

## Why Comprehensive Immigration Reform Should Matter to Every American

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There are upwards of 11 million people living and working in the United States, in every state and city, who face the perpetual threat of physical exile from their lives and their homes, to be banished to a country they barely know or in which they can barely survive. The only crime most have committed was to cross an arbitrary confine seeking a better life for themselves and their families. Although their plight appears disconnected from ours, this threat involves every American who cares about their country and values their ancestral history. Today a critical apex, having stewed for decades, is upon us, where we must as a nation decide how we will confront the tremendously flawed and illusory North American immigration system.

The 2012 election exposed the serious fault lines fracturing the already disjointed Republican Party, piquing urgency surrounding immigration reform. Although many considered Mitt Romney a weak candidate, ultimately chosen for his supposed electability from a problematic field of primary candidates, President Obama had the baggage of four years in office with which to contend. Days and weeks before the election, prominent conservatives and Republicans expressed an imprudent confidence, positioning themselves for an even more unpleasant downfall. That Tuesday election evening NBC News declared Barack Obama winner at the early

hour of 8:15 PM EST, even without Florida and its 29 electoral votes accounted for. When the final results came in days later, Florida pushed Barack Obama's electoral vote count to a handy 332 over Mitt Romney's 206.

In an shell-shocked state of defeat, stunned Republicans tried to make sense of the decisive blow, speculating if their failure was the result of an imperfect candidate, low turnout of their base, or even Chris Christie, New Jersey's Republican governor who came under fire for "cozying up to Obama" after mega storm Sandy hit the northeast days before the election. However, upon analyzing exit polls it became clear the problem was more intransigent than just a mediocre candidate or poor messaging. The electoral failure of 2012 was rooted in cold-hard facts and figures, with the potential to render the Republican Party irrelevant in every election cycle for the foreseeable future.

In the abject words of Fox News anchor Bill O'Reilly, "Obama wins because it's not a traditional America anymore. The white establishment is the minority." Disregarding the brutish use of the word "traditional," O'Reilly's underlying statement rings true. National exit polls showed 72 percent of voters were non-Hispanic whites, the lowest percentage since 1972. The cumbersome fact for Republicans is that the Americans the GOP has historically relied on for votes represent a dwindling share of the electorate, while the voters making up "The Obama Coalition," comprised mostly of blacks, Hispanics, Asians, professionals, the highly educated, singles, women, seculars, and members of the Millennial generation, represent an increasing share.

Exit polls also showed that 10 percent of the electorate in 2012 was Hispanic, compared with 9 percent in 2008 and 8 percent in 2004. Those numbers take on even more significance when combined with the certain results. In 2004, George W. Bush won 44 percent of the Hispanic vote, in 2008, John McCain won 31 percent. In 2012, Mitt Romney won a paltry 27 percent, while Obama walked away with 71 percent, a margin that undoubtedly helped propel the President to victory, particularly by increasing his share of Hispanic voters in key swing states like Colorado and Nevada. Even more disconcerting for the GOP were the results of the Asian-American vote. Americans identifying as Asian grew by 45.6 percent from 2000-2010, four times faster than the total US population. Asians are in fact the [fastest growing immigrant group](#) in the United States, and in 2012 President Obama won a whopping 76 percent of Asian voters.

The prospect of political irrelevancy prompted a harried descent into serious discussion of Comprehensive Immigration Reform (CIR). Even hardline conservatives with aggressive stances on immigration, like pundit Sean Hannity and House Speaker John Boehner, "[evolved](#)" after the electoral shellacking and publicly expressed support for some sort of comprehensive overhaul. Whether their statements are rooted in genuine concern or simply a hasty recognition of political necessity is unclear, but immigration has become front and center of the legislative priorities of Barack Obama's second term and the 113<sup>th</sup> Congress.



Although CIR headlines are only recently a mainstream staple of the news cycle, efforts to accomplish CIR have been ongoing for decades, gaining momentum in committees and then typically burning out, with any bona fide investment in the issue transient at best. The political gridlock that has attenuated the importance of CIR has significant economic, political, and human stakes. Wrought with overburdened courts, detestable conditions in immigrant-detention centers, draconian family-unification policies, human rights crises, massive security expenditures, and significant administrative delays, the immigration crisis encompasses a vast and multifaceted policy matrix. This is not to mention the millions of people in the United States without proper documents, living every day in a vague incurable state of limbo.

**The Immigration Reform and Control Act of 1986 signed by Ronald Reagan is the first major piece of modern legislation dealing with illegal immigration.** The bill was meant to tighten border security and crack down on employers hiring undocumented immigrants while offering amnesty. [Three million immigrants were legalized](#), but that did not, however, reduce rates of illegal immigration nor create a framework to deal with it going forward. Under the law, employers who hire undocumented workers are subject to civil penalties of \$250 to \$10,000 for each of those employees.

