

**TO:** City Council

**FROM:** James L. App, City Manager

**SUBJECT:** Immigration Policy

**DATE:** December 18, 2007

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**NEEDS:** For the City Council to consider petitioning the Federal Government for comprehensive immigration reform.

**FACTS:**

1. City Council goals for 2008-2011 include preparation of a report concerning immigration policy.
2. Attached is a report based on current research by scholars, professionals in the field, and political leaders.
3. The report presents some of the most widely expressed concerns regarding undocumented (a.k.a., "illegal") immigration as well as responses based on available data.
4. It is important to note at the outset that, according to the U.S. Department of Homeland Security, there are no certain counts as to the number of undocumented immigrants in the United States.
5. It is equally important to note that there are no validated, objective, empirical studies of the fiscal impacts of undocumented immigration.

**ANALYSIS &**

**CONCLUSION:** In studying the issues of undocumented immigration it is clear that:

- There is no verifiable count of the number of undocumented immigrants in the United States.
- There are no empirical studies of the fiscal impacts of undocumented immigration.
- The issues surrounding and affecting immigration are more complex than can be discussed in just a few pages of text.
- Data concerning undocumented immigration appear subordinate to ideology.

Regardless, immigration is an issue of importance to many Americans, and rightly so. It is the American people who must decide whether, and to what degree, they invite others to live and work in America. Therefore, the American people have charge over this matter through their elected representatives, as is provided in the Constitution (Article 1, Section 8, cl. 3&4 establishes the Federal Government's pre-eminent role in, and responsibility for, immigration policy).

Paso Robles participates in common rights and responsibilities as a member community of the United States. Accordingly, Paso Robles seeks not to pre-empt or disregard the Constitution, National immigration policy, or Federal jurisdiction. However, some local citizens express deep concerns that current Federal immigration policy is inadequate to protect and promote American interests and security.

It is appropriate that concerned citizens press for change. Equally appropriate, the press for change should be driven by knowledge of the pertinent facts, issues, complexities and opinions. Such is the purpose of this report. It includes the summary analysis, findings and recommendations of a distinguished bilateral commission of scholars, professionals and elected leaders. Their recommendations suggest and urge comprehensive immigration reform and are presented here for consideration. These suggested reforms seem worthy of referral to this community's Congressman and Senators urging their action to effect comprehensive reform.

**POLICY**

**REFERENCE:** U.S. Constitution Article 1, Section 8, cl.3&4.

**FISCAL**

**IMPACT:** None.

**OPTIONS:**

- A. City Council Authorize a Letter to Congressman McCarthy and Senators Boxer & Feinstein Urging Comprehensive Immigration Policy Reform.**
- B. Amend, Modify or Reject the Option Above.**

Attachment

## IMMIGRATION

The United States was founded by immigrants. Immigrants fueled the Country's economic expansion from an agricultural to an industrial giant, and now to a knowledge-based economy. Immigration has been and is part of America's success. In fact, we are a nation of immigrants, and descendants of immigrants, a diverse people – so much so that “you cannot spill a drop of American blood without spilling the blood of the world.”<sup>1</sup>

Immigrants come for freedom and opportunity – for a better life. Largely Latino (80% Latin American),<sup>2</sup> today's immigrants come because even minimum wage represents opportunity (it is nearly ten times what they can earn in their native lands).<sup>3</sup>

The influx has stirred controversy, as it did with three earlier waves of immigration. The concerns center on an assumption that immigrants, especially undocumented (a.k.a., illegal) immigrants, cost more than they contribute. Unfortunately, there are no empirical studies of the fiscal impacts of undocumented immigration.<sup>4</sup> Further, “facts regarding illegal immigration are often given a backseat to ideology by partisans on either side of the debate.”<sup>5</sup>

Some argue that “illegal” immigration has little to do with costs; rather it is simply a matter of enforcing the law.<sup>6</sup> This seems an oversimplification - there are approximately 2,400,000 undocumented immigrants in California alone and possibly 12,000,000 nationwide. A deportation of that many people is probably not feasible. Even if it could be done, what would be the consequence of removing one of every twenty-five workers, and what would be the cost to identify, locate, collect, sequester, house, process and transport so many? Further, what would become of U.S. born (citizen) children of deportees – do they become wards of their States thereby creating additional costs, or exiles to countries where they become the undocumented immigrants? There are numerous economic, social, and demographic factors that must be considered. Among them are:

### Assimilation

Concern: The nation cannot absorb huge numbers of immigrants. There are simply too many.

Perspective: “During the classic era of immigration [late 1800's – 1920], immigrants arrived at a rate of 6.3 per thousand of U.S. population. Today the rate of immigration, including illegal immigration, is less than 4 per thousand.”<sup>7</sup>

Concern: Illegal immigrants do not speak English and are not learning to speak it.

Perspective: In the early 20<sup>th</sup> century, during the last major immigration wave, language shift to English occurred over three generations, e.g. the grandchildren of immigrants typically spoke only English.

The shift to English is accelerating among recent immigrants, most often occurring within two generations rather than three.<sup>8</sup>

## Employment & Wages

Concern: Immigrants take jobs away from, and lower wages for, natives.

Perspective: "Recent immigrants are usually employed in jobs, occupations, and sectors where previous immigrants were already predominantly employed."

"There is no evidence that the inflow of immigrants over the period 1960-2000 worsened the employment opportunities of natives with similar education and experience."<sup>9</sup>

The U.S. Bureau of Labor Statistics (BLS) projects job growth between 2002-2012 from 145,000,000 to 167,000,000. U.S. birth rates average 2.0 – 2.1 per woman; 2.1 is the minimum required to replace the existing population. With a native birth rate sufficient only to replace the existing population, and a projection of increased job production, labor force growth requires bringing in workers, e.g. immigration.

