



Principles for Immigration Reform

November 2007

PRINCIPLES FOR IMMIGRATION REFORM

Center for American Progress

November 2007

Introduction and Summary

The U.S. immigration system is in need of fundamental reform. The public demands it. Our security requires it. Economic reality compels it. Restoration of our moral standing in the world, and particularly in the Americas, is impossible without it.

Unfortunately, a series of piecemeal and mean-spirited initiatives at the local, state, and federal level have sought to fill the vacuum created by the restrictionist defeat of comprehensive immigration reform earlier this year. Although it is easy to understand the desire to quell public clamoring for solutions to our immigration challenges, these futile diversions should not derail us from the task at hand—creating a 21st century immigration system that serves our economic, security, and moral interests.

Creating a modern immigration system is an undoubtedly complex task. It requires achieving the right balance between enforcement, at our borders and at worksites, and establishing mechanisms for bringing the estimated 12 million undocumented in our midst out of the shadows to be full, contributing members of our society, and creating the means for regulating the flow of immigrants into the country. Simplistic recipes for dealing with the challenges are not real solutions even if they appear to resonate in the current environment of fear and insecurity.

Too often the immigration reform debate has become a proxy debate for the economic insecurity felt by too many in our country today. Although creating a modern immigration system would begin to address a part of the economic dislocations affecting Americans today, it would only address a small part. Immigration reform efforts, even comprehensive ones, cannot be expected to solve all the challenges presented by the interaction of the U.S. economy with a globalized economy.

To begin to answer those broader challenges, the Center for American Progress has published *Progressive Growth: Transforming America's Economy through Clean Energy, Innovation, and Opportunity*. To understand how comprehensive immigration reform fits into that picture, the Center offers this paper outlining six basic tenets that must inform the core architecture of immigration reform.

To create a robust, modern immigration system worthy of our country we must:

- Accept increased labor mobility
- Incorporate robust enforcement and safeguards
- Protect U.S. workers
- Increase and diversify legal immigration

- Resolve the status of the undocumented

- Foster an inclusive American identity

To maximize the possibility of success, these steps must be taken together. Attempting to do one (or even some) and not others will simply perpetuate the dysfunction that currently grips our immigration system.

Accept Increased Labor Mobility

Globalization has made the movement of capital and goods and services across national borders increasingly more efficient. Labor mobility has not kept pace. For the United States to retain our economic leadership and ability to grow economically, we must move toward a well-regulated, legal, global labor market.

The U.S. economy does not exist in a vacuum. Rather, our economy is inextricably linked to the global economy. Globalization encompasses not only the accelerated movement of capital and goods and services across international boundaries, but also the less reflected-upon movement of labor across international borders.

During the past nearly 60 years a complex, albeit imperfect, architecture has emerged to govern the movement of capital and goods and services in the international marketplace. To date (and for the foreseeable future) there is no similar rule book for the movement of labor. U.S. immigration policy, in isolation, cannot be a complete substitute for an international immigration regime, but attempts to reform our immigration system must strive to create modern, formal, and legal channels for the movement of labor that is already well underway.

The current U.S. labor force highlights the extent of the transnational movement of labor. Approximately 15 percent of the current U.S. labor force is foreign-born.¹ The more than 23 million foreign-born workers in the United States represent a more than three times greater percentage of the workforce than they did in 1970.² Immigrants also have accounted for more than half of the labor force growth in the United States in the past decade.³ That the most accurate predictor of migration from Mexico—the biggest source of immigrant labor for the United States—is not that country's macroeconomic performance, but rather the employment rate in the United States, further underscores the functioning of an extant, albeit largely informal, transnational labor market.⁴ The higher the employment rate in the United States, the more workers from Mexico enter the United States, through formal and informal means, to work.

