

AMERICAN IMMIGRATION COUNCIL

GIVING FACTS A FIGHTING CHANCE

ANSWERS TO
THE TOUGHEST IMMIGRATION QUESTIONS
OCTOBER 2010

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IMMIGRATION POLICY CENTER

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ABOUT THE IMMIGRATION POLICY CENTER

The Immigration Policy Center, established in 2003, is the policy arm of the American Immigration Council. IPC's mission is to shape a national conversation on immigration and immigrant integration. Through its research and analysis, IPC provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy on U.S. society. IPC reports and materials are widely disseminated and relied upon by press and policymakers. IPC staff regularly serves as experts to leaders on Capitol Hill, opinion-makers, and the media. IPC is a non-partisan organization that neither supports nor opposes any political party or candidate for office. Visit our website at www.immigrationpolicy.org and our blog at www.immigrationimpact.com.

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WHY WE NEED COMPREHENSIVE IMMIGRATION REFORM

Americans are justifiably frustrated and angry with our outdated and broken immigration system. The problem is complex, and a comprehensive, national solution is necessary. Politicians who suggest that the U.S. can deport its way out of the problem by removing 11 million people are unrealistic. The U.S. needs a fair, practical solution that addresses the underlying causes of unauthorized immigration and creates a new, national legal immigration system for the 21st century.

Immigration reform must be rational, practical, and tough: It is unacceptable to have 11 million people in our country living outside the legal system. To enhance our security, we must have smart border and interior enforcement, target the real causes of violence along the border, and prosecute those who exploit immigrant labor and those who profit from smuggling. Additionally, unauthorized immigrants should be required to come forward to legalize their status, pay back taxes, learn English, and pass criminal background checks. Finally, we must create sufficient legal channels to support the level of immigration our country needs in the future.

Efforts simply to deport are often political games, not serious policy proposals: Over the past two decades, tens of billions of dollars have been spent on immigration enforcement. The annual budget of the U.S. Border Patrol has increased nine-fold and the number of Border Patrol agents stationed along the southwest border has increased nearly five-fold since Fiscal Year (FY) 1992, yet the unauthorized population has tripled in size. Billions in taxpayer dollars are wasted every year when we attempt to spend our way out of the problem rather than solve it.

THE PUBLIC WANTS SOLUTIONS

A majority of Americans favor realistic reform over unachievable rhetoric: Polls consistently find that Americans support a tough but comprehensive solution for those here without authorization over an enforcement-only immigration policy. According to polls of likely 2010 general election voters conducted for America's Voice by Lake Research Partners and Benenson Strategy Group, 66% of all voters and 74% of Latino voters supported comprehensive immigration reform as opposed to enforcement-only measures. This included 62% of Republicans, 67% of Independents, and 69% of Democrats. Finally, 67% of all likely voters believed that unauthorized immigrants "should be required to register, meet certain conditions, and eventually allowed to apply for citizenship," rather than leaving the country or being allowed to stay only temporarily.

The public sees comprehensive immigration reform as consistent with, not working against, our nation's economic recovery: Nationwide, 67% of voters said "We would be better off if people who are in the United States illegally became legal taxpayers so they pay their fair share," vs. 28% who said "We would be better off if people who are in the United States illegally left the country because they are taking away jobs that Americans need."

The best way to solve the problem is to face reality: Most unauthorized immigrants are integrated members of U.S. families and communities. Nationwide, unauthorized immigrants comprise 5.1% of the workforce, and in states like Arizona, the unauthorized share of the workforce is even higher. In certain sectors, like agriculture and construction, unauthorized workers comprise up to 25% of the workforce. Nationwide, there are approximately 4 million U.S.-citizen children with at least one unauthorized parent, and policies that target their parents have grave effects on the children. Approximately 53% of unauthorized immigrants have been in the U.S. ten years or more. The vast majority of unauthorized immigrants are simply here to work. Unauthorized immigrants who work,

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pay taxes, do not commit crimes, and want to be Americans should be required to come forward and register for legal status.

THE SOLUTION IS:

First and foremost, the United States needs a legal immigration system that enhances our security, strengthens our economy, and supports our communities: The most practical and realistic way to reduce unauthorized immigration dramatically is to bring U.S. immigration policy in line with economic and social realities. Lawmakers should devise immigration policies that are responsive to labor demands and ensure fair wages and good working conditions for *all* workers, both native-born and foreign-born, and which require unauthorized immigrants already living in the United States to apply for legal status. Lawmakers must also build a more flexible and responsive system for temporary and permanent employment-based immigration that can adapt quickly to changing economic times, supports innovation and entrepreneurship, and allows those who want to contribute their skills and talents to this country an opportunity to do so. Finally, lawmakers should address the delays and restrictions that impose unreasonably long waiting times on hardworking families seeking to join close relatives in the U.S.

IMMIGRATION REFORM AND THE CURRENT ECONOMY

It is generally undisputed that immigration is important to America's economic success. During an economic downturn, however, many argue that immigration reform should not be a priority, while others argue that fixing our broken immigration system and allowing unauthorized immigrants to earn legal status would be detrimental to the economy. However, reforming our broken immigration system is an important part of improving our economy. Currently, unscrupulous employers are able to exploit unauthorized workers and create unfair competition by violating labor laws and paying sub-minimal wages. This is harmful to U.S. businesses and U.S. workers. Our immigration system needs to work for all Americans, not just for those employers looking for low-cost labor. We need to recognize that it would be far better if all immigrant workers were here legally and could exercise the same rights on the job as native-born workers. Leveling the playing field for both workers and employers by legalizing unauthorized workers and enforcing labor laws against bad-apple employers will eliminate unfair competition and improve the wages and working conditions of all workers.

ECONOMIC BENEFITS OF IMMIGRATION REFORM

Legalization brings economic benefits. A 2010 report released by the Immigration Policy Center (IPC) and the Center for American Progress (CAP), *Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform*, finds that comprehensive immigration reform which includes a legalization program for unauthorized immigrants and enables a future flow of legal workers would result in a large economic benefit—a cumulative \$1.5 trillion in added U.S. Gross Domestic Product (GDP) over 10 years. In stark contrast, a deportation-only policy would result in a loss of \$2.6 trillion in GDP over 10 years.