Immigration follows trends in U.S. employment, it does not set them.<sup>10</sup>

"During 1990-2004, immigration induced a 4% real wage increase for the average native worker."

Immigrant workers often serve as complements to native workers rather than as their direct competitors for jobs.<sup>11</sup>

## Criminality

Concern: Illegal immigrants are causing an increase in crime.

Perspective: Crime rates have declined as immigration has increased – since 1994 the undocumented ("illegal") population has increased 100% (to approximately 12,000,000) while violent crime has declined by 34% and property crime by 26%.

Immigrants have lower incarceration rates than the native U.S. population. Of men age 18-39 (the age group that represents the vast majority of the prison population), native incarceration rates are 3.5%, approximately 5 times greater than immigrants at 0.7%.<sup>12</sup>

## Health Care

Concern: Illegal immigrants are a significant burden on the U.S. health care system, especially emergency rooms.

Perspective: "Overall, more than 40% of non-citizens are without insurance," However, in sheer numbers "the largest cohort of uninsured persons is native born."

While rates of uninsurance are higher among immigrants, the number of natives uninsured is much larger (Immigrants – 40% of 12M is 4,800,000 uninsured; U.S. Citizens – 15% of 288M is 43,000,000 uninsured). Further, because immigrant usage of health care is significantly lower, one can reasonably argue that “unauthorized immigration is not the major cause of increases in . . . uncompensated care costs in the U.S.”

The value of health care services used by immigrants with insurance is 44% lower per capita than natives with insurance, and 61% lower per capita than natives without insurance. “However, emergency room expenditures were more than three times higher for immigrant children than for native born children.”<sup>13</sup>

### Education

Concern: Illegal immigrants drain public funds for education.

Perspective: Educating the children of illegal immigrants “almost certainly constitutes a substantial drain on public funds.”

“Most U.S. native families with children probably receive more in services (primarily education) than they pay in taxes.”<sup>14</sup>

While education is a cost, the fiscal impact is lessened, or possibly even positive, over an immigrant’s lifetime. Higher earnings, and the tax revenues they generate, are strongly associated with increasing levels of educational attainment.<sup>15</sup>

### Fiscal & Economic Impact

Concern: Illegal immigration costs taxpayers and hurts the economy.

Perspective: The 2004 costs and benefits of immigration in the State of Arizona have been estimated to include:

Annual fiscal impacts include tax revenues of \$2.4 billion against public service costs of \$1.5 billion, for a net positive fiscal impact of \$940 million.

Total economic output is approximately \$44 billion with 400,000 full-time jobs.<sup>16</sup>

The 2005 costs and benefits of undocumented immigrants in the State of Texas have been estimated to include:

Annual fiscal impacts include tax revenues of \$1.6 billion against public service costs of \$1.2 billion, for a net positive fiscal impact of \$424 million.

Total economic output is approximately \$17 billion.<sup>17</sup>

The 2004 costs and benefits of immigrants in State of North Carolina have been estimated to include:

Annual fiscal impacts include tax revenues of \$755 million against public service costs of \$817 million, for a net negative fiscal impact of \$61 million, or \$102 per immigrant.

Total economic output is approximately \$9 billion.<sup>18</sup>

In California, since the early 90's through 2004, the total rate of (a) unemployment is lower, (b) poverty is close to the national average after having been 3% higher, (c) average wage increases has grown faster than the national average (and are now 13% higher), and (d) job growth exceeds the national average.<sup>19</sup>

"Immigrants with more than a high-school education have a net present value of \$93,000, and their descendants . . . \$105,000, for a total of \$198,000. However, those arriving without a high-school diploma have a present value of minus \$89,000, and their descendants . . . \$76,000, leaving a negative \$13,000 balance."<sup>20</sup>

"In the aggregate, the net economic gains and losses of immigration to the U.S. economy appear to be small. Net income gains are about 0.2% of GDP. The net fiscal costs . . . are about 0.3% of GDP. On balance, immigration lowers the U.S. GDP by about 0.1% per year. Statistically, accounting for margin of error, this is close to zero."<sup>21</sup>

"The available evidence indicates that immigration will play a critical role in economic growth by augmenting the labor force (as well as the consumer base and the tax base)."<sup>22</sup>

"Immigration provides net economic benefits to the domestic economy."<sup>23</sup>

From the studies referenced herein, and others that contributed perspective, it is clear that there are diverse opinions as to immigration's, especially "illegal" immigration's, impacts on the Country. Learned, involved, and influential people have made serious attempts to answer the question, but conclusions seem to be influenced by ideology.

What then can be concluded about immigration, undocumented or otherwise? From historical accounts and observations, America has been through this before – at least three times. And, the issues that plague America today are not unique or new; in fact, they are the issues of the three preceding waves of immigrants. Regardless, the Country has grown and prospered; arguably, the Country has succeeded because of immigrants.

So, what should be done? Some maintain that government must enforce the law – drive out "illegal" immigrants. Others note that "illegal" immigration is a term unique to current times, that all immigrants of the preceding three waves were undocumented, i.e., "illegal". And, still others would welcome any and all who seek a better life.