The United States, of course, is not alone on this front. Immigrant communities are growing in developed countries across the world. In Australia, New Zealand, and Canada, for example, foreign-born workers make up more than 20 percent of the total workforce.⁵ Around the globe last year, immigrant workers remitted nearly \$200 billion to their native countries.⁶

Given the rapidly aging native-born population, there is a strong likelihood the U.S. economy will become increasingly reliant on an international labor market.⁷ As the Congressional Budget Office has observed, “[b]arring 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.”⁸

A continued influx of immigrant 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.

U.S. international economic and development policy also does not do enough to reinforce efforts to manage increased labor mobility. A truly comprehensive response to our immigration challenges must include advancing policies that help generate decent work and improve the quality of life in the predominantly poor countries that are the birth places of many of the immigrants coming to the United States.⁹ The responsibility for generating economic opportunity in those countries falls primarily on their political and economic elites, but the United States cannot be blind to the migratory side effects of our international economic and development policies.

In short, immigration reform efforts must fit the reality of the global movement of people and labor and seek to establish policies to manage and enhance greater legal immigration into the United States.

Incorporate Robust Enforcement and Safeguards

The federal government has a responsibility to protect the country by intelligently patrolling our borders and points of entry while advancing the economic and moral imperatives that should shape immigration reform. An increase in legal immigration must also be accompanied by efforts to ensure that a revised legal immigration system embraces a respect for both the rule of law and privacy, so that all, including employers and employees, understand that unauthorized presence in the country will not be tolerated.

Comprehensive immigration reform must make enforcement—at our borders, ports of entry, and in the workplace—a priority. Reforms must ensure that our borders and ports of entry are protected against those who seek to do us harm. They must also establish mechanisms that, while respecting the rule of law, make clear to employers and employees alike that unauthorized employment will not be permitted.

To succeed, however, enforcement requires broader reforms. 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, particularly at our borders. Enforcement is an essential element of immigration reform, but it alone is not sufficient.

Our porous borders, both north and south, and other ports of entry¹⁰ undoubtedly create potential opportunities for individuals wishing ill upon the United States to enter our country covertly. Immigration and terrorism, however, are different challenges that should not be conflated; nor can we allow concern regarding security to obscure fundamental flaws in our legal immigration system.

In fact, asking the U.S. Border Patrol to indirectly regulate our labor market with barriers, SUVs, handguns, and handcuffs diverts resources from its core mission—protecting the country against those seeking to do us harm. Effective border security requires that we expand legal avenues for entry into the United States. The U.S. economy absorbs more than 300,000 undocumented workers per year, while our immigration system only allocates 140,000 visas for all employment-based permanent migration and an insufficient number of temporary visas. The rest either cross our borders illegally or overstay their visas.¹¹ Converting the migration flow demanded by the U.S. economy into a regulated flow would enhance enforcement efforts immeasurably by significantly reducing the number of people seeking to enter the country illegally.¹²

Even with a reduced flow of immigrants, the expanse of our borders and the difficult terrain which they encompass demands that we facilitate the Border Patrol's security mission by deploying effective technology that make our border enforcement efforts "smarter." Such initiatives are already underway; effective reform must ensure the deployed technology is mission appropriate and serves to disrupt the activities of illicit networks on both sides of our borders.

Taking pressure off the borders also requires reforming workplace enforcement efforts because a majority of those in the country illegally are here to work. Until very recently, however, workplace enforcement was practically non-existent, eliminating any real deterrent to employers violating U.S. laws by hiring undocumented workers. In response to loud protests that not enough was being done with regard to interior immigration enforcement, Immigration and Customs Enforcement has significantly ratcheted up its activities. The ICE has increased arrests of undocumented persons in the interior by more than sevenfold between fiscal year 2002 and fiscal year 2006.¹³

Under current conditions, both the framework for worksite enforcement and its implementation demonstrate that we are still not serious in holding employers accountable for hiring the undocumented. Instead, our government seems more interested in showing that it is "doing something" even if it is activity for activity's sake with no real long-term results.