Observers across the political spectrum agree on the economic benefits of legalization. A 2009 report by the libertarian Cato Institute came to startlingly similar conclusions. Cato found that legalization would boost the incomes of U.S. households by \$180 billion in 2019. Cato also concluded that tighter restrictions and a reduction in less-skilled immigration would impose large costs on native-born Americans by shrinking the overall economy and lowering worker productivity.

Leveling the playing field will benefit U.S. workers and the U.S. economy. We need to ensure that unauthorized immigrants come forward, pay a fine, undergo background checks, and get on a path to earning legal immigration status and citizenship. This will put more workers and employers on the tax rolls, and level the playing field for all workers and law-abiding employers by eliminating the pool of exploitable labor.

Legalization raises wages for all U.S. workers. The 1986 Immigration Reform and Control Act (IRCA) resulted in the legalization of more than 2.7 million unauthorized immigrants within five years. A 1992 survey by the U.S. Department of Labor on the “Characteristics and Labor Market Behavior of the Legalized Population Five Years Following Legalization” found that legalized workers saw a 15% mean hourly wage increase. The mean hourly wages of U.S. workers grew by even more than that of the legalized workers. Increased wages result in increased consumption and tax revenue.

IMMIGRANTS HELP DRIVE THE ECONOMY

The U.S. economy will eventually improve, and immigration helps to expand the economy: A 2007 report from the White House Council of Economic Advisers concluded that **immigration increases GDP by roughly \$37 billion each year** because immigrants increase the size of the total labor force, complement the native-born workforce in terms of skills and education, and stimulate capital investment by adding workers to the labor pool.

Immigration raises wages for most Americans: A 2010 report from the Economic Policy Institute (EPI) found that the “effect of immigration from 1994 to 2007 was to raise the wages of U.S.-born workers, relative to foreign-born workers, by 0.4% (or \$3.68 per week).” Even the small (and shrinking) number of “U.S.-born workers with less than a high school education saw a relative 0.3% increase in wages (or \$1.58 per week)” as a result of immigration during this period.

The purchasing power of immigrant *communities* is enormous—and growing: According to the Selig Center for Economic Growth at the University of Georgia, the purchasing power of Latinos totaled \$978.4 billion in 2009 and is projected to reach \$1.3 trillion by 2014. The purchasing power of Asians totaled \$508.6 billion in 2009 and is projected to reach \$696.5 billion by 2014.

The entrepreneurship of immigrant *communities* employs millions of people: The U.S. Census Bureau estimates that in 2002, 1.6 million Hispanic-owned firms provided jobs to 1.5 million employees, had receipts of \$222 billion, and generated payroll of \$36.7 billion. The same year, 1.1 million Asian-owned firms provided jobs to 2.2 million employees, had receipts of \$326.4 billion, and generated payroll of \$56 billion.

IMMIGRATION ENFORCEMENT

For more than two decades, the U.S. government has tried without success to stamp out unauthorized immigration through enforcement efforts at the border and in the interior of the country, without fundamentally reforming the broken immigration system that spurs unauthorized immigration in the first place. While billions upon billions of dollars have been poured into enforcement, the number of unauthorized immigrants in the United States has increased dramatically. Enforcement alone will not solve our immigration problems.

ENFORCEMENT ALONE WILL NOT SOLVE OUR IMMIGRATION PROBLEMS

Taxpayer dollars are being misused to act “tough”: The annual budget of the U.S. Border Patrol stood at \$3 billion in Fiscal Year (FY) 2010—a nine-fold increase since FY 1992. The number of Border Patrol agents stationed along the southwest border grew to 17,000 in FY 2010—a nearly five-fold increase since FY 1992.

We can’t deport our way out of this problem: For years the U.S. government has attempted to use employer sanctions, border walls, worksite raids, and other deportation-only measures to stop unauthorized immigration, but the unauthorized population of the United States has *tripled* in size, from roughly 3.5 million in 1990 to 11.1 million in 2009.

It’s not enforcement—it’s the economy: Some are saying that increases in immigration enforcement are working because the unauthorized population of the U.S. has recently declined in size. However, most researchers agree that unauthorized immigration to the United States is driven largely by economics. According to a June 2008 report by Wayne Cornelius, Director of the Center for Comparative Immigration Studies at the University of California-San Diego, “undocumented migration clearly responds to changing U.S. economic conditions, with steep increases in the flow toward the end of expansion phases of the business cycle and significant decreases during economic downturns. Moreover, the pattern of undocumented migrants responding to economic conditions rather than policy decisions has continued during the border enforcement build-up that began in 1993.”

America needs leaders to balance good immigration policy with enforcement priorities: The most practical and realistic way to reduce unauthorized immigration dramatically is to bring U.S. immigration policy in line with economic and social realities. Such a policy must include the following elements: a realistic legal immigration framework that protects U.S. workers while providing needed labor to American businesses; controlled but reasonable limits on family immigration which encourage unification of families and stable communities; and a tough but fair legalization program for those here without authorization. The undergirding of such an immigration regimen is enforcement at the border

and the workplace which is targeted at wrongdoers and genuine threats, rather than those merely seeking a better life.

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WORKSITE ENFORCEMENT AND E-VERIFY

Unauthorized immigrants primarily come to the U.S. to work, and—according to the Pew Hispanic Center—approximately 5.1% of the American labor force is unauthorized. Enforcing the law at the workplace is important because it protects vulnerable workers from exploitation, and protects U.S. workers and law-abiding employers from unscrupulous employers who hire unauthorized workers. Employers must be held accountable for employment and labor-law violations.