An independent commission of bipartisan leaders and experts from key sectors concerned with immigration - the Independent Task Force on Immigration and America's Future - convened to determine what should be done. It concluded that immigration affects an intertwined complex of issues including economics, society, and demographics. And, because of the complexities and inter-relationships, "you cannot fix one element and think you have solved the problem." The Commission's report concluded that the immigration system should be redesigned to better serve U.S. wants and needs by:

- Setting annual immigration levels to address labor market goals – initially 1.5 million annually.
- Reviewing adjustments to immigration levels biennially based upon labor market needs, unemployment patterns, and changing economic and demographic trends.
- Restructuring the system to include temporary, provisional and permanent status options.
- Establishing an earned path to permanent status for currently unauthorized immigrants.
- Implementing "smart border" enforcement measures to reduce illegal immigration and protect against terrorist entry.
- Creating a secure biometric Social Security card to establish eligibility to work.
- Mandating employer verification and workplace enforcement.
- Engaging Mexico and Canada in initiatives to manage labor flows and improve regional economies.<sup>24</sup>

The Task Force has attempted to redefine what the Nation's founding fathers (all undocumented immigrants, or descendants thereof) recognized, i.e., immigration's complexities and national importance. The unique national pre-eminence of immigration concerns is documented in the Constitution's provision establishing the Federal Government's supremacy in regulating immigration (U.S. Const. Art. I, Sec.8, cl. 3 & 4). Accordingly, it is the Federal Government that must address comprehensive immigration interests. The Task Force report provides a credible and comprehensive set of immigration system reform recommendations\* for localities to petition their federally elected representatives to adopt.

*\*A copy of the Task Force Report Executive Summary is attached.*

## ENDNOTES

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- <sup>1</sup> Henry J. Aaron, James M. Lindsay, Pietro S. Nivola, ed., *Agenda for the Nation*; James M. Lindsay & Audrey Singer, *Changing Faces: Immigration & Diversity in the 21<sup>st</sup> Century*, pg.217; Brookings Institute press, pub.; 2003
- <sup>2</sup> Hans P. Johnson, Mark Baldassare, Arturo Gonzalez, Laura E. Hill; *At Issue – Illegal Immigration*, Fig.1; Public Policy Institute of California, pub.
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- <sup>13</sup> Judith Gans, *Udall Center Fact Sheet on Immigration Policy No.2 - Immigration & U.S. Health Care Costs*; Udall Center for Studies in Public Policy, University of Arizona, September 2006.
- <sup>14</sup> Hans P. Johnson, Mark Baldassare, Arturo Gonzalez, Laura E. Hill; *At Issue – Illegal Immigration*, pg.9-10; Public Policy Institute of California, pub.
- <sup>15</sup> Center for Continuing Study of the California Economy, *The Impact of Immigration on the California Economy*; Page 44; 2005 California Regional Economies Project; September 2005

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- <sup>16</sup> Judith Gans; *Immigrants in Arizona: Fiscal and Economic Impacts*; pub. Udall Center for Studies in Public Policy, The University of Arizona; 2007
- <sup>17</sup> Carole Keeton Strayhorn; *Undocumented Immigrants in Texas: A Financial Analysis of the Impact to the State Budget & Economy*; pub. Office of the Treasurer, Sate of Texas; December 2006.
- <sup>18</sup> John D. Kasarda & James H. Johnson, Jr.; *The Economic Impact of the Hispanic Population on the State of North Carolina*; pub. Frank Hawkins Kenan Institute of Private Enterprise, Kenan-Flagler Business School, University of North Carolina at Chapel Hill; 2006
- <sup>19</sup> Center for Continuing Study of the California Economy; *The Impact of Immigration on the California Economy*, Pgs.28-33; 2005 California Regional Economies Project; September 2005.
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- <sup>24</sup> Spencer Abraham, Lee H. Hamilton et al – The Independent Task Force on Immigration and America's Future; *Immigration and America's Future: A New Chapter*; Migration Policy Institute, pub.; September 2006.

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## ACKNOWLEDGEMENTS

Numerous works provided insight and perspective to/for this issue paper. Many have been directly cited (see endnotes); others not directly cited are listed here for information, reference, and to acknowledge their contributions to the understanding of the complex issue that is immigration.

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# Immigration and America's Future: A NEW CHAPTER



REPORT OF THE INDEPENDENT TASK FORCE ON IMMIGRATION AND AMERICA'S FUTURE  
CO-CHAIRS, SPENCER ABRAHAM AND LEE H. HAMILTON

Doris Meissner  
Deborah W. Meyers  
Demetrios G. Papademetriou  
Michael Fix

 **mpi**  
MIGRATION POLICY INSTITUTE

# Immigration and America's Future: A NEW CHAPTER

Report of the Independent Task Force on  
Immigration and America's Future

*Spencer Abraham and Lee H. Hamilton, Co-Chairs*

Doris Meissner

Deborah W. Meyers

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SEPTEMBER 2006



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# FOREWORD

FEW POLICY AREAS AFFECT A SOCIETY as directly or as deeply as do immigration and immigration policy. Large-scale immigration magnifies those effects enormously.

The United States has been taking in unprecedented numbers of immigrants — legal and illegal — for over a decade now. Including those who come into the country both within and outside the parameters of the permanent immigration system and stay for extended periods of time, annual US immigration today totals about 1.8 million. Temporary immigrants entering legally on visas that do not require proof of an intention to return home and foreigners who enter and/or stay without authorization comprise the difference between the annual legal flows, which have averaged nearly one million in recent years, and the “actual inflow” figure estimated at 1.8 million.

No country can afford to have an immigration system that either ignores or otherwise merely ratifies the facts on the ground. Yet, that is what the United States has been doing for a while now. The result is a challenge to the most basic rules of governance; a hit-or-miss relationship between immigration policy and crucial US economic and social priorities; and an exceptional degree of political attention, not all of which has been thoughtful or productive. For these reasons, the Migration Policy Institute (MPI) organized the bipartisan Independent Task Force on Immigration and America’s Future. This volume presents the results of the Task Force’s effort to understand the key challenges and opportunities that immigration represents for the nation and the group’s proposals for sensible but fundamental solutions.

