

- **Immigration on Front Burner**



Mexicans protest proposed U.S. restrictions on immigration (Photo: AP)

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Prepared by: [Esther Pan](#)

Despite increases in funding for border patrol and other efforts over the last decade, the number of illegal immigrants in the United States continues to grow. Some 750,000 arrive each year, and there are now about [12 million illegal immigrants in the country \(Pew Hispanic Center\)](#). They make up 5 percent of the total U.S. work force, and take jobs—in industries including construction, food service, and care for children and the elderly—that economists say are necessary to keep the economy running.

The [House of Representatives passed a bill](#) in December proposing tough measures—including building a wall along the U.S.-Mexican border and making it a crime to help illegal aliens—aimed at preventing illegal immigration. Next week, the Senate begins debate on the matter. The issues surrounding immigration reform are analyzed in this new [CFR Background Q&A](#) by cfr.org's Esther Pan. The Migration Policy Institute, a Washington, DC, nonprofit that studies policies affecting immigration and refugees, offers [a side-by-side comparison](#) of all the legislative proposals on immigration currently before Congress, as well as [a comprehensive series of background briefs](#) illuminating the major aspects of the immigration issue.

The new rules proposed in the House immigration bill are [setting the Catholic Church in opposition to lawmakers \(NYT\)](#). Cardinal Archbishop John Mahoney of Los Angeles explained his opposition to the measures in a [New York Times editorial](#), saying, "Denying aid to a fellow human being violates a law with a higher authority than Congress—the law of God."

Manhattan Institute analyst Tamar Jacoby evaluates the competing immigration proposals in the *Wall Street Journal*, saying Senate Judiciary Committee Chairman Arlen Specter has the unenviable task of [trying to craft a working compromise](#) on the immigration issue. A *Washington Post* analysis says any immigration proposal that enacts only punitive measures would be doomed to failure because it [ignores the real demand for labor in the U.S. economy](#). A [Congressional Research Service report](#) analyzes the history of guest worker programs and Congressional attempts to reform immigration.

Meanwhile, the population of illegal immigrants in America—the majority of them from Mexico—continues to grow. The Federation for American Immigration Reform estimates in a [report](#) that, if left unchecked, illegal immigration will help push the U.S. population from its current level of 297

million to 420 million by 2050. A 2005 Pew Hispanic Center report says most immigrants from Mexico had jobs at home, but [came to the United States for higher-paid work](#). Another Pew Hispanic Center report shows that, despite the economic boom of the 1990s, Hispanics in the United States are [concentrated in low-paying jobs](#) with lower educational requirements and socioeconomic status than whites.

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Q&A: IMMIGRATION: The U.S. Immigration Debate

By ESTHER PAN

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Esther Pan is a staff writer for the Council on Foreign Relations website, [cfr.org](#).

Introduction

There are an estimated [12 million illegal immigrants](#) living and working in the United States. Their presence signals the intense demand for labor in the country, as well as the ineffectiveness of policies for regulating the flow of people across U.S. borders. U.S. legislators are nearing action on a raft of proposals for dealing with the situation, ranging from building barriers and tightening border security to instituting guest-worker programs and amnesty. Debate has intensified during this election year, causing divisions within political parties and between groups usually allied on other causes.

What is the state of the national immigration debate?

Contentious and deeply divided, experts say. Public opinion polls show most Americans are in favor of strong punitive measures to prevent and/or reduce illegal immigration. However, business leaders, policy experts, and politicians--including President Bush--have proposed amnesty programs and other measures that will not cut off what they call a necessary flow of labor into the United States. "There's a big gap between the elites and the American general public" on how to handle immigration, says [Joseph Chamie](#), director of research at the Center for Migration Studies. Immigration is a "political hot potato in an election year," he says. "It's a lose-lose situation for politicians."

What are the current immigration proposals before the Senate?

There are several currently being considered. They include:

The McCain-Kennedy proposal. The [Secure America and Orderly Immigration Act](#) was sponsored by Senators [John McCain](#) (R-AZ) and [Edward Kennedy](#) (D-MA), with support from several key congressmen. The proposal would:

- Grant three-year, renewable work visas to illegal immigrants for a \$1000 fee.

- After six years of working legally, immigrants can pay another \$1000 and apply for permanent work status if they haven't broken any laws and have studied English.
- Potential immigrants could apply for a \$500 work visa if they can prove there is a job waiting for them.

The Cornyn-Kyl proposal. The [Comprehensive Enforcement and Immigration Reform Act \(PDF\)](#), sponsored by Senators John Cornyn (R-TX) and Jon Kyl (R-AZ), states that:

- Illegal immigrants can work in the United States for two years and then are required to go home for one year. After that, they have the option of coming back as temporary workers or on permanent visas.
- A guest-worker program for new immigrants would be set up. Those in it would have to go home every two years for at least one year and would not be able to apply for citizenship.
- Companies that continue to employ illegal immigrants would be fined.