One enforcement measure that has been expanding is E-Verify: a largely voluntary electronic employment-verification system through which an employer verifies the work authorization of all employees—even U.S. citizens—using the databases of the Department of Homeland Security (DHS) and Social Security Administration (SSA). Currently, approximately 216,000 employers of the over 7.4 million in the U.S. are signed up to use E-Verify. Making E-Verify mandatory would require running 60 million new hires through the system per year, where just over 13 million were processed in Fiscal Year (FY) 2010. Moreover, there are still some serious problems with E-Verify that must be addressed. The databases upon which E-Verify relies contain errors which could result in U.S. citizens and lawful immigrants being incorrectly denied permission to work. There are also concerns regarding potential misuse of the program by employers.

Even an improved E-Verify is not, by itself, a magic bullet and will not fix the broken immigration system. Simply expanding E-Verify will not resolve the underlying problems with our immigration system, and can have a negative impact on U.S. workers. E-Verify is part of a comprehensive solution that also includes improved enforcement of employment and labor laws, legalization of the current unauthorized workforce, and creation of sufficient legal channels for future immigration so that needed workers can come to the U.S. legally.

E-VERIFY ALONE IS NOT THE SOLUTION

We need practical and sensible solutions: We cannot expect to use raids or employer audits or E-Verify to deport 11 million people, and we cannot deny employers the workers they need until there are legal channels to bring them to the U.S. We need a new immigrant-worker program that provides visas for workers who can fill U.S. labor needs, while protecting U.S. workers and businesses from the unscrupulous employers who exploit vulnerable immigrant labor at the expense of U.S. workers.

Enforcement must include employment-law enforcement. Comprehensive reform must recognize that strong employment protections for all workers reduces the incentive for unscrupulous employers to hire and mistreat unauthorized workers, thereby improving wages and working conditions for all workers.

Despite improvements, even the government has trouble making E-verify work: The SSA estimates that 17.8 million of its records contain discrepancies related to name, date of birth, or citizenship status, with 12.7 million of those problem records pertaining to U.S. citizens. This implies that as many as 1 in 25 new hires could be erroneously flagged as ineligible to work. These errors mean that thousands of U.S. citizens could be denied work because of government errors. Even though the government has reduced the possibility of error by cleaning up databases, any kind of immediate, mandatory program is likely to overwhelm the system, resulting in problems for employers and workers. Any expansion of the program must go hand in hand with protections ensuring that employees can correct and challenge inaccurate decisions.

Even the government misuses the system: According to a January 2010 report released by the SSA Inspector General, the agency failed to use E-Verify on 19 percent of its new hires. SSA also improperly ran checks on 169 volunteers and individuals who had not yet been hired and violated program rules with respect to the timing of its verifications 49 percent of the time. The fact that one of the two agencies responsible for administering the E-Verify program misused it in direct violation of the law does not bode well for expanding the program or making it mandatory for all employers.

Proposals that tout mandatory E-Verify as a silver bullet would be prohibitively expensive: The Congressional Budget Office (CBO) found that the SAVE Act, which would make E-Verify mandatory, would *decrease* federal revenues by \$17.3 billion from 2009 to 2018 because it would result in an increase in the number of people working in the underground cash economy, outside the tax system. At the same time, it would *increase spending* by over \$23 billion, resulting in a whopping price tag of over \$40 billion over the next 10 years. CBO also estimated that SAVE would cost U.S. employers over \$136 million to comply in at least one of the first five years its mandates are in effect.

The impact of a mandatory program, without safeguards, could harm Social Security benefits: Scores of organizations, including the American Association of Retired Persons (AARP), have serious concerns about overloading the Social Security Administration with new mandates. If E-Verify were suddenly mandatory, SSA would see an estimated 3.6 million extra visits or calls to SSA field offices by Americans trying to fix errors in their records so they can work. With Americans already waiting up to 500 days for a disability claim decision from SSA, and 78 million Baby Boomers soon to be eligible for retirement benefits, the SSA can't become a required stop for millions of frustrated Americans unable to work because of government database errors.

IMMIGRANTS AND PUBLIC BENEFITS

Many Americans fear that immigrants disproportionately use welfare programs or public benefits. Some believe that immigrants are eligible for special benefits that Americans cannot receive. The fact is that unauthorized immigrants are not eligible for most public benefits and do not use them surreptitiously. Legal immigrants are also restricted from receiving many benefits. Immigrants pay taxes to fund welfare programs, but are not eligible to reap the benefits of many of them.

UNAUTHORIZED IMMIGRANTS AREN'T ELIGIBLE FOR PUBLIC BENEFITS

Unauthorized immigrants are not eligible for federal public benefits: This includes income supplements—e.g., Social Security, Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF), health care (Medicaid and Medicare), and food stamps.

Legal immigrants face tough restrictions on accessing public benefits: Federal law also imposes harsh restrictions on legal immigrants' eligibility for public benefits. Most *documented* immigrants cannot receive federal Medicaid, TANF, food stamps, or SSI during their first five years or longer in the U.S., regardless of how much they have worked or paid in taxes.

Immigrants use less health care, on average, than U.S. citizens: Low-income immigrants are less likely to receive public benefits than are U.S. citizens. Immigrants do not come to the U.S. to receive public benefits, and once they are here, they do not disproportionately use public benefits. According to a study in the *American Journal of Public Health*, immigrants do not impose a disproportionate financial burden on the U.S. health care system. The per capita total health care expenditures of immigrants are less than half those of U.S.-born persons, and immigrants are significantly less likely to use the emergency room than are citizens. Further restricting immigrants' access to benefits is not a solution to our immigration problems. In fact, the more people paying into a healthcare system, especially healthier working-age people, the more the costs are spread out.

BUT THEY PAY ANYWAY

Immigrants pay taxes into the system that funds public services: Even the majority of unauthorized immigrants pay federal and state income taxes, Social Security taxes, and Medicare taxes. And all immigrants pay sales taxes and property taxes. Many studies have found that immigrants pay more in taxes than they receive in benefits. The National Research Council estimated in 1997 that “the average immigrant pays nearly \$1,800 more in taxes than he or she costs in benefits.” Many state-level studies have also found that immigrants contribute more to the economy than they take out.