Under the steady leadership of two distinguished American public servants, Spencer Abraham and Lee H. Hamilton, the Task Force recommendations articulate a vision that promotes US global competitiveness in the context of post-9/11 security imperatives, while also grappling with many of the technical details that have made immigration such an intractable public policy problem. The resultant proposals call for a flexible system that meets US economic interests now and in the future, promotes longstanding social goals and priorities, respects core US values, and dramatically improves the government’s ability to advance the rule of law, a standard no longer being met by the status quo.

As with most efforts to fundamentally re-think complex and deeply ingrained systems and practices, the ideas the Task Force is presenting will require thoughtful debate and time for thorough assessment. The members of the Task Force, my MPI colleagues, and I are pleased to contribute the new thinking the Task Force has generated to the national immigration conversation now underway.

Demetrios G. Papademetriou  
PRESIDENT, MIGRATION POLICY INSTITUTE

# ACKNOWLEDGMENTS

THIS REPORT IS THE CULMINATION of the efforts of many skilled, effective individuals. We begin by expressing our gratitude to Spencer Abraham and Lee Hamilton for agreeing to serve as co-chairs of the Task Force. They have presided over the project with steady hands and seasoned judgments about the issues at stake in today's immigration debate. We are also grateful to the members of the Task Force for engaging in the process of dialogue and debate that took place during Task Force meetings and for committing time and imagination to grappling with the truly complex, wide-ranging issues addressed in this report. Our partners in convening the Task Force were the Manhattan Institute (MI) and the US Studies program and the Mexico Institute of the Woodrow Wilson International Center for Scholars (WWIC). We thank Tamar Jacoby, Andrew Selee, and Philippa Strum from those organizations for helping to organize the Task Force. Finally, the background information and perspectives provided by the ex officio members of the Task Force broadened the scope of the issues in valuable ways.

The idea for the Task Force dates back almost three years. Throughout its gestation, funding, research, meetings, and preparation of publications, all of our MPI colleagues have supported the initiative in varying ways. We have worked extremely well together in a spirit of warm collegiality preparing for Task Force meetings and bringing this report to fruition. We want especially to recognize Julia Gelatt, whose attention to detail, quantitative contributions, and tenacity in tracking down information have been indispensable. Her many contributions include tables, graphs, citations, and sidebars; Marc Rosenblum for intellectual ingenuity and persistent "drilling-down" on several key issues in the report; and Lisa Dixon for smooth liaison with members and funders, professionally managed meetings, and an excellent sixth sense for preventing things from falling through the cracks. Finally, our colleague Muzaffar Chishti added important perspectives and suggestions on a range of pertinent topics. Their work and dedication were exceptional.

The report reflects a great deal of research and analysis for which we also thank current and former MPI staff members Jeanne Batalova, Betsy Cooper, David Dixon, Kevin Jernegan, Julie Murray, and Kevin O'Neil, with assistance from interns Megan Davy, Shirin Hakimzadeh, Mary Helen Johnson, and Eliot Turner. We are indebted to Colleen Coffey and Meg Weaver for outstanding help

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Present and former US government officials were particularly helpful in supplying technical information. For that we thank Steve Fischel, Jeff Gorsky, and Charlie Oppenheim of the State Department; staff of the Office of Immigration Statistics; and Lisa Roney of the Department of Homeland Security. Staff of the members of Congress who served on the Task Force played similarly important roles. Our thanks, therefore, goes to Esther Olavarria, Margaret Klessig, Julia Massimino, and Rebecca Jensen.

The quality of discussion at Task Force meetings was sparked by excellent briefings and written analyses. In particular, we wish to thank Frank Bean, David Ellwood, Susan Ginsburg, Leighton Ku, James Loy, David Martin, Susan Martin, and Jeffrey Passel. Many additional authors also contributed importantly to the project. The papers they prepared were, or are being, published to contribute solid information and analysis to the ongoing debate. A full list of Task Force publications and authors appears in the appendix.

Finally, we are extremely grateful to the Carnegie Corporation, Charles Evans Hughes Foundation, Ford Foundation, Haas Foundation, JEHT Foundation, JM Kaplan Fund, and Open Society Institute for their confidence in and financial support for this project.

Doris Meissner, Task Force Director  
Deborah W. Meyers  
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Michael Fix

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Note: Some Task Force members submitted additional comments that appear at the end of the report. One member submitted a dissenting comment.

# PREFACE

INTERNATIONAL MIGRATION IS TRANSFORMING not only the United States, but also more countries than at any time in history. The United States has long been a world leader in welcoming and integrating newcomers. Yet, our nation's official immigration policies are increasingly disconnected from the economic and social forces that drive immigration.

The nation's attention is focused on illegal immigration. Americans are deeply divided in their opinions about the impact of immigration on the country, and anger about illegal immigration colors public attitudes about all aspects of immigration, illegal or otherwise. Confronting the problem of illegal immigration is long overdue. Still, illegal immigration is but one aspect of immigration. Today's debate side-steps the broader question that looms for America's future: What kind of immigration policy and system would harness the benefits of immigration to advance US national interests in the 21<sup>st</sup> century?

The Independent Task Force on Immigration and America's Future was convened by the Migration Policy Institute (MPI) to grapple with that question. Its report and recommendations are based on careful analysis of the economic, social, and demographic factors driving today's large-scale immigration, illegal and legal. Its core conclusion is that the benefits of immigration far outweigh its disadvantages and that immigration is essential to US national interests and will become even more so in the years ahead. But to harness the benefits, the United States must fundamentally rethink its policies and overhaul its system for managing immigration.