What the act did not provide, however, was any realistic means of enforcing the requirements for employers, which is why they were and are rarely penalized. Such punishment is considered economically disruptive, and the demand for cheap labor during the economic boom in the 1990s further discouraged enforcement of the provisions. The law also did not provide secure means by which businesses could verify the legal status of their employees. Instead, it listed dozens of documents that could be used, most of them easily falsified. The 1986 Act is an example of the sheer negligence and ineffectiveness the federal government has displayed in handling immigration throughout multiple administrations. Policies have eschewed any practical means of

stipulation or implementation, fomenting massive loopholes that only aggravate underlying cyclical problems, like the exploitation of workers.

Under President Clinton, most reform was aimed at reducing the flow of immigration amid intensifying anti-immigrant sentiment among Americans, with no accomplishment of any meaningful reform. Operation Gatekeeper, a 1994 Border Patrol policy virtually unknown by the American public, was enacted early on in the Clinton administration. The policy concentrated patrol agents and added fencing along populated areas of the southern border, intentionally forcing migrants to cross through hostile and treacherous terrain that increased the incidence of injury and death. Human and immigrant rights groups argue that policies like Operation Gatekeeper have essentially legislated fatalities, [creating a human rights crisis](#), while doing nothing to address the root problem of illegal immigration. Since Operation Gatekeeper went into effect in 1994, an estimated 5,600 migrants have died while attempting unauthorized border crossings.

The events of 9/11 gave way to increasing distrust of foreigners and frustration with inaction surrounding illegal immigration. Increased nativism and fear-mongering fed efforts to figuratively and literally place a “band aid” at the border, or create a highly sophisticated system of technology and manpower that appeases xenophobes but does little to remedy the crux of the issue.

Vitriol towards illegal immigration also began to take form in vigilantism post-9/11. A militia known as the “Minutemen” founded in 2004 has staked out across a 23-mile stretch of border in Arizona attempting to block migrants from crossing. Many use binoculars and night-vision goggles, while others are armed with guns. Organizers call their effort a “peaceful protest over the government’s failure to secure its borders.” What the vigilantes and many other anti-immigrant groups fail to realize is that there are millions of undocumented immigrants in the United States who do not enter through the southern border. Although Mexicans and Latin Americans make up the bulk of the undocumented population, it is poor information and stereotyping that has promulgated widespread ignorance of who in America is undocumented. In fact, studies show that up to 40 percent of undocumented people in America entered legally, and remain here on expired visas.

Unlike many thorny policy issues, immigration reform has the unique history of fairly consistent bipartisan support. The comprehensive bill introduced in 2005 by Senators Edward Kennedy (D-Mass.) and John McCain (R-Ariz.) was evidence of both sides of the aisle coming together. However, their bill could not be reconciled with a [tough enforcement-only House version](#) supported by the right wing. It has often been a small but powerful fringe, appealing to the darkest prejudices of their constituents, that has opposed any and all comprehensive immigration reform.



President George W. Bush attempted to work on CIR again in 2007, but was stymied by hardline law and order conservatives. The compromise called for the biggest overhaul of immigration in more than two decades, but the Senate, forming blocs that didn't always align with party affiliation, could never unite on the legislation's central provisions.

Perhaps one of George W. Bush's lasting legacies as a president will be his hawkish foreign policy. What many fail to realize is, in addition to Iraq and Afghanistan, Bush waged war on our very own border with Mexico. Urging Congress to provide additional funds for border security and committed to deploying 6,000 [National Guard](#) troops as well as thousands of Border Patrol agents to the border, Bush's border militarization efforts were unparalleled. In 2006, he signed the Secure Fence Act, which built 700 miles of physical barriers along the border. Additionally, the law authorized more vehicle barriers, checkpoints, and lighting as well as increased the use of advanced technology like cameras, satellites, and unmanned aerial vehicles to reinforce infrastructure. Retreating from his original objective of comprehensive reform, President Bush relinquished the plight of immigrants, and only added fuel to the nativist fire.

Regardless of acceleration of enforcement-centered policies, the number of illegal immigrants taking residence in this country has increased steadily from 3.5 million in 1990, to 8.4 million in 2000, to 11.2 million in 2010. Although tougher border security is partly responsible for slowing the influx of undocumented immigrants, statistics show that despite physical obstacles at the border, scores of migrants have found alternate routes. For people whose options are grim in their home nations, an incredibly dangerous migration is often worth the risk if it means a chance at evading a life of utter despondency and despair.

