

## Immigration background and talking points

- Immigrants constitute more than 13% of the U.S. workforce.
- The current immigration system makes it virtually impossible for most potential immigrants to enter the United States legally.
  - A limited number of work visas are available for those with specialized skills who are sponsored by a U.S. employer
  - There are no work visas available for those without specialized skills.
  - Diversity visas (popularly known as “lottery visas”), which allow entry to those from countries that are not well represented among current immigrants, are not available to people from most of the countries from which immigrants are most likely to come.
  - The backlog for family reunification visas ranges from four years for a spouse, parent or child to up to twelve years for a sibling or other family member.
  - Because of the near impossibility of securing a visa, potential immigrants resort to sneaking across the border. In the past ten years, more than 3,000 migrants have died in the Arizona desert alone.
- The popular belief that immigrants take away jobs from Americans and drain social service resources is not validated by the available data.
  - A 2006 study by the Pew Hispanic Center finds that the influx of immigrants does not hurt employment opportunities for U.S.-born workers.
  - Immigrants pay sales tax and often also pay social security and other taxes that help to support the U.S. economy.
  - Immigrants pay, on average, \$80,000 more in taxes than they collect in benefits.
  - The Social Security Administration holds \$420 billion from the earnings of immigrants who are not qualified to collect social security payments. Immigrants have a lower rate of imprisonment than the general, U.S.-born population.
- The current enforcement-only approach of the federal government costs \$2 billion a year, but has not noticeably stemmed the flow of undocumented immigrants. Instead, this policy has effectively created an underground population of 10-12 million people who are working, going to school, and often raising citizen children.
- Private citizens and local law enforcement authorities, who are not trained in immigration law, have taken it upon themselves or have received authorization from local governments, to patrol the border and to arrest and detain immigrants. Many citizen anti-immigrant groups are closely tied to the white supremacist organizations that perpetuate hate against Jews, African-Americans, gays and lesbians, and other minorities.
- Despite the fact that U.S. labor law applies to all workers, regardless of immigration status, immigrants are more likely than native-born workers to accept low wages, to work under dangerous conditions, to be fired for attempting to unionize and to otherwise be illegally exploited by their employers.

## Key moments in the history of U.S. immigration policy

- For the first part of the twentieth century, the United States had relatively open borders. **Until 1876**, states maintained control of their own immigration policies, and often actively recruited immigrants to come fill jobs.
- **In 1876**, the Supreme Court declared state control of immigration to constitute a violation of the federal government's authority over interstate commerce. From then on, the federal government maintained the right to control immigration, generally by charging states a head tax on every new immigrant.
- **In the late 1880s**, the influx of Chinese workers, who came to build the railroads, created a fear that the United States would lose its "white" character. A series of laws sought to exclude Chinese immigrants from settling in the U.S.
- **The 1901** assassination of President McKinley prompted a law preventing anarchists from entering the U.S. (despite the fact that McKinley's assassin, though bearing a foreign-sounding last name, was native born)
- **Until 1920**, virtually anyone (excluding Chinese) who did not have tuberculosis, a criminal record, or a history of radical politics could enter the United States. These open borders allowed millions of Jews fleeing revolutions in Germany and economic and religious hardship in Eastern Europe to enter the United States.
- **In the 1920s**, an anti-immigrant sentiment swept the country, as descendants of western European countries began to worry about the growing numbers of newcomers from eastern and southern Europe. This racism led to the institution, in 1924, of a series of laws that sought to maintain the ethnic makeup of the United States in accordance with the 1890 census. In effect, these laws virtually ended immigration from many countries outside of western Europe. As a result of these new laws, few Jews fleeing Nazi-occupied areas were unable to secure visas to enter the United States.
- **The civil rights movement of the 1960s** led to the institution of a law that sought to reverse the discriminatory effects of the 1924 laws by instituting a "diversity visa" program (aka "the lottery") that offered entry to those excluded by the earlier laws. Today, most of these visas go to immigrants from Europe and Africa.
- **Today**, there are approximately 675,000 visas available each year. These include 480,000 family-reunification visas, 140,000 employment-based visas, and 55,000 diversity visas. The irony, though, is that even while hundreds of thousands of undocumented immigrants arrive in the U.S., many of these available visas go unused, either because of backlogs in the system, or because visas are often available only for those who are unlikely to come here.

## **The current state of the immigration debate**

In May/June 2007, the Senate considered a compromise bipartisan immigration bill that would allow most of the immigrants living here illegally to legalize their status after paying a fine; create a point system that would reward potential immigrants with specialized job skills; create a guest worker program; virtually eliminate the family-based immigration system; and require that certain enforcement measures be put in place before any immigrants could be legalized.

Though this bill was far from perfect, many immigrant advocacy groups hoped that the proposal, and subsequent amendments, would lead to a workable immigration system for the next few years.

After this bill failed, many predicted that the immigration issue was dead for the foreseeable future. The official media story has been that grassroots efforts by anti-immigration groups killed the immigration bill. Assuming that immigration becomes a major issue in the 2008 presidential election, and assuming that the new administration returns to the immigration question in 2009, those committed to ensuring a fair immigration policy have the opportunity to use the next two years to reshape the nature of the immigration debate in America.

Today, the administration is increasing its enforcement efforts, by threatening crackdowns on employers hiring undocumented immigrants, recruiting state and local police to enforce immigration law, and reducing access to court hearings on deportation orders. This approach threatens to divide families, encourage harassment of minorities, and discourage employers from hiring immigrants—regardless of immigration status.

## **Talking points about immigration reform**

- Legalization would recognize the contributions of the ten to twelve million undocumented immigrants who contribute immeasurably to the economic and cultural life of the United States, and would also eliminate the security risk inherent in not knowing the identities of many U.S. residents.
- Immigration reform should ensure access to visas for the people who most want to come to the United States, and on whom the US economy most depends. Most of the immigrants who pick our vegetables, build our homes, and care for our children and elderly parents do not have specialized job skills, advanced education, or significant English skills.
- A guestworker program, without any opportunity for achieving permanent status, threatens to create a permanent economic underclass.
- Immigration reform should preserve family-based system, which has been central to U.S. immigration system for most of the last century, and which helps to keep together families and therefore to help ensure stable communities.
- An enforcement-only approach is not a reasonable response to domestic and global employment needs, and results in the harassment of immigrants and minorities.