

**Out of the Shadows: A Blueprint for Comprehensive
Immigration Reform**

REPORT PRODUCED BY POLS 239 DECEMBER 2007

Immigration is an integral part of America's history, economy, and cultural development. As our nation has expanded, immigrants have continued to enter the United States and contribute to the social and economic fabric of our society. Despite this important role, immigration has often been seen as a problem. Today's situation is no exception. Since 1986, Congress has failed to generate a policy that adequately addresses the needs of both U.S. citizens and a rising immigrant population. We have gone too long without addressing immigration in a comprehensive manner. Despite recent attempts to reform immigration, the country remains divided, without the necessary leadership from the federal government. As a result, state and local governments have been unfairly burdened by the costs of immigration, and there have been widening rifts among municipal, state, and federal authorities with each attempt to navigate the crisis. There are unprecedented numbers of immigrants in the United States today and they form a crucial part of the American workforce. Due to a lack of comprehensive reform, the United States is presented with an emergent marginalized population.

Documented and undocumented workers come to the United States in hopes of attaining the social mobility promised by the "American Dream." Denying entry to both the most capable and most willing foreign workers jeopardizes the United States' ability to compete in a world economy. Congress should regularize the flow of immigration and fulfill the government's responsibility to the most vulnerable native workers. The regularization of immigrant status is also necessary for the greater security of America and the American public. In order to stem undocumented immigration, more legal avenues must be provided for people to enter the United States to satisfy employment demands. Below we analyze the challenges and opportunities of immigration to the United States. The policy recommendations that follow address the political, economic,

and social impacts of immigration while guaranteeing that migrants' and native workers' rights are respected.

CHALLENGES

National Security and Crime

Current estimates place the undocumented immigrant population at 12 million. The presence of large numbers of unscreened immigrants poses a potential threat to national security. It places the United States at risk of increased crime, including drug and human trafficking and international terrorism, and unduly hinders the capacities of law enforcement agencies. It also creates social strains, generating negative stereotypes of the entire immigrant population.

Worker Rights and the Native Work Force

Undocumented workers are particularly vulnerable to violations of basic workers' rights. These workers do not have access to legal resources, making it possible for employers to provide inadequate working conditions and unfair wages. Many employers hire undocumented workers to take advantage of lower wages, which could negatively affect opportunities for native, low-skilled workers. Although there is no conclusive evidence, multiple economic studies show that the presence of a large, undocumented labor supply depresses wages and decreases the availability of jobs for native, low-skilled workers.

A Two-Tier Society

The shadow status of undocumented immigrants limits their access to basic social services and curtails the exercise of their rights with attendant social and economic costs to American society. Many immigrants tend to find work in low-paying jobs with poor working conditions. As a result, many are uninsured and live in impoverished, transient communities. Unless immigrants are both allowed and encouraged to integrate we risk the creation of a two-tiered society with a permanently marginalized and culturally

separate working class. The perpetuation of such social divisions would exacerbate already high levels of social tension and discrimination.

Political Tensions

Immigration has become politically paralyzing and divisive. Tensions over immigration strain relations between the US and sending countries, hindering necessary dialogue on a range of bilateral issues. Immigration also generates strife between state and federal governments. Unless the federal government enacts comprehensive immigration reform, particular states and localities will continue to experience undue stress on their infrastructure as they struggle to accommodate rapid population growth and demographic change.

OPPORTUNITIES

Border Enforcement and Re-directing Resources

Under a reformed immigration system, the number of people attempting to enter the country illegally would be far lower than it is now. Border Patrol agents could focus their efforts on apprehending those who truly pose a threat to the United States. Since fewer agents would be required to effectively police the border, funding currently allocated for border enforcement could be re-directed to efforts to apprehend foreign criminals already in the country. The Qualitative Visa Assessment Program (QVAP) and a temporary worker program would provide legal avenues for skilled and unskilled workers to enter the country.

