

The Need for Immigration Reform

Why Immigration Reform Does Not Only Benefit Immigrants

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Millions of undocumented immigrants live in the shadows of American society as second-class citizens, hoping every day that they will not be caught by an immigration agent and, in a minute, be deported to their home countries losing what has taken them many years to acquire. They live uncertain of the future and many become anxious as they contemplate the possibility of being separated from their families at any time. Millions of these immigrants have lived in the United States for many years, and many even have children born in this country. There are those who have lived in the U.S. for so long, that they now consider themselves part of this country. However, because of their legal status these immigrants are marginalized and excluded from most types of social and political participation. They are the target of hatred for those individuals who wish they were gone. These individuals blame undocumented immigrants for most of the problems of American society and refuse to accept them as part of this country. "If you do not like how you are treated, then go back to your country" they say. However, for many reasons these immigrants cannot go back. Nevertheless, nor can they continue living in the U.S. without rights, excluded from society, and unable to enjoy normal lives. The complexity of the issue of undocumented immigration is that, while the status quo cannot continue and an immigration reform is the best solution, millions of opponents make it almost impossible for anything to change.

The purpose of this research paper is to analyze the push pull factors that influence undocumented immigrants to migrate to the United States and to discuss what an immigration reform of the U.S immigration system must include. Specifically, Mexico will be the case study due to the great percentage of undocumented immigrants that come from this country. As it will shortly be explained, individuals often oppose immigration reform because of their

negative view about undocumented immigrants, which has been the result of constant exposure to prejudiced and false information. For this reason, a detailed explanation about the major causes of undocumented immigration will clarify that the United States is, in great part, responsible for undocumented immigration. Particularly, the North American Free Trade Agreement NAFTA and the Bracero Program will be discussed. Finally, the benefits that an immigration reform could provide will be explained and a tentative immigration reform plan will be suggested. Because this paper will focus on Mexican undocumented migration, the reform suggested more particularly applies to Mexican undocumented immigrants.

Breaking Stereotypes: Who are the undocumented “aliens” and why they come

During discussions of undocumented immigration there are particularly three prejudices that misinformed opponents often make: most if not all undocumented immigrants are Mexican, all entered the U.S illegally, and all are criminals. However, an educated and rational debate about this issue requires that these prejudices, which have now become stereotypes, be clarified. First, estimates indicate that around 57 percent of undocumented immigrants come from Mexico, the next largest group (or 15 percent) comes from Central America, and the rest come from other countries (as cited in Nadadur, 2009, p. 1039). Hence, not all undocumented immigrants are Mexican. Second, “between 25 to 40 percent of undocumented immigrants entered the country with legal documents such as student visas, tourist visas, or temporary employee visas, but failed to leave or properly extend their documents” (Lipman, 2006, para. 12). Thus, not all entered the country without inspection (illegally). Finally, “more than 90 [percent] of adult undocumented immigrant men and 50 [percent] of adult women are in the labor force” (Lipman, YEAR, p.819). Hence, the great majority are not terrorists or individuals that come to disrupt society; rather, they come to work.

Given that a significant percentage of undocumented immigrants are of Mexican origin, the focus of this study is Mexican undocumented migration. Understanding the motives that push and pull people to immigrate to the U.S is also important in discussions about immigration and immigration reform. Some scholars believe that the first large waves of undocumented immigration from Mexico began to take place when the U.S put an end to the Bracero Program in 1964 in an attempt to encourage employers to hire native workers (Nadadur, 2009, p.1040). This program was a bilateral agreement with Mexico, proposed by the U.S during the WWII, to alleviate the shortage of labor caused by the war (Morgan, 2004). Since agricultural growers were used to the cheap labor costs offered by the *braceros*, they did not began hiring native workers as it was intended. Rather, they replaced *bracero* workers with undocumented workers (Nadadur, 2009, p. 1040). Hence, the end of the Bracero Program resulted counterproductive in that the objective--employing native-workers--was not accomplished and a new problem emerged—A large wave of mass undocumented migration began.

Furthermore, in response to the large waves of undocumented immigration that soared after the end of the Bracero program, in 1986 the U.S government saw the need to pass one of the largest immigration reforms in the history of U.S immigration law; the Immigration Reform and Control Act (IRCA). As Nadadur (2009) explains, the IRCA “created civil and criminal penalties for U.S employers who knowingly hired undocumented immigrants and authorized a on-time-only ‘amnesty’ program which sought to legalize certain immigrants already living in the U.S” (p.1040). The government believed that this was the solution to undocumented immigration and that such immigration would stop. This, however, was not the case.

The IRCA failed to achieve its objective of halting undocumented immigration because of various reasons. For instance,

“by the end of the 1990s, the Immigration and Naturalization Service was devoting only 2 percent of its budget to worksite enforcement... by 2001, only 124 immigration agents were assigned to full-time workplace enforcement in the entire country, compared with 9,500 agents on the border...in 2002 only 53 employers throughout the country were fined for immigration violations, in 2004 only four faced criminal prosecution for violating the 1986 immigration law” (Cornelius, 2005, p.786).

Thus, while a great part of the 1986 immigration reform plan consisted of imposing employer sanctions on all employers who hired undocumented immigrants, this part of the IRCA was barely enforced. Instead, they focused on border enforcement, which at the end resulted very counterproductive. According to several sources, the rigorous border protection after the IRCA caused most undocumented immigrants, who were now facing the prospect of not being able to re-enter the country, to remain in the country indefinitely instead of going back and forth as they used to (As cited in Cornelius, 2005). Additionally, other immigrants continued to find new, riskier ways to cross the border. In fact, according to Fernandez and Massey (2007), the number of people who died attempting to cross the border before 1986 was very small. But since 1986, “nearly 500 people die every year in their determination to find new opportunities in America” (Fernandez and Massey, 2007). Therefore, as Cornelius (2005) explains, “stronger border enforcement [did] not discourage [undocumented] immigration” (p.81). Nevertheless, there are several lessons to learn from the failure of the IRCA in controlling undocumented immigration that can be applied to future attempts to reform the immigration system. Probably the most important one is that spending more in border enforcement alone is not an effective solution.

