



NATIONAL  
IMMIGRATION  
**FORUM**

# Creating a 21<sup>st</sup>-Century **Immigration System**



## I. Introduction

Reforming immigration will benefit our country and all Americans. A 21<sup>st</sup>-century immigration process will improve our nation's ability to compete globally by addressing market and workforce demands and by attracting and retaining new Americans. It will provide a better life for many hardworking individuals and families, giving them the security they need to contribute fully to our country.

To best serve our country's interests, we need to replace our broken immigration system with commonsense solutions that address the full scope of immigration. Our immigration laws have not been updated significantly in more than 20 years, leading to long waits for family members to reunite, no or few options for the migration of necessary workers, and 11 million unauthorized immigrants living in our country.

Our current immigration system no longer meets our country's needs and in some cases is hurting our economy and the American people. An approach to immigration that provides smart and effective border security, addresses the status of those immigrants who are residing in the U.S. without authorization, proposes overdue fixes to an outdated visa system, and envisions interior immigration enforcement that both deters illegal immigration and protects the public is critical to creating an enduring solution. For the economic and social interests of our nation and all Americans, Congress and the next administration must work together to build a 21<sup>st</sup>-century immigration process.

### A. HISTORY OF IMMIGRATION LAWS

The history of immigration in the United States has been marked by periods of restriction followed by periods of liberalization. From the founding of the republic, few restrictions on immigration existed until the adoption of the discriminatory Chinese Exclusion Act in 1882. The Immigration Act of 1924 instituted a rigid and discriminatory quota system that locked in immigration at late 19<sup>th</sup>-century levels and discriminated against immigrants from Southern and Eastern Europe, while virtually prohibiting immigration of Middle Easterners, East Asians and Indians.<sup>1</sup>

After the modest reforms of the Immigration and Nationality Act of 1952 reorganized and codified the structure of federal immigration law, the Immigration and Nationality Act of 1965 represented the birth of the immigration system we recognize today.<sup>2</sup> A crucial reform under President Lyndon B. Johnson, the 1965 law abolished the discriminatory quota system and opened the door to immigration from non-European countries. President Ronald Reagan built on the progress made in 1965 with the Immigration Reform and Control Act of 1986, which legalized more than 3 million undocumented residents of the United States while instituting a new system of employer sanctions against those who hired undocumented workers.<sup>3</sup>

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## 20<sup>th</sup>-Century Immigration Legislation

Names	Presidential Administration	Summary
Immigration Act of 1924	Coolidge	Restrictionist immigration bill that passed with minimal congressional opposition. Established the National Origins Quota System, which reduced immigration from Eastern and Southern Europe. <b>Effectively prohibited immigration of Middle Easterners, East Asians and Indians</b> , and significantly limited immigration of <b>European Jews</b> .
The Immigration and Nationality Act of 1952 (INA)	Truman	<b>Reorganized and codified the structure of federal immigration law</b> , collecting and codifying immigration laws in one place. Amended numerous times, the INA remains the main body of federal immigration law. President Truman found the bill discriminatory and vetoed it, but supermajorities in both houses of Congress overrode the veto.
Immigration and Nationality Act of 1965	Johnson	<b>Abolished the National Origins Quota System, ending discriminatory quotas.</b> Established a new system based on skills and family relationships and represented a dramatic departure from the past. Set new immigration quotas on Latin American countries. Passed with overwhelming bipartisan support.
Immigration Reform and Control Act of 1986 (IRCA)	Reagan	Most recent major overhaul of the immigration system. <b>Legalized 3 million people who entered the U.S. unlawfully before 1982.</b> Established sanctions against employers hiring undocumented workers. Passed only weeks before midterm election with significant support from both Democrats and Republicans.
Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)	Clinton	<b>Established bars on re-entry of either three or ten years for immigrants unlawfully present in the U.S.</b> Limited discretion of federal immigration judges, requiring mandatory detention for most immigrants who were deportable based on criminal history. Passed with bipartisan support and signed into law weeks before midterm election.

