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Comprehensive Immigration Reform Common Arguments and Counter-Arguments

Family Unity

Why does LIRS care about family unity for immigrant workers?

An immigrant worker is a whole human being, a child of God. At the heart of being human is being part of a family. As we develop laws to authorize immigrants to be part of our work force, we must view them as whole human beings and make provisions so that their families, too, can join. We recognize that if we do not provide a legal and efficient means for workers to provide for their families and for families to be together, people will come illegally and will often be victimized because of it. Creating a workable system of family unity which allows workers to come to the US legally and bring their family members with them, and that reduces family immigration backlogs, is the best strategy to protect the family and create enforceable immigration law, consistent with the common good of the U.S. community as a whole.

Can family unity decrease the number of undocumented people in the US?

It can if we get the policy right. According to the National Immigration Forum, 70% of the undocumented in the US are part of families. They either came to join family members already here, or married and had children after they arrived. The key to preventing future undocumented migration lies in developing workable reform that recognize that many people who come to the US plan to put down roots. Reform must legalize those already here, provide legal options for future foreign workers to come, permit the family members of temporary workers to reside with them in the US, and reduce the family immigration backlog. If we do these things, we will reduce the pressure on people to enter through irregular channels.

Why do immigrants want to unite their families in the U.S. instead of by returning to their home countries?

In answering this question, it is important to think about why people migrate to the US, and why they stay. The motivations today are similar to the migration stories that are part of virtually all American families who migrated here in the past. Many migrants continue to feel pushed to the US because there is no work in their country of citizenship and they have no other way of providing for themselves and their loved ones. They are also responding to the pull of the U.S. economy, especially to fill jobs in the service sector.

While they are here, those who are not married sometimes start families. Consequently, there are many families that have a mix of immigration statuses. For example, one parent might be undocumented, the other a legal permanent resident and their two children are US citizens. These families have built a life in the US, and if they are forced to leave they must either take US citizen dependents with them or separate their families. It is unrealistic to think that increased enforcement will stop the push of necessity to provide for one's family and the pull of U.S. jobs needing to be filled. It is also inhumane to think that migrants should be expected to abandon their families in order to survive financially.

Human Rights and Worker Rights

Why does LIRS care about human rights and worker rights for immigrants?

An immigrant worker is a whole human being, a child of God. We are responsible to respect the human dignity of all and to develop ethical and legal norms to safeguard that dignity. From LIRS's service experience and the pastoral experience of Lutheran churches across the country, we have seen how immigrants are often marginalized in our communities and exploited in our workplaces, even as this work contributes greatly to our communities. While we establish laws that fulfill the U.S. common good of providing valuable immigrant workers, we must also assure that those laws do not dehumanize those workers, that the laws protect their human rights and worker rights.

Would US workers be available for low-skilled jobs if cheap foreign labor weren't taking them?

The short answer is "no." The McCain-Kennedy proposal addresses the gap between the kinds of jobs our economy creates and the kinds of workers available in the US. Our society is aging, and as baby boomers retire they demand more services.¹ In addition, more people are attending college and fewer are willing to take low skill assembly, agriculture and service jobs. Yet more than half the new jobs being created are low-skilled positions that do not require college degrees. Therefore, there is a need for workers willing to take low-skill, low-paying jobs, a need not being met by US citizens. Currently, undocumented workers are filling this void. A temporary worker program such as that proposed by Senators McCain and Kennedy will provide a legal framework that undocumented people can use to become authorized workers and that society can use to meet its labor needs.

How would a temporary worker program help US workers?

It is true that many businesses will pay migrant workers far less than US citizens. This is because undocumented workers are less likely to assert their rights and join unions, and they have little bargaining power or recourse. Therefore, businesses often hire migrants. As explained above, another reason businesses rely on migrants is because there are not enough U.S. workers willing to do the work. To the extent that there are U.S. workers competing for the jobs, a temporary worker program that provides wage and bargaining safeguards and visa portability will prevent employers from paying foreign workers less and level the playing field for all workers. Therefore, such a program will actually eliminate the downward salary pressure sometimes caused by our current immigration system.

How will we manage future migration?

If we replace the current undocumented flow with authorized channels for migration, we can significantly reduce irregular migration. There will always be more workers who want to come to the US, but a sensible immigration program, coupled with a realistic number of visas for temporary workers, will significantly reduce the demand for undocumented labor. First, we need to provide enough future visas to meet the year-to-year demand. The number of temporary worker visas outlined in the McCain-Kennedy bill (400,000) is derived from estimates of the number of foreign workers US businesses demand for the coming year. The legislation provides a mechanism for this number to fluctuate annually as demand increases or decreases, meaning that this bill should provide enough temporary worker visas to accommodate all those whose labor we need, while discouraging additional people from coming to the US.

