



Romney's Latino Problem

Candidate's Extreme Anti-Immigrant Stance Alienates Latinos and Defies Mainstream Public Opinion

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Mitt Romney's profound disconnect with Latino voters has generated growing concern within his campaign and across the Republican establishment. During the Republican presidential primary, Gov. Romney staked out one of the most extreme anti-immigrant positions for a leading presidential candidate in modern memory. The byproduct of that posturing was the alienation of Latino voters who view immigration as a personal issue. A Fox News Latino poll in early March, for example, found that only 18 percent of Latino voters believed Gov. Romney actually cares about Latinos and Latino issues, while even fewer people—14 percent—would vote for him over President Barack Obama.¹

The conventional wisdom is that Gov. Romney adopted the hardline immigration posture to bolster his credentials among primary voters who were skeptical of his conservative bona fides. The question, however, quickly became whether he could pivot back to a more moderate position once he locked up the nomination in order to appeal to the broader electorate. Most pundits estimate that Gov. Romney needs to win around 40 percent of the Latino vote in order to win the general election.²

The anticipated pivot, however, has not materialized. And the anti-immigrant demagoguery he used to wage his GOP primary battle may have cost him the general election war. A recent poll by Latino Decisions shows that Latino voter support for President Obama has actually increased to 70 percent while Gov. Romney's numbers remain mired in the low twenties—22 percent—in this poll.³

Rather than articulate support for bipartisan and workable solutions to fix our broken immigration system, the Romney camp has chosen to instead attack the Obama administration for not passing comprehensive immigration reform when they had the chance.⁴ These attacks conveniently elide the fact that comprehensive immigration reform and the DREAM Act failed to pass because of Republican filibusters. And they beg the question of whether Gov. Romney would support sensible immigration solutions. For example, he continues to dodge questions about whether or not he would repeal the president's June 15 announcement to grant deferred action to DREAM Act-eligible youth.⁵

Gov. Romney told a Wisconsin audience in early April, “Let the immigration community not forget that, while he uses this [immigration] as a political weapon, he [President Obama] has not taken responsibility for fixing the problems we have here.”⁶ At its core, Gov. Romney’s message is: “I know you don’t like me, but you shouldn’t like the other guy either.”

More recently, in obvious recognition of the dire straits he is in with this community, Gov. Romney has started running Spanish-language ads claiming that he will pursue “bipartisan,” “permanent” immigration solutions. This line of thinking echoes comments he made in front of the National Association of Latino Elected Officials in late June, where he told the audience he will “work with Republicans and Democrats to find a long-term solution” to immigration.⁷ But what kind of solutions and what sort of immigration agenda can we expect if Gov. Romney is elected?

The short answer is that while he supports the easy reforms that can be reduced to platitudes—for example, “welcoming the best and brightest” and “promoting family unity”—the governor would do nothing to cure our nation’s dysfunctional immigration system. A Romney administration would advance the following legislative priorities:

- Increase high-skilled immigration.
- Exempt spouses and minor children of legal permanent residents from the annual cap.
- Increase temporary worker visas while stripping labor protections for those workers and their American counterparts.
- Pursue a DREAM Act that would only grant legal status to unauthorized immigrants who were brought here at a young age who serve in the military.⁸
- Make E-Verify, the nation’s flawed Internet-based work-authorization system, mandatory for all employers in the hope that undocumented immigrants will self-deport.⁹

We also expect a Romney administration would adopt the following regressive administrative priorities:

- Support states seeking to pass anti-immigrant laws like Arizona’s S.B. 1070.
- Implement a comprehensive “self-deportation” strategy for undocumented immigrants in which the government would make life as miserable as possible to try to force undocumented immigrants to leave the country on their own.
- Eliminate prosecutorial discretion that helps enforcement agents prioritize serious criminals over nannies and busboys, and rescind the president’s June 15 announcement to grant deferred action to DREAM Act-eligible youth.¹⁰
- Construct an additional 1,400 miles of border fencing despite the exorbitant cost.

