

Center for American Progress



Principles for Immigration Reform

Guidelines for Fixing Our Broken Immigration System

By Marshall Fitz and Angela Kelley December 2009

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Executive summary

Our broken immigration system undermines core national interests and must be reformed. The public demands it. Our security requires it. Global competitiveness and economic reality compel it. Our identity as a nation of immigrants and a nation of laws depends on it.

A truly comprehensive and coherent immigration policy will address the terms and conditions of admission to and presence in this country, as well as the external forces that propel migration. Flight from war, repression, and poverty are reasons for migration as old as human history. Pursuit of higher-order economic opportunity is a more modern phenomenon that played an important role in our country's founding, growth, and success. But a far more recent development is playing an increasingly important role in driving mass migration: economic globalization.

We must forthrightly acknowledge as we debate immigration policy that the U.S. economy is inextricably linked to the global economy; that globalization has made it increasingly more efficient to move capital, goods, and services across national borders; and that this global economic integration has increased the importance of and opportunity for labor mobility. We must create modern, formal, and legal channels for the movement of labor that is already occurring in order to succeed in this new economic paradigm.

U.S. international economic and development policy can and must do more to address migration pressures by helping generate decent work and improve the quality of life in the predominantly poor countries that are birth places of many of the immigrants coming to the United States.¹ But those important challenges, while ultimately integral to a coherent immigration policy, are beyond the scope of the current debate. Of necessity, the immediate focus is on legislative solutions that will restore order to the system, level the playing field for workers and employers, and protect core values.

The failures of our immigration system stand in sharp contrast to the powerful contributions that immigrants have made to our country. Immigrants have become part of the American mainstream, and they are essential to our economic growth. They are the entrepreneurs on Main Street, U.S.A., and they have risen to the top of every segment of society along with their children, including the U.S. Supreme Court and the U.S. presidency.

We must develop a system that recognizes those contributions and treats immigration as a national resource to be managed and embraced. This requires that we develop strong enforcement mechanisms at the border and worksite that will expose future illegal border crossers and employers who seek to hire undocumented workers. It requires that we deal realistically with the fact that more than 5 percent of our national workforce is undocumented. It requires that we allow families that have been separated for years or decades to be united quickly. It requires that we create flexible immigration channels to enable foreign workers to enter the country without disadvantaging U.S. workers. And it requires that we provide immigrants with the tools they need to integrate into our communities.

Opponents of reform will continue to foment fear and cling to the status quo. But public opinion polling shows that voters expect their elected officials to solve tough problems with pragmatic policies while standing on principle. As the president and Congress begin work on this issue, the Center for American Progress offers the following framework of principles and solutions for comprehensive immigration reform.

We believe that comprehensive immigration reform's core architecture must advance five central goals and embody the following recommendations:

Goal one: Establish smart enforcement policies and safeguards. Meaningful reform will restore the rule of law by marrying smart workplace and border enforcement initiatives with legal reforms that embrace 21st century economic and social imperatives. Reform must restore the integrity of our borders and the legality of our workforce. Efforts in recent years to expand immigration enforcement by state and local authorities have resulted in an uneven patchwork of laws and have undermined community policing initiatives.

Recommendation: Focus on both the border and the workplace. Deploy smart border technology designed to disrupt the drug and human trafficking networks on both sides of our borders. Reform should phase in the universal implementation of a secure electronic employment verification system as accuracy and privacy benchmarks and other important safeguards are met. Reform should also make clear that immigration enforcement is the federal government's domain and preempt all state and local efforts to regulate in the civil immigration arena.

Goal two: Resolve the status of those illegally present in the United States. Reform cannot restore the rule of law if it ignores the 12 million residing in the United States without legal status—to do so amounts to amnesty by inaction. It is unrealistic to suggest that the government pursue mass deportation for 12 million people; doing so would require a convoy of more than 200,000 buses that would stretch more than 1,800 miles. CAP research estimates that mass deportation would cost nearly \$300 billion over five years.

Recommendation: Create a tough but realistic program to register undocumented immigrants. The program must require undocumented immigrants to submit to background checks, pay taxes, learn English, and pay a fine in order to obtain legal status for

themselves, their spouses, and minor children. The program must bar those convicted of serious crimes or who pose a security threat. But effectively solving this problem means that the program must be structured to register the greatest possible number of undocumented immigrants in as efficient and streamlined a way as possible. And the program must offer confidentiality in the application process as well as interim legal status with the eventual prospect of permanent status in order to ensure broad participation.

Goal three: Create legal channels that are flexible, serve the U.S. interest, and curtail illegal immigration. Current family and employment immigration channels are rigid, cumbersome, and outdated. Reform will require dealing with the remnants of the decades of a broken immigration system by facilitating the entry of individuals with applications stuck in backlogs. But we cannot simply focus on addressing the byproducts of the current broken system and not expect new problems to arise. We must establish a 21st century system that replaces illegal immigration and unconscionable backlogs with a flexible framework that advances the nation's dual interest in economic growth and family unity.

Recommendation: Enhance legal immigration channels by creating a discretionary pool of visas that can be allocated flexibly. CAP recommends maintaining the current family and employment preference categories and level with only slight modification, while also creating a new discretionary pool of immigrant visas that amounts to the difference between average legal immigration admissions and average actual immigration levels over the last 15 years. Allocation and use of these visas would be decided by a commission that would make annual recommendations on allocating the discretionary pool of visas among the current categories based on an assessment of shifting national interests. Any employment visas issued would require a new limited provisional visa with full labor rights including job portability and a path to permanent residence to drive undocumented economic migrants into legal channels. Existing backlogs should be cleared within seven years through a separate, discrete channel of new visas dedicated exclusively to this purpose.

Goal four: Protect U.S. workers from globalization's destabilizing effects. Replacing undocumented immigration with regulated immigration is necessary but not sufficient to protect native U.S. workers and future immigrant workers from exploitation. Future immigrants must be afforded the full panoply of labor protections to prevent employers from playing native and foreign workers off against each other in a race to the bottom.

Recommendation: Employ an array of measures to target bad actor employers and ensure an even playing field. These measures should fund and strengthen worksite enforcement mechanisms while stiffening penalties against employers who violate employment and labor laws. Immigration worksite enforcement must not interfere with labor law enforcement efforts. Reform should also protect visa holders in current temporary worker programs from exploitation by authorizing such workers to change employers freely and pursue permanent residence independent of employer control.

Goal five: Foster an inclusive American identity. The integration of large numbers of immigrants constantly tests and ultimately strengthens and deepens our national commitment to equality, freedom, and opportunity. The success of immigration reform over the long haul will therefore hinge on our ability to integrate current and future immigrants into the nation's social and cultural fabric by effectively promoting English language learning, civic education, and volunteerism.

Recommendation: Invest in turning newcomers into new Americans. Expanding the Department of Homeland Security's authority and resources to establish and coordinate integration programs throughout the country will promote the national interest in a civically engaged citizenry. Cultivating public-private partnerships and expanding the process of integration beyond arrival to the education and workplace arenas will allow us to reinforce our commitment to shared national values.