Consequently, like many, I contend that the broken immigration system is greatly responsible for undocumented immigration. First, as mentioned above, the lax enforcement of the immigration law that prohibits the hiring of undocumented individuals basically leaves employers free to break it, thus inviting undocumented immigration. This in combination with a porous border and the unrealistic number of visas given every year to low-skilled immigrants creates the formula for undocumented immigration. Nevertheless, despite this

problematic combination “the U.S keeps implementing the same unsuccessful immigration policies that it has implemented for more than ten years” (Cornelius, 2005, p.790).

There are several reasons for this lack of improvement in the U.S immigration system. According to Cornelius (2005), one of the strongest reasons is that, since “more than half of the U.S. public, according to opinion surveys, believes that the federal government should be spending more to end [undocumented] immigration along the U.S.- Mexican border,” politicians continue to implement the same failed policies to maintain the public’s support (p.790). Although this explanation seems illogical, the reasoning behind it is that, since most of the public does not know the real causes for undocumented immigration, they believe that spending funds in deportations, border enforcement, and keeping the quotas low for unskilled immigrants is the solution. Hence, that is exactly what politicians do. On the other hand, doing what is efficient—increasing employer sanctions and raising the number of visas given to low-skilled immigrants—would stir up the public’s and employers’ rage. Additionally, Cornelius (2005) also argues that after the terrorist attacks of September 11, the government found itself in a position that pressured it to do something to make people feel safer. Thus, the government increased spending in border enforcement to give Americans the impression that it was actually taking action.

Another incentive that influences individuals to make the decision to immigrate (even without documents) to the U.S. is the promising opportunity of improving their living conditions. In fact, the temptation is so strong that very few individuals who live in extreme austerity would be able resist; especially when they believe that their lives could take a completely new turn just by crossing the border. For example, as Hanson (2007) explains, “for a twenty-five year-old Mexican male with nine years of education (slightly above the average), migrating to the United States would increase his wage from \$2.30 to \$8.50 an hour, adjusted for cost of living differences in the two countries” (p.14). Therefore, it is not

difficult to understand why an individual who has the opportunity to change the lives of his/her entire, starving family would even risk his/her life and cross the border illegally.

Nevertheless, people who oppose immigration in general, or undocumented immigration in particular argue that it is not the problem of the U.S that these individuals are faced with harsh living conditions in their home countries. They argue that their poverty is a problem that needs to be solved by their own governments and in their own countries. These opponents are right; to some extent. However, it is also important to understand and acknowledge that undocumented immigration, particularly from Mexico to the U.S, is also in great part the result of U.S foreign policy and of its lack of an effective and transparent immigration system.

For instance, the North American Free Trade Agreement (NAFTA) of 1994 resulted in another large wave of undocumented immigration from Mexico to the U.S. NAFTA is a free trade agreement between Canada, Mexico, and the United States which allows the free movement of capital among the three countries, but not of labor (Bacon, 2008). For Mexico NAFTA consisted of the “deregulation of agriculture; the selling of land to foreigners; the withdrawal of farm subsidies; and the opening of Mexico’s food, seed, and food markets to competition from Canada and the United States” (Fernandez & Massey, 2007, p.106). More simply put, NAFTA required that Mexico stop its old practices of protectionism and import substitution and open its borders to the free movement of capital (imports and foreign investment). Mexico also began a large wave of privatization (Bacon, 2008). Additionally, conditional development loans from the IMF and the World Bank required that Mexico adopt austerity measures (which included cutting public spending) (Bacon, 2008).

This process of privatization, free trade, and cuts in public spending, brought detrimental consequences to Mexico’s working class, particularly to rural farmers. Before

NAFTA, Mexican *campesinos* (farmers) were able to work the lands that they had fought for during the Revolution (1910-1920) (McCarty, 2007). These lands were *ejido* lands which they had taken from rich *hacienda* owners and that became legally protected by the constitution of 1917 (McCarty, 2007). The lands were considered communal lands because “they belonged to the people in common and could not be sold” (McCarty, 2007 p.108). In 1992, however, then President Salinas decided to push Congress to change the Constitution and grant private ownership to individual members of the *ejido* lands (McCarty, 2007). The purpose for this being that once private, these lands would be free to be sold on the private market. Once NAFTA was implemented, overwhelmingly uneducated *campesinos* were unable to compete with U.S. farmers whose corn, contrary to Mexican *campesinos*’ corn, was still subsidized (McCarty, 2007). Again, while NAFTA forbade Mexico from subsidizing its farmers, that was not the case for United States’ large-scale corporate agriculture.

As expected, Mexican *campesinos*, once unable to compete with U.S. products, had no other choice but to sell their lands to big U.S. corporations. In fact, the percentage of the Mexican population who participated in agriculture dropped from 26.8% in 1991 to 16.4% in 2004 (McCarty, p.108). Looking at it from another perspective, according to Levine (2006) “net job loss in agriculture [after NAFTA] was approximately 1.3 million in 2002” (p.108). As a result, after NAFTA, the number of households in rural areas living in poverty and extreme poverty rose by almost three million (McCarthy, 2007). Hence, opening Mexico’s grains market to U.S. competition resulted in the displacement of many Mexican *campesinos*.

By opening borders to the movement of capital and closing them to the movement of labor, NAFTA increased the incentives for economic migration, which became an inevitable result. According to Organista (2007), the same year that NAFTA was signed, the U.S. strengthened its immigration restrictions with “Operation Gatekeeper,” which called for

the building of a “14 mile long-steel fence in California [and] militarization of the border.” Thus, the U.S. was well aware of the consequences of such contradictory trade policies and expected increases in undocumented border crossings. Admittedly, as Bacon (2008) explains, “...one of the most important effects of NAFTA and of structural adjustment policies [to which Mexico was subjected by the IMF and the World Bank], in general, is the production of migration” (p.67). In fact, “more than 6 million Mexicans came to live in the U.S. after the treaty went into effect” (Bacon, 2008, p.64). Hence, while it is true that NAFTA was not the initial cause for Mexico-U.S. migration, the trade agreement inarguably increased the number of Mexicans who needed to migrate because of financial needs.