Employer Demand

Regularizing the flow of immigrants enables willing workers to fill market demand. Efficiently meeting employers' labor needs that vary by season, locale, and industry size positively impacts the United States' economy because consistently high levels of production permit low consumption costs. Regularization would also prevent employers

from exploiting undocumented immigrant workers and promote equal employment opportunities for the native working class.

Strong Families

A focus on family reunification would promote integration and preserve family values. Immigrants who are able to maintain family structures in the U.S. are more likely to engage in, and contribute positively to, American society. Immigration often results in fractured family structures. Strong families raise children who are less likely to drop out of school, commit crimes or become teenage parents than children raised in foster care. Emphasis on preserving family structures would provide benefits to immigrant families and U.S. society while lessening the strain on social services.

Cultural Diversity

Immigration has historically offered distinctive opportunities for American society. The incorporation of immigrants builds upon the core values of democracy, pluralism, opportunity, and individual liberties that have always characterized our nation. America's defining feature is its multiculturalism. Immigrants afford the United States an opportunity to enhance its cultural diversity and to embrace a cross-cultural literacy that is a crucial asset in our increasingly globalizing community. Bilingualism in particular is an advantageous skill for American businesses and contributes to our nation's flexibility, dynamism and competitiveness.

Global Leadership

As a nation of immigrants, the United States is particularly well positioned to take the lead in generating innovative solutions to similar challenges that a number of developed and industrialized nations presently face. This is an opportune time, moreover, for the United States to address a global problem and thereby improve its tarnished international reputation. Addressing immigration in a respectful and humane fashion would have the added benefit of demonstrating America's renewed commitment to a responsible and ethical foreign policy. The payoffs could also be substantial, affording dividends

measured in improved hemispheric cooperation on critical issues such as trade, and drug and human trafficking.

POLICY RECOMMENDATIONS

Regularization

The proposed regularization system emphasizes the need for all immigrants to enter through legal channels. The legalization of the 12 million undocumented migrants currently in the country should not be labeled “amnesty”. Rather, it would constitute a process of regularization, affording a path to citizenship. Regularization could attenuate the perceived risks and fears associated with immigrants as well as the discrimination they currently face.

All immigrants who have been in the country for at least one year would be required to apply for a work permit and to undergo fingerprinting as well as background checks. Applicants would also pay a fine and any back taxes owed. Work permits would be renewed biennially and after six years in the program, workers would be eligible to apply for legal permanent residency, thereby clearing their path to eventual citizenship.

Temporary Worker Program

The creation of avenues for legal immigration and regularization through a temporary worker program is necessary to address wage depression, work place exploitation, and permanent marginalization. This program should allow foreign workers and US employers to develop a federally mediated partnership. Employers would apply to the Department of Labor, demonstrating a need for foreign workers to fill jobs for which a native work force is unavailable. Temporary workers would receive all the rights and benefits of legal permanent residents and employers would be required to pay the prevailing wage and to ensure labor protections. The risk of worker exploitation would thus be diminished as would the incentive to hire immigrants simply because they are willing to work for less.

Businesses would be eligible to apply whenever they face labor shortages while immigrants would reapply on a biennial basis. The work permit would require employment within a

designated industry for a two year period, although workers would not be tied to specific employers.

Temporary workers who have participated in the program for three cycles would likely have gained proficiency in English and familiarity with American society and culture, and would be strong candidates for legal permanent residency.

The Qualitative Visa Assessment Program (QVAP) Point System

In order to uphold the United States commitment to strong nuclear families and to keep the U.S. economically competitive, it is necessary to offer more paths to legalization. These include revised criteria for legal permanent residency on the basis of family reunification and worker skills.

