



UPDATE on Issues

League of Women Voters of the Houston Area

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U.S. IMMIGRATION - WHERE DO WE STAND?

INTRODUCTION

After an extensive nationwide study and a national consensus, early in 2008 the League of Women Voters of the United States adopted a position on immigration. Since then certain matters regarding US immigration have changed and although the U.S. Congress has taken no action, certain States have. It is appropriate and timely for us to review our position, consider what has changed and evaluate where we now stand.

LWVUS Immigration Position

The League of Women Voters believes that immigration policies should promote reunification of immediate families; meet the economic, business and employment needs of the United States; and be responsive to those facing political persecution or humanitarian crises. Provision should also be made for qualified persons to enter the U.S. on student visas. All persons should receive fair treatment under the law.

The League supports federal immigration law that provides an efficient, expeditious system (with minimal or no backlogs) for legal entry of immigrants into the U.S.

To complement these goals the League supports federal policies to improve economies, education, job opportunities, and living conditions in nations with large emigrating populations.

In transition to a reformed system, the League supports provisions for unauthorized immigrants already in the country to earn legal status.

The League supports federal payments to impacted communities to address the financial costs borne by states and local governments with large immigrant populations.

Criteria for Legal Admission to the U.S.

The League supports the following criteria for legal admission of persons into the United States:

- Family reunification of spouses or minor children with authorized immigrants or citizens
- Flight from persecution or response to humanitarian crises in home countries
- Economic, business and employment needs in the U.S.
- Education and training needs of the U.S.
- Educational program opportunities
- Lack of a history of serious criminal activity.

Administration and Enforcement

The League supports due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and right to humane treatment.

The League supports:

- Improved technology to facilitate employer verification of employee status
- Verification documents, such as status cards and work permits, with secure identifiers
- Significant fines and penalties for employers who hire unauthorized workers
- Improved technology for sharing information among federal agencies
- More effective tracking of individuals who enter the United States
- Increased personnel at borders.

The League also supports programs allowing foreign workers to enter and leave the U.S. to meet seasonal or sporadic labor needs.

Unauthorized Immigrants Already in the U.S.

In achieving overall policy goals, the League supports a system for unauthorized immigrants already in the country to earn legal status, including citizenship, by paying taxes, learning English, studying civics and meeting other relevant criteria. While policy reforms, including a path to legal status, remain unachieved, the League does not support deporting unauthorized immigrants who have no history of criminal activity.

IMMIGRATION TODAY

America is not so attractive to undocumented immigrants today. According to the U.S. Census Bureau's annual American Community Survey and the Pew Hispanic Center, about 500,000 came last year; only about half of the annual average between 2000 and 2007. In fact some are returning to their native countries.

Why? Some high-profile ICE raids on businesses hiring undocumented workers and actions against the employers are beginning to dim the opportunity for employment. Equally important is the economic slowdown here. Declining birthrate in Mexico in the late 1970's is another factor.

However, the federal government has not enacted any comprehensive legislation to deal with the millions of undocumented workers still here. The federal program for voluntary deportation failed so badly that it has been cancelled. The failure of the Senate bill which would have provided a pathway to citizenship ended the Congressional attempt to fix our dysfunctional immigration system.

Drafting a comprehensive reform bill will require negotiating some sticky points. Although already approved by Congress, "the fence" is a highly controversial issue. Robert Frost wrote, "Something there is that doesn't love a wall." Oscar Arias Sanchez, a Nobel Peace Prize winner and the current president of Costa Rica, agrees with Frost. Arias says Latin America deserves better than a border wall; that programs to help alleviate poverty in Latin America would be more welcome. Such programs would not only reduce the northward flow of undocumented workers but improve the badly damaged US-Latin American relations.

Some of the other items to consider in formulating new policy include the following:

1. Baby boomers are retiring. Who will ensure their Social Security funds?
2. Undocumented workers who live in the shadow of our society invite:
 - abuses by unconscionable employers
 - undocumented immigrants to maintain a low profile in dealing with police
 - undocumented workers to pay Social Security taxes without collecting benefits
3. Some politicians play "the immigration card" to engender fear and bigotry.
4. In his book The Closing of the American Border, Edward Alden writes, "The biggest mistake of the post 9/11 period is that immigration and terrorism have become intertwined."
5. More foreign students are avoiding attending US universities.

State Actions

Although immigration is a federal issue, many states have passed measures dealing with undocumented immigrants. Among the 50 states, policies range from punitive anti-immigrant measures to positive, integrative approaches. Integrative policies are more pervasive than punitive policies. Only 11% of undocumented immigrants live in the states that have enacted comprehensive punitive policies. Many states, including those where most immigrants live, have been moving forward with positive, integrative policies. The Progressive States Network, an organization that tracks legislation in all 50 states, has rated states as inactive (13), integrative (7), somewhat integrative (9), mixed (7), somewhat punitive (6), and punitive (8).

Some integrative policies include:

- In-state tuition to public colleges and universities.
- Provision of English-language instruction.
- Wage law enforcement.
- Prohibition of human trafficking.
- Protection of public benefits.

Some punitive policies include:

- Denying driver's licenses.
- Workplace sanctions against employers.
- Prohibition of in-state tuition.
- Criminalizing undocumented workers.
- Removing public benefits (health, elderly care, temporary homeless shelters.)

The State of Texas was deemed "somewhat integrative". Texas does provide in-state tuition, provides studies of and penalties for human trafficking, has a comprehensive anti-trafficking law, provides for services to and protection of the trafficking victims, requires Spanish and English outreach material for children's health insurance. Effective October 1, 2008, the Texas DPS will deny a driver's license to illegal immigrants. Texas provides a penalty of deportation or other status-affecting measures for non-citizens convicted of a misdemeanor involving family violence.

A Houston-area candidate for election to the Texas Legislature has called for legislative action on the following items: marriage fraud, visa overstaying, photo IDs, driver's licenses, and deportation records. Again the question arises of what is a federal and what is a state matter. Some of these may be considered punitive while others may not.

REFERENCES

The Closing of the American Border by Edward Alden
Pew Hispanic Center
Brookings Institute
Progressive States Network
US Census Bureau
Texans for Sensible Immigration Policy