Mexico did not achieve its main objectives with NAFTA of decreasing poverty through job creation and incorporating Mexico into the world economy through open borders. Instead, “37.7 percent of Mexico’s 106 million citizens—40 million people—[still] live in poverty, and 25 million, or 23.6 percent, in extreme poverty” (Bacon, 2008, p.24). And the wage differential between Mexico and the U.S. actually increased after NAFTA. For instance, according to Bacon (2008), the average Mexican wage was 23 percent of the U.S. manufacturing wage in 1975. By 2002 it was less than an eighth...” (p.59). Thus, it is not difficult to understand why more people decided to migrate to the U.S. after NAFTA, even without documents.

Therefore, among the major effects of NAFTA was the creation of a large pool of workers who had no other choice but to either cross the border and become “criminals” or starve to death in Mexico. Being thus criminalized in the process of undocumented migration to the U.S., these Mexican undocumented have no rights and can easily be exploited and controlled (Robinson, 2007). Many of these workers are the result of NAFTA’s focus on the free movement of capital and neglect of labor mobility. As Fernandez and Massey (2007) explain, the free trade agreement “took no steps to equalize different levels of economic

development among the participating countries” (p.105). Hence, knowing the outcome of NAFTA’s policies, one could easily argue that it was the deliberate intent of its crafters to create these pools of workers who would only increase the elites’ profits by depriving them of their rights. Unfortunately, as Robinson (2007) rightly observes, global capitalism “depends on new methods of control over workers worldwide, and relies much more heavily on migrant workers who can be denied their fights and super exploited” (p.100). Thus, NAFTA fulfills the interests of global capitalists who basically depend on global pools of exploitable workers for their very survival.

While it appears that developing countries like Mexico are the ones to blame for the large waves of immigrants that come to the United States looking for better opportunities, that is not necessarily always the case. Moreover, it is essential to clarify that the U.S. domestic situation is also responsible for these immigration waves. Specifically, Michael Piore (1979) explains that international migration is the result of a high-demand for low-skilled workers in the host country and not necessarily always due to unfavorable conditions in the sending country (p.15). Piore (1979) also argues that there are four different factors in developed countries that influence the demand for unskilled labor. One of these factors is what Piore calls “structural inflation” (p.15). As Piore describes it, society usually expects both, social status and wages to correlate. Hence, low-prestige jobs consequentially have lower wages. Since people generally like status, low-wage jobs become undesirable. Because there are no people willing to occupy the unskilled positions due to the low social status attached to them, the ideal thing to do would be to raise the wages of unskilled jobs to attract workers. However, this would also imply raising the wages for everyone else in the labor hierarchy, since wages should match social status and prestige. As a result, the easier way out is to hire immigrant workers who are willing to take those jobs for low wages.

Another factor that affects the demand for immigrant labor is what Piore (1979) calls the “social constraints on motivation” (p.16). What this means is that people’s motivation to work is not only driven by a desire for economic gains but is also driven by a desire for social status (Piore, 1979). Therefore, jobs that are at “the bottom of the job hierarchy” are undesirable, not only because of their low wages, but also because of the low social status they provide and the lack of opportunity for upward social mobility (Piore, 1979, p16). Thus, since it is impossible to eliminate those jobs at the bottom of the hierarchy, the ideal worker is the immigrant worker whose main expectation from being hired is to earn money and not to acquire “social status and prestige” (Piore, 1979, p16). This is not to say that developing countries are not responsible for the migration of their people to developed countries but it does suggest that the pull factors that motivate immigrants to come to the U.S are very strong. In other words, Soerens and Hwang (2009) articulate this very well by claiming that “as long as the pull of employment in the US matches the push of economic hardships in other countries, migration will not stop, no matter how challenging and hazardous we make the process of entry” (p. 98). As a result, it is as much a responsibility for the sending countries to improve the living conditions of their citizens as it is for the US to control the demand for undocumented workers.

In sum, then, U.S immigration policy has not focused on the main elements that create undocumented immigration. Actually, Cornelius (2005) claims that the U.S has deliberately failed to completely control undocumented immigration. As he himself puts it, “The U.S strategy—quite intentionally...—addresses only the supply side: the flow of unauthorized migrants; it does nothing serious to reduce employer demand for immigrant labor” (Cornelius, 2005, p.777). Basically, Cornelius is saying that there is a purpose behind trying to control the inflow of undocumented immigrants but not controlling the demand for them. Cornelius goes on to explain that that

“much of the illegality in low-skilled employment today is ‘manufactured’ illegality: a direct function of unrealistic low quotas for low skilled foreign workers (10,000 permanent resident visas are allocated each year to low-skilled foreign workers [compared to] 200,000 temporary visas allocated to high-skilled foreigners), quotas that are set so low for political rather than market-based reasons” (p. 789).

The essence of Cornelius argument is that the distribution of visas is influenced by political conveniences rather than by the real needs of the economy. Lipman (2006) agrees with Cornelius by claiming that U.S businesses’ demand for immigrant labor is much greater than the visa opportunities given each year to these immigrants to enter the country legally. Thus, the most affected by this ineffective and biased immigration system are those immigrants whose labor is demanded, who because of their legal status are vulnerable to exploitation, and who are desperate for those labor opportunities. They are left with no other choice but to find a way to enter into the U.S with or without documents.

There are other people who also believe that the problem of undocumented immigration has been left unresolved for the convenience of some individuals who have invested interests in keeping the status quo. For example, Robinson (2007) contends that global capitalists, desperate for cheap labor and new markets use their economic power to influence international policy in a way that protects their interests. In the case of U.S. and Mexico he argues that “borders and nationality are used by capital, the powerful, and the privileged to exploit, control, and dominate these workers” (Robinson, 2007, p.202). In other words, policies are shaped in favor of those who are economically influential to intentionally create borders that, once crossed, turn individuals into “criminal aliens” that can easily be manipulated. The reason being, in his own words, that “employers don’t want expensive labor, labor with citizenship rights. They are seeking cheap, super exploited, super controllable labor” (p.101). The essence of Robinson’s argument here is that it is basically in the interest of many capitalists to continue with the status quo so that they will also continue to have this easily controllable and exploitable source of cheap labor at their disposal.

Given this information and considering the estimates that there are around 12 million undocumented immigrants in the U.S., it is more than obvious that the current system is broken and that an immigration reform is needed. Despite the urgency for reform there are many who oppose immigration reform. One can note that the majority of individuals who oppose it do so for reasons that are often based on false information. What these people fail to understand is that an immigration reform would also benefit the native population and not just immigrants.