In a reformed system, to be effective, worksite enforcement must crack down on those who employ undocumented workers, not just the workers themselves. Focusing, in isolation, on unauthorized

workers, 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.

Vigorous worksite enforcement requires having a reliable means to differentiate between those authorized to work in the United States and those who are not. The failure of a recent Department of Homeland Security plan to send more than 8 million Social Security "no-match" letters to employers across the country underscores the difficulty in such differentiation. The attempt to enhance worksite enforcement was shelved, at least temporarily, by a federal judge who observed that shortcomings in the Social Security Administration's databases would place too many innocent citizens in jeopardy of wrongfully losing their jobs.¹⁴

The "no-match" episode highlights what will be one of the most significant challenges for fair, but effective worksite enforcement under comprehensive immigration reform—finding mechanisms that are not only accurate, universal, and reliable but also non-discriminatory, protective of workers' rights and of the privacy of all. The development of such mechanisms has implications across a broad range of evolving security and credentialing needs in our society today and will be part of the focus of upcoming work by the Center for American Progress.

The recent nationwide "Operation Return to Sender" conducted by ICE ostensibly to round up fugitive criminal aliens was marred by reckless disregard for fundamental constitutional rights of

U.S. citizens in states as far and wide as New York and Idaho. Under the pretense of looking for fugitive criminal aliens, ICE agents repeatedly raided the homes of U.S. citizens without proper warrants required by the Fourth Amendment in an apparent overzealous attempt to round up as many undocumented immigrants as possible.¹⁵ The conduct of the ICE raids underscores the dangers of unduly relying on enforcement alone as the means of solving the immigration challenges facing the country.

Current worksite enforcement activities are also hampered because they take place in the context of a dysfunctional immigration system. For the past 20 years, a de facto invitation has been extended to undocumented workers to live and work in our country. Those individuals have done what countless generations

of immigrants before them did—they have established deep roots in our society. As of 2005, more than 3 million U.S. citizen children had parents who were undocumented immigrants and there were 6.6 million families in which either the head of household or the spouse was an undocumented immigrant.¹⁶ As a result of these deep and complex family ties, ratcheted-up ICE worksite enforcement and resulting deportations have torn asunder innumerable families.¹⁷

Vigorous worksite enforcement will only hit the right targets and avoid “collateral damage” to legal workers and U.S. citizens only if it is coupled with expanded legal opportunities to work in the United States, which also requires resolving the status of the estimated 12 million undocumented immigrants who are living in our midst.

Protect U.S. Workers

In the context of an increasingly globalized labor market and expanded legal immigration, reforms must protect U.S. workers by safeguarding the ability of all workers to defend their rights, including the rights to change jobs freely and organize without fear, and to earn a fair wage.

Protecting native U.S. workers must be a central goal of immigration reform. Although the economic research is mixed on the direct effects of immigrant labor on the wages and working conditions of native U.S. workers,¹⁸ effective reform must create mechanisms that 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. To do so we must afford all workers meaningful labor protections and create carefully calibrated mechanisms to determine the flow of future immigrant workers into the United States.

Under the broken status quo, approximately 5 percent of the country's workforce is estimated to be comprised of undocumented immigrants¹⁹ with approximately another 335,000 being added to the workforce on a yearly basis.²⁰ The more than 7.2 million undocumented workers already here make a significant contribution to our country's economic well-being and cannot simply be uprooted without significant negative moral and economic implications. That undocumented workers make their contribution without legal status makes them extremely vulnerable to exploitation, including being forced to accept below market wages and no benefits; such exploitation can unfairly distort the labor market to the detriment of at least some portion of the native U.S. workforce.²¹

As discussed in greater depth below, undocumented immigrant workers and their families must be brought out of the shadows and afforded the opportunity to become full, contributing members of our society.²² As full, contributing member of society, these workers would be afforded the same labor protections as native U.S. workers, which would inure to the benefit of all workers.