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These legislative and administrative strategies would create burdensome and costly new regulations that would grow the size of the federal government at taxpayer expense, affect all Americans—immigrant and native-born alike—undermine community safety, stifle economic growth, and rob the United States of a large pool of talent, all while tearing families apart. These policies are also outside the mainstream of American public opinion on immigration.

Based on Gov. Romney's record and commentary, below is an analysis of who would play a role in shaping a Romney administration immigration agenda and what that agenda would look like in detail.

The company he keeps: Mitt Romney's advisors



Kobach

Kris Kobach, currently serving as Kansas's secretary of state, is the father of state and local anti-immigrant ordinances like those in Arizona, Alabama, and South Carolina.¹¹ He wrote the vast majority of them as senior counselor to the restrictionist Immigration Reform Law Institute and as a private consultant. Kobach worked with Arizona's Republican State Sen.

Russell Pearce to write S.B. 1070 and famously told reporters that he emailed the final revisions to Alabama's H.B. 56 to its sponsors while sitting in a duck blind on a hunting trip.¹²

Kobach has been a longtime advisor to Gov. Romney, advising his 2008 campaign on immigration and homeland security, and he is now reprising this role for the 2012 election following his endorsement of Gov. Romney in January.¹³

Accepting the endorsement, Gov. Romney put out a press release stating: "With Kris on the team, I look forward to working with him to take forceful steps to curtail illegal immigration and to support states like South Carolina and Arizona that are stepping forward to address this problem."¹⁴ In addition to Kobach, Gov. Romney has close associations with a number of individuals with distinctly negative views on immigration:



Pearce

Russell Pearce (R), former Arizona State Senate president, architect of Arizona's infamous anti-immigrant law, and the first Arizona legislator ever to be ousted in a recall election, recently threw his support behind Gov. Romney and declared that Gov. Romney's self-deportation policy is identical to his.¹⁵



Brewer

Gov. Jan Brewer (R-AZ), who signed Arizona's anti-immigrant S.B. 1070 into law, endorsed Mitt Romney in late February just ahead of her state's primary.¹⁶

Former Gov. Pete Wilson (R-CA), the father of Proposition 187,¹⁷ a ballot initiative that made unauthorized immigrants ineligible for public services such as health care or public education, endorsed Gov. Romney at the beginning of February. Gov. Romney made him an honorary chairman of his California campaign.¹⁸



Wilson

Rep. Lamar Smith (R-TX), chairman of the House Judiciary Committee and chief proponent of "self-deportation" or "attrition through enforcement" in the House, became one of Gov. Romney's earliest congressional endorsers in October 2011.¹⁹



Smith

Sheriff Joe Arpaio, of Maricopa County, Arizona, endorsed Texas Gov. Rick Perry in 2012 but endorsed Gov. Romney in 2008, telling Fox News then that "[Romney] did a great job in Massachusetts, especially against the illegal immigration problem."²⁰



Arpaio

Arpaio's policies are so extreme that in December the Department of Homeland Security ended its collaboration with his Maricopa County Sheriff's Office after a Department of Justice report found a "pattern and practice" of discrimination against Latinos and immigrants by Arpaio and his officers.²¹

Gov. Romney's legislative agenda

Legislative accomplishments are hard to come by or predict and Gov. Romney has provided only the faintest outline of an immigration plan. His agenda, insofar as it can be discerned, would advance a hodgepodge of *good, bad, and ugly* legislative priorities.

The good

Gov. Romney has indicated support for a couple of commonsense, noncontroversial ideas, that most Americans back. He has not provided anywhere near the detail to fully evaluate the proposals but as a general matter, these positions make sense from an economic and social perspective.