UNAUTHORIZED IMMIGRANTS AND TAXES

As the debate over unauthorized immigration continues to rage, some pundits and policymakers are claiming that unauthorized immigrants do not pay taxes and rely heavily on government benefits. Neither of these claims is supported by the facts. According to the Pew Hispanic Center, unauthorized men have workforce participation rates that are higher than other workers, and all unauthorized immigrants are ineligible for most government services, but pay taxes as workers, consumers, and residents.

MANY PAY BUT DON'T COLLECT

Like the rest of us, unauthorized immigrants pay taxes: Between one-half to three-quarters of unauthorized immigrants pay federal and state income taxes, Social Security taxes, and Medicare taxes. All unauthorized immigrants pay sales taxes (when they buy anything at a store, for instance) and property taxes (even if they rent housing).

Unauthorized immigrants pay into Social Security, but do not collect: The Social Security Administration (SSA) has concluded that unauthorized immigrants “account for a major portion” of the billions of dollars paid into the Social Security system under names or Social Security numbers that don’t match SSA records; payments from which immigrants cannot benefit while unauthorized. As of October 2005, the reported earnings on which these payments are based—which are tracked through the SSA’s Earnings Suspense File (ESF)—totaled \$520 billion.

STATE STUDIES ANALYZE UNAUTHORIZED TAX CONTRIBUTIONS

TEXAS: A 2006 study by the Texas State Comptroller found that “the absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our gross state product of \$17.7 billion. Undocumented immigrants produced \$1.58 billion in state revenues, which *exceeded* the \$1.16 billion in state services they received.”

OREGON: A 2007 study by the Oregon Center for Public Policy estimated that unauthorized immigrants in Oregon pay state income, excise, and property taxes, as well as federal Social Security and Medicare taxes, which “total about \$134 million to \$187 million annually.” In addition, “taxes paid by Oregon employers on behalf of undocumented workers total about \$97 million to \$136 million annually.” As the report goes on to note, unauthorized workers are ineligible for the Oregon Health Plan, food stamps, and temporary cash assistance.

IOWA: A 2007 report from the Iowa Policy Project concluded that “undocumented immigrants pay an estimated aggregate amount of \$40 million to \$62 million in state taxes each year.” Moreover, “undocumented immigrants working on the books...and their employers also contribute annually an estimated \$50 million to \$77.8 million in federal Social Security and Medicare taxes from which they will never benefit. Rather than draining state resources, undocumented immigrants are in some cases *subsidizing* services that only documented residents can access.”

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IMMIGRANTS AND CRIME

The persistent myth that immigrants are more prone to criminality than the native-born continues to circulate viciously among politicians, commentators, and the public despite a century's worth of contrary evidence that immigrants are *less* likely than the native-born to be in prison, and that high rates of immigration are *not* associated with higher crime rates.

IMMIGRANTS HAVE LOWER CRIME RATES THAN THE NATIVE-BORN

Immigrants are five times less likely to be in prison than the native-born: A 2007 study by University of California-Irvine sociologist Rubén G. Rumbaut found that the 3.5% incarceration rate for native-born men ages 18-39 was five times *higher* than the 0.7% rate for immigrant men in 2000. The lower incarceration rates of immigrants compared to natives “holds true especially for the Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population.”

Unauthorized immigration is NOT associated with higher crime rates: Although the unauthorized immigrant population doubled from 1994 to 2005, the violent crime rate in the United States declined by 34.2 % and the property crime rate fell by 26.4% during the same period. Border cities and other cities with large immigrant populations also experienced decreasing crime rates.

HIGHER IMMIGRATION RATES = LOWER CRIME RATES

- **Crime is lowest in the states with the most immigrants:** According to a 2008 report from the conservative Americas Majority Foundation, crime rates are *lowest* in states with the *highest* immigration growth rates. From 1999 to 2006, the total crime rate declined 13.6% in the 19 highest-immigration states, compared to a 7.1% decline in the other 32 states. In 2006, the 10 “high influx” states—those with the most dramatic, recent increases in immigration—had the lowest rates of violent crime and total crime.

- **New Jersey:** An analysis of data from the New Jersey Department of Corrections and U.S. Census Bureau by New Jersey's *Star-Ledger* in April 2008 found that “U.S. citizens are twice as likely to land in New Jersey's prisons as legal and illegal immigrants.” **In fact, “non-U.S. citizens make up 10% of the state's overall population, but just 5% of the inmates in prison.”**

- **California:** **Foreign-born adults in California have lower incarceration rates than their native-born counterparts.** According to a June 2008 report from the Public Policy Institute of California, “the incarceration rate for foreign-born adults is 297 per 100,000 in the population, compared to 813 per 100,000 for U.S.-born adults. **The foreign-born, who make up roughly 35% of California's adult population, constitute 17% of the state prison population, a proportion that has remained fairly constant since 1990.**”

- The argument that unauthorized immigrants are “criminals” because they are “illegal” is highly misleading. “Unlawful presence” in the United States (such as overstaying a visa) is a civil violation of immigration law, not a criminal violation. “Entry Without Inspection” (entering the United States without authorization) is a misdemeanor. More importantly, neither of these offenses constitutes a

threat to public safety—unlike crimes such as murder, assault, and robbery, all of which immigrants are much less likely to commit than natives.

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LOCAL POLICE AND IMMIGRATION ENFORCEMENT

Recently there has been increased public attention on the role of state and local police agencies in immigration enforcement. Currently, about 67 localities have entered into memoranda of understanding (MOUs) with Immigration and Customs Enforcement (ICE) through the 287(g) program. The 287(g) program refers to the section of federal law created in 1996 that establishes a program for local police to be trained by ICE to enforce immigration law. Approximately 1,075 police and correctional officers had been trained as of January 2010. Even when local police officers are not deputized to perform immigration enforcement, ICE does work through the criminal justice system to identify deportable noncitizens through programs such as the Criminal Alien Program (CAP) and the Secure Communities program. Critics argue that these policies which involve local police in the enforcement of federal immigration law lead to increased discrimination and racial profiling, stretch the limited resources of law enforcement, and erode—rather than promote—trust between immigrant communities and the police, thus endangering public safety.