#### Opponents say

For instance, opponents of undocumented immigration commonly believe that there are many ways to enter the United States legally. They mainly argue that millions of people patiently wait in their home countries for several years in order to be given the proper documentation to enter the United States legally, and that it is unfair for those who waited that undocumented immigrants do not wait (“What is wrong,” 2005). Even more unfair, they argue, is that an immigration reform would give these undocumented immigrants legal residence, when there are millions of others who have waited to enter legally “What is wrong,” 2005).

Furthermore, opponents generally argue that undocumented immigrants are an economic and social burden to the United States. First, opponents believe that undocumented immigrants do not pay taxes. Hence, they argue that undocumented immigrants are an economic burden because these immigrants benefit from public assistance and programs offered by state and federal governments (“What is wrong,” 2005). Additionally, undocumented immigrants are seen as a social burden because they do not assimilate into U.S. society.

Another very common argument against undocumented immigrants is that they steal Americans’ jobs. Opponents also typically insist that undocumented immigrants lower

wages and labor standards by offering their cheap labor and by being willing to work under very harsh conditions (“Lower wages,” 2008). This, they say, increases unemployment and affects the living conditions of the working class and poor Americans (“Amnesty,” 2009). Thus, according to opponents, a comprehensive immigration reform would reward “criminals” who, not only broke the law, but also exploit the US economy, degenerate society, and compete against natives for work opportunities that are running scarcer as more people continue to come to the US. They also claim that legalizing the millions of undocumented immigrants that currently reside in the US would send future immigrants the wrong message that it is acceptable to enter the US illegally and that they will, in the future, be similarly forgiven (“What is wrong,” 2005). Finally, as mentioned above, opponents complain that legalizing undocumented immigrants would be very unjust for both, those that went through the long, legal process of receiving a visa, and for those that are still waiting to receive one.

#### Why does the US need a comprehensive immigration reform?

I argue that a comprehensive immigration reform is the solution to many of the problems of the current, broken US immigration system. The kind of immigration reform that the US needs is one that addresses the interests of both, undocumented immigrants, and those of the US. As written earlier, others may challenge the idea that it is in the US’s interest to authorize an immigration reform, however, the evidence suggests that it is in the country’s best interest. Moreover, while opponents often argue, as mentioned earlier, that undocumented immigrants steal Americans’ jobs, data shows that the supply of unskilled labor in the US is constantly decreasing. For example, “between 1960 and 2000, the share of working-age native-born U.S residents with less than twelve years of schooling fell from 50 percent to 12 percent” (Hanson, 2007, p14). This information is important because every economy needs a diversified labor force in order to be more self-sufficient.

Also, as more Americans graduate from high school and attend higher-education institutions, there are less people willing to work in agriculture, the domestic sector, and other unskilled-labor areas. For instance, Frank Gasperini claims that “the estimate that three fourths or more [of all agricultural workers] are not documented is probably true. [As he explains], it’s difficult to supply enough legal employers for agriculture” (as cited in Smith, 2009, p5). This is just one of many cases that illustrate the problem that specific unskilled-labor sectors face regarding the difficulty of finding legal employees willing to work for them. Additionally, in their book *Welcoming the Stranger* Matthew Soerens and Jenny Hwang (2009) report that around “half of the 50.7 millions of new jobs likely to be created between 2006 and 2016” are low skilled and require only some years of high school, if any education (p119). Soerens and Hwang (2009) also explain that “the industries expected to grow the most in the next ten years are the ones in which human labor cannot be mechanized by greater technology or shipped overseas” (p119). What this means is that millions of new workers will be needed to build roads, houses, and to bring food to the table, among many other similar jobs. It is evident that there is a shortage of legal, unskilled-labor supply, and that undocumented immigrants are, if anything, currently meeting the demand for such labor.

A similar problem is the fact that the American labor force is getting older and, with the lowering birth rates, it is unlikely that a new and sufficiently large generation of native workers will replace it. This is problematic because, as Lipman (2006) reports, the demand for young workers will continue to increase at a speed at which the native labor force will be unable to supply (p. 819). Hence, this demonstrates that the US still continues and will continue to depend on immigrant labor. Additionally, as Frank Gasperini from the National council of Ag Employers reminds us, “immigration reform is a critical issue to provide enough legal workers to keep US companies competitive and keep jobs from moving

offshore” (as cited in Smith, 2009, p1). It is thus in the US best interest to approve an immigration reform that will address its continuous dependency on foreign labor.

Moreover, Soerens and Hwang (2009) claim that the retirement of the baby boomers will result in the increase of about 77 million new retirees who will depend on the social security and health care systems. As mentioned above, considering the relatively low fertility rate in the US, there will not be enough native-born Americans to create the labor force needed to support the needs of these retired baby boomers (Soerens & Hwang 2009). Hence, while both, legal and undocumented immigration is strongly opposed by some, the U.S. not only needs immigration, but if birthrates of the native population do not increase, it could eventually depend on it. Besides, if the US were to authorize the mass deportation of all undocumented immigrants, as opponents suggest, this “would reduce the US labor force by 5 percent and the low-skilled US labor force by 10 percent” (Hanson, 2007, p30). Therefore, it is important to recognize that a mass deportation is not the solution, and this is only considering some of the economic consequences and not the moral and ethical issues involved. In short, a unilateral action on the part of the US is not a proper response because it could bring detrimental consequences.

Additionally, while opponents of undocumented immigration rightly complain that undocumented workers negatively affect wages and labor standards, this only reinforces the urgency for an immigration reform. As Avedaño and Bruce (2009) observe in their article, *The Labor Movement’s Solution to Illegal Immigration*, lower wages and labor standards are, in great part, the consequence offering no labor protection laws for undocumented immigrants. They argue that as long as exploitative employers have an abundant source of laborers who are “too scared” to demand better working conditions, higher salaries, and to denounce harsh and unfair treatment, and who are also unprotected by the law, they will continue to favor undocumented workers and offer poor working conditions and low salaries

(2009, para.1). Avedaño and Bruce (2009) also explain that protecting these workers who are an ideal and vulnerable target for exploitation is key to improving the working standards for the American labor force in general. For these reasons, Avedaño and Bruce (2009) emphasize that a reform to the US immigration system must include a modification of the current laws “in a way that places workers’ rights at the forefront, and supports removing the economic incentives that exploit immigrant workers and are currently driving illegal immigration” (para. 4). Thus, an immigration reform, by protecting every employee’s rights, would indiscriminately benefit American workers, particularly those who are currently the most affected. Lastly, Soerens and Hwang (2009) also make an interesting point by arguing that, while it is very important to acknowledge the fact that the presence of undocumented immigrants increases the supply of labor and drives down wages, they also create new markets by demanding new products, hence simultaneously increasing the demand for more labor. Therefore, there are also benefits to having more immigrants since they also represent a large percentage of consumers.