President Bill Clinton and the 1994 “Republican Revolution” Congress enacted enforcement-focused immigration laws, which actually led to even greater numbers of undocumented immigrants. Since then, repeated attempts to achieve bipartisan immigration reform under Presidents George W. Bush and Barack Obama have failed.<sup>4</sup>

### B. HOW THE CURRENT IMMIGRATION SYSTEM WORKS

Federal immigration law caps the number of people who can permanently immigrate to the United States at 675,000 per year.<sup>5</sup> Our current immigration system retains per-country ceilings, limiting the number of immigrants who can enter the U.S. from any one country. These country caps are no longer intended to discriminate against particular races or nationalities, but are intended “to prevent any immigrant group from dominating immigration patterns to the United States.”<sup>6</sup>

Family unification is an essential principle behind our existing immigration system, allowing both citizens and lawful permanent residents (LPRs, also known as green card holders) to bring

qualifying family members into the country. In order to bring a family member to the U.S., a citizen or LPR sponsor must petition for that relative and meet a series of requirements.<sup>7</sup>

In addition to family immigration, individuals can come to the U.S. on the basis of employment. Such employment-based visas can either be deemed immigrant visas or nonimmigrant visas. Nonimmigrant visas are temporary, and time-limited. More than 20 types of nonimmigrant visas cover specific worker categories, including labor across the skills spectrum.<sup>8</sup>

Immigrant employment-based visas are directed toward permanent immigrants and are capped at 140,000 per year, including eligible spouses and children.<sup>9</sup> These visas are split into five preference categories, most of which are made up of “high-skilled” workers, those with advanced degrees, and those with “extraordinary ability.”<sup>10</sup> Under the existing system, people with LPR status usually may naturalize after five years, provided they meet specified residency, character, English-language and civics requirements.<sup>11</sup> Since 1990, the diversity visa program has supplemented the immigrant visa program, providing an additional 55,000 annual visas set aside for countries with low rates of immigration to the U.S. These visas are distributed via lottery.<sup>12</sup>

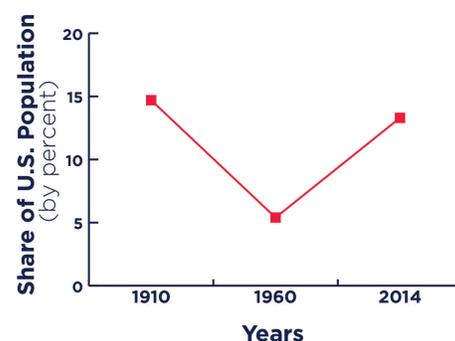
Federal immigration law also provides for the admittance of refugees and asylees and provides for other forms of humanitarian relief, including Temporary Protected Status.<sup>13</sup>

### C. THE IMMIGRANT POPULATION

As of 2014, 42.4 million immigrants resided in the United States, comprising about 13.3 percent of the total U.S. population.<sup>14</sup> Of this number, approximately one-quarter is undocumented, 11.1 million, with the undocumented population largely remaining steady since 2009.<sup>15</sup> The proportion of immigrants in the U.S. population is significantly higher than its pre-1965 low peak of 5 to 7 percent between 1950 and 1970,<sup>16</sup> but it is consistent with late 19<sup>th</sup>- and early 20<sup>th</sup>-century (pre-1924) levels.<sup>17</sup>

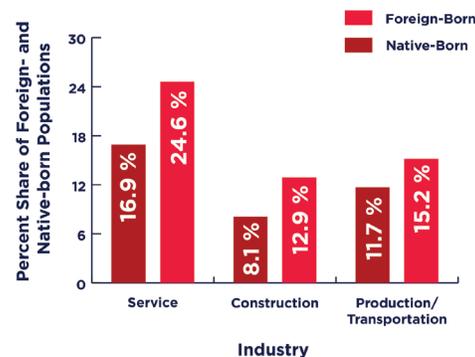
Immigrants play an invaluable role in our communities and our economy. They start businesses, buy houses and fill valuable labor needs. The educational level of immigrants has increased over the past decade, and now the foreign born in the U.S. are overrepresented both among those with less than a high school education and those with more than a four-year college education.<sup>18</sup>

### Immigrant Share of Total U.S. Population (percent)



Sources: Jie Zong and Jeanne Batalova, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” Migration Policy Institute, Apr. 14, 2016, Campbell J. Gibson and Emily Lennon, “Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990,” U.S. Bureau of the Census – Population Division, Feb. 1999.