¹ *Economic Report of the President*, February 2005, p. 94. Available at <http://www.gopaccess.gov/erop>

To effectively discourage unauthorized immigration, however, enforcement cannot just be focused on the border. It must take place in the workplace as well. An enforced and enforceable worker verification program that includes stiff penalties for employers who hire the undocumented will reduce the number of employers who are willing to hire workers under the table, thereby reducing the number of people who risk coming here illegally and without work. It also can be a means for safeguarding immigrants' human rights and workers rights.

Will raising wages and improving working conditions for currently undocumented workers drive their current employers out of business or make them seek new undocumented workers?

Among those who believe that the current immigration system is broken are the U.S. Chamber of Commerce and the unions. Both support proposals such as the McCain-Kennedy bill. They view fixing the system as helping everyone—better for business, better for workers, better for the common good.

Path to Permanency

Why does LIRS care about a path to permanency for immigrants?

An immigrant worker is a whole human being, a child of God. We are responsible to respect the human dignity of all immigrants and to develop ethical and legal norms to safeguard that dignity. A path to permanence enables migrants to participate in and contribute ever more to U.S. society, first through legal permanent residency and later through U.S. citizenship. As a nation of immigrants from the very beginning, our founding fathers saw the wisdom of providing for a path to citizenship through naturalization in the constitution. A path to permanence in this legislation would be consistent with that deeply held value and lived out experience and it is the surest way to integrate newcomers into the communal fabric of the nation.

Will an earned legalization program lead to more immigration?

No. An earned legalization program, combined with a temporary worker program, will simply provide a legal way to meet our demand for foreign labor. Those currently here without legal status and their immediate relatives will be allowed to acquire legal status if they participate in a temporary worker program. Under the McCain-Kennedy bill, the number of temporary work visas issued to low-skill foreign workers currently living overseas will be pegged to usage and the demands of the labor market. Therefore, the same number of workers will be coming in; they will just enter legally instead of illegally.

On the other hand, a temporary worker program without a path to permanency will only provide a temporary solution to the problem. It would offer temporary legal status to the undocumented and address the demand for additional foreign labor, but it presupposes that temporary workers will go home when their visas expire. Past experience has shown that this is not true. Consequently, with a proposal like Cornyn-Kyl's Deferred Mandatory Departure program, we would see a temporary reduction in the number of immigrants in the US. However, after the first group of temporary workers "graduates" from the program after 6 years, we will see a surge in the number of immigrants in the US caused by the arrival of new temporary workers from overseas and the failure of past participants to leave the country.

A comprehensive reform package must also address family migration. The McCain-Kennedy bill would reallocate the distribution of family based visas to more adequately reflect demand, thereby reducing visa backlogs. Consequently, family members will be able to come to the US legally and more quickly. This will help reduce the number of people who enter through irregular channels because they cannot get a visa or they get tired of waiting in line.

Why is there widespread support for comprehensive immigration reform?

It is obvious to most Americans that our immigration system is broken. However, most also realize that it would be impossible to deport 11 million people. A March 2005 poll by the Tarrance Group and Lake-Snell-Perry-Mermin & Associates showed that 75% would support the kind of immigration reform program we are advocating for. Specifically, these voters would support registration of the undocumented, a regulated flow of future workers and their family members, and reasonable rules that can be enforced. Support for these proposals did not change when the restrictionists' alternatives were proposed. In addition, in November 2005 the Manhattan Institute conducted a poll of likely Republican voters. They found that the Republican rank and file favored earned legalization. The opposition we hear on television and see in print is coming from a small but vocal segment of the population. The overwhelming majority of Americans understand that provisions such as those in the McCain-Kennedy legislation are necessary components of a realistic and lasting fix.

How is a temporary worker program different than an amnesty?

Earned permanency is not an amnesty, and LIRS does not support amnesty. Amnesty means a free pass, an automatic pardon and a trip to the front of the application line. However, people who wish to regularize their status through an earned permanency program are not guaranteed an opportunity to stay in the US. Rather, those who have been contributing to our economy and society will have an opportunity to come forward, pay a fine and application fee, undergo a background check, and demonstrate that they have paid taxes and are learning English. In addition, they will be required to get in line behind those who have been waiting their turn for visas. The McCain-Kennedy proposal would not permit the beneficiaries of a temporary worker program to adjust to permanent resident status until they have been here for six years, the estimated length of time those outside the country will have to wait for visas once the visa backlog is reduced.

Why won't a temporary worker program work without earned legalization?