The continuous flow of undocumented immigrants is only part of the evidence that the current immigration system is broken. Undocumented immigration is also greatly a consequence of the difficulty of obtaining a visa to immigrate legally to the United States. For this reason, reforming immigration policy in a way that makes legal entry to the U.S. easier is necessary. For example, unless a foreigner interested in immigrating legally to the United States is a relative of a U.S citizen or legal resident, is requested by a U.S employer, or is accepted at a U.S. college or university, the probability of him/her getting a visa is almost nil (Hansen, 2009, para 6).

As Hansen (2009) explains, there are four ways to come legally to the United States. One way is to receive a green card in a family-based status; 65 to 75 percent of legal immigrants come this way (para 6). Another way is to receive a high-skilled H1B visa paid

by the company that will hire the immigrant, but besides being a long and expensive process, there are only 65,000 visas available annually (Hansen, 2009, para 6). A third way is to receive a diversity visa which is given in a lottery-like manner to underrepresented countries in the U.S. Around 10 percent of all visas are given to “diversity immigrants” (Hansen, 2009, para 6). Finally, an individual might immigrate legally as a refugee or asylum seeker (Hansen, 2009). Also, as Hansen explains, more than fifty per cent of all legal immigrants are already in the United States when they receive the right to “immigrate under a particular category” which basically means they are only “adjusting [their] status while already in the United States (Hansen, 2009, para. 9). Thus, if an individual is seriously considering immigrating to the United States, either because it is his or her ideal place to live or because he/she needs to do so in order to escape poverty, if such individual does not fall under one of these four categories, chances are that he/she will immigrate illegally.

#### Clarifying misperceptions, the truth about undocumented immigrants

The reasons why several people oppose a comprehensive immigration reform are many. However, opposition is also very often driven by anti-immigrant sentiments and arguments that many times lack supporting evidence. People are generally exposed to these sentiments and arguments through the media. Soerens and Hwang (2009) explain how false information given by the media has affected the public’s views on undocumented immigrants. According to them, Americans typically receive this false information through forwarded e-mails and also through more trusted sources like TV news (Soerens & Hwang, 2009). For instance, Soerens and Hwang (2009) learned that CNN reporter, Lou Dobbs, has made on-air, anti-immigrant statements and has also given false information. For example, Dobbs claimed that “the invasion of illegal aliens is threatening the health of many Americans” and he also reported that “about a third of our prison’s population consists of illegal aliens” (as cited on Soerens and Hwang, 2009 p27). This kind of false information

can undoubtedly have a negative impact on uneducated audiences. To clarify such misconception, Soerens and Hwang (2009) explained that only “about six percent of prisoners in federal and state prisons are non-citizens, which includes both documented and undocumented immigrants” (p28). In fact, “the crime rate among immigrants is actually lower than among native-born US citizens,” they explained (Soerens & Hwang, 2009 p28). In sum, prejudices and racial hatred impede people from forming educated opinions. This is important because it is unlikely that an individual who is uneducated on the subject of immigration would support an immigration reform if he/she has only been exposed to false anti-immigrant information.

It is not my purpose to portray immigrants in general, and undocumented immigrants in particular, as guiltless victims or as morally and ethically flawless individuals. However, it is important to recognize that these anti-immigrant sentiments, fed by misinformation, are very problematic for arriving at the proper solution to the important issue of immigration reform.

Another major reason why many people oppose a comprehensive immigration reform is because they blame undocumented immigrants for many of the problems that the US economy experiences. As explained before, they mainly argue that undocumented immigrants are an economic burden to the U.S. economy and that these immigrants do not pay taxes. While some researchers demonstrate that there is no impact and others demonstrate that there is indeed a positive impact, study after study consistently show that undocumented immigrants do not represent a burden to the US economy. For example, according to Hanson (2007) evidence suggests that while immigrants created a surplus of around .1 percent for the US GDP in 1996, .2 percent of US GDP was used to pay for immigrants’ expenses such as education and other public services in the same year (Hanson, 2007, p.23). However, as Hanson also explains, accounting for other variables, immigrants’

burden on US economy is relatively insignificant if not nil (p 23). This is one of the studies that show that undocumented immigrants' impact on the US economy is neither positive nor negative.

Lipman's study (2006), on the other hand, indicates that undocumented immigrants have a positive impact on the US economy because they create more revenue than what they receive in government assistance in the form of public services. In Lipman's (2006) own words, "every empirical study of illegals' economic impact demonstrates [that] undocumented actually contribute more to public coffers in taxes than they cost in social services" (p.813). Specifically, he insists that by looking at the demographic characteristics of undocumented immigrants one can easily conclude that they are less likely to depend on government assistance. For example, Nadadur (2009) explains that while married women and children are the most likely to request and use social services, "56 percent of all undocumented immigrants are adult males" (Nadadur, 2009, p.1047). Hence, the majority of undocumented immigrants are not within the age and gender group that statistically depend on public assistance the most. Additionally, "research on general trends in immigrant families indicates that immigrants are less likely than natives to use public services" (Nadadur, 2009, p. 1047). There are several explanations that can account for this trend. For instance, undocumented immigrants, in part because of their unfamiliarity with the language, are less informed about the several programs that the government offers for the needy. Additionally, because of their legal status they are usually ineligible for most government-funded services.