Skilled Workers

In order to attract skilled workers and keep the U.S. competitive in the international economy, the creation of a new points system based on level of education and vocational skills is necessary. The Qualitative Visa Assessment Program (QVAP) would permit migration by those skilled workers to the United States who could prove sponsorship from a specific employer. Once here, workers would be free to change employers within the same field, but would be subject to deportation if they remained unemployed for more than 90 consecutive days. The points system governing assignment of skilled worker visas would be comprised of four categories: educational attainment, work experience, language skills, and demand for workers with specific skills.

Family Reunification

The creation of a stronger, more comprehensive visa program must include a family reunification system that promotes assimilation and family values. The family reunification system would be broken down into preference categories based on familial

relationships to U.S. citizens and legal permanent residents. The categories would be prioritized as follows:

- . Spouse/minor child of a U.S. citizen
- . Spouse/minor child of legal U.S. permanent resident
- . Parent/adult child of adult U.S. citizen
- . Parent/ adult child of U.S. permanent resident
- . Siblings of citizens/legal permanent residents

Minor US citizens have the right to be raised by their parents regardless of their parents' immigrant status. Moreover, children raised by their parents are more likely to become productive adults and functioning members of society. Parents of minor citizens should apply for temporary legal status and would be fast tracked into the temporary worker program to which they should apply within six months of the birth of their first American child. Failure to do so could result in deportation.

Social Services

Providing social services guarantees a sustainable quality of life to immigrants and their children and enables them to be productive members of the American workforce.

Ensuring these services to immigrants today is an investment in our workforce and our society now and for the future. The need-based allocation of federal funds to localities for social services (including ESL classes, health clinics for the uninsured, worker compensation) would expand the range and quality of services available to both immigrants and native-born citizens.

Greater funding should be provided for social service programs already in place (particularly Section 8, which makes housing more affordable) designed to raise the standard of living for native and immigrant workers alike. To shorten the wait-lists that currently exist for government sponsored ESL classes, the government should offer tax

incentives to educational institutions that open their classrooms in the evenings to allow trained volunteers to teach English to immigrants.

Additionally, a federal grant program should be created to fund community organizations and non-profits that offer social services to immigrants and others locally. This program would ease the tense relationship between municipalities, states, and the federal government, alleviating the strains on social services currently experienced by communities. Careful selection of the non-profits would raise the quality of care offered.

Enforcement

In order to employ the most cost-effective and efficient methods of enforcement, the focus should be shifted from Border Patrol to internal enforcement. Existing law prohibiting employers from hiring undocumented workers should be maintained and more rigorously enforced. The E-verify program should also be phased in, to assure employers that they are hiring documented workers. The cost of the E-verify system would be defrayed by funds shifted from a more efficient Border Patrol now dedicated to apprehending terrorists, drug dealers, gang members and other suspected criminals.

Furthermore, the United States government should reevaluate the legal process afforded undocumented workers arrested and charged with a crime committed while in the United States. All people residing in this country should be given the right to a fair trial, irrespective of their legal status. Documented workers who are found guilty of a felony would serve their sentence in the United States but their residency would be revoked. However, those documented workers and permanent residents who are found guilty of committing a misdemeanor would not lose their legal status but must serve out their sentence in a United States facility.

Consultative Group for the Americas

The viability of immigration reform requires sustained dialogue with sending nations, as well as interagency, interdepartmental and intergovernmental collaboration.

Representatives from agencies including the DEA, the FBI, the CIA and the INS/DHS should establish a partnership with law enforcement agencies from Latin American countries designed to deter and apprehend undocumented immigrant workers, as well as drug traffickers, gang members, potential terrorists and other suspected criminals from entering the United States.

Parallel consultations involving the Department of Commerce, the State Department and USAID, and their Latin American counterparts should also be encouraged. These conversations would focus on tackling the economic exclusion and poverty which constitute root causes of emigration.

A third task force should be created to address the challenges of immigrant integration and incorporation. This agency, comprised of representatives from municipal, state and the federal Departments of Education, Health and Human Services, and Housing and Urban Development, would make recommendations designed to improve immigrant educational opportunities and alleviate their residential segregation.