



IMMIGRATION REFORM

The United States' immigration system is broken. Illegal immigration is at an all time-high. The backlog for potential legal immigrants waiting to enter the country is hopelessly long. Thousands of families remain separated by an overwhelmed family reunification program. We need meaningful, comprehensive reform to protect our security, allow our economy to grow, protect the wages of U.S. workers, honor our value of rewarding hard work, and restore the rule of law and respect America's traditional embrace of immigrants. A bipartisan solution to the current crisis exists. It is up to Congress to enact sensible, sweeping reform, avoid enforcement-only non-solutions, and reject draconian and unrealistic proposals to criminalize and deport the undocumented.

I. KEY FACTS

Basic Immigration Statistics

- **There are about 24 million legal immigrants** living in the U.S. today and about 12 million undocumented. [U.S. Census Bureau, [2005 American Community Survey](#); Pew Hispanic Center, "[Size and Characteristics of the Unauthorized Migrant Population in the United States](#)," March 2006]
- **Immigrants comprise 12.4 percent of our overall population**, which is a lower percentage than was the case during previous eras of peak migration. From 1860-1920, for example, immigrants comprised between 13 and 15 percent of the overall population. [U.S. Census Bureau, [Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990](#).]
- **More than 50 percent of those living in the U.S.** who were born outside the country hail from Latin America, another 27 percent from Asia, 14 percent from Europe, and 3 percent from Africa. [U.S. Census Bureau, [2005 American Community Survey](#)]
- **Approximately 7.2 million undocumented immigrants** are working in the U.S. today, constituting approximately 4.9 percent of the overall civilian workforce. [Jeffrey Passel, "[The Size and Characteristics of the Unauthorized Migrant Population in the U.S.](#)," Pew Hispanic Center, March, 2006]
- **Between 12 and 20 million new immigrants total** during the next 20 years would enter the United States as legal immigrants under the Senate-passed comprehensive immigration reform package. [Congressional Budget Office, [Cost Estimate for S. 2611](#), August 18, 2006; National Foundation for American Policy, "[Immigration Numbers in Context: An Analysis of Senate Immigration Bill S. 2611](#)," June 2006]

Our Country's Immigration System Is Broken

- **The number of undocumented immigrants in the U.S. has ballooned** to approximately 12 million in March 2006, despite a tenfold increase in Border Patrol spending between 1986-2002. [Pew Hispanic Center, "[Size and Characteristics of the Unauthorized Migrant Population in the United States](#)," March 2006; Douglas Massey, "[Backfire at the Border](#)," The Center for Trade Policy Studies, June, 2005]

- **Nearly 4.5 million undocumented** immigrants have entered the U.S. since 2000. [Pew Hispanic Center, "[Recently Arrived Migrants and the Congressional Debate on Immigration](#)," April 2006]
- **The backlog of people seeking to enter the U.S. legally** to work, visit, or reside permanently is today more than one million people. [Migration Policy Institute, "[Backlogs in Immigration Processing Persist](#)," June 2005]
- **Siblings have been forced to wait more than 20 years** after one of them has legally migrated to the U.S. to reunite with their brothers or sisters. More than 600,000 relatives of legal U.S. residents are stuck in the family reunification backlog. [Asian American Justice Center, "[Asian Americans and Comprehensive Immigration Reform](#)," December 2005; USA Today, "[Backlog keeps immigrants waiting years for green cards.](#)" January, 2005]

Enforcement-Alone Is Costly and Ineffective

- **Immigration enforcement is expensive.** The enforcement provisions of Senate-passed comprehensive reform legislation, for example, account for \$78 billion of the legislation's \$83 billion net cost over 10 years. [American Immigration Lawyers Association, "[Fact Sheet: The Cost of Comprehensive Immigration Reform](#)," Congressional Budget Office, [Cost Estimate for S. 2611](#), August 18, 2006]
- **Mass deportation of the undocumented population**, even assuming 20 percent would leave voluntarily if such a policy was enacted, would cost at least \$206 billion over a five-year period. [Goyle & Jaeger, "[Deporting the Undocumented: A Cost Assessment](#)," Center for American Progress, July 2005]
- **Border enforcement alone has been tried and has failed.** Despite tripling the size of the U.S. Border Patrol along the southern border between 1990-2005, the undocumented population doubled in size, the death rate of border crossings tripled, and the per-apprehension cost increased from \$300 in 1992 to \$1700 in 2002. [Douglas Massey, "[Backfire at the Border](#)," The Center for Trade Policy Studies, June, 2005]