High-skilled immigration: Gov. Romney has repeatedly expressed his support for “legal immigration,” and his 59-point plan for the economy states that the United States “should encourage the world’s innovators, inventors, and pioneers to immigrate to the United States.” His plan includes two parts: first, raising the number of visas available for high-skilled workers with advanced degrees in the STEM fields; and second, granting an automatic green card to any foreign-born student who graduates with an advanced degree from an American university. Both proposals are ones supported by President Obama and enjoy bipartisan support in Congress.²²

Family unity: In his speech to the National Association of Latino Elected Officials, Gov. Romney argued that the “immigration system should help promote strong families, not keep them apart.” To accomplish his goal of family reunification, Gov. Romney suggested two changes: first, “reallocating” green cards to family reunification; and second, exempting spouses and children of legal permanent residents (green card holders) from visa caps. Both policies reflect needed reforms to the immigration system. But the vagueness of the claim to “reallocate” green cards, rather than raising the overall number of visas, makes it all but certain that as president he would push to eliminate some current reunification categories, such as those for the siblings of citizens, as the restrictionist Center for Immigration Studies suggested after his speech.²³

The bad

Some of Gov. Romney's ideas suggest an awareness of problems with the immigration system but no real commitment to solve them, including:

A DREAM-less DREAM Act: The bipartisan Development, Relief, and Education for Alien Minors, or DREAM, Act²⁴ would give a pathway to legal status to the estimated 2.1 million undocumented children who were brought to the country at a young age and who

graduate from high school and complete some college or military service. Even though 91 percent of Latinos²⁵ and 58 percent of the general public²⁶ support the DREAM Act, Gov. Romney has made his opposition clear. In restating and answering a question from the audience at an appearance in Iowa, he said, “If I were elected and Congress were to pass the DREAM Act, would I veto it? And the answer is yes.”²⁷

In his desire to walk back from the cliff of extremism, Gov. Romney has said that he would support providing immigration status to a subset of these youths—those that serve in the military.²⁸ But as Rep. Luis Gutierrez (D-IL) points out, “making military service a requirement for those who were raised here does not make sense because not everyone desires to serve or is qualified to do so.” Likewise Rep. Gutierrez argues that “risking one’s life should not be the only route to receive legal status.”²⁹ Cornell University Law Professor Stephen Yale-Loehr adds that a military-only option “effectively tells undocumented noncitizens that they are only useful for war, not for improving our economy through their hard work.”³⁰ In short, this is a bad idea.

Temporary worker visas: It is true that we need to be cognizant of the need for lesser-skilled labor in certain sectors of our economy, at least during periods of economic growth. As native-born Americans have become more educated and more experienced, the pool of labor for lesser-skilled jobs has continued to shrink. For decades some of that increased demand for labor has been met with undocumented workers from Mexico and Central America in the form of an integrated but unregulated labor market.

So Gov. Romney is correct in pointing out that we need to have more *legal* channels for workers to enter the United States. But temporary worker programs that lack significant protections for the workers, including the opportunity to become permanent residents have been rife with abuse and devalue similarly situated U.S. workers. He appears to contemplate expansion of the programs that already exist, which are woefully inadequate, while cutting some of the requirements that are designed to protect against abuse. This too is a bad idea.

The ugly

The only area of immigration policy where Gov. Romney has been clear and consistent is his support for harsh, counterproductive enforcement measures in an effort to trigger massive self-deportation.

Mandatory E-Verify: Gov. Romney talks about E-Verify as a solution to the nation’s undocumented immigration issue. He told a Mesa, Arizona, audience during a Republican debate in February, “I will make sure we have an E-Verify system and require employers to check the documents of workers, and to check E-Verify.”³¹

