



# The Advisory Alliance 60-Second Email™

## **Immigration** **February 26, 2008**

*In this month's 60-Second Email™, we interview Robert Divine, attorney with Baker Donelson, ranked by The National Law Journal in 2007 as one of the 100 largest law firms in the United States. Mr. Divine is leader of the firm's Immigration practice group.*

**David Harper:** From 2004 to 2006, you served as first Chief Counsel, Acting Director, and then Acting Deputy Director of the United States Citizenship and Immigration Services (USCIS). What is USCIS and what does it do?

**Robert Divine:** USCIS is the adjudications arm of the old INS (Immigration and Naturalization Service), and is now part of the Department of Homeland Security. It decides millions of applications for visas, permanent residence, naturalization, and waivers. USCIS also operates the electronic employment verification system (E-Verify), and decides quite a bit of immigration policy, but not all.

**Harper:** How would you describe the role immigration has played in the growth of the U.S.?

**Divine:** Look around; not many people here today descend from people who were on this continent 500 years ago. In the last century, waves of people have continued to land here from troubled places, and plenty of others have just kept coming from everywhere. Immigrants have filled labor gaps and created new markets with their smarts, entrepreneurial spirit, and sheer numbers.

**Harper:** How is the United States different from other countries in its approach to immigration?

**Divine:** Fundamentally, what makes us American is not a set of folk songs we sing or clothes we wear. Our common culture is a set of beliefs and commitments embodied in the Constitution, which every new citizen swears to defend, and that Constitution protects the ability of every person to find his own way to make this a better country for his family and everyone else, including pointing out what needs fixing. If you have met the requirements and conducted yourself well for a



## The Advisory Alliance 60-Second Email™

reasonable time and sign on to that commitment, you're in, and you belong as much as anyone else. That approach has inspired a tremendous cooperative effort by people with immense and powerful diversity over some centuries, and we are the happiest and most prosperous collection of people in history. I can't say I have studied other countries' immigration systems in depth, but some have not been as open and eager for integration of immigrants deep into their fabric.

**Harper:** What trends are you currently seeing in immigration to the US?

**Divine:** We continue to make about a million lawful permanent residents a year, and they increasingly tend to go on to be citizens. We don't like that so many people have broken the law to get here, but we believe we need them, and we don't know how to repatriate them. We can't agree on where to go from here. States are deciding to make it harder to survive without valid documents: driver license restrictions, mandatory electronic employment verification, and local police doing immigration enforcement. We are backing ourselves into a national biometric identity database system and corresponding documents to enforce the rules. We'll either shrink the economy or we'll agree on some approximation of the Federal Reserve Board for immigration to manage immigration flows in balance with economic needs.

**Harper:** I emigrated to the United States from Canada in 1997. The process was pretty straightforward, though time-consuming. In this post-9/11 world, how much harder is it for people from developed countries to emigrate to the United States?

**Divine:** The agency apparatus was not technologically ready to serve the post-9/11 security process demands. In several more years they will be there. Arranging inter-operability of secure databases from different platforms has been scary and slow. The private sector is increasingly managing this for government, and as the technology of each system is upgraded, the ability to inter-operate and use e-commerce practices increases. On a larger level, the numbers are limited by Congress, and that makes it harder for the next person wanting to come.

**Harper:** What do you see as business' main concern about immigration these days?

**Divine:** Business always wants smart, hard workers for less. Technology is flattening the world regardless of our immigration policy. Great U.S. businesses really want the key workers from abroad who make possible the projects that employ even more Americans. And the rest of the world is waking up to compete for them. We need a way to agree on an economic analysis that drives flexible changes in numerical immigration limits. And of course, businesses needing cheap



## The Advisory Alliance 60-Second Email™

labor doing unpleasant things are under the gun with renewed immigration enforcement. National mandatory verification seems inevitable, and will level the field within industries. It will be painful as we correct the databases, congeal a system through DMV enrollments, and finally admit what we are doing.

**Harper:** To what extent does the United States rely on immigration for workers in its skilled and professional (degreed) workforce?

**Divine:** We are blessed as a place people like to come to, because they see opportunity to use their skills and drive in an environment that is creative and where capitalists succeed. We have been skimming scoops of cream from the world's crop for generations, and the great results are obvious. Immigrant workers have fueled our success in every meaningful industry, but particularly in technology. I fear we won't really know how much we have relied on them until we see the impact of not letting more of them come.

You can access this and previous 60-Second Emails™ via this link to our website:  
<http://www.advisoryalliance.com/newsletter.php>

Until next time,

*David*

David Harper  
Managing Principal  
[dharp@advisoryalliance.com](mailto:dharp@advisoryalliance.com)

---

**Better Business. Better Talent. Better Performance.™**

**[www.AdvisoryAlliance.com](http://www.AdvisoryAlliance.com)**

© 2008 The Advisory Alliance, LLC. All Rights Reserved.