### Foreign-born Work More in Certain Industries



As compared to native-born workers, foreign-born workers are more likely to work in service (24.6 percent of the foreign-born workforce), construction (12.9 percent) and production/transportation jobs (15.2 percent), than their native-born counterparts (16.9, 8.1 and 11.7 percent of the native-born workforce, respectively).<sup>19</sup> However, nearly half of foreign-born workers (47.3 percent) work in managerial, professional or sales jobs.<sup>20</sup> They provide a valuable source of high-skilled labor in essential professions, such as computer programming (where they represent 32 percent of the workforce), health care support professionals (30 percent) and physicians (26 percent).<sup>21</sup>

Immigrants also contribute to the economy as entrepreneurs and business owners, making up 27.5 percent of those who start new businesses.<sup>22</sup> Indeed, according to one report, more than 40 percent of Fortune 500 companies were started by immigrants or their children.<sup>23</sup>

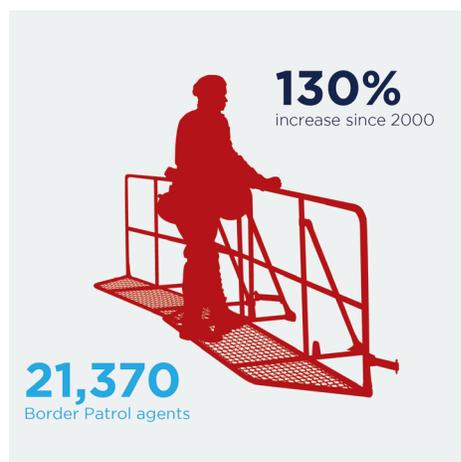
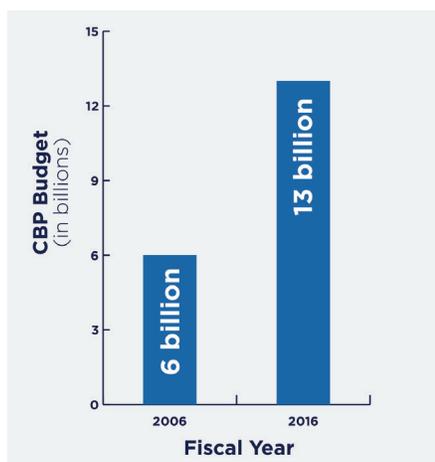
A recent study by the National Academies of Sciences, Engineering and Medicine found that immigrants have a positive economic impact on long-term economic growth and that as adults, the children of immigrants contribute more in taxes than the native-born population.<sup>24</sup>

## II. Securing the Border

Nations have borders. Ensuring that threats to our national security do not cross our borders must always be a national priority. Border security and management is and has always been an important piece of the immigration reform debate. When it comes to border security and management, the United States needs smart enforcement that is humane, transparent and takes into account the daily impact on the 15 million people who live along our borders. Smart border management can promote our national security while encouraging trade and controlling the movement of people.

Since 2002, Congress has made significant investments to secure our borders. The budget for U.S. Customs and Border Protection (CBP), the agency responsible for securing and managing our nation's borders, increased from \$6 billion in fiscal year (FY) 2006 to just over \$13 billion

### Budget and Staffing for U.S. Customs and Border Protection (CBP)



in FY 2016.<sup>25</sup> Congress has provided funds to station a record 21,370 Border Patrol agents at the border, an increase of about 130 percent since 2000.<sup>26</sup> With declining numbers of unauthorized border crossers, the average number of apprehensions for each border agent each year dropped from 182 in FY 2000 to 17 in FY 2015.<sup>27</sup> Predictably, an increase in the amount spent per apprehension at the border has occurred, rising almost 1,700 percent, from roughly \$630 per migrant in FY 2000 to more than \$11,266 in FY 2015. In addition, of the 652 miles that the Border Patrol has determined is operationally necessary to monitor, 651 miles of border fencing have been built, including double fencing in many areas.<sup>28</sup>

Three major areas of border operations should be addressed as part of efforts to modernize our immigration system:

**Smart border management can promote our national security while encouraging trade and controlling the movement of people.**

**1. Develop new border security metrics:** CBP should thoroughly assess threats to border security and adopt transparent metrics to measure border security. The current lack of publicly available, consistent metrics has greatly contributed to the public's lack of clarity surrounding our nation's border security. It also has made it difficult for members of Congress to hold the agency accountable and to know what additional resources are needed or unnecessary in order to secure our border. Outcome measures should be established that assess achievement and progress at the border, such as the probability of apprehension at the border and at-the-border deterrence rate.<sup>29</sup> Community stakeholders and organizations should be consulted to provide input to CBP on what border metrics should be used to establish border security.

**2. Provide additional infrastructure and personnel at ports of entry:** Congress should provide additional funding for improvements at our ports of entry. CBP Field Operations, which oversees the flow of commerce and immigration at land and sea ports, is understaffed. Long wait times to cross the border can slow down commerce and deter foreign tourists from visiting the United States. A report found that because enforcement resources have been so focused *between* ports of entry, individuals entering the U.S. without documentation between the land ports of entry have a 90 percent chance of being apprehended, but those entering without documentation through a land port have a 28 percent chance of being apprehended.<sup>30</sup> The understaffing and the antiquated infrastructure leave the ports more susceptible to drug, weapon and human smuggling, increasing the need for more adequate resources.

**3. Require additional training and oversight of CBP:** CBP should implement systemic, robust and permanent training and oversight mechanisms across the agency. CBP officers and agents should be trained and held to the highest law enforcement standards. While CBP has implemented integrity programs, including standardized training through agents' careers, it still struggles with managing and overseeing these programs — in part because rapid hiring has made it difficult for the agency to keep up. One oversight mechanism that CBP should implement includes the use of body-worn cameras (BWCs) by all Border Patrol agents.

### III. Bringing Our Visa System into the 21<sup>st</sup> Century

In order to replace our broken immigration system, our outdated and dysfunctional visa programs must be brought into the 21<sup>st</sup>-century. Some worker visas are subject to limits set by Congress in 1990, before the creation of the World Wide Web, the invention of DVDs and the dissolution of the Soviet Union. This outdated, inflexible visa system does not meet our economic needs, constraining the growth of businesses and undermining the competitiveness of the American worker. A system in which tech companies and agricultural producers are unable to hire the workers they need to compete in the modern economy does not meet the standards of our nation. A first-class nation deserves a first-class immigration system. America can do better.

#### A. WE NEED A FUNCTIONING WORK VISA SYSTEM

Our current visa system is anything but market-based, utilizing arbitrary, decades-old quotas that do not reflect modern economic trends. Currently, the demand for immigrant labor far exceeds the legal supply in many professions, with some visa quotas remaining unchanged for decades. Our economy has modernized while our immigration system remains antiquated.

Updating our visa system using market-based principles will grow our economy, reduce deficits, create jobs and fill labor shortages, helping native-born citizens and immigrants alike. We must reform the immigrant and nonimmigrant worker visa system by applying market-based principles to determine the number of visas for science, technology, engineering and math (STEM) professions, as well as for the service, agriculture and construction industries. Changes must also protect American workers.

A functioning work visa program would control legal immigration, align it with our economic and social needs and minimize the incentive to skip the legal immigration process. Having a 21<sup>st</sup>-century immigration process that advances the social and economic interests of all Americans also would significantly contribute to securing our border, removing existing incentives for unlawful border crossings. Our current immigration system's failure to provide a sufficient number of visas to fill employers' demand for immigrant labor is a prime reason millions of undocumented immigrant workers currently reside in the U.S. A functioning work visa system would help change these incentives.

A visa process that works would include the following: First, a legal immigration process that includes visa numbers in line with labor and workforce needs would make it easier for employers to hire immigrants with documentation. Sourcing labor in this way would help create new upstream and downstream jobs in the United States, instead of outsourcing entire industries. This reformed visa process should include a new visa program for workers in agricultural, service, construction

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and other industries. Employers and workers are unable to sponsor workers for non-temporary jobs in agriculture, service and other industries under the current system. A new visa program would be efficient for workers and employers, would ensure that U.S. workers would have the first chance to obtain available jobs and would protect the rights and wages of all workers in affected occupations. Such a system should include a flexible temporary worker component that addresses persistent labor shortages.