Background on the immigration debate

The immigration debate has followed a tortuous path over the last decade. The nation was on the verge of executing a bilateral immigration accord with Mexico in the days before 9/11. Those negotiations gave way to highly aggressive administrative enforcement initiatives in the wake of the largest terrorist attacks on U.S. soil. The issue of legislative reform lay largely dormant until 2005 when the Bush administration promised to drive the issue forward.

The House of Representatives preempted anticipated Senate action in late 2005 by passing an extreme enforcement measure (H.R. 4437) sponsored by Rep. Jim Sensenbrenner (R-WI). That bill, which would have felonized the undocumented population and many who interact with them, triggered an enormous backlash in which more than a million people marched across U.S. cities in protest. The Senate stalemated the House bill by passing a historic comprehensive immigration reform measure of its own in 2006.

Hopes were high as the Senate revisited the issue early in the 110th Congress, but the bill failed in June 2007 with profound consequences. States and localities, frustrated with continued federal inaction, passed an array of mean-spirited ordinances and laws designed to make life even more difficult for undocumented workers and their families. The poisonous atmosphere for multi-generational Hispanics as well as newly arrived immigrants became even more toxic when the Department of Homeland Security adopted a menacing interior enforcement strategy with tactics that included massive SWAT team-style worksite raids.

Some immigration restrictionists continue to advocate policies that would drive millions of workers and families out of our communities. Not only is mass deportation contrary to our national interests and values; it also is impractical and costly. A forthcoming report by CAP sets the cost of a deportation-centric DHS strategy at nearly \$300 billion over five years.

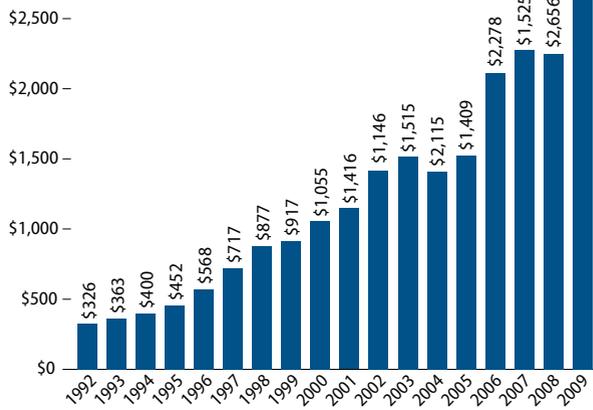
These destructive and futile diversions have done nothing to solve the problems afflicting our system, and they have created tremendous hardship and suffering for communities and families across the country. The divisive tactics have also succeeded in highlighting the critical importance of creating a 21st century immigration system that serves the nation's economic, security, and moral interests.

The political challenges remain daunting, but the national interest in comprehensive reform is unyielding. The times demand enactment of broad immigration legislation that mandates smart enforcement; requires the undocumented population to register, pay taxes, and learn English; enhances legal immigration channels; protects all workers; and fosters an inclusive American identity.

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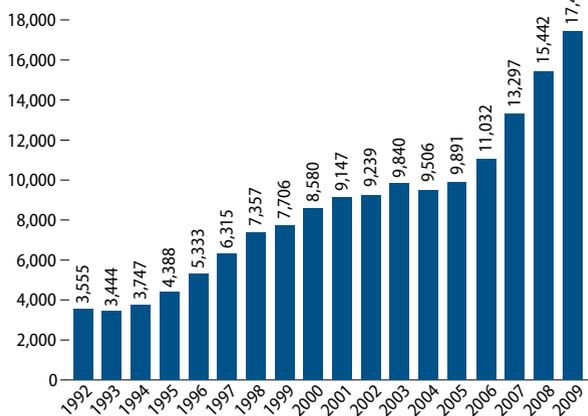
Establish smart enforcement policies and safeguards

Figure 1: U.S. Border Patrol budget, FY 1992-2009 (in millions)



Source: Immigration Policy Center, "Breaking Down The Problems" (October 2009), available at http://immigrationpolicy.org/sites/default/files/docs/Problem_Paper_FINAL_102109.pdf, figure 3, p. 13.

Figure 2: U.S. Border Patrol agents stationed along southwest border, FY 1992-2009



Source: Immigration Policy Center, "Breaking Down The Problems" (October 2009), available at http://immigrationpolicy.org/sites/default/files/docs/Problem_Paper_FINAL_102109.pdf, figure 4, p. 13.

The U.S. Border Patrol's annual budget has increased by more than 700 percent since 1992, and the number of border patrol agents has increased nearly 400 percent. Yet the number of undocumented immigrants in the United States has tripled to approximately 12 million during that same time period. Militarization of the border has obviously failed as a singular immigration control strategy.²

The federal government has a fundamental responsibility to protect the country, but it must do so by marrying smart, targeted border and worksite enforcement strategies with legal reforms that embrace 21st century economic and moral imperatives. An increase in legal immigration must be accompanied by efforts to ensure that a revamped immigration system fosters respect for the rule of law, due process, and privacy. A workable system will tolerate neither deliberate unlawful presence nor the violation of an individual's rights. Immigration reform that is tough but fair will restore order and control at the border, ensure a level playing field for honest businesses, and prevent dishonest businesses from gaining an unfair advantage.

Comprehensive immigration reform requires the federal government to make enforcement a priority at our borders, ports of entry, and in the workplace. Reforms must ensure that our borders and ports of entry are protected against those who seek to do us harm. They should also establish a system that makes clear to employers and employees that unauthorized employment will not be permitted.

Yet enforcement requires broader reforms to succeed. Efforts that purport to solely enforce our way out of the current broken immigration system reflect well-founded frustration with the status quo, but unwittingly reinforce the policies that created the situation in which we find ourselves today. Enforcement is an essential element of immigration reform, but not an

independent solution. Our vast borders, both north and south, and other ports of entry undoubtedly create potential opportunities for individuals wishing ill upon the United States to enter our country covertly.³ But we must not conflate immigration and terrorism: the former is a national resource to be managed, the latter an international scourge to be defeated.

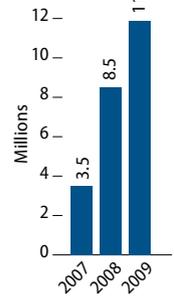
Effective border security requires that we expand legal avenues for entry into the United States. The complete absence of legal channels of entry for the vast majority of would-be border crossers creates enormous pressure on the border. Individuals desperate to make a better life for themselves and their families have only one choice: enter illegally or do not enter at all. It is not a matter of waiting in line—there is no line. Creating a line for these would-be migrants will fundamentally change the incentives. It will drive undocumented immigration into a regulated flow, reduce the number of people seeking illegal entry into the country, and allow DHS to prioritize enforcement resources more effectively. A proposal to establish new legal avenues for economic migrants is discussed later in this report under the section entitled “Enhance family and employment legal immigration channels.”

