

# Seeking Justice for Immigrants

## Definitions, Myths, Facts and Concerns/Solutions

### Definitions:

**Migrant** - A person on the move, either voluntarily or involuntarily, in the person's own country, internationally, or both. Unlike refugees, migrants are commonly considered free to return home whenever they wish because their lives are not in danger there. For example, migrant workers may spend time in the U.S. engaged in seasonal work and then return home.

**Immigrant** - A person who moves to another country to take up permanent residence.

**Legal Immigrant** - A person who has been admitted to reside and work on a permanent basis in the United States, also known as a Lawful Permanent Resident (LPR). Admission is most commonly based on reunification with close family members, employment or winning one of a limited number of immigrant visas available in the annual "diversity visa lottery" that is open to immigrants from certain countries.

**Naturalized Citizen** - A Lawful Permanent Resident may apply for U.S. citizenship through a process called naturalization. To qualify, applicants generally must reside in the U. S. for five years (three if married to a U.S. citizen) without having committed any serious crimes, show that they have paid their taxes and are of "good moral character" and demonstrate a knowledge of U.S. history and government as well as an ability to understand, speak and write ordinary English.

**Undocumented (illegal) Immigrant** - A person who is in a country without the permission of that country's government. Such persons are called "undocumented" because they lack the required paperwork or possess false documents. Some of these immigrants may have entered the country legally with a temporary visa, but have remained beyond its expiration date.

**Non-immigrant** - A person permitted entrance to the U.S. for a limited period of time. These include students, tourists, temporary workers, business executives, diplomats, artists and entertainers and reporters. Some may need to apply for a temporary visa, others enter without a visa through the Visa Waiver Program which includes 27 participating countries, e.g. Canadians. Non-immigrants outnumber immigrants 35 to 1.

**Refugee and Asylee** - A "refugee" is any person, *outside of the U. S.* who can prove that he or she has a "wellfounded fear of persecution" in their homeland on the grounds of race, religion, membership in a social group, political opinion, or national origin. Any person who has *already entered the U.S.* and fears similar persecution if sent back to their country of origin, may apply for asylum. Once granted, this person is known as an "asylee". Both refugees and asylees may apply to become a LPR after one year.

### Myths

## **Most Immigrants Cross the Border Illegally**

Around 75% of today's immigrants are Lawful Permanent Residents (LPRs), having permanent immigrant visas. Of the remaining 25% who are undocumented immigrants, 40% entered legally with temporary, non-immigrant, visas and overstayed their legal time frame. The remainder crossed the border illegally.

## **Immigrants Don't Pay Taxes**

Legal immigrants (LPRs not yet naturalized) pay the usual taxes: income, property, sales at the state and federal level. Estimates of federal, state and local taxes paid by immigrants range from \$90 to \$140 billion a year. Immigrants also pay billions of dollars into the Social Security system. Social Security Administration data project that over the next 75 years new legal immigrants to the U.S. will contribute \$611 billion to the Social Security System. Without legal immigration, the actuarial deficit of the Social Security trust fund would balloon by one-third over the next 50 years.

Undocumented (illegal) immigrants also pay most taxes (sales, property) and also income taxes and Social Security taxes using false documents, which are evidenced by the Social Security Administration's "suspense file" of taxes that cannot be matched to workers names and false social security documents, which grew to \$20 billion between 1990 and 1998.

## **Immigrants Come Here To Take Welfare**

Immigrants make a net fiscal contribution to the U.S. economy. With very few exceptions, the reason that immigrants come to the U.S. is to enter the work force and/or unite with family members and start small and large businesses. The ratio between immigrant use of public benefits and the amount of taxes they pay is consistently favorable to the U.S.. It is estimated that immigrant tax payments total \$20 to \$30 billion more than the amount of government services they use. A study conducted by the National Research Council, found that the average immigrant pays nearly \$1,800 per year more than he or she consumes in such benefits as education and healthcare.

Legal immigrants, not to mention undocumented immigrants, are not eligible for certain federal means-tested benefit programs, such as welfare assistance.

## **Immigrants Send All Their Money Back Home**

Immigrant households spend large amounts of their earnings in typical consumer spending - food, rent, automobiles, etc. Furthermore, immigrant workers and business owners contribute some \$162 billion in tax revenues to federal, state and local governments.

