

***Testimony by Peter Kwong to be presented to the Subcommittee on Immigration
and Claims under the Committee on Judiciary
of the U.S. House of Representatives
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Mr. Chairman and Members of the Sub-committee:

There are no discernible signs that the flow of illegal immigration into this country has slowed down since the passage of the 1996 Immigration Reform and Immigration Responsibility Act, at least not as far as can be noticed by those of us who observe from the ground up. What we have found is the dramatic increase in the fees charged by human smugglers and the new sophistication in the methods used by the smuggling networks.

Today, Indians pay up to \$28,000 to be smuggled illegally into the U.S. For the Chinese, the prices have now reached \$50,000 (they were \$33,000 at the time of the Act's passage). In addition to the original sources of illegal migration -- the southern cities of Fuzhou and Wenzhou -- Chinese today come illegally from Shanghai, Beijing, Tianjin, Qingdao and many other cities in the north. To avoid detection by American authorities along America's Pacific coast, the snakeheads (smugglers) have developed dozens of alternative routes through the Caribbean Islands. But these days fewer illegal immigrants come in by ship or cross the U.S. borders by land. They are increasingly coming in by air. These illegals, holding stolen or counterfeited passports, are allowed to board U.S.-bound planes by unsuspecting airline officials or by the paid-off ground security personnel. They are arriving daily at a number of U.S. airports from dozens of originating points around the world. Thousands penetrate easily through the weak customs control which has to contend with thousands of scheduled daily flights into this country. If discovered, they can always appeal for political asylum and be released on bail.

Unfortunately, the problem we face is not the deficiency of the INS and the Border Patrol that can be easily fixed by increased budgetary appropriations. What we have is a misdirected supply-side illegal immigration policy. By looking to arrest and interdict individual illegal immigrants, we are ignoring the fundamental factor of illegal immigration -- namely, American employers' demand for cheap and vulnerable labor. In fact, this country is so addicted to immigrant labor that without it many American businesses in agriculture, the garment, and poultry industries would not survive. We have become so used to immigrants working in the restaurant, service and domestic-help trades that we are not even conscious of their presence in our midst.

So long as the employers are willing, or rather even prefer to hire the illegals, the human smugglers can be assured of regular payments derived from their labor. The system of illegal immigration begins with the employers hiring and paying the illegals and ends up with the smugglers being paid off for their services to complete a full circle. True, poor people from all over the world want to move to places with higher wages and better opportunities, especially since the end of the "Cold War" and the current global economic depression striking much of the world outside of the United States. But, individuals can not move easily from one continent to another without the professional help. Without the smugglers, illegal migration would be limited in numbers and distances covered.

The huge profits in the smuggling business have attracted some of the most sophisticated operators in international organized crime, including many previously involved in trans-border trafficking of heroin, Stinger missiles, or counterfeit currencies. According to Jonas Widgren of the International Center for Migration Policy Development, smuggling rings reap profits up to

U.S. \$ 9.5 billion per year, earning more than many drug cartels. Nowadays, smuggling has developed to the point where anyone anxious to escape Fuzhou or Lagos or Krakow or Kabul can find a smuggler right in his neighborhood who can guide him to almost any destination in the world. The snakeheads in China have emptied village after village in southern coastal regions of all the young able-bodied labor, and dispatched it to Western Europe, Australia, Japan, and North America.

It is my belief that international human smuggling networks are the driving force of illegal immigration. They dictate the size of illegal immigrant influx into this country. In concert with America's greedy employers, they have reduced America's working standards to a 19th century level. This has happened because the illegals, pressured by the snakeheads are willing to work under almost any circumstances, just to be able to continue their smuggling debt payments. Working seven days a week, 12 hours a day, at an average hourly wage of \$3.75 or less, without over-time pay or health care benefits is common for many illegal immigrant workers. What's worse, many employers withhold workers' wages for months at a time. Eventually they can completely escape accountability by manipulating loopholes in our bankruptcy laws. At the same time, the illegals who are unable to satisfy the demands of the snakeheads in timely fashion are driven to become prostitutes, gangsters and drug smugglers. The presence of illegal workers has enhanced the power of the employers who pit them against the legal workers, damaging the working conditions for all of them.