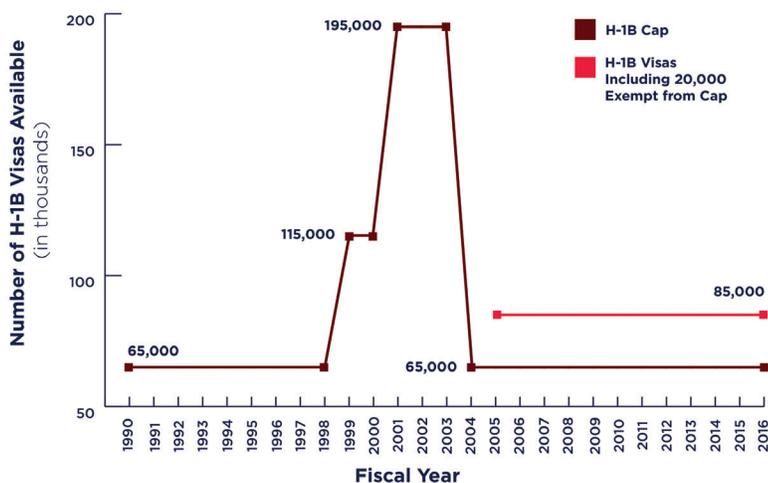
Second, a reformed visa system should allow foreign students educated at U.S. colleges and universities to obtain work visas and contribute their talents here after graduation. We should be stapling green cards, not plane tickets, to diplomas. With its top-notch higher education system, the U.S. attracts and educates some of the best students in the world only to deny those students work visas after graduation and require them to leave. Simply put, the current immigration system puts up too many barriers for the world's top talent to work for us, especially in the STEM areas. The rules must be adjusted to make it easier for foreign students who attend U.S. colleges and universities to stay, work and contribute to our economic growth. Reform should ensure that foreign-born STEM graduates of American institutions of higher education are able to obtain visas to stay and work in the U.S. upon receiving a job offer. Reform also should provide entrepreneurs and investors an avenue to build businesses in the U.S., creating jobs and strengthening the economy for the benefit of all of us.

### B. WORKER VISAS NEED REFORM

Currently, many aspects of the visa system are out-of-date, unworkable and needing improvement. Two examples which typify some of the problems with our visa system are the H-1B program, which focuses on high-skilled workers, and the H-2A program, which provides seasonal agricultural workers.

U.S. businesses utilize the H-1B program to employ foreign workers in specialized fields such as science, technology and engineering. The number of H-1B visas issued is capped by Congress at 65,000 per year, a number set in 1990 with an additional 20,000 visas for individuals with

**Number of H-1B Visas Available**



Sources: Immigration Act of 1990; American Competitiveness and Workforce Improvement Act (ACWIA); American Competitiveness in the 21<sup>st</sup>-Century Act, (AC21); H-1B Visa Reform Act of 2004, part of the Consolidated Appropriations Act, 2005

advanced degrees (U.S. master's degree or higher) which are exempt from the cap.<sup>31</sup> Demand for H-1B workers far exceeds the supply of visas provided and the visas are parceled out by lottery each year. In 2016, nearly 250,000 H-1B petitions were filed,<sup>32</sup> meaning that only about one-third of petitions resulted in a visa. This disparity means that employers are unable to meet their need for high-skilled workers, while high-skilled workers are turned away and are forced to work overseas, competing against the U.S. economy.