The Task Force is a bipartisan group of leaders and experts from key sectors concerned with immigration. The co-chairs are Spencer Abraham, Principal, The Abraham Group, former Secretary of Energy and Senator from Michigan, who chaired the Subcommittee on Immigration of the Committee on the Judiciary; and Lee Hamilton, President and Director of the Woodrow Wilson International Center for Scholars (WWIC), former Vice-Chair of the 9/11 Commission and Representative from Indiana who chaired the House Committee on Foreign Relations. The Division of United States Studies and the Mexico Institute of the Woodrow Wilson Center and Manhattan Institute have collaborated with MPI in convening the Task Force.

The Task Force first met in May 2005. Research and analyses prepared for it have been released at regular intervals during the past year to inform policy-makers, the press, and the public about critical issues.<sup>9</sup> Since the first meeting, legislative debate suddenly accelerated in the Congress. Because of their legislative roles, currently serving members of Congress were not asked to endorse the Task Force recommendations. Many Task Force members have been actively engaged in advocacy on behalf of key constituencies. Their support for the recommendations in the report in no way alters positions they may have taken on pending legislation and does not necessarily imply agreement with every aspect of the report.

This report is the culmination of the work of the Task Force. It addresses issues in the current debate and beyond. The Task Force hopes it will serve as a durable foundation upon which to build the discourse and policies that can meet the challenges and opportunities immigration poses for the 21<sup>st</sup> century.

# EXECUTIVE SUMMARY

IMMIGRATION IS THE OLDEST AND NEWEST story of the American experience. The same dreams of freedom and opportunity that galvanized people to cross the ocean hundreds of years ago draw people to America today. Immigration has enabled America's growth and prosperity, and helped shape our dynamic American society. Yet just as it has been a vital ingredient in America's success, immigration generates changes that can be unsettling and divisive.

Immigration is essential to advancing vital American interests in the 21<sup>st</sup> century. To maximize the benefits and mitigate the strains caused by immigration, the United States needs a new immigration policy and system for a new era.

Three times in our history, the United States has experienced "peak periods" of large-scale immigration that coincided with transformative economic change. Today, we are living through a fourth peak period, as globalization prompts the United States to complete the transformation from a manufacturing to a knowledge-based economy. With over 14 million newcomers, legal and illegal, the 1990s ranks numerically as the highest immigration decade in American history; the current decade will almost certainly surpass it.<sup>1</sup>

As with previous peak periods, immigration is helping the United States respond to shifting economic realities, while also enriching American society. At the same time, communities across the country are experiencing rapid change and new challenges in integrating diverse new populations. In particular, the United States is faced with an unprecedented level of illegal immigration. Demands for greater border control, an immigration system that can meet neither workforce requirements nor the need for families to unify, and government agencies at all levels that are struggling to manage immigration mandates are all signs that our policy is broken and outdated.

The American people are deeply divided about whether immigration helps or hurts the country. They recognize the imperative for change, but often give contradictory answers when asked to choose among various policy options.<sup>2</sup> Legislative action has mirrored this division. The House of Representatives passed a bill in December 2005 that focused on tough new enforcement measures at the border and in the interior of the country. The Senate passed a bill in May 2006 that complements stringent enforcement measures with substantially

expanded opportunities for legal immigration and earned legal status with a “path to citizenship” for unauthorized immigrants.

The Independent Task Force on Immigration and America's Future welcomes the national dialogue on immigration. We applaud Congress for taking action, but believe that both the House and Senate bills are insufficient. The House bill will not fix the problem because it fails to address the economic forces driving immigration. The Senate bill is preferable because it is more comprehensive and bipartisan, but the bill is overly complex to implement and fails to correct systemic problems in immigration law and policy.

The Task Force report is based upon a careful analysis of the economic, social, and demographic factors driving today's large-scale immigration. In crafting recommendations, we sought to design a new and simplified system that averts illegal immigration, while also harnessing the benefits of immigration for the future.

## THE BENEFITS OF IMMIGRATION

Immigration offers the United States unique benefits that will allow us to be a more productive, competitive, and successful nation in the 21<sup>st</sup> century.

### Productivity

Immigration augments and complements the workforce exceptionally well because the US economy is creating more jobs than can be filled by native-born workers. In the 1990s, half of the growth in the US labor force came from new immigrants.<sup>3</sup> That share is projected to grow. This demand for foreign labor is evident across the skills spectrum. At a time when Japan and most European countries are less competitive and face mounting social welfare costs because of declining working-age populations, infusions of young, taxpaying immigrants are helping the United States overcome worker, skills, and entitlement program shortfalls. Without immigration, we cannot sustain the growth and prosperity to which we have become accustomed.

### Competitiveness

Immigrants are helping the United States maintain a competitive edge. In the critical fields of science and engineering, immigrants play a pivotal role. To take just one example, in 2004, 50 percent of students enrolled in engineering graduate programs in the US higher education system were foreign-born.<sup>4</sup> At a time when China and India are increasingly competitive, the United States must continue to attract the world's best and brightest — or risk losing an important resource to other nations.

Immigration also propels entrepreneurship. Immigrants are more likely to be self-employed than native-born Americans.<sup>5</sup> The number of Hispanic-owned businesses has grown at three times the national average.<sup>6</sup> And one quarter of Silicon Valley start-ups were established at least in part by immigrants, including Intel, Sun Microsystems, and Google.<sup>7</sup> These and countless immigrant-owned businesses across the country are creating jobs, revitalizing neighborhoods, and helping the US economy adapt to changing global market conditions.