The billions of dollars that are sent back to their home countries are viewed by some economists as an effective form of direct foreign investment, which can contribute to the

improvement of foreign economies and thus relieve the need for workers to immigrate.

### **Immigrants Take Jobs and Opportunity Away From Americans**

This claim is not true for two reasons:

First, studies show that immigrants *supplement*, rather than *displace*, native workers and, in general, do not compete for the same jobs with native citizens. Studies show that immigrant workers fill jobs in certain industries that are not filled by native workers, such as meatpacking plants in Nebraska and Kansas and chicken processing plants in southern Delaware and Maryland.

Second, government studies show that the U.S. economy will experience a shortage of low-skilled workers in the years ahead. The 2005 *Economic Report of the President* shows that 56% of the net increase in employment nationwide between 1996 and 2003 was due to foreign-born workers.

According to the Department of Labor, there will be a shortage of 2 million workers in a range of low-skilled occupations by 2010. Moreover, the number of native workers in unskilled worker categories is shrinking, due to lower fertility rates and higher education levels.

According to the Bureau of Labor Statistics, even with current levels of immigration there will be a shortage of employees for jobs requiring “short, on-the-job-training” by 2010, because of the slow growth in the number of younger, low-skilled native workers (9%) as opposed to a 50% increase in workers aged 55 and over.

According to the United Nations, U.S. fertility rates will fall to 1.91 children per woman by 2015, this is below the replacement rate of 2.1 children necessary to maintain the current population. Studies show that even during the 1990’s, eleven job categories would have experienced a worker shortage without the presence of immigrant workers. The retirement of the “baby boomers” will also increase the demand for workers.

Economists consider a 5% unemployment rate as basically “full employment”. Forty-five years ago, the unemployment rate was 5% and even with the huge immigration numbers during the intervening years, the unemployment rate today stands at 5%. The declining U. S. birth rate and the adjustments made in the U.S economy have enabled the U. S. to successfully absorb the increased legal and illegal immigrants and also enjoy accelerated economic growth.

Currently, illegal immigrants do provide some challenge to the low-skill American workers in terms of jobs and wages. Some immigrants are selected for jobs over native American workers because they are often judged by employers to be more industrious and more job motivated than native American workers and often undocumented workers will work for lower wages than native Americans. However, in industries where undocumented immigrant workers compete with native-born workers, studies show that

there is only a slight depression in wages -- 2% since 2003.

However, in most industries in which immigrant workers are present, such as agriculture, construction and service industries, they either do not directly compete with native-born workers or they supplement the native laborers already present in the industry. According to the 2005 *Economic Report of the President*, immigrants with little English and low skills will not compete directly with native workers. As a result, an increase of 10% in the foreign-born share of the workforce lowers wages for native workers by only 1%.

Furthermore, when undocumented workers receive legal status and assert their rights in the workplace, real wages stabilize for all workers, and, in most cases, gradually rise. In addition, the increase in education levels for American workers reduces the chance that they will experience wage depression. A recent report from the University of California-Davis concludes that low-skilled immigrant workers negatively impact only high school dropouts, who represent only 9% of the population.

### **Immigrants Are A Drain On The U.S. Economy**

Given the tight labor market in the 1990's, it is estimated that one-half of all new workers required by the economy were foreign-born - naturalized citizens, LPRs and undocumented. They filled gaps in high-skill sectors - science, medicine, education - and in low-skill sectors - service occupations, construction, transportation and farming. Some 70% of immigrants arrive at a prime working age and the high skilled immigrant workers, whose skills make significant economic contributions, have been educated at no cost to the U.S. taxpayer.

Many immigrants are highly motivated and have an entrepreneurial spirit. Many have started new businesses, which have contributed to our economic growth. For example, in Silicon Valley, companies begun by Chinese and Indian immigrants generated more than \$19.5 billion in sales and nearly 73,000 jobs in 2000.