In light of the likely U.S. demographic and labor market dynamics in the foreseeable future,²³ it is all but certain that our economy, across the board, will continue to require immigrant workers. Reform efforts must replace a continuation of undocumented immigration with legal mechanisms to bring immigrants into the country to meet legitimate labor demands. To ensure that legal immigration serves to expand overall U.S. economic growth and dynamism by complimenting the existing native workforce, mechanisms to authorize the entry of additional workers into the country, at all education and skill levels, must be calibrated to meet actual unmet labor market demands.

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.

Historic and existing “guest worker” programs, across all educational and skill levels, have drawn substantial criticism for failing to provide effective worker protections. For example, the existing H2-A and B “low-skill” visa programs have been assailed by Rep. Charles Rangel (D-NY) as “the closest thing I’ve ever seen to slavery,”²⁴ an assertion backed up by an exhaustive study by the Southern Poverty Law Center that concluded that immigrants working on H2-A and B visas are:

- 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 injuries²⁵

Although the conditions of highly-educated temporary workers are a far cry from the deplorable conditions to which H2-A workers are subjected, the H1-B visa program has also been criticized for, among other things, restricting the freedom of job movement of these so-called “high-skilled” temporary immigrant workers.²⁶

A fundamental flaw with current temporary worker programs is the lack of freedom of job mobility for visa holders. This

affects not just the visa holders, but the native U.S. workers as well. 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.*²⁷

To protect all workers, effective comprehensive immigration reform must provide immigrant workers with the ability to freely change jobs, at least among employers who have complied with mechanisms established to ensure that immigrant workers are not being used to displace willing and available native U.S. workers.

To ensure that the labor protections afforded to immigrant workers are sufficiently robust to protect all workers, future workers must be given, over time, an opportunity to become full, permanent, contributing members of our society. Given the historic prevalence of circular migration, particularly between the United States and our closest neighbors,²⁸ it is likely that a significant number who will enter the country through new regulated mechanisms will not take advantage of a path to permanence. The existence of such a path, however, will help protect native U.S. workers by fortifying the protections afforded future immigrant workers.

Doing so will also protect against the creation of an immigrant worker underclass that has proven so volatile in other industrialized countries and will create additional incentives for immigrant workers and their families to jumpstart the assimilation process and make their contribution to the collective American identity.

Increase and Diversify Legal Immigration

The demands of global competitiveness require increased overall levels of legal immigration. Demographic trends show that an aging America will need more workers across all occupation levels. “High-skilled” immigration and family-based forms of immigration should not be pitted against one another in determining the overall target levels of legal immigration. A combination of education- and employment-based immigration and the more traditional form of family-based immigration would be true to our values and would capitalize on the ability of these varied forms of immigration to be engines of economic growth and dynamism.

The quest to create a modern, effective immigration system should not force us into a false choice between highly educated and family-based forms of immigration. Instead, comprehensive immigration reform should be a vehicle for creating more permanent legal immigration into the United States by individuals from across the socioeconomic spectrum. Doing so would not only be true to our traditional values, it is an economic imperative.

Along with employment-based immigration across all occupation levels, a combination of education and skills-based immigration and family-based immigration serves our long-term national interests because each form of immigration makes unique and valuable contributions to our social fabric.

Highly educated immigrants already play an important role in our economy, but their potential contributions are hampered by limited opportunities to enter the United States and to become permanent, contributing members of our society. For example, highly educated immigrants are a significant engine of innovation and entrepreneurial activity. Of publicly traded, venture-backed U.S. companies founded between 1990 and 2005, one in four was started by immigrants. During that same period, “immigrant-founded publicly traded U.S. venture-backed companies generated more than \$130 billion in revenue and employed 220,000 U.S. workers.”²⁹ At the same time, more than 1 million highly educated immigrants are currently in line for 120,000 employment-based temporary visas. A wider path should be open to these individuals to afford them an opportunity to become permanent members of our society.³⁰