Even with a reduced flow of undocumented immigrants, the expanse of our borders and the difficult terrain that they encompass demands that we continue to facilitate the Border Patrol’s security mission with effective “smart” technology. Reform should require that the technology be mission appropriate and serve to disrupt the drug and human trafficking networks on both sides of our borders.

The vast majority of undocumented immigrants come to the United States to work, so broad reform must also include workplace enforcement. Workplace enforcement was practically nonexistent until very recently, eliminating any real deterrent to employers violating U.S. laws by hiring undocumented workers. Immigration and Customs Enforcement significantly ratcheted up its worksite activities in response to loud protests by immigration restrictionists that not enough was being done with regard to interior immigration enforcement. ICE’s overall workforce arrest totals increased from 510 in fiscal year 2002 to 6,287 in fiscal year 2008, but the vast majority of these arrests were of workers. Only 135 were owners, managers, supervisors, or human resources employees.⁴

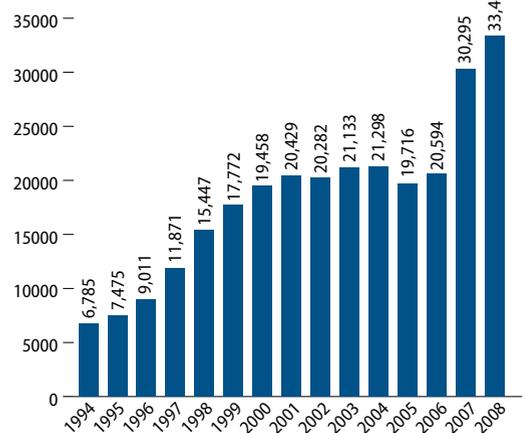
Worksite enforcement must crack down on those who employ undocumented workers, not just the workers themselves. Focusing on unauthorized workers in isolation simply leads to churning within the undocumented population. Unless there are meaningful negative consequences for employers, such churning and slap-on-the-wrist fines will become costs of doing business and will not contribute to a reduction in undocumented immigration. This is critical to diminishing the economic incentive that unscrupulous employers have to hire undocumented workers by

Figure 3: Unauthorized immigrants in the United States, 1990, 2000, and 2008



Source: Immigration Policy Center, “Breaking Down The Problems” (October 2009), available at http://immigrationpolicy.org/sites/default/files/docs/Problem_Paper_FINAL_102109.pdf, figure 2, p. 12.

Figure 4: Number of INS/ICE detainees per day, 1994 to 2009



Source: Migration Policy Institute “Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?” (September 2009), available at <http://www.migrationpolicy.org/pubs/detentionreportSept1009.pdf>, figure 1, p. 6.

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any means possible, including moving into the underground economy, misclassifying workers as independent contractors, and using sham subcontracting arrangements.⁵ Those employers leverage the threat of deportation to prevent the workers from standing up for their rights, which has the effect of driving down the wages and working conditions of *all* workers, not just undocumented immigrants.⁶

Of course, all current worksite enforcement activities are hampered because they take place in the context of a dysfunctional immigration system. The United States has extended a *de facto* invitation to undocumented workers to live and work in our country for the past 20 years. Those individuals have done what countless generations of immigrants before them did—they have established deep roots in our society. Seventy-three percent of the children of undocumented immigrants were U.S. citizens in 2008. That year, 4 million U.S.-born children were in mixed status families, up from 2.7 million in 2003.⁷ As a result of these deep and complex family ties, ratcheted-up ICE interior enforcement and the resulting deportations have torn asunder innumerable families.⁸

Effective worksite enforcement is also predicated on having a reliable means to differentiate between those who are authorized to work in the United States and those who are not. The 1986 legalization legislation failed to provide legal channels for future workers and did not give employers the necessary tools to effectively verify workers' employment eligibility. One of the most significant challenges for fair but effective worksite enforcement under comprehensive immigration reform will be to establish electronic verification mechanisms that are accurate, universal, and reliable as well as nondiscriminatory and protective of workers' rights and of the privacy of all.

The basic pilot electronic employment verification program established in 1996—now called “E-Verify”—has slowly expanded and improved from a highly inauspicious beginning with massive error rates and employer noncompliance.⁹ A concerted effort and huge expenditure of resources has improved the system, but it is still far from ready for universal mandatory implementation. For starters, this mechanism will never be successful unless it is accompanied by legalization of the 5 percent of the workforce that is currently undocumented. Building a legal system on a foundation of illegality is like constructing a house on a marsh. If imposed without the regularization of undocumented workers, employers will move these workers off the books, the workers will go deeper underground, and the black market in false or stolen documents will get more profitable and dangerous.¹⁰ The foundation of the system will become increasingly unstable and eventually collapse.

The imposition of electronic verification mechanisms has implications across a broad range of evolving security and credentialing needs in our society today. Requiring U.S. citizens to request federal permission to work would mark a major cultural shift, and we must address the consequences of such a step honestly and directly.

Finally, the federal government's recent efforts to contract with local police to enforce immigration laws are fraught with serious problems, including inconsistency in how they carry

out arrests and detentions. Chief criticisms include ethnic profiling—especially against Latinos—and interference with regular crime control because documented and undocumented immigrants fear being arrested if they cooperate with police. The Obama administration is standardizing all contracts under Section 287(g) of the immigration law, but local police agencies are protesting being made into immigration enforcers, and more must be done to ensure that arrests under these agreements apply only to criminal offenders.

Recommendations

1. Deploy smart border technology designed to disrupt the drug and human trafficking networks on both sides of our borders.
2. Authorize universal implementation of a secure electronic employment verification system in conjunction with legalization of the current undocumented population. Phase in the new system as established accuracy and privacy benchmarks are met. Institute antidiscrimination mechanisms and clear redress procedures for errors, ensuring that no eligible worker is denied or delayed employment.
3. Establish unequivocal federal preemption over all civil immigration issues in order to prevent state and local authorities from attempting to regulate in this arena and to restrict state and local enforcement to the explicit parameters of Section 287(g) agreements.

Resolve the status of those illegally present in the United States

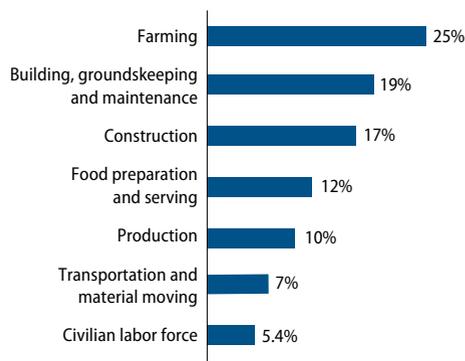
It is morally unacceptable and economically unwise for the wealthiest nation on earth to have 12 million people living and functioning in an underground economy. Our “shining city upon a hill” is casting a dark shadow over a large class of workers. These workers and their families are interwoven in our communities, yet they are proscribed from becoming full members of our society. Their labor enhances the nation’s competitiveness and enables economic growth, but their lack of legal status exposes them and their U.S. counterparts to manipulation and exploitation.