While all this goes on, the law enforcement authorities have been slow to react. They blame their inaction on the lack of funding. They blame the victims and immigrant communities

for not coming forward with incriminating information. This stereotypical official response does not address the criticism raised by the immigrant communities, who charge that the slow and passive response by the officials endangers the lives of those who do come forward. The result is a stalemate between the law enforcement and the smuggling syndicates with the latter free to operate at will, treating the immigrant communities in the U.S. as foreign territory.



We should turn away from this dead-end alley to a demand-side pro-active approach. First, I am calling for the strict enforcement of American labor laws. The labor department should prosecute all complaints, promptly and effectively, be they coming from American-born, legal or illegal immigrant workers, in order to take away the employers' incentive to single out illegal immigrants for exploitation. This would lead to the drying-up of funds which are used to pay off the smugglers, and would thus disrupt the cycle of illegal immigration.

Second, I suggest that the human smugglers be attacked head-on, by encouraging the illegals to cooperate with the law enforcement. The most difficult aspect of dealing with human smuggling is the lack of accurate information on the criminal enterprise, and getting people to testify in courts once the criminals are apprehended. The people who know about the smuggling operations are the illegal aliens themselves, and right now there are no incentives for them to come forward. For the law enforcement to get the upper hand in the situation, it would have to make it clear to the illegals that they would be protected by the U.S. institutions should they come forward. Undocumented aliens who have entered this country through the services of the human smuggling networks and who are willing to cooperate with the law enforcement by providing details of the smuggling process, by divulging names of those who prey upon them, and by

standing in court as witnesses should be able to expect an adjustment of their immigration status. In order to assist law enforcement investigations, the possibility of expanding and improving the access to S-Visas towards this objective, or even enacting legislation in the spirit of the Violence Against Women Act should be seriously considered.

I know the critics will object, because both of these proposals seem to reward criminals, i.e. those who have entered this country illegally. My answer is that the employers who hire the illegals are also violating American laws, and so are the smugglers. The crimes of the latter two groups are far more damaging to our national interests than are those committed by individual illegal immigrants. Moreover, if the government were to prosecute successfully five to ten cases, it would send a shock wave through the smuggling network, as well as throughout the immigrant communities. Right now most immigrants fully appreciate the harm of the smuggling syndicate but are powerless to fight back. Effective prosecution of just a few criminals would dramatically transform the attitudes within the immigrant communities and greatly heighten its desire to cooperate with the law enforcement. Amnesty for a few victims, under these circumstances, would be a small price to pay in stopping indentured migrant labor trafficking and the present practice of targeting certain racially distinct immigrant groups as “exploitable” low wage workers. This practice is literally turning them into permanent caste-like sub-groups, whose very existence violates the most basic American democratic principles of fairness, justice, and equal opportunity.

It is my belief that reducing large numbers of illegal immigrants used as cheap and vulnerable labor is vital to our national interest. In protecting this interest, we should expect full cooperation from the countries where the illegal immigration originates. In so far as the Chinese human smuggling into the U.S. is concerned, it can never be effectively dealt with without the

cooperation of the government in China. Therefore, the United States should present the issue of human smuggling as the top national concern for discussion in all future bi-lateral negotiations with China. At the same time, the U.S. should seek assurances from the government that relatives of individuals who cooperate with the U.S. law enforcement will be given full protection against retribution in China.



A final point: curtailing illegal immigration does not mean being anti-immigrant. Curtailing human smuggling operations protects the interests of all immigrants. No immigrant comes to America in search of Third-World conditions. People come to America to fulfill their dreams of finding well-paying jobs and achieving a high standard of living, while enjoying full political freedom and legal protection. We should not let our immigration policy undermine our ability to preserve America as the land of these fine features, so eagerly sought by all immigrants.

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