The Specter proposal. A compromise proposal from Senate Judiciary Chairman [Arlen Specter](#) would:

- Allow a three-year renewable guest-worker program with a six-year limit and no route to permanent legal status. Workers would have to be sponsored by employers who verify they tried to hire U.S. workers first.
- Allow immigrants who arrived before January 4, 2004, to be grandfathered into eligibility for permanent legal status.
- Make it a crime to be illegal or harbor an illegal immigrant.
- Require employers to verify the legality of new employees.
- Make sure illegal immigrants applying for green cards would not "cut the line" of people applying legally from their home countries.
- Increase the quotas on employment-based green cards from 140,000 to 290,000. It would also more than double the number of H1-B visas for skilled workers, from 65,000 to 150,000.

What type of legislation is most likely to be considered by the Senate?

A committee bill with aspects of the three proposals above is expected to make it to the Senate floor the last week in March, although Senator [Bill Frist](#) (R-TN) has threatened to begin debate March 27 on his own version of the bill. Still, some analysts are positive about the developments. "I'm more optimistic than I was during the House debate because the Senate committee is working hard to seek consensus and is taking a responsible approach to the issue," says [Deborah Meyers](#), senior policy analyst at the Migration Policy Institute. Other experts agree. The Specter compromise is "a package that combines the better elements of the many bills," says [Tamar Jacoby](#), a senior fellow at the Manhattan Institute.

What was the immigration bill passed by the House?

The House of Representatives passed the [Border Protection, Antiterrorism, and Illegal Immigration Control Act \(HR 4437\)](#) in December. It proposed strong steps against illegal immigration, including:

- Building a fence along 700 miles of the U.S.-Mexico border;
- Imposing stricter penalties on employers of illegal workers;and
- Making it a felony to be an undocumented worker.

The House bill would also make it a felony for groups like [Humane Borders](#) and other charity organizations to give water or other assistance to illegal immigrants crossing the border from Mexico. The bill has sparked protest rallies across the country and has earned the opposition of the Catholic Church, which is encouraging its adherents to defy it. Other critics say the House bill, with its focus on only one side of the immigration issue, will likely make the problem worse. "Enforcement is clearly an important part of the question, but enforcement alone is insufficient," Meyers says. Jacoby agrees. "You need tough but workable enforcement," she says. "The law-and-order Republicans [in the Senate committee] laughed the [idea of building the fence] out of the room."

What are the benefits of temporary worker programs?

Advocates of temporary or guest-worker programs say they would acknowledge and legitimize a massive work force that is completely unregulated. While illegal immigrants work and pay taxes, they have no workplace protection and are vulnerable to exploitation or abuse. The giant pool of unregistered illegal immigrants in the United States is also an enormous security risk in the age of terrorism. Proponents of guest-worker programs--including many business associations--say they would honestly address the labor needs of the U.S. economy and give necessary protection to the workers who fill those needs.

"There needs to be a legal mechanism for people to enter and work in temporary jobs," Meyers says. She points out that many jobs--harvesting crops, for example--are seasonal, and many immigrants would like to come in, work for the season, and then return home. "Temporary worker programs are one approach, and certainly better than what we have now," Meyers says. "If there are legal channels of entry, why in the world would you risk your life to enter illegally?" Several of the Senate proposals also include methods for guest workers to become citizens. [A Miami Herald editorial](#) argues in favor of these measures, which would allow illegal aliens to earn legal status with hard work and good behavior. "Without such a provision, even border-security efforts are doomed. Politics must not be permitted to get in the way of what is in the country's best interest," the paper wrote.

What are the drawbacks?

Experts stress that many changes to the system are needed, including cracking down on employers who employ illegal immigrants. Last year, only three employers were cited for

employing illegal immigrants. Jacoby [argues for a national Social Security registry](#) that employers could use to find out if potential employees are authorized to work in the United States. In addition, many argue for increasing the numbers of visas for skilled workers and eliminating the backlog in processing visas. Only if many steps are combined--stronger border control efforts, workplace enforcement, increased visas, and some kind of path for illegal immigrants to earn citizenship--will the problem be brought under control, experts say. "We have to do all these things together. They're all intertwined and necessary," Meyers says.

What's the political mood regarding immigration?

The issue is a highly sensitive one in an election year for all members of the House of Representatives. Many experts say the House bill passed because members wanted to show their constituents they are tough on immigration. Others say that while most people share the goal of reducing illegal immigration, most do not agree on what to do about it. "Everyone agrees: we want people to come in legally, not illegally," Meyers says. "But simply putting up more walls or adding border agents--without addressing the flaws in our system--is not responsible policymaking."

What are the chances that substantive immigration reform will be passed by this Congress?

"It's very, very hard to say," Jacoby says. "[Senate Majority Leader Bill] Frist [R-TN] may not cooperate--he may see this as the first round of a presidential campaign" and seek to oppose McCain, a likely presidential rival. In addition, the legislation would have to pass through committee and debate on the Senate floor, before facing an even bigger challenge: the House version of the bill. "My guess is that the House bill and the Senate bill won't be able to be reconciled," Chamie says. "The political concerns have undermined any rational program." However, Meyers says, the Senate committee has "thoughtful members who have worked on this issue for a long time and have a lot to offer on it." All told, the chances for reform are "certainly possible, but you wouldn't want to be naïvely confident," Jacoby says.