## Dynamism

Immigration remains a driving force behind the dynamism of American society. The impact of immigration on daily life is evident in the food we eat, the entertainment we watch, the houses of worship we attend, and the sports we play. Prominent immigrants have won Nobel Prizes, built soaring skyscrapers, written or performed masterpieces, and served at the highest levels of government. Classic indicators such as employment, education, military service, intermarriage, and home ownership show that today's immigrants are successfully integrating into American society.

In an age of globalization, America's openness to immigrants is also an important foreign policy asset. Those who live, study, or emigrate to the United States learn first-hand about our values of freedom, opportunity, individual rights, and the rule of law. And in a global economy that increasingly demands global interaction, exposure to a diversity of people and experiences is a unique resource for Americans.

## THE CHALLENGES OF IMMIGRATION

Despite these substantial benefits, America's immigration system has been overwhelmed by myriad challenges. Many of these challenges are tied to illegal immigration and the resulting population of unauthorized immigrants in the United States.

### Illegal immigration

The most dramatic manifestation of the breakdown of America's immigration system is that a large and growing share of today's immigration is illegal. According to recent estimates, 11.5 to 12 million unauthorized immigrants are in the United States — nearly one-third of the country's foreign-born population.<sup>8</sup> For a nation of immigrants that is also a nation of laws, this level of illegal immigration is unacceptable. Illegal immigration generates insecurity about America's borders, carries economic and fiscal costs, and risks the creation of an isolated underclass. The prevalence of illegal immigration also generates disturbing social and cultural tensions, and causes a decline in Americans' support for immigration more generally.

### Temporary immigration

Along with illegal immigration, nonimmigrant (temporary) immigration programs constitute the primary ways immigration has adapted to new conditions and labor market demands. Temporary immigration programs have increasingly been used as a step to permanent immigration and are filling standing, ongoing labor market needs. The result is that illegal immigration is meeting the nation's low-skill demands, and temporary visa programs are meeting the demands for mostly high-skilled immigration.

### An over-burdened system

Illegal immigration occurs within the bounds of a broader immigration system that is over-burdened and no longer serves the nation's needs. The primary

engines of immigration — family unification and employment — generate far more demand than the immigration system can meet. Individuals who apply to immigrate legally — on a temporary or permanent basis — face overly complex procedures, unreasonable delays, and inflexible statutory ceilings that dictate levels of immigration to the United States.

## **Native-born workforce**

Immigration — particularly illegal immigration — also presents challenges to the native-born workforce. While the net economic impact of immigration is beneficial to the US economy, today's immigration also has some troubling consequences. Illegal immigration can have negative impacts on wages at the bottom end of the pay scale. And immigrant labor, particularly of unauthorized immigrants, can lead to declining labor standards that undercut the position of native-born workers.

## **Integration**

The sheer number of today's immigrants — and the fact that many are unauthorized — presents substantial integration challenges. Many of the costs and responsibilities associated with integration are borne by states and localities. Large numbers of immigrants are now settling in states such as Georgia, North Carolina, and Nebraska that do not have recent traditions of immigrant integration. Unauthorized immigrants by definition cannot be integrated into American society, complicating integration further. And at the local level, communities are often faced with demands for services from unauthorized immigrants, particularly for education and health care, which are costly and engender resentment.

## **Security**

Despite more than a decade of unprecedented growth in resources for border security, the number of unauthorized immigrants residing in the United States has led to a sense that the government lacks the ability and will to secure its borders. Many border communities feel besieged, and citizens across the country are calling increasingly for strengthened border enforcement. Within the country, rules against employers hiring unauthorized immigrants are easily broken, manipulated, or simply under-enforced.

While the overwhelming majority of migrants entering the United States do not represent a threat to national security, the borders must be the front line for security. In a post-9/11 environment, Americans are particularly concerned about terrorists crossing a permeable border or fraudulently gaining admittance to the country at legal ports of entry. In addition, increases in smuggling, dangerous border crossing patterns that have led to tragic migrant deaths, and vigilantism all pose risks to migrants and border communities alike.

# AN IMMIGRATION POLICY FOR THE 21<sup>ST</sup> CENTURY

The Independent Task Force on Immigration and America's Future believes America has entered a new era of immigration, and thus needs a new framework for immigration policy. Our recommendations integrate economic, security, and social concerns. We make proposals that are comprehensive, and governed by rules that are simplified, fair, practical, and enforceable. Above all, we have sought to build for the future upon a firm foundation of America's values and traditions of successful immigration.

## Attracting the immigrants the United States wants and needs

The Task Force recommends the simplification and fundamental redesign of the nation's immigration system to accomplish timely family unification and to attract the immigrant workers required for the United States to compete in a new economy.

### *A re-designed system*

Immigration should take place through three new streams: temporary, provisional, and permanent. Temporary visas would be issued for short-term stays and work assignments, such as seasonal employment. Provisional visas would allow employers to recruit foreign-born workers for permanent jobs and possible future immigration after a testing period of several years. A combination of such temporary and provisional visas, based on the nature of the job, is preferable to a bracero-like guest-worker program, which ties workers to individual employers and provides no opportunity for permanent residence. Finally, permanent immigration would be available both to those who apply directly, and those who "graduate" from provisional status.

The proposed system would initially set annual immigration levels at about 1.5 million, approximately 300,000 less than the actual annual number of immigrants – legal and illegal – being absorbed into the labor market and the country today. The system would simplify many visa categories and procedures, so that US immigration is better able to meet family unification and labor market goals. Special visa categories would be created, such as "strategic growth visas" for individuals in strategically important disciplines.

### *Standing Commission*

An independent, federal agency called the Standing Commission on Immigration and Labor Markets should be created. The Standing Commission would make recommendations to Congress every two years for adjusting immigration levels. Its recommendations would be based on analyses of labor market needs, unemployment patterns, and changing economic and demographic trends. In adjusting immigration levels to be flexible to changing market conditions and ongoing review, the Standing Commission would provide an important tool for policymaking, much as the Federal Reserve does for monetary policy.