Moreover, the belief that undocumented immigrants do not pay taxes is almost completely false. In fact, "each year hundreds of thousands of tax returns are filled with ITIN's and W-2 forms attached with invalid Social Security numbers [SSNs]" (Lipman, 2006, p.821). Studies also show that every year undocumented workers and their employers

pay a higher amount in social security taxes with current rates that reach the billions of dollars (Lipman, year p822). For example, Lipman reports that in 2003 “the government collected an estimated \$7 billion in Social Security taxes, or approximately 1 percent of overall revenue, from 7.5 million workers and their employers with mismatched SSNs” (p.822). Thus, to say that undocumented immigrants do not pay taxes is an unfair myth because the great majority does pay taxes. In fact, “between one half and three quarters of undocumented workers now work ‘on the books’ and pay federal and state income taxes, Social Security taxes, and Medicare taxes” (“The Economics,” 2009 p.3). Additionally, all undocumented immigrant pay taxes when they make any purchase because nowhere in the United States does a salesperson ask for proof of legal status in order to charge taxes

It is also important to emphasize, that while many undocumented immigrants do pay Social Security taxes, they are ineligible for most social services. Hence, as Lipman (2006) reminds us, a significant portion of the revenue collected from the taxes paid by undocumented workers benefits all other Americans who are eligible for social services and other federal assistance programs. For instance, undocumented immigrants are not eligible to benefit from services like “food stamps, temporary assistance for needy families, Medicaid, federal housing programs, supplemental security income, unemployment insurance, social security, Medicare, earned income tax credit,” and state and federal financial aid for higher education, among others (Lipman, 2006, p.814). Accordingly, it is true that undocumented immigrants receive public education and emergency health care, but they do not receive most of the other services that any other legal taxpayer can. Also, as Lipman notes, undocumented immigrants do not have the right to vote for people who can represent their interests notwithstanding “Americans’ historically strong opposition to taxation without representation” (p.814). Thus, not only are undocumented immigrants paying taxes without receiving many benefits that all other taxpayers receive, they also do not have a voice when it

comes to deciding how the government should allocate the revenue that comes from those taxes.

### \*Benefits of Illegal Immigration

One of the main reasons why opponents have a negative opinion of undocumented immigrants and why they oppose an immigration reform is because they think that these immigrants are an economic drain to the US. Yet, according to Soerens and Hwang (2009), if there is something that most economists agree on is that undocumented immigrants benefit the US economy. For instance, in a survey conducted by the Wall Street journal, they found that “44 out of 46 economists thought that illegal immigration was beneficial to the economy” (Soerens & Hwang, 2009, p120). This high level of agreement among professionals who specifically study the economy is indicative of the economic contributions by undocumented immigrants; contributions that many opponents ignore.

To begin the analysis of the economic benefits of undocumented immigrants, it is first important to remember that these millions of undocumented individuals are also consumers of US goods. In fact, *Business Week* magazine reports that “US consumer companies... have decided that a market of 11 million potential customers is simply too big to ignore” (as cited in Nadadur, 2009, p.1046). Of course, failing to consider the potential purchasing power of such a number of consumers would be an absurd mistake. After all, who would ignore around 11 to 12 million people of whom 84 percent are “18-44 years old and in their prime spending years” (Nadadur, 2009, p1046). If around 70 percent of us GDP comes from consumers, undocumented immigrants must undeniably account for a significant portion of that percentage of GDP.

Also, while some people argue that immigration affects the US and its people in that jobs are stolen and wages lowered, Soerens and Hwang (2009) look at this argument from a different perspective. According to them, although it might be true that immigration affects

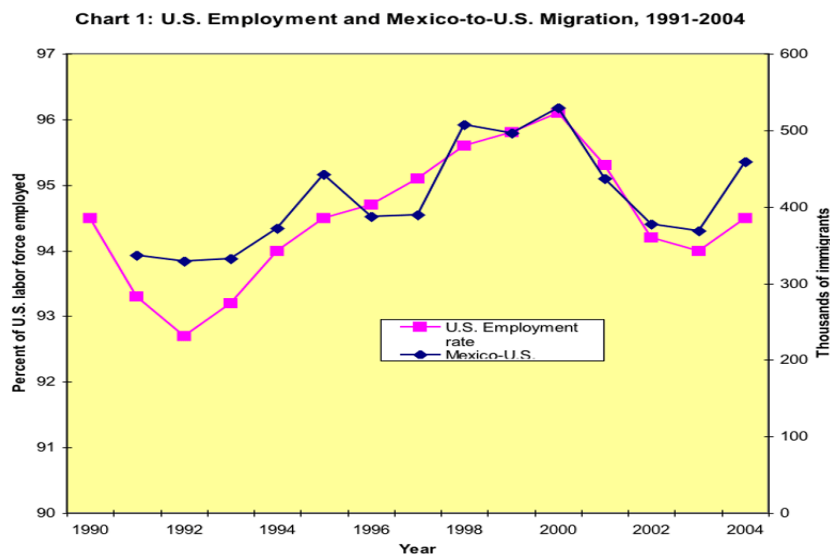
the wages of the low skilled, native-born, it has other benefits that outweigh those negative effects. For example, as Soerens and Hwang (2009) point out, low prices that are the result of immigrants' cheap labor increase the amount of items that Americans can buy with each dollar. Soerens and Hwang (2009) also argue that there are other benefits that are often overlooked. For example, although it appears like undocumented workers steal American jobs, many of these jobs would not otherwise exist because corporations would move abroad in search for cheap labor.

In conclusion then, while undocumented immigrants lower wages they nevertheless simultaneously decrease the prices of products and services providing for a more affordable lifestyle for Americans. Hence, as Nadadur (2009) himself puts it, "...because [undocumented] immigrants work for lower wages [they provide] a kind of subsidy to American consumers" (p1045). Also, since undocumented immigrants tend to have lower education and skill levels than the average native worker, "immigrants usually 'complement' the native born work-force which increases the productivity and therefore the wages of natives" ("The Economics," 2009, p.5). Thus, there are some advantages about having people willing to work for low wages. This, however, does not mean that a comprehensive immigration reform should not include the right for all workers to organize and demand better working conditions and higher wages.

