

The Top Ten Ways America Gets Immigration Wrong

The most striking thing about today's immigration debate is how many times America has been here before—and how many times it has made the same mistakes. With respect to David Letterman, here is a list of the biggest errors that U.S. policymakers have made in designing immigration policy. As Congress wrestles to find the right mix of immigration enforcement and immigration reform, it should keep in mind what it has done wrong in the past so that it has a chance to get it right this time.

10. One-size-fits-all policies. American policymakers tend to lump different groups of immigrants together under the same umbrella. Family reunification of adult siblings, for example, is a sensible policy when applied to refugees fleeing war or persecution. Yet when all immigrants, under the same principle, are able to bring adult siblings—who in turn bring children and spouses who in turn can bring others—immigration increases exponentially. This is why the 1965 immigration reform so quickly led to demographic and social tensions very similar to those that prompted the United States to impose drastic immigration quotas in the 1920s.

9. Wasting human capital. The winners in the global economy are those who can navigate cultural differences and collaborate across borders. Migrants who circulate between America and their home countries create pathways to promote U.S. goods and services, have the power to boost America's image abroad, and help their home economies to develop. Yet one of America's most enduring myths—that you cannot be American and something else too—has made us lose sight of the fact that immigrants' homeland ties are a tremendous asset to us abroad.

8. No stitches in time to save nine. Immigration reform, like Social Security reform, is often called “the third rail” in American politics—a high-voltage issue that inflicts great pain (or worse) on anyone who touches it. This is why America fails to address problems related to immigration until they get so bad that we choose extreme remedies. The unauthorized immigrant population has surpassed 10 million because it has been considered too politically dangerous to provide a legal way for employers to hire immigrant workers and politically unwise to punish employers for hiring unauthorized workers.

7. A wink-wink-nod-nod attitude. Congress often creates laws that are not intended to be followed. The Immigration Reform and Control Act of 1986 was an attempt to address the growth of the undocumented population by providing amnesty for nearly three million illegal immigrants and supposedly establishing penalties for businesses that “knowingly” employed undocumented workers. But the law included loopholes which supported a tacit understanding that it would not be strictly enforced. And because it did not provide a legal way for businesses to get the workers they needed in the future, the law proved to be a disaster in the long run.

6. Defining America by “what we're not.” Chief among the challenges of integrating immigrants into America is having a sense of purpose that is based not on race, creed, ethnicity, or national origin, but on freedom, opportunity, and a commitment to overcome differences and find common ground. If we can no longer articulate the American Creed—a powerful shared belief in the principles that bring us together—how can America expect immigrants to embrace this creed as well?

5. Under-investing in the immigration system. The cogs and wheels of the immigration bureaucracy are so rusty so that we're locking out the world's most talented students and professionals. Ignoring the American management theories that other countries devour, we have created a bureaucratic morass to rival the turgid Iron Curtain bureaucracies that Americans mocked during the Cold War. All too often, applications are lost or not reviewed thoroughly, forcing applicants to begin the process again. The immigration telephone help line is staffed by contract

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Published on Immigration Policy Center (<http://www.immigrationpolicy.org>)

workers who must memorize 1,800 pages of often out-of-date legal guidelines, and very frequently give wrong advice, adding to the number of applications that must be re-processed. Changes of address too rarely make it into immigration databases, with the result that immigrants do not receive notices of hearings and so become unauthorized through no fault of their own.

4. Missing the target. Enforcement efforts focus more on the “little guys”—the undocumented workers crossing the border—than the human smugglers and unscrupulous employers who abuse them. Not only does this fail to punish those who profit the most from undocumented immigration, it is a grossly inefficient use of resources. Instead, America needs to focus on the supply and demand equation: conditions in migrant-sending countries that force people to leave to support their families, and the demand for unauthorized workers whose legal status makes them vulnerable to abusive labor practices.

3. Making policies without regard to resources or consequences. The 1965 immigration reform for the first time imposed immigration quotas on Latin America. This meant that immigrants from these countries suddenly had few ways of coming to the United States legally. More recently, states have complained that the REAL ID act, intended to create secure driver’s licenses, does not provide the funds needed to implement its provisions. Among the policies being discussed now is a “guest worker” program that would limit many immigrant workers to temporary stays in the United States. This would take away many of the incentives for immigrants to learn English and put down roots at a time when some Americans complain (incorrectly) that immigrants do not want to learn English or “become American.”

2. Attacking the symptoms, not the causes. Instead of addressing the root causes of problems such as economic inequality, unemployment, labor abuses, and the low educational levels of many U.S.-born workers—pundits find it easier to blame immigrants. The “get-tough” policies they advocate fail to address the supply and demand factors behind immigration.

1. Emotion blinds us to our own self-interest. Policies that we make in the name of patriotism can undermine the very principles they are supposed to defend. After the 1996 package of restrictive immigration laws and even more so after the crackdown that followed September 11, organizations serving immigrants have had to spend more time helping immigrants caught in legal nightmares and less teaching English, civics, and other essential skills. Immigration policy has too often been based on rhetoric and emotion instead of realism and practicality. To get immigration right, America needs to wrest the debate from the extremists and come up with sensible solutions that serve America’s interests and are true to American principles.

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Published On: **Tue, Aug 01, 2006** | [Download File](#) [1]

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