Effective reform must require illegal U.S. residents to register, pay their full share of taxes, learn English, complete background checks, and earn the privilege of citizenship. The country will in turn benefit from an expanded tax base, a more robust rule of law, a workforce less vulnerable to exploitation, and a level playing field for all workers.

The alternatives—preserving the status quo, mass deportation, and deportation through attrition—are not serious solutions. The status quo makes a mockery of the rule of law and must be altered. Mass deportation is practically and fiscally untenable.¹¹ Deportation through attrition may be feasible over a period of decades, but a deliberate strategy to make people’s lives so miserable that they leave the country—including U.S. citizen spouses and children—is morally reprehensible.

Figure 5: Occupations with high shares of unauthorized immigrants, 2008

(Percent unauthorized immigrants of workers in occupation)



A large-scale removal strategy would irretrievably damage the U.S. economy. Undocumented workers made up about 4 percent of the population in 2008, yet accounted for 5.4 percent, or 8.3 million, of the national labor force of 154 million people. The undocumented predominantly occupy low-skilled jobs such as farming, food processing, cleaning, and construction. Undocumented immigrants totaled one-fourth of the nation’s farm workers in 2008, and they held 17 percent of construction jobs, up from 10 percent in 2003.¹²

Undocumented workers may be concentrated in a handful of sectors, but their economic contributions are far reaching. The undocumented are consumers, renters, home owners, and taxpayers. Determining their precise economic contributions is difficult, but analysis of payroll

Source: Pew Hispanic Center “A Portrait of Unauthorized Immigrants in the United States” (April 14, 2009), available at <http://pewhispanic.org/files/reports/107.pdf>, figure 5, page iv.

statistics yields some informative data. Research by the Congressional Budget Office concludes that between one-half and two-thirds of the undocumented workers in the United States pay Social Security and Medicare taxes, file tax returns, or do both.¹³ Undocumented workers are believed to contribute approximately \$7 billion annually to the Social Security Trust Fund through payroll taxes paid on Individual Taxpayer Identification Numbers and fraudulent Social Security numbers, even though they cannot claim benefits.¹⁴

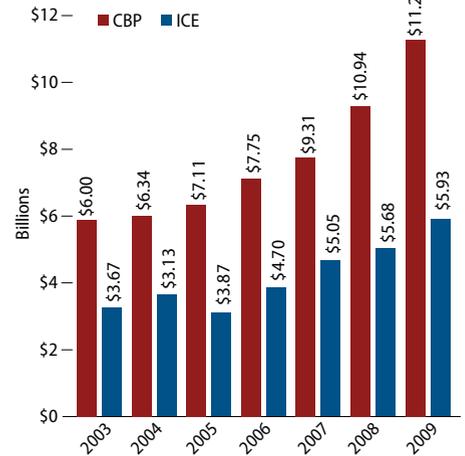
The estimated economic benefit of legalization over a 10-year period is around \$1.5 trillion.¹⁵ And according to one estimate, undocumented workers generate \$144 billion in annual economic activity.¹⁶ Juxtapose that against the untenable—and economically suicidal—alternative of uprooting 12 million undocumented individuals. An immigration policy that embraces the dislocation of a population roughly equivalent to that of Ohio or Pennsylvania should be rejected out of hand.

Conservative estimates put the price tag of such misguided folly at \$293 billion over five years.¹⁷ Julie Myers, the former head of Immigration and Customs Enforcement, told a Senate committee in 2007 that mass deportation would cost \$94 billion, not including the cost to find the estimated 12 million undocumented immigrants and related court costs.¹⁸ Cost aside, one is hard pressed to find a single example throughout human history in which a country looks back with pride on having executed a mass deportation.

A policy designed to reduce the undocumented population to zero through attrition is no more morally defensible than a policy of mass deportation. Anti-immigrant restrictionists who support a policy of attrition argue that immigration enforcement should be ratcheted up to the point where the undocumented will “choose” to go home instead of remain in the United States. Restrictionists would remarkably seek to turn the United States into a land from which 12 million yearn to flee rather than maintain our nation’s cherished reputation as a beacon for those yearning to breathe free. There is little evidence that undocumented workers are returning to their home countries, even in this serious economic recession when far fewer people are trying to enter the country because jobs are scarce.¹⁹ Deportation by attrition is simply not a viable option.

But extending free passes to those who entered the country or who have remained in the country illegally is not possible either. Reestablishing the rule of law, which is central to successful comprehensive immigration reform, must include recognition that the 12 million undocumented violated the law and should pay a price for that violation. To that end, we must require the undocumented population to register with DHS and submit to background checks to ensure that they have neither a criminal record nor ties to terrorist organizations. They must pay their taxes and a fine for having entered or remained in the country illegally. They must also demonstrate that they are employed and learning English.

Figure 6: CBP & ICE Budgets, FY 2003-2009



Source: Immigration Policy Center, “Breaking Down The Problems” (October 2009), available at http://immigrationpolicy.org/sites/default/files/docs/Problem_Paper_FINAL_102109.pdf, figure 5, p. 13.

If we are serious about ending illegal immigration, we need to clear the current population of undocumented immigrants through a maximally inclusive program. A program designed to bring in less than the full population will negate the end goal. Undocumented immigrants have circumvented the established—albeit inadequate and in most instances nonexistent—channels for entering or remaining in the United States legally.

The transition period on the path to earned citizenship should be determined by the time it will take to clear the backlog of those who have abided by the established system and who have sought legal entry into the United States.²⁰ In other words, undocumented immigrants would be placed at the back of the existing backlog before earning permanent residence. But comprehensive immigration reform must in turn expedite clearing the existing backlogs, which have created delays as long as two decades for reuniting separated families.

Recommendations

1. Establish a program requiring undocumented immigrants to register, submit to background checks, pay taxes, learn English, and pay a fine in order to obtain interim legal status for themselves, their spouses, and minor children.
2. Define threshold eligibility as broadly as possible to include all undocumented individuals in the United States except those individuals who have been convicted of serious crimes and individuals who pose a security threat.
3. Establish clear confidentiality protections to ensure that individuals do not fear collateral consequences from registering.
4. Provide individuals who are granted interim status with employment authorization and travel permission.
5. Authorize individuals who learn English, pay taxes, and work to apply for permanent residence outside of the current annual limits after the backlogs in family and employment visas have been eliminated.

Create legal channels that are flexible, serve the U.S. interest, and curtail illegal immigration

The demands of global competitiveness and a highly interconnected world require expanded channels for legal immigration into this country. Immigrants serve important roles in the success of the nation's economy in boardrooms and corn fields, in Silicon Valley and the San Fernando Valley. And family-based immigration has created the foundation for strong, entrepreneurial communities across the country.²¹

The United States must embrace the inevitable shift toward a well-regulated, legal, global labor market in order to retain our economic leadership. But employment-based immigration levels must not be pitted against family-based immigration in a zero sum game. Target immigration levels should be adjusted to acknowledge that both family- and employment-based immigration are engines of economic dynamism. The multiyear backlogs on green cards for families and workers must be eliminated by revising outdated numeric limitations.