Beyond highly educated workers, the United States is facing a potential labor shortage, at least in lower-skilled sectors, that increased legal immigration can help alleviate, but which our current system woefully neglects. Native population growth in the United

States is barely above the replacement rate and declining. With the aging of the baby boom generation, the country's native workforce is rapidly growing older.³¹ In the coming years, those sectors that require less education and are generally better suited for younger workers will likely grow (just as the demands for high-skilled workers will grow as well). Increased legal immigration, in large measure, thus holds the key to sustained economic growth.³²

It is undoubtedly true that a portion of the currently potentially employable, native workforce that is not employed would fill the jobs expected to be created through time if they featured sufficient pay and benefits. There are, however, very real limitations on how much of the gap those potential native workers could fill. In the first instance, there is a significant skills mismatch between the potentially employable, native workforce that is out of work and those who are already filling many of the low-skilled jobs at issue—undocumented workers.³³ Further, in addition to aging rapidly, the native U.S. workforce is becoming better educated, especially among younger workers widening the education and skills gap between native workers and immigrant workers.³⁴

Despite the importance of lower-educated immigration for our economic well-being, our current system provides next to no mechanisms for individuals who wish to work in these sectors to permanently move to the United States. The current employment-based preference system for issuing visas limits “other worker” visas

to a maximum of 5,000 per year. In 2004, only just more than 1,500 of such visas were issued.³⁵ The already existing gap between supply and demand is being met through informal mechanisms, that is, undocumented immigration. Between 2000 and 2005, “the total number of native-born low wage workers fell by about 1.8 million, while the number of immigrants rose by 620,000. Undocumented workers contributed most of the gain (460,000).”³⁶ A modern immigration system needs to expand the number of permanent immigrant visas available to workers across the education and skills spectrum to channel existing unregulated and exploitative undocumented immigration into legal mechanisms.

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.³⁷ Immigrants are also engines of job creation. For example, immigrants are significantly more likely to be engaged in entrepreneurial activity than native-born Americans.³⁸ Finally, immigrants—legal and undocumented alike—are estimated to generate approximately \$700 billion in economic activity or 5.4 percent of the country's GDP³⁹—a figure that outdistances the GDP contribution of all but four states in the union.⁴⁰

Resolve the Status of the Undocumented

Immigration reform efforts cannot ignore that millions of people currently enhance our economy without recognized legal rights. More than 12 million people reside in the shadows of our society. Effective reform must establish a tough, rigorous, but fair means for these individuals to become full contributing members of our society. A clear path to earned legalization would help restore the rule of law, avoid exploitation of immigrant workers, and protect opportunity for all workers, including native U.S. workers.

Effective, comprehensive immigration reform requires that we address the status of the approximately 12 million undocumented immigrants who reside in the shadows of our society. These individuals make a significant contribution to the economic well-being of the country and should be afforded a tough but fair path to become full, permanent, contributing members of society. A clear path to earned citizenship would help restore the rule of law, avoid exploitation of immigrant workers, and protect opportunity for all workers, including native U.S. workers. As a country, we have at the very least implicitly invited these individuals in; attempting to force them to flee the country is wrong-headed, morally bankrupt, economically unfeasible, and doomed to fail.

Approximately 7.2 million undocumented immigrants are employed in the U.S. economy, representing approximately 5 percent of the country's total workforce.⁴¹ Although undocumented workers are concentrated in a handful of sectors—primarily farming, cleaning, construction, and food preparation—their economic contributions are far reaching as the undocumented are consumers, renters, home owners, and taxpayers.