Economic Implications of Immigration

- **The performance of the native-worker job market is not tied to the amount of immigrant labor** in the market. During both the economic boom of the 1990s and the recession and recovery following 2000, there was no discernible relationship between either the rate of growth or absolute size of the pool of foreign-born workers and job prospects for native-born workers. [Rakesh Kochhar, "[Growth in the Foreign-Born Workforce and Employment of the Native Born](#)," Pew Hispanic Center]
- **Undocumented workers may contribute as much as \$7 billion annually to the Social Security Trust Fund** through payroll taxes paid on Individual Taxpayer Identification Numbers and fraudulent Social Security numbers. [National Immigration Forum, "Facts on Immigration: Bolstering Social Security," April 6, 2006; New York Times, "Illegal Immigrants are Bolstering Social Security with Billions," page A1, April 5, 2005]
- **Undocumented workers contributed approximately 1 percent** to total U.S. wages in 2004. [David A. Jaeger, "[Replacing the Undocumented Workforce](#)," Center For American Progress, March 2006]
- **The 7.2 million undocumented immigrants** currently employed in the U.S. economy are concentrated in a small number of sectors of the work force. They comprise 24 percent of all workers in farming occupations, 17 percent in cleaning, 14 percent in construction, and 12 percent in food preparation. [Passel, "The [Size and Characteristics of the Unauthorized Migrant Population in the U.S.](#)," Pew Hispanic Center, March, 2006]

II. CURRENT ISSUES

State of Play

- **Congress is not adequately dealing with the immigration crisis facing our country.** The House of Representatives in December 2005 passed an unrealistic enforcement-only approach to immigration reform (H.R. 4437) that would transform all undocumented immigrants into felons, criminalize “good Samaritans” who provide any assistance to the undocumented, and called for the construction of a 700-mile wall along the 2000+ mile U.S.-Mexico border. In May 2006, the Senate passed bipartisan, comprehensive immigration reform legislation that would increase enforcement both at the border and in the workplace while providing a rigorous systematic path toward earned citizenship for the majority of undocumented immigrants. In the waning days of its pre-election session, however, the Republican-controlled Congress has abandoned comprehensive reform, returning to variations of the failed enforcement-only approach advocated by the House.
- **President Bush has vacillated on the contours of immigration reform legislation.** The White House supported H.R. 4437, but more recently, President Bush has embraced comprehensive reform that includes a path to earned citizenship. He has not, however, pushed the Congress to act on comprehensive reform.
- **States are tackling the challenges created by the broken U.S. immigration system.** Such actions include legislation and ballot initiatives that range from denying public services to undocumented immigrants to expanding authority of local law enforcement to detain undocumented immigrants for trespassing and other status violations of federal law.

Polls on Immigration

- **Majority support earned citizenship.** Separate May 2006 polls by CBS News and CNN each found more than 76 percent public support for an earned path to citizenship that allows illegal immigrants in the U.S. to become citizens if they learn English, have a job, pay fines and taxes, and have no criminal record. [PollingReport.com, [Immigration Polling](#), May 2006]
- **Illegal immigration is viewed as a serious problem.** Separate May 2006 polls by CBS News and Gallup identified illegal immigration as the third most significant problem facing the country that requires action by the president and Congress. [PollingReport.com, [Immigration Polling](#), May 2006]
- **Effects of immigration are generally seen in a favorable light.** Although views on the effects of immigration on the United States vary significantly depending on the manner in which the question is presented, the public feels fairly positive about immigration’s general effects on the country. For example, 65 percent said immigrants take jobs Americans don’t want, rather than take jobs away from American citizens (24 percent). An AP-Ipsos poll found a 51 to 42 percent majority stating that immigrants make a contribution to American society rather than draining it. A 42 to 30 percent plurality told Fox that immigrants “make [the country] a better place to live.” [Pew Research Center and Pew Hispanic Center, “[America’s Immigration Quandary](#),” March, 2006; AP-Ipsos, April 2, 2006 Poll; [Fox News Immigration Poll](#), April 6, 2006.]
- **Majority favor temporary work visa.** A March 2006 *Time* poll found that 72 percent favor a program that would allow undocumented immigrants to gain a temporary worker visa. [Time Magazine/SRBI Poll, “[Large Majorities Support Guest Worker Program and Border Crackdown](#),” March, 2006]
- **Deportation is unpopular.** The draconian approach taken by the House of Representative to build walls and criminalize immigrants consistently finishes last when people are asked what approach to reform they support or think would be

