

## V. Immigration Reform Options and Recommendations

In order to play our part in the creation of a new League position on the issue of Immigration, we need to identify the ways in which the present system is broken. We thought it might also be useful to consider a few of the options that have been proposed to produce a fairer, more efficient and enforceable system. When faced with an issue as challenging as immigration reform, it is encouraging to realize that there are alternatives to the existing system. Most of the reforms I will talk about are recommended by a non-partisan task force created by the Migration Policy Institute – a non-profit think tank devoted to the study of the movement of people worldwide.

The members of the immigration study group started from the assumption that large-scale immigration is likely to continue into the foreseeable future. Both Ellen and Pat suggested why immigration plays an important role in the entrepreneurial success and prosperity of the US economy. We depend on both skilled and unskilled workers to keep pace with job creation. Between the years 2000 and 2020, there will be no net increase in native-born workers aged 25-54. Native born workers will enter the work force in enough numbers to replace the 75 million Americans who will retire. But there will not be enough native-born workers to fill all the new jobs that will be created. Bureau of Labor Statistics estimates that 56 million new jobs will be created (2002-2012).

Half of these new jobs will require no more than a high school education. Native born workers are becoming better educated every year. Fewer native born workers are willing to do low-wage, low-skilled work. The short fall of unskilled labor is estimated to run into the hundreds of thousands each year. So unless retirees show a sudden willingness to pick strawberries, do masonry work and flip burgers, we face a significant short fall of unskilled labor.

We are not graduating the numbers of native-born scientists, engineers and physicians that we need. Our graduates prefer careers in business and education. (In 2004, 50% of graduate students in engineering were foreign born, and 41% of graduates in the physical sciences were foreign born). As international competition for highly skilled workers increases, more and more of these foreign-born skilled workers will look for jobs outside the US after graduation. In short Immigrants are needed to fill the gaps in the American work force across all skill levels. \*Our current immigration system does not enable us to manage the flow of immigration in ways that ensure that we admit people in the numbers and with the skills required to meet changing demand.\*

\*The trouble is that our visa system is broken. \*As Nadine's report suggested the present visa system is both very complex and inflexible. The current visa system is based on statutory ceilings set by Congress. These ceilings bear little relationship to the demand for immigrant workers. Statistics tell the story. Approximately 500,000 unauthorized workers are added to the population each year, and most of these 500,000 are low skilled workers. Yet, each year only 31,000 temporary H-2A visas are set aside for agricultural workers, 76,000 for other low skilled workers. The reason for the high number of unauthorized immigrants is not simply due to the lack of enforcement. They are here in

response to the law of supply and demand. The same problem faces skilled workers. 90,000 temporary visas are allotted annually for highly skilled workers. Typically this cap is met before the fiscal year even begins.

During the Senate debate on immigration reform, three basic proposals were put forward for meeting employers' needs for temporary workers. All three tinkered with the existing statutory quotas. The three proposals offered different statutory quotas on the numbers of temporary immigrant visas and different approaches to the possibility of transitioning from temporary visas to Legal Permanent Resident status. All provided for increasing the numbers of temporary workers. None proposed comprehensive reform of the existing visa system.

\*The Task Force created by the Migration Policy Institute recommends a more complete overhaul of the visa system\*:

1. Recommends a) that \*temporary worker visas\* should be limited to those filling truly temporary needs – seasonal or short term work at all skill levels. (this is not currently the practice – temporary worker visas now serve as stepping stones for skilled workers seeking permanent visas) b) the creation of a second category of worker visas – \*provisional visas--\* good for three year periods, renewable once, applicable to skilled and unskilled workers alike, employed in permanent, year round jobs, with the possibility of transitioning to legal permanent residence.

2. Recommends the \*creation of a non-partisan standing\* \*committee\* with responsibility for adjusting the numbers of visas made available in light of labor markets and needs. An effective immigration system needs to be responsive to changing economic, political and social conditions. This agility is not possible with the current politicized tinkering approach used by Congress.

Meeting labor needs is but one objective of a rational immigration system. \*Since 1965 (Immigration Act of 1965), immigration policy has emphasized the reunification of families.\* Roughly 2/3 of all immigrant visas are allotted to family members of US citizens and legal permanent residents. The numbers applying for these family reunification visas far exceeds those available. The backlog of applications has reached staggering proportions. Some families can anticipate as much as a twenty-year wait for visa availability and processing. Inevitably many choose to immigrate illegally rather than wait out such a process. A fair and rational immigration policy must address this issue of family reunification. The question is: do we think the ratio of work related visas to family reunification visas is still appropriate?

Options:

1. Reconsider the priority assigned to family reunification
2. Eliminate family preference categories for everyone except spouses and minor children.

3. Place spouses and children of legal residents outside preference quotas.

In this way, policy would honor the traditional priority assigned to family reunification while freeing up visa slots.

In addition to the reforms of the worker visa system already discussed the Task recommended:

1. A radical reduction and simplification of all visa categories.
2. An increase in the financial and personnel resources needed to process visa applications in a timely manner.

\*Reforming the immigration system also requires that we solve the issues created by the 12 million unauthorized workers presently living in the US.\* This is the issue that derailed Senate deliberations on immigration reform this summer. The Senate considered two basic proposals for dealing with unauthorized immigrants.