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Implementing a mandatory E-Verify program is not as simple as it sounds, however, and presents a number of challenges. First and foremost, the system's error rates mean that 675,000 legally authorized American workers—including citizens—would lose their jobs because of mismatches between their information and what is on file with the government. An additional 1.2 million to 3.5 million Americans would have to spend close to \$200 of their own money in lost wages and transportation costs to travel to a Social Security Administration office to fix erroneous information or risk losing their jobs. And these errors disproportionately fall upon the foreign born: According to a Westat study, naturalized citizens are more than 30 times more likely to receive an error than U.S.-born citizens.³² All for a system that catches unauthorized immigrants only 46 percent of the time—meaning that more than half of unauthorized workers will get through the system without a problem.³³

A mandatory E-Verify system would also cost a significant amount of money. According to the nonpartisan Congressional Budget Office, mandatory E-Verify use would decrease federal tax revenue by \$17.3 billion over 10 years as workers move off the books and into the underground economy where their tax revenue does not accrue to the government.³⁴ Running a mandatory E-Verify system would cost the government (the Department of Homeland Security and the Social Security Administration) more than \$1 billion over five years, while a recent Bloomberg Government study found that small businesses would bear the brunt of E-Verify's costs, paying an estimated \$2.6 billion a year to use the system.³⁵

And while Gov. Romney in the Mesa, Arizona, Republican debate pointed to Arizona's mandatory E-Verify law, passed in 2007, as a "model" for the nation—since in his words "the number of people in Arizona that are here illegally has dropped by some 14 percent"—the law had a number of unintended consequences.³⁶ In particular, mandatory E-Verify caused a significant number of people in the state to move from the formal economy to the informal economy.³⁷

A report on Arizona's E-Verify law by the Public Policy Institute of California concluded that far more immigrants would move off the books with a federal mandatory E-Verify policy (where their tax revenues would not accrue to the government and where they would be more open to exploitation) than would move out of the country.³⁸

Gov. Romney's administrative agenda

While a Romney administration will have to work with Congress to pass its legislative agenda, it can do a number of things through the executive branch from its first day in office. For instance, Gov. Romney has stated that he will encourage Arizona-style "papers please" laws in more states, make self-deportation federal policy, and build a fence along the entire southwest border.

Encouraging Arizona's "papers please" law for every state

Gov. Romney told the audience in the CNN Mesa, Arizona, Republican debate that he would drop all government lawsuits against states like Arizona who have adopted their own immigration policies. The Supreme Court, however, has declared such policies unconstitutional.³⁹ The Supreme Court's April 25 decision struck down three main parts of Arizona's S.B. 1070 albeit allowing the insidious "papers please" provision to remain tentatively intact. But the Court's language definitively made clear that the state was treading unconstitutionally in the federal government's domain with its attrition through enforcement policy. Dropping federal lawsuits against other states that have similar laws in place would effectively endorse state violations of the Constitution.

Gov. Romney also doubled down on his support for S.B. 1070 on the day of the Court's decision, releasing a statement stating, "I believe that each state has the duty—and the right—to secure our borders and preserve the rule of law, particularly when the federal government has failed to meet its responsibility." And during an event in Scottsdale, Arizona, that same day, Romney even repudiated the Court's majority, telling donors, "I would have preferred to see the Supreme Court give more latitude to the states not less."⁴⁰

Gov. Romney's embrace of the law is at odds with the Latino community. Recent polling of Latino registered voters finds that 66 percent oppose the law and a whopping 79 percent believe that Latinos who are legal residents or U.S. citizens will be stopped and questioned by the police.⁴¹ Latino voters view the law as nothing more than legalized racial profiling. By bear-hugging the Arizona law, Gov. Romney further alienates Latino voters who see that measure and other similar state laws as painting a target on their backs.

Ending prosecutorial discretion and rescinding the president's announcement on deferred action

In June 2011 the Obama administration announced a smart prosecutorial discretion policy that allowed immigration officials to prioritize dangerous criminals over busboys in enforcing the immigration laws. The policy ensured that low priorities—individuals with no criminal record, significant ties to the community, DREAM Act-eligible students, etc.—would have their cases closed in order to focus on serious threats.⁴² Gov. Romney's chief immigration advisor, Kris Kobach, deemed the Obama administration's policy an attempt to "go further in not enforcing the law."⁴³ It is not a stretch to believe that a President Romney would immediately rescind the policy of discretion.