It is unrealistic to assume that all participants in a temporary worker program will go home when their visas expire. Past experiences demonstrate that some temporary workers put down roots in the US and resist returning to their countries of nationality. Many of them own homes, belong to churches and other faith communities and have US citizen children. According to the Pew Hispanic Center, as many as 70% of the roughly 11 million undocumented people in the US have been here for more than 5 years. Without a legal means to remain in the US, however, they live life in the shadows. The existence of this sub-class of society makes it difficult for the government to know who is in the country. In addition, undocumented people are marginalized, fearful and often exploited. Consequently, the only logical temporary worker program is one that allows qualified participants to come forward, register, meet certain requirements and adjust to permanent resident status.

Why won't the Cornyn-Kyl bill work as a means to get people who are here illegally to return home?

The Cornyn-Kyl bill offers encouragement in the form of penalties for those who fail to return home. However, there are already stiff penalties for those who fail to comply with our immigration laws (such as deportation of those found to be here illegally). Despite this, 11 million people are willing to take their chances. We have no reason to believe that the push and pull forces that keep them here will change if they are allowed to participate in a temporary worker program. Furthermore, if people know they will have to leave the country after a certain number of years or face stiff penalties, they are less likely to come forward and register for a temporary worker program.

Marginalization

Why does LIRS care about stopping the marginalization of immigrants and allowing them to come out of the shadows?

We care about immigrants as fellow children of God. We care about our community. We urge laws that support safe and orderly legal immigration and humane immigration policy, consistent with our values and with the common good.

Many people die in our deserts trying to come to the US without legal papers. Many more who make it here are badly marginalized and exploited. We recognize that illegal immigration is bad for migrants and bad for the community. But we have to be realistic about the forces that drive illegal immigration. People come here through irregular channels because of the pull of supply and demand forces of economies, and because of the push of crushing poverty and persecution in their home countries.

Currently there is no legal way for many vulnerable people to come to the US. There are only 10,000 visas available for low-skilled workers each year. In addition, there are only 480,000 family based visas available. We believe that human beings should be able to provide for their families, live in dignity and be united with loved ones. We support changes in our immigration policies that would give people legal opportunities to realize these rights.

How do we justify giving visas to people who violated immigration law?

It is important to recognize that there are many people committing serious crimes as a result of irregular immigration. Unscrupulous employers exploit undocumented workers. Traffickers prey on vulnerable migrants and make huge profits off their desperation and lack of opportunity.

Yes, those who enter this country without legal papers are also breaking our laws. But in contemplating punishment, it is important to think about proportionality and ensure that the punishment fits the infraction. Deportation, bars to reentry, separation of families and the removal of livelihoods seem like overly harsh punishments for people who came here simply because they wanted to be with family or needed to find work so they could provide for their loved ones.

In addition, we need to think about the economic and judicial implications of rounding up and deporting 11 million people. Even if we were able to locate and apprehend these people, the cost of detaining them, affording them judicial review and removing them from the country would be astronomical. Such a campaign would flood our courts and divert time and resources from the prosecution of individuals who committed far more severe crimes than illegal entry. In addition, all of the work they contribute to our communities will be lost.

General

What is the best way to maintain security in a temporary worker program?

A temporary worker visa program will assure security checks for all who go through the program and reduce the number of undocumented workers who are currently commanding the attention of enforcement officers. When people are admitted to the US legally, they are screened, fingerprinted, and checked against terrorist watch lists. Potential threats can be identified and diverted.

The status quo does not promote security. Because they have no legal means to come to the US, the undocumented take steps to avoid detection by authorities, often taking life threatening paths and resorting to exploitative traffickers to get here. They avoid taking their children to hospitals and registering them for school. They use false social security documents and obtain fake drivers' licenses. Most importantly, many entered without inspection. Federal law enforcement allocates significant time and resources to ferreting out these undocumented individuals and rounding them

up in raids. This is time and energy that could be better spent apprehending those who pose a real threat to our safety.

A temporary worker program that provides a path to permanency will encourage hard working migrants who just want to make a living to come forward and register; we will know their whereabouts and activities. In addition, future flows of temporary workers will undergo background checks and inspection. Because the system would funnel the majority of migrants through proper channels, law enforcement would be able to focus on locating those who fail to register or who enter illegally; the much larger threats to our safety.

How will the temporary worker program help us to control our borders?

We have tried the enforcement only approach before and it has failed to control illegal immigration. According to the Migration Policy Institute, the number of unauthorized migrants in the U.S. increased from 4 million to 11 million over the past 20 years, despite a 519% increase in funding and a 221% increase in staffing for border patrol programs. What this demonstrates is that increased enforcement is not stemming the flow of migrants. People will continue to come to the US regardless of how many agents we put along the border and how many aerial surveillance planes we purchase. Given the push and pull for migration described earlier, the only change we have seen with increased enforcement is that people are now crossing in more difficult places, and the number of deaths in the desert has increased dramatically.