effective. [Pew Research Center and Pew Hispanic Center, "[America's Immigration Quandary](#)," March, 2006]

- **Majority wary of immigrants' effect on wages.** While Americans believe that legal immigrants depress wages by a margin of 52 to 42 percent, they believe illegal immigrants do this by a margin of 60 to 32 percent. [Gallup Poll, December 2005.]
- **Immigrants are fearful.** More than two-thirds of legal immigrants believe the current immigration debate is fueled by rising anti-immigrant sentiment, and more than half report that that sentiment affects their daily lives or those of their families. [New American Media, Center for American Progress & LCCR Education Fund, "[Legal Immigrants: A Voice of Reason in the Immigration Debate](#)," March, 2006]
- **Majority support undocumented children.** Despite majority support for making illegal immigrants ineligible for social services, 71 percent oppose preventing the children of the undocumented from attending public schools. [Pew Research Center and Pew Hispanic Center, "[America's Immigration Quandary](#)," March 30, 2006]

III. A PROGRESSIVE PATH TO IMMIGRATION REFORM

Enforcement – At the Border and In the Workplace – In Context

- **Crack down on border security and corporate abettors.** Increased border security is an essential part of reform, but is only part of the solution. Deploying state of the art technology will make the border more secure and allow us to better track who enters the country. Tougher penalties and tougher enforcement must be deployed against employers who routinely and knowingly hire undocumented workers. As long as they are willing to hire undocumented workers, people will find a way to come to the U.S. illegally. Tougher enforcement must be accompanied by mechanisms that relieve pressure on the border by creating more avenues for legal migration that will contribute to sustaining our economy.
- **Protect our security; bring the undocumented out of the shadows.** Keeping the 12 million undocumented in the shadows poses a potential threat to our security. We do not know who is here or who is trying to enter the country. Fixing the system to provide a path to legal entry, complete with background checks, as part of the path to citizenship will enable law enforcement to focus on terrorists and criminals.
- **Respect the rule of law.** Enforcement provisions must be tough but fair. They must respect the rule of law, honor our tradition of due process, and not criminalize immigrants and those who provide them humanitarian assistance.

Earned Legalization – Not Amnesty

- **"Earned legalization" honors hard work and our immigrant tradition.** Effective, comprehensive reform requires a responsible plan to help undocumented workers earn legalization with a path to citizenship. Undocumented individuals who are willing to apply for a six-year temporary status, have a job, pay taxes, obey the law, learn English, and pay a \$2,000 penalty for having come here illegally, should be put on the path to citizenship. This is a long and rigorous but fair process which honors the American value of rewarding hard work and our tradition as a dynamic country of immigrants.
- **No amnesty, no cutting in line.** Under comprehensive reform, none of the 12 million undocumented would become U.S. citizens overnight. The path to earned legalization and then citizenship should be and is a long one, taking at least 11 years to complete.

A Program That Protects All Workers

- **Protect American workers** by creating a level playing field for all workers. As long as employers are able to exploit any workers, all workers are in jeopardy. We need to ensure that every worker is paid a fair wage, can protect their rights, and organize without fear.
- **Make worker visas work.** Comprehensive reform must include a worker visa program that protects the wages and working conditions of U.S. and immigrant workers and enforces both the program's rules and existing labor laws meaningfully.
- **Bring much-needed order to the process.** The program must put an end to the chaotic and often deadly flow of undocumented immigrants across the border and bring order to the future flow of immigrants. In addition, the program must avoid the pitfall of previous Bracero programs that exploited immigrant workers.