Highly educated immigrants play an important role in our economy, but their potential contributions are hampered by restrictions on their ability to enter or remain in the United States and become permanent, contributing members of our society. For example, highly educated immigrants are a significant engine of innovation and entrepreneurial activity. A 2007 study by Duke University and University of California-Berkeley professors found that 25 percent of the technology and engineering companies started in the United States from 1995 to 2005 had at least one foreign-born founder.²²

The study further reported that these immigrant-founded companies produced \$52 billion in sales and employed 450,000 workers in 2005. At the same time, more than 1 million highly educated immigrants are currently in line for 120,000 employment-based permanent visas, or "green cards." And only 60,000 to 70,000 green cards are allocated each year to sponsored workers.²³

A wider path should be open to these individuals to afford them an opportunity to become permanent members of our society. This is particularly true with regard to advanced degree foreign graduates from U.S. universities in the innovation-critical science, technology, engineering, and math, or STEM fields. Many of these graduates find themselves barred by our immigration quotas from pursuing permanent employment in the United States, which means that we are training our competitors' workforces.²⁴

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Increased legal immigration, managed through a transparent legal framework, will be an important component of sustained economic growth.

The United States also faces potential future labor shortages in lower-skilled sectors of the economy. The deep recession and current high unemployment levels challenge the credibility of this assertion, but long-term demographics tell a different story. Native population growth in the United States is barely above the replacement rate for workers and is declining.²⁵ The U.S.-born workforce is rapidly growing older with the aging of the baby boom generation.²⁶ In the coming years, some job categories that require less education and are generally better suited for younger workers are expected to grow, just as the demands for high-skilled workers will grow.²⁷ Increased legal immigration, managed through a transparent legal framework, will be an important component of sustained economic growth.²⁸

It is undoubtedly true that even when the economy reignites and unemployment falls, a portion of the native workforce that remains unemployed would fill the low-skilled jobs that are available if they featured sufficient pay and benefits. Yet there are very real limitations on how much of the gap U.S.-born workers could fill. In addition to aging rapidly, the native U.S. workforce is becoming better educated, especially among younger age groups. That means we have fewer U.S.-born workers entering the low-skilled job market at a time when demand for such workers is expected to grow.²⁹

Despite the importance of at least some level of lower-skilled immigration to our economic well-being, the current system provides almost no channels for workers seeking those jobs to permanently move to the United States. The current employment-based preference system limits “other worker” visas—those for low-skilled workers—to only 5,000 per year. A modern immigration system must expand the number of permanent immigrant visas available to workers across the education and skills spectrum in order to drive existing undocumented immigration into legal channels. And the federal government should establish a provisional visa that facilitates the transition to permanent residence from this “other worker” category since no current temporary visa permits a transition. Such a visa would provide both the holder and the U.S. government with an opportunity to evaluate the fit before full permanent residence would be awarded.

Expanding immigration opportunities across the socioeconomic spectrum squares with the positive contributions those immigrants have made and can make to the U.S. economy and society. Foreign-born workers and their families make a significant contribution to the U.S. economy across all income and education levels. Immigrants, for example, contribute \$80,000 more per capita in taxes than they consume in government services over their lifetime.³⁰ Immigrants are also engines of job creation. For example, immigrants are significantly more likely to engage in entrepreneurial activity than native-born Americans.³¹ And legal and undocumented immigrants alike are estimated to generate approximately \$700 billion in economic activity or 5.4 percent of the country’s gross domestic product³²—a figure that outdistances the GDP contribution of all but three states in the union.³³

As the Congressional Budget Office observed, “barring substantial shifts in demographic trends, immigrants and their descendants are expected to provide the majority of the nation’s population growth during the next half century.”³⁴ A continued influx of immi-

grant workers should not be feared, but it must be managed within a legal framework where the rule of law is observed by all. The constant flow of unauthorized workers into the country, the shortage of visas for highly educated workers, and the interminable waits that separate too many families seeking to reunite in the United States make clear that our current broken system fails to meet this basic requirement.

The quest to create a modern, effective immigration system should not drive us into a false choice between employment and family-based forms of immigration. The United States benefits economically and socially when employment and family-based immigration operate in concert as complementary systems.³⁵ Critics of family-based immigration erroneously conclude that because admission criteria are not predicated on skill or employment offers, they must not advance the nation's economic interests. Yet the evidence indicates that family-based immigrants make vital contributions to the U.S. economy as productive workers and as entrepreneurs.³⁶ Indeed, family-based immigrants have human-capital skills that help them adapt with relative ease to the U.S. labor market's evolving demands and make them less likely to compete with Americans for jobs.³⁷

Economic and social stability also comes from the emotional, psychological, and cultural resources that sustain family members and immigrant communities through difficult transitions and the process of integration. Family-based immigrants are part of supportive, cohesive social units that make them more likely than the native born to start businesses.³⁸ And they have the sheltering infrastructure that enables them to better manage a range of health and social problems from asthma, substance abuse, and teen pregnancy to suicide and gang violence.³⁹

Some legislators and a few academics have argued for upending the current system, which is based on concrete employment or familial connections, in favor of a "points-based" system that focuses on education and skills.⁴⁰ A points-based system such as the one used in Canada assigns points based on criteria such as degree, field of study, and experience. An immigrant becomes eligible to apply for residence in Canada once they have accumulated a certain number of points.

Transplanting that type of system in the United States would untether the immigration process from the rootedness that has made immigration a critical component of our national identity and our economic success. The idea that the federal government can determine more effectively than a specific employer what skills and experience a business needs makes little sense. An individual who has enough points, but no strong employment or family connection to the United States, will have trouble integrating and flourishing. That is, in fact, the unfortunate experience of other countries that have adopted skills-based point systems.⁴¹

Smart immigration reforms will reset the overall legal levels for workers and families so that they reflect actual current immigration levels. The problem isn't immigration; it's illegal immigration. And the solution is not to put our head in the sand and ignore the

The quest to create a modern, effective immigration system should not drive us into a false choice between employment and family-based forms of immigration.

reality that our current legal channels are inadequate. The solution is to make our laws comport with reality and develop a controlled, regulated immigration system that serves our national interest.

The creation of an independent immigration commission is one mechanism to ensure that our mix of immigration is aligned with our national interest in strong families, secure communities, and a competitive workforce. A standing commission of experts—including, for example, economists, demographers, and sociologists—would provide valuable analysis that could help inform congressional decisions in distributing a new, discretionary pool of legal permanent visas on top of current family and employment categories.

That discretionary pool would amount to the difference between current average legal flows and current average actual flows. For example, if the annual legal flow over the last 15 years was determined to be 1 million immigrants, and the annual actual flow was determined to be 1.4 million immigrants, the commission would have an annual discretionary pool of 400,000 visas to allocate. The commission would be tasked with distributing these new visas across the current categories in a way that promotes economic growth, strengthens family unity, and protects workers. Current family and employment categories and current numeric allocations would remain intact with two exceptions noted above: expansion of the other worker category for lesser-skilled immigrants and exemption from employment-based ceilings of green cards for advanced-degree U.S. STEM graduates.