Gov. Romney also refuses to state whether or not he would rescind President Obama's June 15 announcement that he will grant deferred action to DREAM Act-eligible youth, allowing them to stay and work here legally. Romney will only say that this program, which is supported by a full two-thirds of Americans,⁴⁴ "makes reaching a long-term

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solution more difficult.” His advisors bring no more clarity with the picture, with Gov. Romney’s Hispanic Steering Committee co-chair Jose Fuentes telling reporters that he believed Gov. Romney would not repeal the order,⁴⁵ while Ray Walser, co-chair of Gov. Romney’s Latino American Working group, stated the exact opposite.⁴⁶ But with Gov. Romney’s strong position on vetoing the DREAM Act, it is plausible to expect that he would terminate this policy as well.

Without the ability to prioritize resources, the government will be forced to spend money deporting anyone who comes into the system even if they have been in the country for well over a decade, have a family here, and have committed no crime. While Mitt Romney states that he is in favor of self-deportation—where immigrants make the choice to leave on their own—rather than using government resources to deport the estimated 11.5 million unauthorized immigrants in the country,⁴⁷ ending prosecutorial discretion will mean that far more people end up in deportation proceedings at an average cost to the U.S. government of \$23,500 per deportation.⁴⁸

Making self-deportation federal policy

Gov. Romney’s sustained support for racial-profiling laws like S.B. 1070 make clear an aggressive program of self-deportation is the centerpiece of his immigration policy. His ideas are based on those of his immigration advisor Kris Kobach⁴⁹ and would mean pursuing a strategy of attrition through enforcement. Restrictionist groups like NumbersUSA define this strategy as “mak[ing] it extremely difficult for unauthorized persons to live and work in the United States,” in the hope that they will leave the country on their own.⁵⁰

During the Florida Republican debate, Gov. Romney told the audience that “the answer [to sending undocumented immigrants home] is self-deportation ... which is, people decide that they can do better by going home because they can’t find work here because they don’t have legal documentation to allow them to work here.”⁵¹

The audience laughed at the proposal, but Gov. Romney’s stance is not a new one. Eric Fehrnstrom, one of the Romney campaign’s top advisors, told *The Washington Examiner*:

*You turn off the magnets, no in state tuition, no benefits of any kind, no employment. You put in place an employment verification system with penalties for employers that hire illegals, that will shut off access to the job market, and they will self retreat. They will go to their native countries.*⁵²

But how would such a self-deportation program play out in real life? Most importantly, it would not solve the problem of undocumented immigration. According to the Department of Homeland Security, most undocumented immigrants have been in the country for 10 years or more,⁵³ and the Pew Hispanic Center estimates that 47 percent

of unauthorized immigrants live in households comprised of families with children.⁵³ This makes it highly unlikely that they will simply leave the country.⁵⁴

In a recent report, researcher Leah Muse-Orlinoff of the University of California, San Diego, reviewed the evidence from states like Arizona, which has had a mandatory E-Verify law on its books since 2007,⁵⁵ and places like Oklahoma City that have passed similar anti-immigrant ordinances. She concluded that “unauthorized immigrants make the decision to stay in the country despite attempts to drive them out,” with some moving to a more welcoming locale within the United States and many more simply going underground.⁵⁶

But while these laws do not drive immigrants out of the country, self-deportation does wreak havoc on the communities where it is implemented. As Eliseo Medina, secretary-treasurer of the Service Employees International Union, pointed out after the Florida debate, implementing self-deportation means “refusing to rent to them [undocumented immigrants] or to provide access to heat and water,” not to mention going after their children in schools.⁵⁷