Determining the precise economic contributions of the undocumented is difficult, but analysis of payroll statistics yields some informative data. For example, 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.⁴² Undocumented workers also are estimated to have contributed 1 percent of the total wage bill in the United States in 2004.⁴³ In Arizona, for example, in 2004, the undocumented contributed 3.1 times more than lawyers in the state to the total wage bill and 2.5 times more than physicians.⁴⁴ According to one estimate, undocumented workers generate \$144 billion in annual economic activity.⁴⁵

Uprooting the 12 million undocumented is untenable, and an immigration policy that embraces the dislocation of a population roughly equivalent to that of Ohio or Pennsyl-

vania should be rejected out of hand. The mass deportation of 12 million people would be extremely costly—\$206 billion over 5 years⁴⁶—and morally reprehensible. In fact, 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 in time through attrition is no more morally defensible than is 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. Instead of the United States remaining a beacon for poor, huddled masses yearning to breathe free, restrictionists seek to turn the United States into a land from which 12 million yearn to flee. Deportation by attrition is simply not an option.

Neither is extending free passes to those who entered or who have remained in the country illegally. The reestablishment of the rule of law that must be part and parcel of 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, the undocumented who wish to become full, permanent, contributing members of society must learn English; they must pay a fine for having entered or remained in the country illegally; they must submit to and pass background checks to ensure they have neither a criminal record nor ties to terrorist organizations; and they must maintain a job and stay on the right side of the law during a period of years they should wait before becoming legal permanent residents.

Undocumented immigrants have circumvented the established, albeit inadequate, system 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 been seeking to enter the United States through existing mechanisms.⁴⁷ In other words, undocumented immigrants would be placed at the back of the existing backlog before earning their citizenship. In turn, comprehensive immigration reform must include a means of expediting the clearing of the existing backlog that has created delays as long as two decades for the reuniting of families separated by immigration.

Foster an Inclusive American Identity

Increased legal immigration creates concerns among many regarding possible effects on our American identity. Immigration reform efforts must take these concerns into account and support the ongoing process of shaping the American identity influenced, as it has always been, by new immigrants, yet grounded in traditional core values of equality, freedom, and opportunity. To that end, both government and the private sector need to invest in more programs of English language acquisition and civic education.

The United States is experiencing a significant increase in overall levels of immigration, with arrivals by undocumented immigrants outpacing in recent years new arrivals by legal immigrants.⁴⁸ That combination has led many to raise concerns regarding the possible effects of this immigrant wave on our American identity. Although nearly identical concerns have been raised and overcome repeatedly during our country's history, today's concerns must be taken seriously. Comprehensive immigration reform cannot stop at creating mechanisms for bringing more legal immigrants into the country and preventing unauthorized entry and residence in the country. It must also bolster efforts to stimulate immigrant integration into an inclusive American identity.

From representing an historic low 4.7 percent of the population in 1970, the foreign-born population in the United States has been steadily increasing throughout the past nearly 40 years.⁴⁹ Today, immigrants comprise approximately 12.5 percent of the overall population, numbering more than 37 million. Although high, the relative size of the foreign-born population has been larger in the past. From 1860 to 1920, immigrants represented between 13 and 15 percent of the country's overall population, reaching the high-water mark of 14.8 percent in 1890.

Like our own, each prior era of significant immigration into the United States has prompted expressions of concern regarding the impact immigrants may have on American society and identity. In fact, concerns 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:

*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.*⁵⁰

In urging 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 restrictionist Immigration Act of 1924, Senator Ellison DuRant Smith openly relied on the writings of eugenicist Madison Grant.⁵¹ Disturbingly, and although certainly not all concerns with the current immigration challenges are rooted in the racist or eugenic theories that have colored the debates in the past, there are echoes of Smith’s reliance on eugenics among modern immigration restrictionists embodied by the work of a number of seemingly mainstream anti-immigrant groups and proponents who have ties to eugenicists and traditional hate groups.⁵²

As it was before, the fear that immigrants are not assimilating is significantly overblown. Although much of the concern regarding a lack of assimilation is focused on Latino immigrants,⁵³ study after study rebuts the notion that Latino immigrants are failing to become full members of our society. Language assimilation among Hispanic immigrants, for example, is at least equal to historical patterns and in some communities is accelerating as second-generation English proficiency rates increases. By the third generation, only 5 percent of Hispanics are even able to speak Spanish and English overwhelmingly predominates by the third generation in all immigrant groups.⁵⁴