Yes, increased and modernized enforcement is a critical piece of the immigration reform puzzle, both to deter migrants and to save lives. But a temporary worker program with a path to permanency is also a critical element of a workable border enforcement program. We strongly support increased border enforcement, but we believe that to be effective it must be combined with a program that encourages the undocumented to come forward and make themselves known to authorities. This will help us to know who is already in the country, and who is coming in.

How would this reform be different than the 1986 reform, which many said did not work?

The current proposal draws on lessons learned from the 1986 Immigration Reform and Control Act. Among other problems, the path to legal status was not inclusive enough and there were no legal channels for future workers and family members. The McCain-Kennedy legislation addresses these oversights and combines smart enforcement with legal channels for future flows and a path to permanent status for the undocumented. It is an opportunity to learn from and correct the mistakes of IRCA while also addressing the challenges we face today.

How have undocumented workers contributed to the U.S. economy?

The Economic Report of the President notes "Immigration has touched every face of the US economy and... American is stronger for it."² Studies have shown that undocumented immigrants are an economic benefit to this country. The average immigrant pays nearly \$1,800 more in taxes than he or she "costs" in public benefits.³ As such, "there is an \$80-\$88,000 benefit per immigrant and his or her descendents."⁴ In addition, many undocumented workers, working with false social security numbers, pay taxes without ever receiving benefits.⁵ While many people believe that immigrants

² *Economic Report of the President*, p. 115.

³ Walter Ewing, "The Economics of Necessity: Economic Report of the President Underscores the Importance of Immigration," *Immigration Policy in Focus* Vol. 4, Issue 3, May 2005. Available at <http://www.aifl.org/ipc/economicsofnecessity.asp>

⁴ *Economic Report of the President*, February 2005, p. 115. Available at <http://www.gpoaccess.gov/eop>. The information in this document is drawn from the chapter on immigration

⁵ *Economic Report of the President*, pp. 107-113.

are a drain on public benefits and social services, studies show that this perception is inaccurate. In fact, immigrants are actually costing us less money than US citizens.⁶

How does our faith shape our agency's attitudes toward immigrants?

LIRS's mission statement is "In response to God's love in Christ, we welcome the stranger, bringing new hope and new life through ministries of service and justice."

This mission is rooted in values integral to the Old and New Testaments.

"You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt." Exodus 23:9

"When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God." Leviticus 19:33

"For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who is not partial and takes no bribe, who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing. You shall also love the stranger, for you were strangers in the land of Egypt." Deuteronomy 10: 18-19

"Do not neglect to show hospitality to strangers, for by doing that some have entertained angels without knowing it." Hebrews 13:2

Jesus describes the Great Judgment of Nations (Matthew 25: 34-40 NRSV):

"Then the king will say to those at his right hand, 'Come you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, **I was a stranger and you welcomed me**, I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me.'" Then the righteous will answer him, "Lord, when was it that we saw you hungry and gave you food, or thirsty and gave you something to drink? **And when was it that we saw you a stranger and welcomed you**, or naked and gave you clothing? And when was it that we saw you sick or in prison and visited you? And the king will answer them, '**Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.**'"

We call for immigration reform because of our religious values. We call for reform because we witness the impact of our broken system in our congregations, school and social service organizations. Our principles are grounded in the realities we see on the ground every day and we believe that by changing our immigration laws we can safeguard human dignity and reduce human suffering. Fundamentally, we strive to act with justice and compassion in all we do, and to meet the needs of the migrant. Our faith teaches us that policy must be carried out with the utmost attention for the humanitarian needs of those who seek protection and opportunity in this country.

Why should the temporary worker program have a path to permanence for those who want to make a long-term commitment to the United States?

It is an undisputable fact that many people who participate in a temporary worker program end up residing in their host country permanently. Instead of trying to resist this phenomenon, immigration policy must accept it and respond appropriately. It is vital to our national character and our security that these individuals are integrated into the fabric of our communities. America is and always has been a nation of immigrants. Despite the push factors in their home countries, immigrants come here by choice. They believe in the American dream and want to seek a better future, as generations

⁶ Sarita A. Monhanty, et al, "Health Care Expenditures of Immigrants in the United States: A Nationally Representative Analysis," *American Journal of Public Health*, Vol 95, No. 8. Abstract available at <http://www.ajph.org/cgi/content/abstract/95/8/1431>.

of migrants before them have done. Studies show that most immigrants embrace our values and culture. 75% speak English well within ten years of arrival. Over one third become naturalized citizens. In a post 9/11 world, fear of outsiders is understandable, and we are right to want better controls over who comes to this country. That is precisely why we need to bring well-intentioned immigrants in through legal channels and offer them a legal way to remain in the US and integrate into society.