Despite some efforts at piecemeal reform, the Obama administration has largely been considered by immigrant right groups to be a massive disappointment. Obama came into office promising to secure the borders, address illegal immigration, and get a comprehensive reform bill passed. The president couldn't advance any legislation in Congress and by the second year of his first term, Obama had essentially given up and shelved the issue. Even more disappointing to CIR advocates, a recent [Migration Policy Report](#) found that the Obama Administration spent almost \$18 billion on immigration enforcement in 2012. That's more than what it spent on the FBI, Drug Enforcement Administration, Secret Service, U.S. Marshals Service, and Bureau of Alcohol, Tobacco, Firearms and Explosives combined. The nearly 430,000 people detained each year for an immigration-related crime is significantly larger than the entire population currently serving sentences for all federal crimes. Meanwhile, the President has deported over 1 million people, at a rate higher than any other administration. Advocates and activists bemoan these statistics, as they indicate complacency with an institutionalized system of anguish for already-struggling immigrants that obfuscate any sustainable policy moves.

In 2010 the Obama administration was [unable to pass the DREAM Act](#), a bill that would provide relief to undocumented people who were brought to the United States at a young age. However, in a gesture highly symbolic to America's immigrant communities, the president issued an Executive Order in June 2012 placing a moratorium on deportations of undocumented immigrants under the age of 30 who were brought to the country as children. It was not quite the DREAM Act, but it was a huge step in the right direction, and likely helped cement Hispanic support for the President in the 2012 election.

There is reason for activists to remain optimistic going into President Obama's second term. Following an unprecedentedly liberal inauguration speech outlining an assertive progressive agenda, President Obama gave a powerful speech in the end of January reclaiming the demand for immigration reform as the next logical step in the American story. He reframed the debate over immigration as one of American values, history, and identity. Obama responded directly to conservative criticisms, recasting the idea of granting of citizenship as not a capitulation to lawbreakers, but as an act of mercy and compassion entrenched in American tradition, and something that has made the country stronger. Obama also alluded to previous waves of diligent immigrants who "built this country hand by hand, brick by brick," a couched rebuttal to the conservative argument that legalizing undocumented immigrants will create a class of Americans forever dependent on government welfare programs, and by proxy the Democratic Party.



The plan outlined [on the White House website](#) contains four major components, including strengthening border security; cracking down on employers hiring undocumented workers; earned citizenship; and streamlining legal immigration. The concept of “earned citizenship” is controversial and responsible for stalled reform in the past, so its execution must be handled with care.

Following Obama’s speech, a bipartisan group of senators known as the "Gang of Eight," presented their plan, which also offers a path to citizenship. Although bipartisan attempts at a path to citizenship are not novel, this time around there is a more expansive and diverse coalition backing the measure. The group is made up of Senators Charles Schumer (D-NY), Lindsey Graham (R-SC), John McCain (R-AZ), Richard Durbin (D-IL), Robert Menendez (D-NJ), Michael F. Bennet (D-CO), Marco Rubio (R-FL), and Jeff Flake (R-AZ). Both President Obama and the Gang of 8 will hold undocumented immigrants seeking citizenship to certain responsibilities, including passing a national security and criminal background checks, paying taxes, and learning English. The framework has drawn praise from the U.S. Chamber of Commerce, a key business lobby, and the AFL-CIO union. The tension between business leaders and union leaders has thwarted reform in the past, so their mutual consensus will be crucial to the legislative process.

The senators’ announcement comes as a bipartisan group of House members is also working on an immigration proposal. House Speaker John A. Boehner (R-OH) said that they “basically have an agreement.” House Majority Leader Eric Cantor (R-VA) also appears to have recalibrated his rhetoric surrounding immigration, recently to support provisions of the DREAM Act, which he

previously voted against, an inference that he intends to cooperate with looming comprehensive reform.

President Obama appeared resolute to accomplish immigration reform in his State of the Union speech on February 12<sup>th</sup> saying, “If you send me a bill, I will sign it.” The weekend following the State of the Union, a copy of the White House’s draft immigration proposal was leaked. Predictably, Republicans like Marco Rubio with political gains to be made by publicly defying the President, rebuffed the plan. Rubio, who has been anointed “The Republican Savior” by *TIME* magazine, issued a statement saying that if the president's eventual proposal follows the draft described in the leak, it "would be dead on arrival in Congress.” This dramatic and reflexive statement comes despite the fact that the leaked draft was just that, a draft. President Obama called the lack of CIR “the biggest regret” of his first term, and he is likely trying to send a message to the legislative branch that he does not want CIR to become another legacy of a [“do-nothing” Congress](#).

According to *USA Today*, the leaked proposal creates a “Lawful Prospective Immigrant” visa that puts undocumented immigrants on a path to legal permanent residency within eight years if they pass a background check, pay a fine and back taxes, learn English and wait in line (just like the earned citizenship requirements in the Gang of 8’s plan). It also expands security funding and requires business owners to check the legal status of new employees. Republicans complain the draft omits any provisions involving future flow of immigration. Spokespeople for the White House emphasize that there is still time for bipartisan agreement, but the President will simply not stand for inaction this time around.