Jeffrey Bergstrand, Professor of Finance at the University of Notre Dame, sees labor as one of the "factor flows" of the global economy. Labor, like capital or trade, seeks the best rate of return and flows to it, provided distance or law are not barriers. When asked if we need continued immigration, Bergstrand replied:

Absolutely. This country is built on immigration. It's our history. We shouldn't even question it. This is the highest per capita income country in the world of standard developed economies. Why? We've embraced free flows of goods, of capital and labor. Immigration is at the core of globalization that we have benefited from.

### **Today's Immigrants Are Different Than Those Of 100 Years Ago**

The percentage of the U.S. population that is foreign born now stands at 11.5%, in the early 1900's it was approximately 15%. Much like today's immigrants, those immigrants

of 100 years ago often settled in mono-ethnic neighborhoods, spoke their native languages and built up business that catered to their particular ethnic group. For example, the Polish and Eastern European neighborhoods of Kansas City, Ks and the communities of German/Russians of Victoria, Hays and Ellis Ks.

These various immigrants of the early 1900's also experienced the kinds of discrimination that today's immigrants face. However, over time, these various immigration groups were assimilated, became accepted and are now part of the rich culture of the United States. This same pattern of discrimination-yielding-to-acceptance will also characterize our current immigrants.

### **Immigrants Don't Want To Learn English Or Become Americans**

Within ten years of arrival, more than 75% of immigrants speak English well. Presently the demand for English classes at the adult level far exceeds supply. Greater than 33% of immigrants are naturalized and thus have met the requirements of understanding, speaking and writing English. There has been a spike in naturalization requests following the enactment of the Immigration Reform and Control Act in 1986 and the terrorist attacks in 2001.

### **Weak U.S. Border Enforcement Has Led To High Undocumented Immigration**

From 1986 to 1998, the Border Patrol's budget increased six-fold and the number of agents stationed on our southwest border doubled to 8,500. The Border Patrol also toughened its enforcement strategy by heavily fortifying typical urban entry points and pushing migrants into dangerous desert areas, in hopes of deterring crossings. However, during that time, the undocumented immigrant population doubled to 8 million - despite the legalization of nearly 3 million immigrants after the enactment of the Immigration Reform and Control Act in 1986.

Insufficient legal avenues for immigrants and migrants to enter the U.S., rather than weak border enforcement has lead to high undocumented immigration. The *need for workers*, combined with the *needs of workers* has driven the flow of people crossing the borders. A repair of the immigration and migrant system would decrease illegal activity and would allow funds and personnel dedicated to border control to be more effective.

### **The War On Terrorism Can Be Won Through Immigration Restrictions**

Since 9/11 no security expert has said that tighter border restrictions would have prevented the terrorist attacks, rather the key is better coordination and use of good intelligence available and more effective intelligence gathering. Most of the 9/11 hijackers were here on legal visas. The subsequent targeting of immigrants in the name of national security has netted no terrorism prosecutions. In fact, some experts suggest that the targeting of immigrants may make us less safe, because immigrants may be less willing to come forward with information about possible attacks or suspected attackers.

## Some Immigration Facts

- 1) There are about 10 to 12 million undocumented immigrants in the U.S.
- 2) About 500,000 undocumented immigrants come to the U.S. annually.
- 3) The current U.S. unemployment rate is 5%, which most economists consider full employment and it was 5% forty years ago.
- 4) The country of birth of the *undocumented* migrant population:
  - 56% Mexican
  - 22% Other Latin American Countries
  - 13% Asia
  - 6% Europe and Canada
  - 3% African and other
- 5) Distribution of *undocumented* workers by major occupation groups:
  - 31% Service occupations
  - 19% Construction
  - 15% Production, installation and repair
  - 12% Sales and administrative support
  - 10% Management, business and professional
  - 8% Transportation and material moving
  - 4% Farming
- 6) Percentage of workers who are undocumented in selected occupation groups:
  - 24% Farming
  - 17% Cleaning
  - 14% Construction
  - 12% Food Preparation
  - 9% Production
  - 7% Transport
- 7) The minimum wage in Mexico is the equivalent of \$4.35 per day. Some migrant workers can make between \$8,000 and \$11,000 in three months of very intensive work in agriculture and lesser amounts in less labor intensive service areas.