A commission should not be empowered to authorize or modify overall legal limits. The goal is to end illegal immigration by channeling all immigration into a transparent, well-regulated legal framework. That requires us to acknowledge that the current levels are inadequate and have been for years. Our system of rigid, statutorily determined annual ceilings for family and employment visa categories is too cumbersome to respond to changing circumstances. A commission charged with analyzing social, economic, and demographic conditions can help Congress move additional visas from this discretionary pool to those family and employment categories experiencing pressure based on fluctuating national priorities.

What is critical is less the precise mechanism than the result: a flexible system that can expand the allocation of visas to certain categories in response to changing economic and societal conditions. Alternative mechanisms or combinations of alternative mechanisms should be considered as well. For example, a market-based formula that factors in both industry-based demand levels and employment levels could help capture changing economic conditions.⁴² That might be a tool adopted by the commission as it determines which employment categories most require an infusion of new visas in a given year. Moving toward a more flexible, less politicized system that can respond to changing needs is critical, and there may be mechanisms beyond or in addition to a commission that could achieve this goal.

Recommendations

1. Eliminate the backlogs on family and employment immigrant visas within seven years by establishing a new set-aside of immigrant visas dedicated exclusively to this purpose.
2. Establish a new overall annual legal immigration ceiling based on average actual flows from the last 15 years.
3. Maintain the current distribution of visas across the family and employment preference categories except that: (a) the “other worker” visa ceiling should be raised to 50,000 and (b) advanced degree STEM graduates of U.S. universities should be exempted from the annual employment-based ceiling.⁴³
4. Establish a new discretionary pool of immigrant visas that amounts to the difference between average legal immigration admissions and average actual immigration levels.
5. Create a commission to make annual recommendations to Congress on allocating the new discretionary pool of immigrant visas across the current employment and family preference categories utilizing a national interest calculation that considers economic growth, family unity, and worker protections.⁴⁴ Mandate an initial recommendation within two years of enactment and allocate the discretionary pool during the two-year interim to the set-aside for backlog reduction.
6. Establish a new limited provisional visa with full labor rights including job portability and a path to permanent residence to drive lesser-skilled economic migrants into legal channels, serve as a transition mechanism for such migrants into the expanded “other worker” permanent residence category, and reduce pressure for illegal border crossings.

Protect U.S. workers from globalization's destabilizing effects

The absence of realistic legal channels for low-skilled foreign workers has made undocumented immigration the default mechanism in the current economy, distorting the labor market to the detriment of at least some portion of the native U.S. workforce.

Protecting native U.S. workers must be a central goal of immigration reform. But the absence of realistic legal channels for low-skilled foreign workers has made undocumented immigration the default mechanism in the current economy, distorting the labor market to the detriment of at least some portion of the native U.S. workforce. Undocumented workers are extremely vulnerable to exploitation and are often forced to accept below-market wages and no benefits. The depressed wages and benefits of the undocumented also hurt similarly situated low-wage native-born workers. A program that brings undocumented immigrants out of the shadows will enhance accountability for all employers and provide a level playing field for all workers.⁴⁵

Comprehensive immigration reform must safeguard all workers' ability to defend their rights, including the right to change jobs freely and organize without fear, and to earn a fair wage. Millions of American workers are experiencing unemployment or underemployment in today's economy, and we should strive to provide just wages for all workers and terminate policies that enable employers to participate in a race to the bottom of the wage ladder.

The economic research is mixed on how immigrant labor affects native-born workers' wages and working conditions, but any adverse impact would most likely apply to low-skilled workers. Effective reform must therefore create mechanisms to calibrate the flow of future immigrant workers into the United States and ensure that immigrant workers are not being used to distort the labor market—at any level of the economy—to the detriment of native U.S. workers.

Replacing informal immigration with regulated immigration is necessary but not sufficient for protecting native U.S. workers and future immigrant workers. Legal immigrant workers must also be afforded adequate and effective workplace protections to ensure their ability to earn fair wages and benefits. And robust legal safeguards are meaningless without a serious commitment to providing enforcement authorities with the necessary resources.

It is critical that immigration enforcement not be permitted to trump enforcement of our labor laws. Under the current employer sanctions system, some employers knowingly hire undocumented immigrants with the intent of exploiting their labor by, for example, placing them in unsafe working conditions, paying them a lower-than-market wage, or not paying them at all. If workers do file a labor complaint or join with their fellow workers to

form a union, the employer may either threaten workers with deportation or actually call DHS to have the workers deported.⁴⁶ The workers are sometimes whisked into detention or out of the country before they have a chance to seek remedies for the labor violations, and those employers pay no monetary penalty for their actions.

Historic and existing “guest worker” programs have drawn substantial criticism for failing to provide effective worker protections. For example, the Southern Poverty Law Center has documented a litany of abuses suffered by immigrants working on H2-A and H2-B visas.⁴⁷ Even if these cases are outliers, their egregiousness highlights the need for more rigorous controls and enforcement. Some of the documented injustices to workers include being:

- Routinely cheated out of wages
- Forced to mortgage their futures to obtain low-wage temporary jobs
- Held virtually captive by employers or labor brokers who seize their documents
- Forced to live in squalid conditions
- Denied medical benefits for on-the-job injuries

Such charges are rare against the employers of highly educated temporary workers, but the H1-B visa program for professionals has been criticized for a number of serious shortcomings, including restricting these workers’ freedom of job movement. This lack of job mobility for visa holders affects the visa holders as well as native U.S. workers, and is a fundamental flaw in the current temporary worker programs.⁴⁸ As noted Princeton economist Alan Krueger has written:

“Job shopping is an essential protection against exploitation and inefficient allocation of resource ... If [temporary workers] do not have the opportunity to change jobs with minimal administrative burden, other workers in the U.S. will potentially suffer because employers will have some scope to exploit guest workers and lower labor conditions more generally.”⁴⁹

Comprehensive immigration reform must provide immigrant workers with the ability to freely change jobs in order to effectively protect all workers.

Future workers also must be given, over time, an opportunity to become full, permanent, contributing members of our society. The historic prevalence of circular migration, particularly between the United States and our closest neighbors, makes it likely that a significant number of workers who will enter the country through a new regulated system will not ultimately seek permanent residence.⁵⁰ But immigrant workers must have a realistic option to pursue permanent residence that is independent of employer control. A clear path to permanent residence will ensure that unscrupulous employers cannot use green card sponsorship authority to delevage the rights of immigrant workers to the ultimate detriment of all workers.

A system that protects against the creation of an immigrant worker underclass—like those that have proven so volatile in other industrialized countries—will create additional incentives for immigrant workers and their families to jumpstart the assimilation process and make their contribution to the collective American identity.