The 2006 Latino National Survey shows that 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—Latino immigrants are rapidly incorporating themselves into the collective American identity.⁵⁵ Finally, a Pew Hispanic Center

study recently concluded that “[a]mong all Latino immigrants, just one-in-ten (9 percent) can be considered highly attached to their country of origin...”⁵⁶

Proponents of comprehensive reform cannot, however, dismiss all concerns regarding the possible effect on the American identity of large-scale legal immigration as ill-founded or as racist and nativist ranting. There are legitimate concerns that require that the architecture of immigration reform address the challenge of integrating immigrants into the American identity grounded in the traditional core values of equality, freedom, and opportunity.

Creating increased opportunities for permanent migration, although a significant number may opt for periodic migration, is an important way to create incentives for immigrants to become more fully integrated into American society. Creating and expanding English acquisition and civic education learning opportunities that are crucial to that integration process must also be part of the comprehensive immigration formula. Unfortunately, the desire within immigrant communities to learn English far outpaces the capacity of the existing educational infrastructure. As a recent Migration Policy Institute study concluded, “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.”⁵⁷

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 jointly upon the public and private sectors.⁵⁸ Successful immigrant integration efforts exist at the state and

local level and should serve as models for action at the national level. For example, the New Americans Initiative, a partnership between the state of Illinois and the Illinois Coalition for Immigrant and

Refugee Rights, to encourage eligible immigrants to become citizens, is an important example of the kind of work needed to help immigrants in their efforts to become full members of society.

Endnotes

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- 2 Ibid.
- 3 Congressional Budget Office, "The Role of Immigrants in the U.S. Labor Market," (Washington, D.C.: November 2005), p. 2.
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- 5 OECD, "International Migration Data 2006," (2006), A.2.2 available at http://www.oecd.org/document/2/0,3343,en_2825_494553_38060354_1_1_1_1,00.html (last accessed November 2007).
- 6 The World Bank, "Remittance Data" (Washington, D.C., September 5, 2007) available at <http://econ.worldbank.org>.
- 7 See discussion "Increase and diversify legal immigration," *infra*; Immigration Policy Center, "Economic Growth & Immigration: Bridging the Demographic Divide," (Washington, D.C.: November 2005), pp. 1-2.
- 8 Congressional Budget Office, "The Role of Immigrants in the U.S. Labor Market," p. 2.
- 9 Richard Samans and Jonathan Jacoby, "Virtuous Circle: Elevating Living Standards at Home and Abroad," (Washington D.C.: The Center for American Progress, forthcoming, winter 2007/2008).
- 10 Government Accountability Office, "Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Out Nation's Port of Entry," (November 2007) (Estimating that "several thousand inadmissible aliens and other violators entered the country through port of entry in fiscal year 2006").
- 11 The estimates regarding what percentage of the undocumented population initially entered the country legally and overstayed their visa vary widely. One credible estimate, however, suggests nearly half of the undocumented are the result of visa overstays. See Pew Hispanic Center, "Modes of Entry for Unauthorized Migrant Population" (May 22, 2006).
- 12 See discussion "Resolve the status of the undocumented," *infra*.
- 13 Randy Capps and others, "Paying the Price: The Impact of Immigration Raids on America's Children," (Washington, D.C.: NCLR and The Urban Institute, 2007), p.10.
- 14 AFL v. Chertoff, 07-CV-4472 CRB p. 9 (N.D. Cal, October 10, 2007). The Department has subsequently asked the court to suspend the case while it makes adjustments to the proposed "no-match" process. See ACLU, "Government Abandons Current 'No Match' Rule Harmful to Legal Workers," (Nov. 24, 2007).
- 15 Henry Fernandez, "Unconstitutional Cowboys" Center for American Progress, October 24, 2007, available at <http://www.americanprogress.org/issues/2007/10/ice.html>.
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