LOCAL COPS DON'T WANT TO BE IMMIGRATION OFFICERS

There is strong and broad-based opposition to local police enforcement of immigration laws: Advocates for victims of domestic abuse, faith-based organizations, immigrant rights groups, elected officials, and law-enforcement officials all agree that state and local police should not be enforcing federal immigration laws.

When police enforce immigration laws, or are perceived to be enforcing immigration laws, public safety decreases: When police are turned into immigration agents, immigrants (legal and unauthorized) who are victims or witnesses of crime are fearful of cooperating with the police. This puts entire communities at risk.

When police enforce immigration laws, other crimes go uninvestigated: The experience of Maricopa County, Arizona, has shown that when police are highly invested in enforcing immigration laws, other crimes do not receive the attention they deserve, and response times to emergency 911 calls increase.

Enforcing immigration law is costly: The federal government does not cover the costs incurred by localities that enforce immigration laws. After only three months, Maricopa County had a deficit of over \$1 million. The Prince William County, Virginia, jail spent nearly \$800,000 more than expected to hold suspected unauthorized immigrants. This money could be better spent on public safety.

When local police enforce immigration law it is likely to lead to racial profiling, discrimination, and costly litigation: When local law enforcement gets involved in immigration enforcement, particularly without proper training and oversight, people are often targeted on the basis of their accent or appearance. This can lead to serious violations of the civil rights of legal permanent residents and even U.S. citizens.

BIRTHRIGHT CITIZENSHIP

Anti-immigrant groups and legislators have persisted in their attempts to restrict or repeal birthright citizenship in State Houses and the U.S. Congress. Several bills have been introduced that would deny U.S. citizenship to children whose parents are in the U.S. without authorization or on temporary visas. The Fourteenth Amendment to the Constitution—the cornerstone of American civil rights—affirms that, with very few exceptions, all persons born in the U.S. are U.S. citizens, regardless of the immigration status of their parents. Following the Civil War and the emancipation of the slaves, the Fourteenth Amendment restated the longstanding principle of birthright citizenship, which had been temporarily erased by the Supreme Court's "Dred Scott" decision denying birthright citizenship to the U.S.-born children of slaves. The Supreme Court has consistently upheld birthright citizenship over the years.

ELIMINATING BIRTHRIGHT CITIZENSHIP IS UNCONSTITUTIONAL, IMPRACTICAL, EXPENSIVE, COMPLICATED, AND WOULD NOT STOP UNAUTHORIZED IMMIGRATION

Eliminating birthright citizenship would impose a significant burden on all Americans, who would no longer have an easy and inexpensive way to prove their citizenship. If simply being born in the U.S. and having a U.S. birth certificate were not proof of citizenship, Americans would have to navigate complex laws to prove their citizenship. Other than a birth certificate, most Americans do not have government documents that establish U.S. citizenship.

All American parents—not just immigrants—would have to prove the citizenship of their children through a cumbersome process. Some Americans would have to prove they derive U.S. citizenship through one or both of their parents—a process that can be difficult for even experienced immigration attorneys. In some cases, whether one's parents were married or unmarried at the time of one's birth makes a difference in determining citizenship. Moreover, the gender of the U.S.-citizen parent can affect the determination.

Eliminating birthright citizenship would not solve the problem of unauthorized immigration. Since children born to unauthorized immigrants would presumably be unauthorized, the size of the unauthorized population would actually increase as a result of the new policy. While some children could acquire the citizenship of their parents, others would be left with no citizenship or nationality, leaving them stateless.

Eliminating birthright citizenship is a distraction that moves us away from fixing the real problems with our broken immigration system. Immigrants come to the U.S. to work, to reunite with

their families, or to flee persecution. Denying birthright citizenship will not discourage unauthorized immigrants from coming to the U.S., and it will not encourage those already here to leave.

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STATE-LEVEL IMMIGRATION LEGISLATION

In April 2010, Arizona governor Jan Brewer signed into law SB 1070, also known as the Support Our Law Enforcement and Safe Neighborhoods Act—a sweeping law with the intent of eliminating unauthorized immigration in the state through state and local law-enforcement actions. However, a federal district court enjoined several of the most controversial parts of the law, including the provision that explicitly required state and local law-enforcement officials to inquire about immigration status during any lawful stop, detention, or arrest, as well as the provision making it a misdemeanor to fail to carry proper immigration documents. Despite criticism of the Arizona law from Republicans, Democrats, police officials, religious leaders, and civil rights leaders, legislators in at least 23 states—Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, and Utah—have introduced or are considering introducing similar legislation.

SB 1070-TYPE LAWS ARE NOT A REAL SOLUTION TO OUR IMMIGRATION PROBLEMS

The justification for SB 1070 doesn't hold water. While proponents of SB 1070 claimed the law was a crime-fighting measure, data from the U.S. Bureau of Justice Statistics show that unauthorized immigration is not associated with higher crime rates. While there is real violence along the U.S.-Mexico border, SB 1070 does nothing to address it.

The police have always had the authority to arrest immigrants for crimes they commit. If a police officer sees an immigrant commit a crime (such as theft or murder), or suspects that an immigrant has committed a crime, that police officer can arrest that immigrant for that crime. The police also have the authority to arrest immigrants for criminal violations of immigration law, such as re-entering the U.S. after being deported. Furthermore, the police have always had the ability to contact ICE and inquire about an arrestee's immigration status, and many prisons and jails have an ICE presence, so that immigrants can be identified and placed into removal proceedings.

SB 1070-type laws would be expensive. In addition to the enormous costs of implementing the legislation, the Mayor of Phoenix estimated the loss of convention revenue to Arizona as a result of SB 1070 will be at least \$90 million over 5 years due to boycotts. A study released in July 2008 by the University of Arizona's Udall Center for Studies in Public Policy concluded that economic output would drop annually by at least \$29 billion, or 8.2 percent, if all non-citizens, including unauthorized workers, were removed from Arizona's workforce. About 14 percent of the state's 2.6 million workers are foreign-born, and about two-thirds to three-fourths of non-citizens are unauthorized.