We only have to look at Alabama to see the disastrous consequences of self-deportation policies. The state passed its own version of an attrition-through-enforcement bill, H.B. 56, in June 2011 and it went into effect in September. On the first Monday after the law went into effect, more than 2,000 Latino students did not show up to school because many unauthorized immigrants were fearful of arrest under the new law. The Southern Poverty Law Center set up a helpline for people to report racial profiling and abuses under H.B. 56 and it received more than 2,000 calls in its first week of operation.⁵⁸

What’s more, lack of available immigrant laborers threatens to devastate Alabama’s \$5.5 billion agricultural sector, while the recent arrest of two foreign auto executives calls into question the state’s status as a leader in attracting foreign investment.⁵⁹ Overall, economist Samuel Addy of the Center for Business and Economic Research at the University of Alabama estimates that the state could lose up to \$10.8 billion annually and up to 140,000 jobs as a consequence of H.B. 56.⁶⁰

Building the entire border fence

Gov. Romney told the audience at the CNN-Tea Party Republican debate in Tampa, Florida, that under his administration, “of course we’d build a fence” across all 2,000 miles of the border between the United States and Mexico.⁶¹ Furthermore, his campaign website states: “Mitt Romney will complete a high-tech fence” across the border as part of his “strong stand against illegal immigration.”⁶² Gov. Romney doubled down on his border-enforcement-first strategy in front on the National Association of Latino Elected Officials in late June, telling the audience that “it is critical that we redouble our efforts to secure the borders,” and arguing that the United States “should field enough border patrol agents, complete a high-tech fence, and implement an improved exit verification system.”⁶³

Tough talk aside, according to federal government estimates, 81 percent of the border already falls within the top tiers of operational control, meaning that at the very least the Department of Homeland Security can detect all attempts to cross. The remaining 19 percent is in the most inaccessible parts of the border. That 81 percent includes 650 miles of fencing and an extensive use of technology to detect border crossings.⁶⁴

To build a fence along the entire border—enlarging it from 650 miles to 2,000 miles—would be impractical at best and extremely costly at worst. The Government Accountability Office estimated that it would cost on average \$3.9 million per mile to build the most secure type of fence (primary pedestrian fencing), meaning that it would cost the government a whopping \$5.3 billion of taxpayer funds to complete the fence. At a time of tightening wallets and spending cuts, a \$5.3 billion price tag certainly runs contrary to the idea of small government.⁶⁵

Gov. Romney's positions too extreme for the public

Poll after poll finds Gov. Romney's positions to be far outside the mainstream of American voters. Instead of harsh and costly enforcement-only laws, most Americans favor a balanced approach where tougher enforcement is paired with a pathway to citizenship for people who are part of our communities, allowing them to learn English and pay back taxes.⁶⁶

These results are consistent regardless of who is asking the question. A Fox News poll from December 2011, for example, found that two-thirds of all voters believed that unauthorized immigrants should be allowed to remain in the country and eventually stay in the country, while only 19 percent supported sending all unauthorized immigrants back to their home countries.⁶⁷ On the flip side, a Latino Decisions/Univision News poll from November 2011 found that only 25 percent of the general public would be more likely to support a candidate with harsh views on immigration, while 41 percent would be less likely. By contrast, 46 percent of voters would be more likely to support a candidate with positive views on immigration and only 15 percent would be less likely.⁶⁸ The DREAM Act polls equally high, with 58 percent of all voters and 91 percent of Latino voters favoring it.⁶⁹

Voters should ask themselves whether they want to support a potential administration with immigration positions far more extreme than their own. Do they support a candidate who would reject the DREAM Act, push self-deportation and E-Verify on the nation, and make Arizona a model for the country at large? Do they support the purported "small government" candidate who would spend more than \$5 billion to build a fence, spend billions of dollars more in deportation and enforcement costs, and lower government revenues by \$17.3 billion over a decade through mandatory E-Verify use?

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That's exactly what they'd get with a Romney administration.

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