Recommendations

1. Fund and strengthen worksite enforcement mechanisms and stiffen penalties against employers who violate employment and labor laws.
2. Ensure that immigration enforcement does not interfere with labor law enforcement.
3. Protect visa holders in current temporary worker programs from exploitation by authorizing such workers to change employers freely.
4. Create more legal channels for workers to pursue permanent residence independent of employer control.

Foster an inclusive American identity

Our country's identity is shaped by core values of equality, freedom, and opportunity. Immigration and the process of assimilation constantly test and ultimately strengthen and deepen our commitment to those values. We must be vigilant, however, to ensure that newcomers have access to programs—language and civic education—that facilitate their integration into the nation's social and cultural fabric. Naturalization is the cornerstone of integration and the first formal step in civic participation for new citizens, and it must be accessible and encouraged.

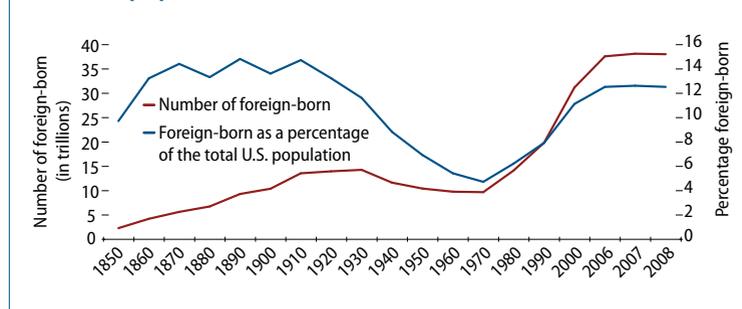
The significant increase in immigration to the United States in recent years has created concern about the possible effects of this immigrant wave on our national identity. Nearly identical concerns have been repeatedly raised and overcome during our country's history, but today's concerns must nonetheless be taken seriously. Comprehensive immigration reform cannot simply create mechanisms for bringing more legal immigrants into the country and preventing unauthorized entry and residence in the country. It also must bolster efforts to stimulate immigrant integration into an inclusive American identity.

The foreign-born population in the United States has been steadily increasing throughout the past nearly 40 years from its historic low of 5 percent of the population in 1970.⁵¹ Immigrants now comprise approximately 12.5 percent of the overall population, numbering almost 38 million.⁵² This is high, but the relative size of the foreign-born population has been larger in the past. Immigrants represented between 13 and 15 percent of the country's overall population from 1860 to 1920, reaching the high-water mark of 14.8 percent in 1890.

Each era of significant immigration throughout U.S. history has prompted xenophobic concerns about the effect on American society and identity. Indeed, worries regarding the potentially corrosive effects of immigration predate our republic. Writing in colonial Pennsylvania, Benjamin Franklin foreshadowed his far less august modern day successors when he wrote with regard to German immigrants:

Naturalization is the cornerstone of integration and the first formal step in civic participation for new citizens, and it must be accessible and encouraged.

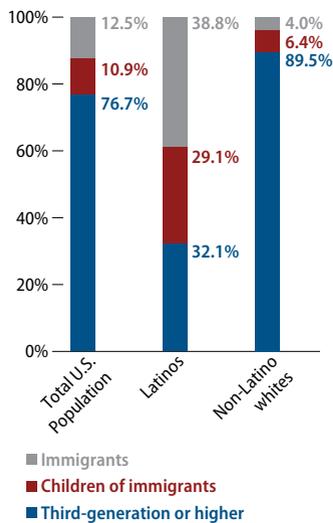
Figure 7: Foreign-born population total and as percentage of the U.S. population, 1850 to 2008



Note: The term "foreign-born" refers to people residing in the United States who were not U.S. citizens at birth. The foreign-born population includes naturalized citizens, lawful permanent residents, or LPRs, certain legal nonimmigrants (for example, persons on student or work visas), those admitted under refugee or asylee status, and persons illegally residing in the United States.

Source: The 2006-2008 data are from the 2006, 2007, and 2008 American Community Surveys, the 2000 data are from Census 2000, see <http://www.census.gov>. All other data are from Campbell Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-Born Population of the United States, 1850 to 1990." U.S. Census Bureau, Working Paper 29 (U.S. Government Printing Office, Washington, DC, 1999).

Figure 8: Total U.S. population, Latinos and Non-Latino whites, by generation, 2008



Source: Immigration Policy Center, "American Roots in the Immigrant Experience" (October 19, 2009), available at <http://lawprofessors.typepad.com/files/american20roots20in20the20immigrants20experience201019091.pdf>, figure 1, p. 2.

"Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion."⁵³

Senator Ellison DuRant Smith openly relied on the writings of eugenicist Madison Grant when he urged his colleagues to "shut the door" to the United States to preserve the purity of the country's "unadulterated Anglo-Saxon stock" during the debate on the highly restrictive Immigration Act of 1924.⁵⁴ Not all concerns with the current immigration challenges are rooted in the racist or eugenic theories that have colored debates in the past, but there are disturbing echoes of Smith's reliance on eugenics among modern immigration restrictionists. Those echoes bounce around the work of a number of seemingly mainstream anti-immigrant groups and others that have ties to eugenicists and traditional hate groups.⁵⁵

As before, current fear that immigrants are not assimilating is significantly overblown. Much of the concern regarding a lack of assimilation is focused on Latino immigrants,⁵⁶ yet study after study rebuts the notion that Latino immigrants are not becoming full members of our society. Language assimilation among Hispanic immigrants is at least equal to historical patterns, and is accelerating in some communities as second-generation English proficiency rates increase. Only 5 percent of Hispanics are even able to speak Spanish by the third generation, and English overwhelmingly predominates by the third generation in all immigrant groups.⁵⁷

The biggest indicator of assimilation is the exponential increase in the number of immigrants becoming new citizens. The 2006 Latino National Survey shows that Latino immigrants are rapidly incorporating themselves into the collective American identity across a wide range of societal assimilation markers—from declining Catholicism rates across generational lines to increased educational attainment to rising rates of marriage with non-Latinos.⁵⁸ And a Pew Hispanic Center study recently concluded that "among all Latino immigrants, just one-in-ten (9 percent) can be considered highly attached to their country of origin."⁵⁹

Yet proponents of comprehensive reform must not dismiss all concerns about the possible effect of large-scale legal immigration on the American identity as ill founded or racist and nativist ranting. Legitimate concerns about large-scale immigration require that the architecture of immigration reform address how to integrate immigrants into the American identity, grounded in the traditional core values of equality, freedom, and opportunity.