SB 1070-type laws could leave states less safe. If police spend their time detaining and questioning people they suspect of being unauthorized immigrants, it will detract from their ability to investigate and solve more serious crimes. In Arizona, Sheriff Arpaio has diverted his department's resources to immigration enforcement, and response times to 911 calls have increased, arrest rates have dropped, and thousands of felony warrants have not been served.

SB 1070-like laws jeopardize the federal government's ability to set priorities in immigration enforcement. SB 1070 would divert scarce federal resources away from finding dangerous criminals throughout the United States, focusing instead on detaining and deporting non-violent immigrants in one state: Arizona

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SB 1070-type laws could lead to racial profiling. Such laws open the door to intrusive questioning for anyone when there is a suspicion that the individual may be here without authorization. While most U.S. citizens do not carry their passports, lack of such documentation could subject them to lengthy questioning, and possibly arrest or detention, if they cannot persuade an officer that they are in the U.S. legally. In particular, critics fear that persons who are Hispanic or dark-skinned, who have accents, or otherwise appear "different" are more likely to face racial profiling given the demographics of unauthorized immigration.

SB 1070-type laws would result in costly litigation for states. So far, seven lawsuits have been filed to stop implementation of SB 1070 in Arizona, and the costs are yet to be seen. Other states and localities that passed anti-immigrant legislation and ordinances—such as Fremont, Nebraska; Farmers Branch, Texas; and Hazleton, Pennsylvania—have been caught up in costly litigation to defend their laws.

While people are genuinely frustrated over the failure of the federal government to fix our broken immigration system, creating a patchwork of potentially unconstitutional and confusing laws is not an answer. A recent poll conducted by Politico shows that people don't necessarily want states to jump into the fray as much as they want solutions. While 23% of respondents supported states taking action, 61% supported passing comprehensive immigration reform through Congress. A CNN poll showed that while 55% of Americans favored SB 1070, an astounding 81% supported a plan that would legalize unauthorized immigrants if they had a job and paid back taxes.

WHY DON'T UNAUTHORIZED IMMIGRANTS JUST COME LEGALLY?

Many Americans wonder why unauthorized immigrants do not come to the U.S. legally or simply “get in line” for permanent residency (a “green card”). In fact, the legal immigration system is grossly out of date and has not kept up with the labor demands of our economy. Our immigration laws have not been updated in 20 years, and there are only limited avenues available for legal immigration. The overly restrictive legal limits on green cards mean that virtually all unauthorized immigrants have no alternative for legal entry into the U.S.

THERE ARE VERY FEW WAYS TO COME TO THE U.S. LEGALLY

- **There is no “line” for the vast majority of unauthorized immigrants:** Accusations that an estimated 11.1 million unauthorized immigrants—about 5% of the U.S. workforce—should simply “get in line” miss the point: **There is no “line” and the “regular channels” do not include them.**
- **Unauthorized immigrants would rather come legally:** Many Americans think that unauthorized immigrants want to be unauthorized. However, opinion surveys of unauthorized immigrants indicate that, if given a choice, 98% would rather live and work legally in the U.S. and would do so if they could. But most do not have the necessary family relationships to apply for legal entry, do not qualify as refugees unless they come from a handful of countries experiencing political unrest, and do not work in professions that currently qualify for a green card.
- **Getting a green card is easier said than done:** The ways to “come legally” to the U.S. are restricted to certain categories of people.
 - **The employment-based immigration system is out of sync with America’s needs:** The number of green cards is limited to **5,000 per year for the entire United States** for less-skilled workers such as landscapers, hotel workers, and construction workers. This grossly insufficient number of green cards for workers in these types of jobs is the crux of the unauthorized immigration problem in the U.S.
 - **Family immigration is highly restricted:** U.S. citizens and green-card holders who meet strict eligibility requirements can petition to bring in certain eligible foreign-born family members. However, there are numerical limits on most family categories, and demand is typically higher than the number of available green cards. This results in significant backlogs for most family members hoping to enter the U.S. legally, with immigrants from some countries waiting decades for entry.
 - **Refugees:** Persons who can prove a “well-founded fear of persecution” may, in some cases, be granted political asylum or refugee status. However, the burden of proof is high and the process is rigorous. An immigrant does not qualify as a refugee because of poverty or difficult economic conditions in his or her home country.

IMMIGRANT INTEGRATION

Many Americans are concerned that immigrants do not learn English, are living in isolated enclaves, and will not integrate into U.S. society. These are the same fears that Americans have harbored for centuries when confronted by each new wave of immigrants. However, research shows that today's immigrants are integrating into U.S. society just as the generations of immigrants before them. They, and their children, learn English, buy homes, intermarry, become U.S. citizens, and otherwise become part of the nation's social fabric.

IMMIGRANTS ARE INTEGRATING JUST AS THEY ALWAYS HAVE

Immigrants are learning English: The U.S. Census Bureau found that 91.4% of all people in the United States spoke English "very well" in 2008. In immigrant communities, mastery of English increases dramatically from generation to generation. According to surveys by the Pew Hispanic Center, only 48% of first-generation Latino immigrants report that they speak English "very well," but this figure rises to 98% in the second generation. Among Latino adults who are third generation or higher, 97% speak English "very well."

More immigrants are taking the oath and becoming U.S. citizens: According to the Office of Immigration Statistics, large and increasing numbers of immigrants are becoming U.S. citizens. The number of naturalizations has grown from an average of 120,000 per year in the 1950s and 1960s to 680,000 per year between 2000 and 2009. Roughly 570,000 immigrants applied for naturalization in Fiscal Year (FY) 2009 alone. Many immigrants who applied for citizenship in the summer of 2007, hoping to vote in the November 2008 elections, were not able to do so because their applications had not been processed. However, in 2008, over 1 million persons were naturalized.