## Concerns

**They Broke The Law; Thus, They Should Not Be Rewarded By Allowing Them To Stay**

Use of the arguments “they broke the law” and “the U.S. cannot reward lawbreakers” comes from opponents of immigration in order to stop discussion of any possible workable proposals that would provide legal status to undocumented immigrants. Furthermore, these types of arguments stop any discussion of *why* these persons are outside the law, what *consequences or harms* come to the U.S. from their presence (legal or illegal), and whether the law they broke is just or whether, in fact, current law may not be in the best interest of the U.S. and therefore should be changed. These arguments also imply that undocumented immigrants, being outside the law, are criminals.

Some of the responses to the *why* and *harm* questions have been treated above. Briefly, by and large, migrants and their families enter this country looking for work in order to survive. Most are in desperate straits and must leave home and risk a great deal, including death, to find jobs.

Their intent and the effect of their presence is not to *harm* the U.S., but simply to work and, by doing so, they help not only themselves, but also our country and our economy, as mentioned above.

Given these positive effects of immigration, we in the U.S. must ask ourselves whether our current immigration law, which causes immigrants to hide in the shadows and offers them little or no protection, is, in fact, a *just* law.

Moreover, the availability of visas to enter the country through legal channels to either work or reunite with family members is severely limited and does not come close to meeting labor market demands. While the Catholic Church supports the rule of law, there are times when laws should be examined through a “justice lens” and be changed.

In many ways the current immigration system is broken and contributes to the abuse, exploitation, and even deaths of migrants who otherwise contribute their work and talents to our nation. While undocumented immigrants are indeed outside the law, and thus “break the law”, the unjust, outdated, and inadequate law also breaks them.

Let it be noted, that undocumented immigrants are not criminals -- they have not broken a criminal law. They have only violated civil law, as we do when we violate a traffic ordinance. The U.S. Supreme Court has held that: “a deportation proceeding is a purely civil action to determine the eligibility to remain in this country, not to punish an unlawful entry....The purpose of deportation is not to punish past transgressions, but to put an end to a continuing violation of immigration laws.”

### **My Relatives Came Here Legally And So Should These New Immigrants**

U.S. immigration law did not develop until the middle and late stages of the 20th century. For the first 153 years of our nation, there was no general law barring entry into the U.S., unless it was targeted to certain convicts or prostitutes.

The Alien Sedition Act, passed early in our history, was seldom enforced. Entering the

U.S. did not become a violation until Congress passed a law on March 4, 1929. Because of lack of funding, Congress did not authorize or appropriate funds to enforce the law until the late 1940's.

The beginning of our current immigration code, the Immigration and Nationality Act, was enacted in 1965. The INA began imposing limits on categories of immigration and establishing an immigration enforcement regime which we adhere to, in part, today.

Today our immigration system is ill-equipped to handle the current demand for immigrant labor in our country. According to the 2005 *Economic Report of the President*: "one of the most pervasive features of undocumented immigration is that it is overwhelmingly driven by supply and demand: immigrants want to work in the U. S. and American employers want to hire them".

Unfortunately, current legal limits on both temporary and permanent immigration remain largely unresponsive to changes in labor demand as a result of arbitrary numerical limits. Only 66,000 visas per year are available to low-skilled, nonagricultural workers to enter the country legally and work. The H-2A program for agricultural workers brings in about 30,000 workers a year or 2% of the 1.6 million farmworkers needed each year. The H-2A program is cost prohibitive for American producers because it requires hourly wages of \$9.34 plus add-ons for travel for an equivalent of \$14 to \$15 per hour.

### **Providing Legal Status To Undocumented Immigrants Will Penalize Immigrants Who Play By The Rules And Wait In Line**

The current proposal endorsed by the U.S. bishops, the "Secure America and Orderly Immigration Act", requires that undocumented workers work six years before applying for permanent resident status. This places them "at the back of the line," behind immigrants who have petitioned for a green card through an employment-based or family-based petition. In addition, the proposal reduces backlogs in family categories so that waiting times are reduced to six months or less in all categories by 2011.

Furthermore, many of the undocumented who are here and immigrants waiting in line are the same people. Because of the long backlogs for family visas and other employment-related visas, many decide not to wait and enter through unauthorized means. By fixing the system, through expanding the number of visas available to work and reunite with families, the incentive to migrate without proper visas will be mitigated.