1. One approach (Kyl/Cornyn bill) was designed to ensure the departure of most of the unauthorized workers. This was to be accomplished by the deportation of all unauthorized workers who have lived in the US for less than five years. This bill also required that eligible unauthorized workers must return to their country of origin and apply for temporary worker status. Those who applied successfully would then receive two year temporary visas that could be renewed twice. They would not be permitted to apply for Legal Permanent Residence status.

A second bill, the McCain/Kennedy bill, would have provided a pathway to citizenship for all 12 million unauthorized workers. It would have allowed them to apply for Legal Permanent Residence. To qualify, unauthorized workers would have to pass background checks, pay fines of \$5000, and demonstrate proficiency in US civics and English. The heads of households would have had to return to their country of origin to apply for visas.

The Senate failed to come up with a solution to the problem of the 12 million unauthorized immigrants. Deportation on the scale proposed in the first option was judged impossible by the Department of Homeland Security. Opponents of the McCain Kennedy bill complained that the pathway to citizenship was “amnesty” – far too lenient and a threat to the American principle of the rule of law.

\*The MPI Task Force strongly argued for providing a pathway to citizenship:\*

1. \*The unauthorized immigrant population contributes to the country’s economic productivity, competitiveness and to tax revenues\*. Generally speaking their contributions to property and sales taxes and social security taxes outweighs their burden on social services. I’m going to take a moment here to address the question: “do

immigrant workers consume more in government benefits than they contribute in taxes?” This is one of the hot button issues influencing how people feel about immigration. Most immigrants pay as much in sales, property and income taxes to the government as comparably poor and unskilled native-born workers do. 2/3s of illegal immigrants have income taxes withheld by the Social Security Administration. SSA collects some 7 billion a year that goes unclaimed, most of it thought to come from unauthorized workers. Many have the impression that immigrants place a disproportionate demand on state and local services, especially for education and health care. Research into this question produces results that differ from state to state. Tamar Jacoby, in an article in/ Foreign Affairs /for Nov. /December 2006, summed up the existing evidence. She concluded: “the net effect in most states is close to a wash.” [A study of the impact of immigrants on the economic well-being of North Carolina where immigrants filled one third of new jobs in the last decade calculated that immigrants were responsible for 9.2 billion in consumer spending and 1.9 billion in saved wages, for a total “growth dividend” of 11 billion which dwarfed the \$61 million that new comers cost the state.] It is true that the costs of social services to immigrants are not shared equitably among the states. States with higher numbers of immigrants take on more of the costs in caring for the health and educational needs of unauthorized immigrants than other states do.

\*The MPI Task Force recommended that the federal government administer a state impact aid program to assist states with social costs of providing services for immigrants.  
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2. A second argument for providing a pathway to citizenship is that it would help to end the web of false documents and smuggling networks.

3. A third argument –it would end the shadow existence of unauthorized immigrants—an existence that often subjects them to employer exploitation and stands in the way of their integration into American society.

Marilyn has reviewed the many challenges involved in improving \*enforcement practices and protecting the rights of immigrant workers. \*

\*The MPI Task Force Recommended that:\*

1. \*Employer verification and workplace enforcement should be the focus of improving the enforcement of immigration laws\*. At this time, the government invests far greater resources in border enforcement than in workplace enforcement. To ensure work place enforcement employers must have access to a comprehensive and accurate data base for checking the status of workers and a reasonable and effective ID system to verify worker eligibility. Scaling up the verification system will require substantial public investment.

2. \*The various strategies for border enforcement should be carefully evaluated. \*Before any further investment in walls and fences, a cost benefit analysis should take place.

Recommended that vigilante enforcement should be stopped.

I want to mention one other MPI recommendation. The Task Force recommended a restructuring of the agencies dealing with immigration related issues. Some of the problems of administering and enforcing immigration policies arise from a fragmentation of responsibility among a variety of agencies and from the admixture of security and immigration responsibilities. Any immigration reform policy – whether it is mandatory employer verification, the granting of legal status to millions of unauthorized workers or the quadrupling of employment based visas --will require a more effective mobilization and integration of government resources. At the moment, the implementation of such policies would involve the cooperation of a number of separate organizational entities both within and outside DHS.

\*Recommendation: create a cabinet level position with responsibility of coordinating immigration policy.\*

\*A fourth major challenge facing immigration policy is that of coordinating immigration policy with US foreign and trade policy. \*The US cannot deal with unauthorized cross border immigration without the cooperation of our neighbors. Some of the pressure created by unauthorized immigration could be mitigated by addressing the underlying reasons that motivate immigrants to leave their homes and come to the US. We should develop policies that strengthen the economies and the human rights practices of the countries from which immigrants come. . While the remittances sent by immigrants to their home countries help their families, these remittances are no substitute for policies that promote economic development in the countries of the immigrants' origins. Finally, pressuring countries to follow free trade and privatization measures is probably less helpful than US support of programs that foster education, health care, development of infrastructure and facilitate the export of their products to our country. [Not Task Force – my recommendation!]

Doreen Hunter  
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