they're likely to take their young children with them, even though they're American citizens. But we cannot allow the fact that someone who has a child who's an American citizen to create a de facto immunity from the law. And, you know, it's like any other violation of law. Sometimes I've seen situations where parents have had to go to jail for violations of the law and they've had children in the courtroom and the judge said, you should have thought about that when you committed the violation. So it's a sad thing to do. Again, that's why we talked about comprehensive immigration reform. We wanted to deal with these issues in a way that was fair and also respected the law, but the law being what it is we're going to enforce it.

Question: Do you expect to have the border secure by the end of the Bush administration?

Secretary Chertoff: I think we'll have made a dramatic amount of progress. I think if we continue on the course we've set now we can get the border secure by the border patrols definition sometime in 2011, maybe a little earlier. If we can do comprehensive immigration reform and if we could get a real temporary worker program, we could actually do it faster because that would relieve some of the pressure from the economic migrants. They would then move over and take a legal pathway instead of an illegal pathway. But if we don't have that tool it's going to take a little bit longer, but I think we can get it done by 2011.

Question: On the executive order there's been some criticism on the Merida system in terms its ability to actually handle a big increase in the number of workers that would be -- when they were talking about --. Are you at all concerned about getting in all these federal contractors potentially looking for people, that's going to put a strain on E-Verify to compromise --.

Secretary Chertoff: Well, first of all, I don't think we're going to get hundreds of thousands or millions all at once. What's going to happen is the system will phase in as you get a new contract the workers will be verified under that contract. We have seen -- we're very capable of dealing with an increase of a thousand a week and

obviously Congress will need to continue to support the system with appropriations as they've done. But once you've got the -- you know, this has been road tested and did fairly well and it's gotten rave reviews. And, again, don't take my word for it. The marketplace is moving to the system. That's why we're getting thousand people to sign up every week, so I'm confident that provided we get the appropriations we need, which I'm sure we will get, that this is not going to be a problem to scale up.

Question: But just to follow up, an official from Arizona testified at the Congressional hearing recently that it wasn't getting rave reviews from some of the employers there. They were getting lots of false positives, they were having trouble explaining the system, and particularly smaller employers were having trouble dealing with the system so not everybody thinks it's working okay.

Secretary Chertoff: Well, the first thing I can tell you is, again, let's look at the numbers. I mean, if it was something people didn't want to participate in because it's a voluntary program at this point we wouldn't be getting a thousand a week. I've given you the numbers on the error rates. Now I can't tell you that every employer may have difficulty understanding the system or getting it to work. I have talked to a lot of employers and those employers have been very supportive and have appreciated and have really endorsed the system. Obviously, you know, you've got to learn how to use the system. You've got to have the right computer IT connections. But, again, I can't argue with the numbers. The numbers are clear. People are continuing to join and they're joining because they think it's a good system.

Moderator: Two more questions.

Question: One of -- for one, on the contractors, number one, the E-verify is voluntary? Is it voluntary for them or is it --

Secretary Chertoff: No.

Question: -- going to be mandatory for them?

Secretary Chertoff: No, for federal contractors who are getting new contracts who are putting new employees on existing contracts, it's going to be -- it's not going to be voluntary. They will have to do it as a condition of getting the contract.

Question: And if they are found, for example, you surprise them with workers who are not documented to work in the United States, what is the consequence for them? Do they lose the contract? Are they fined? What would be the consequence?

Secretary Chertoff: Again, I don't want to start writing regulations from the podium. In general, the way E-verify works is if you're using the system in good faith you're not going to be held liable, you're not going to be punished. If it turns out that somebody either games the system because they steal the real identity so that it passes muster or if, you know, an honest mistake is made. I mean, the idea here is not to create pitfalls for the unwearied. The idea is to give people a good faith opportunity to comply. If they do, they're going to be held harmless even if it turns out that someone took advantage of them or somehow there was an honest mistake.

Moderator: last question.

Question: Can you refer to the fact that sometimes you have found yourselves in an embarrassing situation where your legal workers --

Secretary Chertoff: Not me, personally. I mean --

Question: -- how prevalent has this been and --?

Secretary Chertoff: If you go back and look over press releases we've issued over the last two, three years you'll see periodically there are enforcement operations that occur at military bases, government facilities. I think many years ago, this goes way back, maybe 10 years ago, when I was in the U.S. Attorney's Office in New York that found illegal workers doing the painting in the U.S. Attorney's Office. You know, this kind of stuff, these kinds of stories, are always, you know, in the papers at various points in time. And I think the public looks at this and they say, well, if the government can't tell that the people working under government contracts are legal, then how can they tell us to make the same effort. So I think we're trying to walk the walk as well as talk the talk.

Question: What sector in this chain is being more effective for the lack of foreign workers and then what

would be the consequences if this situation continues for this year?

Secretary Gutierrez: We are seeing it in agriculture and the actual food production for the raw materials that many companies use in their processing. So that would be the main part but that is not the only part. We are seeing it in service jobs throughout the economy. In this specific instance we talk about farms moving overseas because they can't find enough workers. At a time when we are concerned about (a) our food supply; and (b) food safety. So I would say in terms of food chain, it goes across in some cases manufacturing; in some cases distribution. But the primary area would be in the production in the farming.

Moderator: last question.

Question: Mr. Secretary Chertoff, you asked for 100 million this year for E-verifying in the budget and I'm just wondering is that enough to cover this order that -- will be needed? Finally, I also just want to ask, one thing you didn't mention about your initiatives is citizenship applications. It doesn't seem like we're tapping on that as like what happened on passports. There was this all out effort to make sure Americans got their passports on time, but it seems like people are still having to wait to see if they get their citizenship or not.

Secretary Chertoff: A couple of things. First of all, I do think the money that we have is sufficient. Obviously Congress appropriates. We only propose a budget. On the issue of citizenship let me say a couple things. First of all we have worked to attack the problem of the backlog, the security check backlog. The FBI, of course, has the responsibility. We've worked with them to find a way to really move through that backlog and they've been making progress.

Secondly, I think we actually obviously got a big flood of citizenship applications that came last year and earlier this year. Our estimates of the amount of time it will take to get through that process have been decreasing as we've hired more people to process them. Obviously when you get -- I think we may have been as much as doubling or close to it, of new applicants, that's going to cause a strain on the system. But we are, again, our pace is accelerating and we have, in fact, made a very concerted effort to hire people. Obviously they have to be properly trained and to process people for citizenship as quickly as possible, but, and I underline the but, without compromising on the security. That's the one thing we're not going to compromise on.

Moderator: Thank you very much.

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