A workable legalization program would help stabilize the workforce, protect migrant workers and their families from discrimination and exploitation, and ensure that these workers continue to make a positive contribution to our society. It would also give workers the opportunity to enjoy the benefit of labor laws and protections and to better assert their labor rights.

Any workable "guestworker" program must be just. It should guarantee wage levels and benefits that are sufficient to support a family, include worker protections with job and



benefit portability that other U.S. workers have and allow for family unity. Some provision should also be made to protect native workers from job loss and the erosion of wages.

### **We Must Secure Our Borders**

Secure borders are a concern for all parties involved, however solutions must be carefully crafted so that economic disasters are avoided, especially in the areas of tourism and trade. Some data on the U.S./Mexican border and the U.S./ Canadian border may be helpful in highlighting the issues.

U.S./Mexican Border -- This border is the busiest in the world. According the Bureau of Transportation, during 2003 there were 193,697,482 passenger crossings in personal vehicles; 48,663,773 pedestrian crossings; and 3,747,337 passenger crossings on buses at land ports of entry along the U.S./Mexican border. These numbers continue to increase.

The communities and the economies of U.S./Mexican border regions are interdependent and any significant interruption in the flow of people crossing the borders could have serious economic repercussions. The current waiting times to cross the border, due to inefficient border crossings, are already a concern to economic “stakeholders” in the border regions.

Concerns are growing because the U.S. Departments of State and Homeland Security have begun to implement the new Western Hemisphere Travel Initiative (WHTI). WHTI currently requires citizens of the U.S., Canada and Bermuda to produce passports at air and sea ports when traveling to the U.S. from South and Central America and the Caribbean. Driver’s licenses and birth certificates are no longer accepted forms of identification.

There is grave concern in the U.S./Mexican border communities concerning the next step which is a plan to implement WHTI at land crossing by December of 2007. Their concern is based on the probability that demanding passports from all U.S. citizens crossing land ports of entry will lead to increased traffic and pedestrian delays in the already congested border regions.

The San Diego Association of Governments estimates an increase in border wait time could cause a \$1.3 billion loss in potential revenues in San Diego alone. That loss would be felt primarily in the retail sector -- 3 million potential working hours; 28,000 to 35,000 jobs; and \$42 million in lost wages as a result of existing border wait time -- now an average of 45 minutes.

Furthermore, passports are costly and often take months to obtain. The initial cost of U.S. passports for a family of four is \$358, and is as much as \$598 if they have to be acquired on an expedited basis for travel on short notice. Surely these costs would further hinder cross-border travel.

U.S./Canada Border -- There is also concern at the U.S./Canada border in the face of the implementation of the Western Hemisphere Travel Initiative (WHTI). The U.S. and Canada are each other's largest trading partner with more than \$441 billion worth of goods and services traded annually - some \$1.2 billion a day.

There is great concern, for example, in New York State, because the virtually "seamless border" has driven development and job growth in the region. Each day, more than 300,000 businesspeople, tourists and commuters travel between the two countries. In 2006, 14.5 million vehicles crossed the border at the four Niagara crossings. Any potential major delays caused by the implementation of WHTI may discourage business development in that area and interrupt current business traffic.

Not only delays are feared, but also the cost of passports (mentioned above) would be detrimental. This would no doubt impact the tourist industry. Currently only 23% of Americans and 35% of Canadians have passports. The Canadian Tourism Commission estimates that a WHTI passport requirement would result in a cumulative loss of some 3.5 million outbound trips by Canadians to the U.S., and loss in direct receipts to the U.S. tourism industry of \$667 million.

### **Toward a Solution**

It seems obvious that the current U.S. immigration system is broken and needs to be reformed in all aspects. This would include a path to citizenship for the 11-12 million undocumented in the country; a temporary worker program to allow migrant workers to enter safely and humanely; and a reform of the way that family-based immigration visas are allocated, so that family members can be reunited more quickly.

It is also clear that the root causes of migration - global economic disparities - need to be addressed. And finally, all migrants and immigrants, no matter what their status, must be treated justly.