### *Executive branch*

To bolster the government's capacity to implement immigration policy, the president should: 1) name a White House coordinator for immigration policy;

2) issue an executive order establishing an interagency cabinet committee for immigration policy; and 3) strengthen the capacity of executive branch agencies to implement major new immigration mandates.

## Enforcing the rules

People cross the border illegally or overstay their visas because of the availability of jobs in the United States and the absence of legal immigration opportunities. Any strategy to reduce illegal immigration must therefore increase the numbers of workers admitted legally, and then effectively and credibly punish employers who continue to hire unauthorized workers. The new bargain must be that with increased employment-based immigration, employers be given the tools to reliably hire only authorized workers, and be held to high standards of compliance with immigration and other labor standards laws.

### *Employer enforcement*

Mandatory employer verification and workplace enforcement should be at the center of more effective immigration enforcement reforms. Without them, other reforms — including border enforcement — cannot succeed. Electronic verification is a major undertaking that relies on upgrading several massive federal databases. Government agencies must be given sufficient, sustained resources and support to upgrade databases and establish privacy and anti-discrimination safeguards. To assist in the process, the Department of Homeland Security should create a Workplace Enforcement Advisory Board to help build support for new employer enforcement policies, and monitor the progress of new measures.

### *Secure documents*

A secure Social Security card is necessary to combat fraud, enable individuals to establish their eligibility to work, and allow employers to easily verify the documents presented by legally authorized workers — US citizens and non-citizens alike. A secure, biometric Social Security card should be developed to replace existing non-secure cards. Along with “green” cards and immigration work authorization cards — which are already secure, biometric documents — the three cards should eventually be the only documents used to verify work eligibility.

### *Border enforcement*

Border enforcement must accomplish a number of intertwined goals: restricting the illegal entry of people and goods; regulating the flows of people and goods that the United States wishes to admit; protecting against terrorism and other national security threats; and protecting against criminality, violence, and other threats to the quality of life.

■ *Smart borders.* To accomplish these goals, implementation of “smart border” measures that combine personnel, equipment, and technology should be accelerated. The administration should submit an annual report to Congress and the American people that establishes measures of effectiveness for border enforcement and reports progress in meeting them. Three particular areas that need to be closely monitored are Border Patrol staffing and support, the effectiveness of technology, and civil rights protections of migrants and border community

residents. Border enforcement efforts have received substantial resources in recent years with uncertain results. In implementing border enforcement policies, Congress and the public need better information to assess the effectiveness of those investments.

- *Ports of entry.* Immigration enforcement in other areas of border security should continue to be strengthened, especially legal ports of entry and overseas visa issuance. As southwest border enforcement increases, incentives for individuals to use legal ports of entry to gain admittance to the United States will continue to grow. Legal immigration admissions procedures must not become “weak links” in border protection. Sustained attention to document security and vigilance in the issuance of overseas visas will continue to be of key importance. Meanwhile, security must be balanced with efficiency, as facilitating legitimate trade and travel are essential to economic prosperity and US engagement around the world.
- *Counter-terrorism.* Terrorist travel and transportation tactics should be aggressively targeted with the same depth and urgency as terrorist communications and finance. International terrorists depend upon mobility. Every time a terrorist crosses an international border, he must make contact with an enforcement official. This represents a significant vulnerability for terrorists, and a vital opportunity for counter-terrorism officials. The tracking and disruption of terrorist travel demands higher priority and resources. Border officials must have ready access to information, such as real-time intelligence and law enforcement watch-lists, to enable them to promptly identify terrorism suspects.

### *Labor market protections*

A re-designed immigration system must not diminish employment opportunities or wages of native-born US workers. Furthermore, increased levels of immigration must not be accompanied by declining labor standards — for US workers or for foreign-born workers.

- *Labor certification.* The existing case-by-case labor certification system should be replaced with a system that provides for pre-certified employers, designates shortage occupations for blanket certifications, and uses a streamlined individual certification process for non-shortage occupations. Pre-certifications would require employers to file sworn attestations that no qualified US workers are available to do the job, that no striking workers are being replaced, and that prevailing wages will be paid.
- *Worker flexibility.* Temporary and provisional workers should have the right to change employers after an initial period without jeopardizing their immigration status, and to exercise labor rights comparable to those of similarly employed US workers.

### **Immigrant integration**

US immigration policies are specified in great detail in US laws, but integration policies are skeletal, ad hoc, and under-funded. Immigrant integration is an essential dimension of successful immigration, especially in a period of large-

scale immigration. Currently, there is no focal point for leadership in the federal government to promote immigrant integration. Individual, family, and state and local efforts accomplish a great deal, but they could be better leveraged to achieve important national goals.

### *Office of Immigrant Integration*

A National Office on Immigrant Integration should be created to provide leadership, visibility, and a focal point at the federal level for integration policy. The office would establish goals for immigrant integration, and measure the degree to which these goals are met. The office would assess and coordinate federal policies and agencies related to integration, and serve as an intermediary with state and local governments. As a principal priority, the office should examine the supply of and demand for English-language instruction among limited English-proficient groups, and provide leadership and expertise for public and private sector initiatives and resources to meet that demand.

### *The unauthorized population*

An earned path to permanent legal status is the most urgent immigrant integration need at this time and should be provided for unauthorized immigrants currently in the United States. The requirements for earning legal status should be the same for all eligible applicants. A legalization process should be simple, with an eligibility date that is as recent as possible. The process should include registration for work eligibility in the United States, accompanied by a background security check, English-language requirements, and payment of a substantial fine for illegally entering the United States. Earned legal status should occur within the context of broad, comprehensive immigration reform.