There is nothing more American than a 30-year mortgage: Homeownership is a key indicator of entry into the American middle class. Studies have shown that rates of homeownership rise among immigrants the longer they are in the country. Research by Dowell Myers, a prominent demographer at the University of Southern California, found that in 2005, Latino immigrants in California who had been in the U.S. for 30 years or more had a 65% homeownership rate, compared to 16% among those who had been here for less than 10 years.

IMMIGRATION AND THE ENVIRONMENT

Some commentators argue that immigration contributes to “over-population” in the U.S. and therefore causes more pollution, greater consumption of scarce resources, and more damage to the environment. This argument not only ignores the economic forces that drive immigration, but also misses the fundamental point that “over-population” is not the cause of U.S. environmental woes. Solving our environmental problems isn’t as simple as curbing immigration to the U.S. Ultimately, immigrants are not the problem—the U.S. lifestyle, our systems of production and consumption, and the policies that shape them are. We need real, rational solutions and leadership on environmental issues, not scapegoats.

IMMIGRATION IS NOT BAD FOR THE ENVIRONMENT

“Over-population” is *not* what damages the U.S. environment: Levels of environmental destruction and resource consumption are not directly related to population size, even in countries such as the U.S. and those of the European Union (EU) that have similar standards of living. Rather, they are conditioned by a wide range of factors, such as the degree to which a society depends upon polluting and non-renewable fossil fuels; utilizes pollution-reduction technologies; develops systems of mass transit to minimize individual automobile use; uses plastics and other non-biodegradable materials in manufacturing and packaging consumer goods; recycles potentially recyclable materials; and controls agricultural run-off into waterways.

A few people can pollute a lot, or a lot of people can pollute a little: According to the World Resources Institute, the United States is home to 30% fewer people than the European nations of the EU-15, yet produces 40% more greenhouse gases (GHGs), such as carbon dioxide and methane. In fact, U.S. emissions of GHGs on a per capita basis are more than double those of the EU-15. The problem is not the number of people in the U.S.; rather, the problem is the way the U.S. produces goods and consumes resources.

Blaming immigrants for climate change suggests that less-developed countries should stay that way: According to those who blame immigrants for our environmental woes, immigrants would ultimately produce less CO₂ if they just remained in their less-industrialized (and therefore less-CO₂-emitting) home countries. Based on this logic, unauthorized immigration isn’t the problem, increased wealth and international development are.

The U.S. isn't a lifeboat with limited resources that will sink with too many people: When it comes to the global warming crisis, we'll all sink or swim together.

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SURVIVING IMMIGRATION INTERROGATIONS

Quick Responses to the Toughest Questions

SOLVING UNAUTHORIZED IMMIGRATION:

Q: “What are you going to do about illegal immigration?”

A: Immigration reform must be tough, practical, and smart. It is unacceptable to have 11 million people in our country living outside the legal system, and Americans know we can’t deport 11 million people to solve the problem.

America wins when we face reality and take action on immigration. Realistic solutions require the U.S. to do more than secure the border, crack down on employers who operate outside the law, and pursue smugglers who profit from our broken immigration system. We must address the underlying causes of unauthorized immigration. Moreover, reform won’t work unless we address the 11 million immigrants living here without legal status. We must require them to come forward to legalize their status, pay back taxes, learn English, and pass criminal background checks.

America needs a legal immigration system that enhances our security, strengthens our economy, and benefits our communities. We need a realistic, legal immigration framework that protects U.S. workers while providing needed labor to American businesses. Reasonable limits on family immigration would encourage the unification of families and the building of stable communities. The foundation for this kind of immigration system is strong and sensible enforcement that disentangles immigration from crime and national security threats, and focuses enforcement efforts on weeding out the bad actors in the workplace and our communities.

BORDER CONTROL:

Q: “How will you control the border?”

A: Securing our border is vital for national security, but we can’t deport our way to safety. We must supply adequate manpower and groundbreaking technology to secure the border, but we can’t be lulled into thinking that enforcement alone will control the border. Walls, raids, and billions of dollars spent at the border aren’t stopping unauthorized immigration. The annual budget of the U.S. Border Patrol has increased nine-fold, and the number of Border Patrol agents stationed along the southwest border has grown nearly five-fold, since Fiscal Year (FY) 1992. But the unauthorized population of the United States has *tripled* in size, from roughly 3.5 million in 1990 to 11 million today. America needs leaders who will move beyond the deportation-only mentality and implement *real* solutions to secure the border and restore the rule of law. Enacting comprehensive immigration reform and creating legal channels so that immigrants entering our borders do so lawfully will free up the Border Patrol to focus on drug smuggling, human trafficking, and other criminal activity rather than chasing busboys through the desert. 19

IMMIGRANTS AND THE ECONOMY:

Q: “Should we pass immigration reform while we’re in an economic downturn?”

A: In this economic downturn, many may argue that immigration reform is not a priority, but reforming our broken immigration system is an important part of our economic recovery. A recent study by Dr. Raul Hinojosa-Ojeda found that comprehensive immigration reform which includes the legalization of unauthorized immigrants already in the U.S. would yield \$1.5 trillion to the U.S. GDP over a ten-year period, generate billions in additional tax revenue and consumer spending, and support hundreds of thousands of jobs. Currently, many unauthorized immigrants are working in the underground economy, and unscrupulous employers are able to exploit them and create unfair competition by violating labor laws and paying sub-minimal wages. We need to make sure everyone working in the U.S. is working legally, and we need to enforce labor laws against employers who undercut U.S. workers and exploit unauthorized immigrants. Leveling the playing field for both workers and employers will eliminate unfair competition and improve the wages and working conditions of all workers. Putting all immigrant workers in the formal economy will increase wages, tax revenues, and consumption.

IMMIGRANTS AND TAXES:

Q: “Is it true that illegal immigrants don’t pay taxes and drain our economy?”

A: As Ben Franklin said, “Nothing is certain but death and taxes.” Like the rest of us, unauthorized immigrants pay taxes on their property and anything they buy. More than half of them have taxes taken out of their paychecks, but because our immigration system is dysfunctional, these taxes are paid under false Social Security numbers. We need a new regimen in which we know who is paying taxes and can ensure that no one is getting a free ride. The only way to do that is to pull unauthorized immigrants out of the shadows and get them on the right side of the law.