Another benefit of having an undocumented work force is the great flexibility that it provides to the US economy and businesses. As Hanson (2007) explains, "illegal immigration responds to market forces in ways that legal immigration does not. Illegal immigrants tend to arrive in larger numbers when the US economy is booming and move to regions where job growth is strong" (p5). In other words, more undocumented immigrants come during years of economic prosperity, when businesses have a greater demand for laborers. Thus, undocumented immigrants are readily available when businesses need them

the most. On the other hand, many return to their countries or move to other areas when demand for their labor decreases. If one looks at figure 1, for example, one can see the close correlation between U.S labor needs and Mexican migration. Both lines increased during the economic boom of the 1990s and both sharply decreased during the recession of 2001 (Vogel, 2006). Therefore, it is clear that immigrants respond to the labor demands of the U.S economy. The other convenience that undocumented workers provide to the US economy is that, unlike other documented workers, they cannot receive unemployment benefits when they lose their jobs.

Figure 1



Vogel, 2006.

In short, while an immigration reform is the most appropriate solution for the broken US immigration system for both natives and immigrants, recognizing that undocumented immigrants are not responsible for the critical shape of the economy, as opponents like to argue, is essential. As it has been explained, if anything, undocumented workers have proven to be advantageous for the US economy in several aspects. Undeniably there are negative consequences from undocumented immigration like lower labor standards and lower wages. Nevertheless, the benefits that undocumented workers provide (like increases in consumption

of US goods and services, a flexible and cheap labor force that keeps prices low for all Americans, a type of subsidy for the Social Security) should also be taken into consideration when discussing undocumented immigrants and the possibility of a comprehensive immigration reform.

### Benefits of an Immigration Reform

Undocumented immigration is a reality in the United States and there are different ways in which this problematic situation can be addressed. One is to continue with the status quo. This would imply that more undocumented immigrants would continue to come, politicians will keep trying to please both, immigrants by promising an immigration reform, and anti-immigrants by increasing spending on border enforcement, and the system will remain broken. Additionally, not only will the system remain broken, but as Tichenor (2009) explains,

“militarized control over the 2,000 miles of U.S-Mexico border will not come cheap in terms of constructing border fences, surveillance technology, or personnel. [Moreover], adequate enforcement will slow the movement of tourists and commercial goods, and it will reinforce the incentives for those who entered without inspection (EWI) to avoid returning home and thereby risk not getting back in.” (para 31).

The essence of Tichenor’s argument (which is reinforced by the analysis given earlier) is that increasing spending to protect the border would not only be costly but also inconvenient and ineffective. As it was explained above, the real effect that stronger border enforcement has had on undocumented immigration is that it has become significantly more expensive and riskier to cross the border (Fernandez & Massey, 2007). But the amount of undocumented crossings has not decreased. Ironically, the number of apprehensions went from around 33 percent before stronger border enforcement, down to five percent after borders became more “secure” (Fernandez and Massey, 2007). Again, it does not mean that fewer immigrants are crossing the border but they are coming through riskier ways, which are more difficult for

border officials to discover. It is also important to understand that enforcement-only policies would not create the desired outcome of ending undocumented labor. Instead, as Immigration Policy Center explains, those kinds of policies would “force more workers into the underground economy and decrease tax revenue” (“The Economics,” 2009 p.2). For example, according to the Congressional Budget Office, the enforcement-only SAVE Act, which would require employers to use electronic verification during the hiring process, would result in a “decrease [of] federal revenues by \$17.3 billion” since undocumented workers would be paid in cash in order to avoid sanctions (“The Economics,” 2009, p.3) These findings are important because they demonstrate that increasing border enforcement and enforcement-only policies would be very costly and ineffective since they would not resolve the problem of undocumented immigration.

The second option is to please anti-immigrants by deporting all undocumented workers. Of all, this is probably the most expensive, inconvenient, and unethical way of “solving” this problematic situation. Actually, if a policy was devised to deport about “10 million undocumented immigrants [it] would cost at least... \$41.2 billion annually, according to a study by Center for American Progress” (as cited “The Economics,” 2009, p5). If one adds these \$41.2 billions lost annually plus the billions of taxes paid by undocumented workers every year, the negative impact on the US economy would be very significant. In addition, a study conducted by the Perry Man Group concluded that the deportation of undocumented immigrants, which include consumers and workers, would “represent a loss of \$1.8 trillion in annual spending and \$651.5 billion in annual output” (“The Economics,” 2009, p5). Considering the current state of the economy, a loss of \$1.8 trillion in spending would be devastating. Moreover, by deporting all undocumented immigrants the US would be separating hundreds of thousands of families. In sum, then, the removal of all undocumented immigrants represents a catastrophic threat to the US economy, and it also

challenges the conventional image of the US as a country that welcomes immigrants and believes in strong, traditional family values.

Finally, the third and probably most convenient way in which the issue of undocumented immigration can be solved is with a comprehensive immigration reform. As any other choice, reforming the US immigration system has both pros and cons. However, in this case the positive consequences outweigh the negative. For example, “according to surveys conducted for the Department of labor, workers legalized under the Immigration Reform and Control Act of 1986 (IRCA) experienced an average hourly wage increase of 15 [percent] after four to five years” (“The Economics,” 2009, p3). This is significant because as the Immigration Policy Center (2009) explains, an increase in workers’ wages positively impacts the economy because these workers “pay more federal and income taxes” (“The Economics,” p.3). Additionally, since their purchasing power increases it results in more consumer spending which increases output and creates jobs, and it also “generates more revenue from sales taxes and business taxes” (“The Economics,” 2009 p3). This is important because it does not only demonstrate that an immigration reform provides economic benefits in general, but it also reminds us that an immigration reform could be very beneficial considering the current state and needs of the economy.

A general misconception in opponents’ arguments is that an immigration reform would only benefit immigrants. What they fail to understand is that the low wages and labor standards that they complain about would improve if an immigration reform were to occur. As Cristina Jimenez, an immigration policy consultant at Drum Major Institute for Public Policy puts it, “only when undocumented immigrants have the ability to exercise complete workplace rights will they help exert upward pressure on wages and labor standards that will benefit all workers” (“The Economics,” 2009, p.4). More simply put, wages and labor standards will not improve as long as a section of the population is left without the legal

rights to demand employers that labor laws be obeyed and without the legal ability to pressure them. However, that is exactly the situation in which the labor force finds itself right now. Undocumented workers are afraid to demand higher wages, better labor standards, or to denounce exploitation and violation of labor laws because they have no labor rights. Thus, everyone who works in the same sector as undocumented workers and competes with them for jobs is affected. This is basically because a Supreme Court decision “determined that undocumented workers are not entitled to monetary damages, giving employers reason to ask” for these workers’ legal status if they complain (Avedaño & Bruce, 2009, para.13). Therefore, an immigration reform would provide legal status to undocumented workers, thus making them eligible to be protected under labor laws and to unionize and demand better standards that would be to the advantage of everyone indiscriminately.