Republican complaints with the draft do speak to a central caveat of the bill yet to be fleshed out, whether undocumented immigrants would have to wait to begin acquiring citizenship until the U.S. border with Mexico is secure. The Senate bipartisan plan makes a pathway to citizenship conditional on border security first, while Obama's immigration proposals do not. However, it is incredibly difficult to explicitly define how secure the border really is. President Obama has followed through with almost all of the border security that the Bush administration had requested. Violent crime in border cities has also [dropped steadily](#) in recent years. However, it is tricky to gauge exactly how any policies have contributed to border security, and it will be crucial to define the parameters that make for a “secure border.” Immigration activists fear that Republicans will obstruct passage of a bill by placing unreasonable and out-of-reach constraints on the border security clause. Supporters of reform are insistent upon addressing root problems of immigration, rather than continuing to invest and pour resources into what has become a never-ending cycle.

Illegal (and legal) immigration from Mexico is at [a historic low](#), something border security proponents should be comforted by. Although draconian security measures have escalated over the last several decades, there’s another arguably more compelling explanation for the decline in illegal immigration. The phenomenon is likely less a result of border security than it is of economics. What drives immigration from Mexico and Latin America is the drastic imbalance of social and economic opportunity among the nations. In the past several years, with the U.S. economy struggling, that disparity has grown less glaring, and illegal immigration is now at a net 0.

Protracted recession should not be lauded as an ideal border-control strategy. It is a reminder that mass migration is driven by economics, which is why such issues with Canada are virtually nonexistent. A huge component often left out of the immigration discussion is the idea that in order to control immigration we must address its economic roots. Putting undocumented immigrants on a path to citizenship, regulating immigration flows to suit the needs of industry and agriculture, and finally holding employers fully accountable for the legal status of their employees are the most effective border-safety strategies the U.S. could put in place.

Thus, the true triumph of immigration reform isn't contingent on first "securing the border." What must be accomplished first is a system that ensures the legal status of workers, with a regulated supply of migrants and strident penalties for employers who violate the law. The notion that the border can be made fully secure by law enforcement and technology alone is a farce perpetuated by the imaginations of misguided groups like the Minutemen. If we want to secure the border, Congress and the President must first secure Comprehensive Immigration Reform.

Pitching immigration reform to many white, conservative Americans, who would be largely responsible for pushing a candidate through a presidential primary in 2016, is a delicate dance for Republicans like Rubio who recognize the demographic gravity of the times. Even Mitt Romney was praised in the 2012 primaries by the GOP base for his hardline opposition to immigration reform and use of incendiary terms like "self-deportation."

As a response to concerns that immigrants detract from the economy, weighing down already frail social services and "stealing jobs" from "real" Americans, policymakers must appeal to studies that show CIR would in fact boost the economy. Although immigrants are usually associated with menial labor, studies show the industrious spirit of 19<sup>th</sup> century immigrants engrained in textbooks and oral history still holds true for today's newcomers.

A 2012 study by the [Fiscal Policy Institute](#), "found that there were 900,000 immigrants among small-business owners in the United States, about 18 percent of the total, " a higher percentage than the total immigrant share of the population, which is 13 percent. Hamilton Place Strategies, a Washington research group, argued in a recent paper that low-skilled immigrant workers in agriculture also boost the economy by increasing work for Americans in other sectors, such as transportation and [marketing](#).

Any objection to immigration reform is likely a relic of a prejudiced and provincial attitude about those who are different from us. This attitude has oppressed and challenged every wave of immigrants entering the United States since our inception, and it is one that no longer resonates. The American Dream prescribes this nation as a beacon of hope, presenting opportunity and freedom for anyone willing to work for it. To continually punish people who have sought that opportunity is directly antagonistic to our very most fundamental ideals and values. There is no justice in keeping millions of hardworking people in perpetual fear and uncertainty, there is no justice in destroying families, there is no justice in denying opportunity to people who treasure the American Dream.

American policymakers have a historic opportunity to answer for the mistakes and inertia of the past. The only remaining barrier is the cowardice of politicians, who cower to xenophobia and grandstand for political gamesmanship. "Can we leave 11 million people in the shadows forever?" John McCain asked at a recent conference in Washington, "The people that wash our dishes, cut our lawns, take care of our children -- is it right to leave them in the shadows forever? I don't think so."

As evidenced by the results of the 2012 election, immigration reform is not only politically practical and economically logical; it is a reflection of our ideals as a country. Almost every American can trace their roots back to an immigration story, and it is high time we value today's newcomers with the same respect as the men and women who sacrificed so much to leave their homes and build this great nation.

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