Three state-level studies have found that unauthorized immigrants pay more in taxes than they use in benefits. In **Iowa**, unauthorized immigrants pay an estimated \$40 to \$62 million in state taxes, while they and their employers contribute an additional \$50 million to \$77.8 million in federal, Social Security, and Medicare taxes from which they will never benefit. In **Oregon**, unauthorized immigrants—who are not eligible for any state benefits—pay between \$134 million and \$187 million in taxes each year. Finally, in **Texas**, the State Comptroller found that, without unauthorized residents, the gross state product in 2005 would have been \$17.7 billion *less*.

BIRTHRIGHT CITIZENSHIP:

Q: “Wouldn’t eliminating birthright citizenship resolve our immigration problems?”

A: Eliminating birthright citizenship would be unconstitutional, impractical, expensive, complicated, and would not stop unauthorized immigration. It would impose a significant burden on all Americans who would no longer have an easy and inexpensive way to prove their citizenship. All American parents—not just immigrants—would have to prove the citizenship of their children through a cumbersome process. Since children born to

unauthorized immigrants would presumably be unauthorized, the size of the unauthorized population would actually increase as a result of the new policy. 2 0

STATE-LEVEL IMMIGRATION LEGISLATION:

Q: “Should my state pass legislation similar to Arizona’s SB 1070?”

A: No. Such laws are not effective at resolving the problems with our broken immigration system. Only the federal government can reform our immigration laws. Laws like SB 1070 are expensive, devote precious law-enforcement resources to questioning immigrants about their status, and divert law-enforcement resources away from investigating serious criminal activity. SB 1070-like laws can also lead to racial profiling and discriminatory behavior. Police already have the ability to arrest immigrants for any crimes they may commit, and they can already cooperate with the federal government to enforce immigration laws.

While people are genuinely frustrated over the failure of the federal government to fix our broken immigration system, creating a patchwork of potentially unconstitutional and confusing laws is not an answer. A recent poll conducted by *Politico* shows that people don’t necessarily want states to jump into the fray as much as they want solutions. While 23% of respondents supported states taking action, 61% supported passing comprehensive immigration reform through Congress. A *CNN poll* showed that while 55% of Americans favored SB 1070, an astounding 81% supported a plan that would legalize unauthorized immigrants if they had a job and paid back taxes.

IMMIGRANTS AND CRIME:

Q: “Aren’t a lot of immigrants criminals?”

A: Immigrants are less likely to be criminals than the native-born. Americans are justifiably concerned about crime in their neighborhoods, and immigration restrictionists are quick to point the spotlight at cases in which immigrants have committed horrible crimes. Anyone who commits a crime should be punished, but there is ample evidence that immigrants are *less* likely than the native-born to be in prison, and high rates of immigration are *not* associated with higher rates of crime. In fact, the incarceration rate for native-born men age 18-39 was five times *higher* than for immigrant men in 2000.

Recent studies in two immigrant-rich states, New Jersey and California, reached similar conclusions. In New Jersey, U.S. citizens are twice as likely to land in prison as either legal or unauthorized immigrants. And in California, foreign-born adults have lower incarceration rates than their native-born counterparts.

IMMIGRANTS AND INTEGRATION:

Q: “Why aren’t new immigrants assimilating like our ancestors did?”

A: Learning English, swearing allegiance, and buying homes—what could be more American? Roughly 92% of all people in the United States spoke English “very well” in 2008. Immigrants know the ticket to success in this country is speaking English, and that’s why sociologists have dubbed America the “language grave-yard.” Large and increasing numbers of immigrants are also becoming U.S. citizens. Roughly 570,000 immigrants applied for naturalization in 2008 alone (in the 1960s the annual average was 120,000). Finally, rates of

homeownership—a key indicator of entry into the American middle class—rise among immigrants the longer they are in the country. 2 1

We need integration policies for the new century. As our communities become more diverse, we need to facilitate the quick integration of newcomers. Right now, there are long lines to get into English classes—immigrants want to learn English, but we need more teachers and resources to help them do so. We need to encourage all eligible immigrants to become U.S. citizens, and we must ensure that the Department of Homeland Security can process their applications accurately and rapidly. One huge impediment to integration is lack of legal status. It's harder to integrate when you don't have papers. If we require all unauthorized immigrants to legalize their status, and if we reform our immigration system so that all immigrants are here legally, it will be easier for them to integrate into U.S. society.

IMMIGRANTS AND WELFARE:

Q: “Aren't immigrants using a lot of public benefits?”

A: Immigrants are not the welfare queens that restrictionists would have you believe. The truth is that unauthorized immigrants are *not* eligible for most public benefits, and even legal immigrants are limited in what they can receive. Most *legal* immigrants cannot receive federal Medicaid, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), or food stamps during their first five years or longer in the United States—regardless of how long they have worked or how much they have paid in taxes. Even when they are eligible for certain programs, experts say that low-income immigrants are less likely to receive public benefits than are U.S. citizens.

IMMIGRANTS AND THE ENVIRONMENT:

Q: “I've heard immigrants are destroying the environment. Is that true?”

A: It's the American lifestyle, not immigrants. Restrictionists like to point the finger at immigrants, saying that they contribute to population growth and damage the environment. What they don't tell you is that our impact on the environment is determined not just by our numbers, but by how we *use* resources—our systems of production and consumption and the policies that shape them. Immigrants are not the problem—the U.S. lifestyle, use of resources, and CO₂ emissions are the problem. We can't single out immigrants as a cause of increased CO₂ emissions in the United States. Using the restrictionists' rationale, we could choose any group of Americans—the wealthy, residents of a particular state, dog owners, accountants, redheads—and argue that eliminating that group would lower emissions. Curbing immigration is not a solution to our very real environmental problems. We need rational solutions to global climate change issues. Simplistically blaming them on immigrants is not productive.