## **The Region**

Illegal migration is a regional issue. Nearly 80 percent of the unauthorized population in the United States is from Latin America, primarily from Mexico and Central America. The flow of remittance earnings from migrants in the United States to families and communities in their home countries has reached record amounts. The United States must engage Mexico and Canada in longer-term initiatives that result in viable economies and higher standards of living throughout the region.

## **Conclusion**

America's ability to effectively manage and take advantage of our current period of large-scale immigration constitutes a new chapter in the nation's immigration experiences that will play a large part in shaping our nation in the 21<sup>st</sup> century. Will we be able to compete effectively? Will we be secure? Will we maintain our tradition of openness? The Task Force strongly believes that the United States can answer each of these questions in the affirmative, but only if we adopt a simplified, comprehensive, and new approach to immigration that addresses the American people's sense of crisis about illegal immigration, as well as the opportunities that immigration provides for the United States in a new era.

# NOTES

- 1 About 9.8 million immigrants gained lawful permanent resident (LPR) status in the United States between 1990 and 1999, while an estimated 4.9 million immigrants entered and remained in the country without authorization. However, immigrants made up a larger share of the total US population at the turn of the century – about 15 percent, compared to only 12 percent currently. US Department of Homeland Security, *Yearbook of Immigration Statistics: 2004*, Table 1 (Washington, DC: US Department of Homeland Security Office of Immigration Statistics, 2006); Jeffrey S. Passel, “The Size and Characteristics of the Unauthorized Migrant Population in the U.S.” (Washington, DC: Pew Hispanic Center, March 2006), <http://pewhispanic.org/files/reports/61.pdf>; and Tabulations from the Current Population Survey, March 2005.
- 2 For one recent poll of US opinions on immigration, see Pew Research Center for the People and the Press and Pew Hispanic Center, “America’s Immigration Quandary: No Consensus on Immigration Problem or Proposed Fixes” (Washington, DC: Pew, March 2006), <http://pewhispanic.org/reports/report.php?ReportID=63>.
- 3 Andrew Sum, Neeta Fog, Paul Harrington, et al., “Immigrant Workers and the Great American Job Machine: The Contributions of New Foreign Immigrants to National and Regional Labor Force Growth in the 1990s” (Boston, MA: Northeastern University Center for Labor Market Studies, August 2002), 16–17.
- 4 The Council of Graduate Schools found that 50 percent of students enrolled in graduate degree programs in engineering were foreign-born temporary US residents, while 41 percent of students enrolled in graduate degree programs in the physical sciences were foreign-born temporary residents. Heath A. Brown, “Graduate Enrollment and Degrees: 1986 to 2004” (Washington, DC: Council of Graduate Schools, Office of Research and Information Services, 2004).
- 5 About 10.4 percent of foreign-born workers are self-employed, compared to 9.4 percent of native workers. Jeanne Batalova and David Dixon, “Foreign-Born Self-Employed in the United States,” *Migration Information Source* April 1, 2005, <http://www.migrationinformation.org/USFocus/display.cfm?ID=301>.
- 6 US Census Bureau, “Growth of Hispanic-Owned Businesses Triples the National Average,” Press Release (Washington, DC: US Census Bureau, March 21, 2006), [http://www.census.gov/Press-Release/www/releases/archives/business\\_ownership/006577.html](http://www.census.gov/Press-Release/www/releases/archives/business_ownership/006577.html).
- 7 A study by the University of California, San Diego, found that one-quarter of Silicon Valley start-ups were established by Chinese and Indian immigrants during the 1990s. See AnnaLee Saxenian, “Silicon Valley’s New Immigrant Entrepreneurs” (University of California, San Diego, The Center for Comparative Immigration Studies, May 2000).
- 8 Passel, “The Size and Characteristics of the Unauthorized” (see n. 1).
- 9 To access MPI’s publications prepared for the Independent Task Force on Immigration and America’s Future, see <http://www.migrationpolicy.org/ITFIAP/publications.php>.
- 10 See n. 1.
- 11 US Census Bureau, “Hispanic Population Reaches All-Time High of 38.8 Million, New Census Bureau Estimates Show,” Press Release, June 18, 2003, [http://www.census.gov/Press-Release/www/releases/archives/hispanic\\_origin\\_population/001130.html](http://www.census.gov/Press-Release/www/releases/archives/hispanic_origin_population/001130.html).
- 12 Ben J. Wattenberg, *First Universal Nation* (New York: Touchstone, 1992).
- 13 David Ellwood, “How We Got Here,” In *Grow Faster Together. Or Grow Slowly Apart*. (Washington, DC: The Aspen Institute Domestic Strategy Group, 2002).
- 14 Andrew Sum, et al., “New Foreign Immigrants and the Labor Market in the US” (Boston, MA: Center for Labor Market Studies, Northeastern University, January 2005).
- 15 Ellwood, “How We Got Here” (see n. 13).
- 16 B. Lindsay Lowell, Julia Gelatt, and Jeanne Batalova, “Immigrants and Labor Force Trends: The Future, Past, and Present,” Task Force Insight No. 17 (Washington, DC: Migration Policy Institute, July 2006), 3.
- 17 Richard Jackson, “The Global Retirement Crisis” (Washington, DC: Center for Strategic and International Studies, April 2002).
- 18 Ellwood, “How We Got Here” (see n. 13).
- 19 Lowell, Gelatt, Batalova, “Immigrants and Labor Force Trends” (see n. 16).
- 20 *Ibid.*, 15–17.