### The Ideal Immigration Reform

Creating the ideal immigration reform that will please every party involved and affected is not feasible. In fact, as Tichenor (2009) rightly observes, “many of the most prominent policy prescriptions on the table today appear inadequate, too costly, unpopular, or likely to have unintended consequences” (para 29). For example, a general amnesty would encourage further illegal immigration because undocumented immigrants will continue to come hoping that they will also eventually become legalized (Tichenor, 2009). “Earned – citizenship,” on the other hand, will not make a significant difference since many undocumented immigrants will choose to remain undocumented instead of having to pay “fines, back taxes, and ‘touch back’ provisions requiring immigrants to return to their home countries” for a certain period of years before receiving legal status (Tichenor, 2009, para 30). On the other hand, another guest-worker program, like past programs, will similarly be “accompanied by unauthorized flows and... many [of these] temporary workers [will

continue to] choose to remain [in the country] illegally” after their permits expire (Tichenor, 2009, para 30). This does not mean that an immigration reform is not necessary or that benefits will not outweigh its consequences. However, an immigration reform can and should be developed in a way that will fix the broken system and it should be so carefully crafted that the above by-products be avoided. While there is not a perfect plan of everything that an immigration reform would include, there are some key, necessary elements, which must not be left out if it is to become an effective and beneficial solution.

Avedaño and Bruce (2009) correctly describe what an immigration reform should look like by claiming that, in addition to addressing the weaknesses of the current system, “it must [also] be practical, accessible, and ensure quick outcomes, encouraging undocumented workers to come out of the shadows” (para.6). In order for an immigration reform to be effective it must combine different strategies that, when put together, will ensure that the broken system gets fixed.

The first and most essential component of an immigration reform should provide a path to the legalization of the about 12 million undocumented immigrants living in the US. Of course, this will not take the form of an amnesty in that legalization should not just be given to anyone. Certain conditions must be met so that only those that came to this country in search for a better life become legalized. For instance, applicants must demonstrate a good moral character and have a clean criminal record. Other requirements could include: not owing money to the IRS, paying a reasonable fine, and demonstrating that they have lived in the US for a certain period of time.

Although these requirements would still leave thousands and probably millions of people unable to come out of the shadows, the other components of the reform would take care of these individuals. For instance, individuals who do not deserve to be legalized because they have committed a serious crime or do not demonstrate a good moral character

would have to return to their countries because, due to the other stricter policies that would be part of the reform, they would be unable to find a job and make a living. Additionally, those that have been in the country for less than the specified period of time but who are able to meet all the other requirements would be able to stay through a temporary worker-visa that could eventually become a permanent visa as long as the applicant meets all the other requirements.

A humane and effective immigration reform should also focus on uniting families that are separated. This should be carefully planned so that only immediate relatives of the applicants are allowed to come (like spouses and minor children). Otherwise, a more flexible policy would result in a very large population growth. This aspect is necessary for an effective immigration reform. This is basically because, as Avedaño and Bruce (2009) explain, “one lesson we can take from previous immigration policies is that when we welcome an individual but force her to leave her spouse and her children behind, we create a strong incentive for illegal immigration” (para 11). Basically, Avedaño and Bruce (2009) are saying that if, for example, there was one parent who meets all the requirements for legalization and receives legal status, this would still not prevent his/her spouse and children (if the individual is married) from coming to the US illegally to reunite with him/her. Fernandez and Massey (2007) would agree with them because they argue that “the longer [immigrants] remain in the North of the border, the more likely they are to bring in their spouses and dependents to live with them” (p.110). Hence, an effective immigration reform that attempts to end undocumented immigration would need to assure that those with the highest probability of attempting to enter illegally do not do so. Since some of the individuals who are most likely to come illegally are those that want to reunite with their family members, providing a way in which these individuals can come legally instead is essential in order to halt undocumented immigration.

Also, since many individuals (particularly from developing countries) come to the U.S only with the intention of making money and returning home, a new temporary-worker program should be established to replace the one that is currently in place. This would also be beneficial to the U.S because several businesses only need workers during certain periods of time but not during others. This would retain the beneficial and flexible element of the undocumented work force by ensuring that U.S businesses have enough workers when they need them, and would keep some corporations from moving overseas.

It is paramount that this new program be significantly different from previous worker-programs, which affect both immigrant and native-born workers in that the former are easily exploited and the latter are affected by low labor standards. For example, Avedaño and Bruce (2009) suggest that an effective alternative would be to set quotas based on the ever-changing “labor market needs, as opposed to employers’ desire for cheap labor” (para 10). In their own words, they “propose a transparent and depoliticized process based in market research and labor trends” (Avedaño & Bruce, 2009, para. 10). More simply put, the number of temporary worker visas should be given according to market laws of supply and demand for labor.

I believe that an effective program should also include labor protections for these workers and should be created in such a way that these workers should not completely dependent on a particular employer in order to remain in the country legally. In other words, once in the U.S these workers should be allowed to switch employers as they see more convenient so that they are no longer vulnerable to manipulation and exploitation by one employer. Additionally, if these workers are given such protections they will have fewer incentives to stay in the country illegally because they would know that they would continue to be hired legally as long as their labor is needed.

Finally, but definitely not less important, stronger employer sanctions must be enforced on all employers who hire undocumented workers if further undocumented immigration is to be contained. In fact, this is an essential element for any effective immigration reform in the U.S. As we have learned from previous reforms, particularly IRCA, not enforcing employer sanction allowed many to continue hiring undocumented workers. It is precisely for this reason that undocumented immigrants continue to come, even when the probability of losing their lives in the process is extremely high. Hence, in order to prevent more undocumented workers to come to the U.S., sometimes at the expense of their lives in the intent, and to hinder the growth of the second-class citizenry, stricter, harsher punishments must be imposed on employers who violate the law.

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