Creating increased opportunities for immigrants to pursue permanent residence will increase the incentive for them to fully integrate into American society. Expanding English skills and civics education are crucial ingredients of the comprehensive immigration formula. Unfortunately, the desire within immigrant communities to learn English

far outpaces the existing educational infrastructure's capacity. A recent Migration Policy Institute study concluded that, "the need for English language and literacy instruction by the nation's [legal permanent residents] and unauthorized immigrants dwarfs the scale and abilities of the current service system."⁶⁰

Given the societal and worker productivity implications of the growing demand for adult English language and literacy education, the responsibility to meet the demand falls equally on the public and private sectors. Successful immigrant integration efforts exist at the state and local levels, as well as in community partnerships, and should serve as models for action at the national level. The noteworthy "Welcoming Tennessee Initiative" is among the growing number of integration programs across the country. It is an alliance of business, law enforcement, community, and faith leaders, and its mission statement is to show that Tennesseans "are proud that Tennessee is a welcoming state, and are working to continue that noble tradition of increasing understanding of how new Tennesseans share our values, contribute to our economy, enhance our combined culture, and strengthen our communities."

More can and must be done to coordinate the federal, state, and local integration initiatives. Steps in the right direction have occurred with the expansion of the Department of Homeland Security's Office of Citizenship⁶¹ and the increase in funding it received in the 2010 appropriations. As the lead agency in an interagency task force on New Americans, the Office of Citizenship is tasked with developing materials, enhancing training initiatives, and providing federal leadership on immigrant integration issues. More funding and authority would allow this entity to have a more visible presence and robust role in coordinating the efforts of federal, state, and local government bodies and private sector groups.

The aggressive promotion of civic education and volunteerism will be critical to the success of comprehensive immigration reform efforts over the long haul. Transforming large numbers of undocumented immigrants into active civic participants in our society will serve the nation's core national interests, but it won't happen without a focused strategy that is sensibly resourced. The large numbers of immigrants settling in states and communities beyond traditional receiving regions means that the importance of a well-coordinated effort cannot be overstated.⁶²

Language assimilation among Hispanic immigrants is at least equal to historical patterns, and is accelerating in some communities as second-generation English proficiency rates increase.

Recommendations

1. Expand authority of the DHS Office of Citizenship to establish and coordinate integration programs throughout the country.
2. Fund an expansion of educational resources for newly arrived immigrants and include these resources as part of the initial visa application.
3. Provide resources beyond the first point of contact to educators, employers, and government agencies to continue the process of integration beyond arrival and in to subsequent generations. Provide local law enforcement authorities—often the most visible points of contact for new immigrants—with outreach training and resources to enhance communications and foster an understanding of the rule of law.
4. Fund expanded language acquisition programs and broaden public-private partnerships to reinforce the importance of and our commitment to language training.⁶³

Conclusion

The United States was built by immigrants on a foundation of law. And yet our current immigration system undermines our dual identities as a nation of immigrants and a nation of laws. On one point there is consensus: the status quo is untenable.

Outdated, inflexible immigration channels and ineffective enforcement strategies have triggered large-scale undocumented immigration. The result is an exploitable workforce living in the shadows, families separated for years, communities in turmoil, and a violent, chaotic border.

We have a rare opportunity as the nation slowly climbs out of a historic recession to force a clean break with our badly broken immigration system. Registering the maximum possible number of undocumented immigrants while establishing new legal channels will increase our tax base, boost growth, and make effective enforcement possible.

The question for Congress is whether we will follow the same failed enforcement-only strategies of the last 20 years or seize this opportunity to make fundamental, systemic reforms. The architecture outlined in this paper will establish a 21st century immigration system that advances our economic, security, and societal interests while restoring the rule of law.

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- 44 Some portion of this new pool will necessarily be allocated to the uncapped permanent residence categories. See 8 U.S.C. Section 1151(b). Far and away the largest number of uncapped visas goes to the immediate relative category who are the spouses, minor children, and parents of U.S. Citizens. Those numbers fluctuate annually so the average number of legal admissions will serve only as a baseline. Uncapped numbers that go beyond the legal immigration baseline will be subtracted from the new pool of numbers that the commission is authorized to distribute.
- 45 Raul Hinojosa-Ojeda, "Economic Stimulus through Legalization" (San Antonio: William C. Velasquez Institute), available at http://www.wcvi.org/intermediate_initiatives/FinalIWCWWhitePaperLegalization.pdf.
- 46 See, for example, Kate Bronfenbrenner, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing" (Cornell University, submitted to the U.S. Trade Deficit Review Commission, September 6, 2000), available at http://www.citizenstrade.org/pdf/nafta_uneasy_terrain.pdf. The report on a study that found that employers threatened to refer undocumented workers to the former Immigration and Naturalization Service, or INS, in 52 percent of cases where undocumented workers were present in the unit; Judith Browne-Dianis and others, "And Injustice for All: Workers' Lives in the Reconstruction of New Orleans" (Los Angeles: National Immigration Law Center, July 2006) available at http://www.nilc.org/disaster_assistance/workersreport_2006-7-17.pdf; Muzaf-far Chishty, supra note 6.
- 47 Mary Bauer, "Close to Slavery" (Montgomery: Southern Poverty Center, March 12, 2007) available at http://www.splcenter.org/pdf/static/Close_to_Slavery.pdf.
- 48 Ron Hira, "Outsourcing America's Technology and Knowledge Jobs" (Washington: Economic Policy Institute, March 28, 2007), available at <http://www.sharedprosperity.org/bp187.html>.
- 49 Alan B. Krueger, "Two Labor Economic Issues of Immigration Reform" (Washington: Center for American Progress, April 4, 2006), available at http://www.americanprogress.org/atf/cf/%7be9245FE4-9A2B-43C7-A521-5D6FF2E06E03%7d/krueger_immigration.pdf, p. 1-3.
- 50 Michele Waslin, Ph.D., "Immigration Reform: Comprehensive Solutions for Complex Problems" (Washington: NCLR, 2004), available at <http://www.nclr.org/content/publications/detail/28596>, p. 10; Prior to the buildup of border enforcement in the mid-1990s, a portion of undocumented immigration to the U.S. tended to be circular, meaning that immigrants came to the U.S. to work for a short period of time and earn money, and then returned to their home countries, often repeating the cycle several times.
- 51 All statistics cited in this paragraph are derived from "Frequently Requested Statistics on Immigrants in the United States." See supra n. 1. U.S. Census Bureau, *Coming to America: A Profile of the Nation's Foreign Born (2000 Update)* (U.S. Department of Commerce, 2002), available at <http://www.census.gov/prod/2002pubs/cenbr01-1.pdf>.
- 52 U.S. Census Bureau, "American Community Survey" (2008) available at <http://www.census.gov/acs/www/>.
- 53 Benjamin Franklin, Observations Concerning the Increase of Mankind, Peopling of Countries, etc. (1751).
- 54 Speech by Sen. Ellison DuRant Smith, April 9, 1924, Congressional Record, 68 Cong. 1 Sess., vol. 68 p. 5961.
- 55 Henry Fernandez, "Know Your Sources: The Mainstream Press Keeps Finding Wacky Immigration Experts" (Washington: Center for American Progress, September 19, 2007), available at http://www.americanprogress.org/issues/2007/09/know_your_sources.html; Susy Buchanana and Tom Kim, "The Nativists," *Intelligence Report* (Montgomery: Southern Poverty Law Center, Winter 2005), available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=701>.
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