At the other end of the skill spectrum, the visa programs for agricultural and other temporary work programs are unwieldy and unworkable. Agricultural producers seeking seasonal workers can hire through the uncapped H-2A program. The H-2A visa covers temporary, seasonal agricultural workers, but that program is so time-consuming and expensive that many employers do not use them.<sup>33</sup> Only a minority of agricultural employers are able to utilize the program to find workers, and the majority of foreign agricultural workers are out of status. Other key industries, like the dairy industry, are not even eligible for the H-2A program because their work is not seasonal. Indeed, there is no effective visa for the legal entry of dairy workers, even though 79 percent of the U.S. milk supply comes from dairies with immigrant labor.<sup>34</sup>

In reforming both the H-1B program, the H-2A program and other employment visa programs, Congress must be certain to include necessary safeguards to preserve American jobs and to protect visa recipients from exploitation. Safeguards can ensure that bad actors are not improperly utilizing the programs to replace American workers and create an unfair advantage with competitors. The H-1B, H-2A and other visa programs are aimed at matching workers and employers where labor shortages exist, not at driving down wages or harming existing domestic workers. By setting fair, manageable standards for employers and enforcing those standards, reform legislation can ensure that American workers, foreign visa recipients and employers are treated fairly.

Additionally, visa reform must account for a future flow of workers, ensuring that labor needs are fulfilled by our legal immigration system, including increasing the number of visas when the economy requires it. The federal government must collect and periodically evaluate data on foreign-born workers coming to the U.S. on immigrant and nonimmigrant employment visas to inform our determination of the numbers of visas that should be available. Understanding basic demographics, workforce skill levels, language ability and educational backgrounds of these individuals through data collection and assessment would have an added benefit of allowing us to understand whether immigrants would benefit from programs to improve their skills and abilities so that they can better meet the nation's labor force needs.

**Visa reform must account for a future flow of workers, increasing the number of visas when the economy requires it.**

Congress must avoid repeating the mistakes of the 1986 Immigration Reform and Control Act, which resolved the status of most undocumented immigrants but failed to provide for adequate future flows of legal immigrant labor. Failure to address future flows of immigration will only continue to incentivize circumventing the legal immigration system. A reformed employment-based visa system would deter the hiring of unlawful workers, providing employers with a reliable supply of labor.

### **C. FAMILY UNITY MUST BE PRESERVED**

Finally, visa reform must keep the family at the core of our immigration process. American families with loved ones abroad face a growing wait for a visa allotment process that has not changed in a generation.

The family is at the core of our immigration system, yet unreasonable bottlenecks and barriers to family reunification can keep families separated for years, if not decades. A functional system would promote family unity and reunification. Family members who have been waiting in line should have their admission expedited, and those admitted on work visas should be able to keep their families intact.

A shift to a visa system that addresses economic needs should not be accompanied by an abandonment of the system's focus on family. Congress should reject proposals that would reduce family-based immigration in order to increase employment-based immigration. We need not choose between the economic needs of our country and our values that call for keeping families together. Both streams can and should continue to serve our nation's economic needs and support our national values. Employment- and family-based visa reform should go hand in hand.

## **IV. Supporting Interior Immigration Enforcement that Keeps Communities Safe**

Concurrent with changing the law to modernize the immigration system, we need effective enforcement measures that deter illegal immigration and protect the public. Such enforcement relies on effective cooperation between federal, state and local law enforcement, and continues the longstanding principle that immigration enforcement is primarily a federal responsibility.

Interior immigration enforcement should preserve the longstanding principle that immigration enforcement is primarily a federal responsibility. As the U.S. Supreme Court reaffirmed in *Arizona v. United States*, 567 U.S. \_\_\_\_ (2012), the case in which the court struck down much of Arizona's SB

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1070 immigration law, the federal government possesses “broad, undoubted power over the subject of immigration.” At the same time, federalism principles under the U.S. Constitution limit what Congress can do to mandate that state and local law enforcement carry out federal immigration priorities and programs.<sup>35</sup>

Law enforcement needs are specific to each community, and local control has been a beneficial approach for law enforcement for decades. The thousands of state and local law enforcement agencies across the United States each have different priorities, challenges and concerns. A rural county sheriff’s department’s needs will differ from those of a big city police department. A state police agency’s priorities will differ from those of a university police department. Different communities may face different public safety concerns. Decisions are best left to the individual state and local law enforcement agencies, which are best positioned to gauge what they need in order to build community trust and foster cooperation between law enforcement and the community. This approach, known as community policing, is tailored to ensure that immigrant victims and witnesses of crimes cooperate with police and that community members share information about criminal or suspicious conduct.<sup>36</sup> Community policing strategies are well-established and effective at fostering trust.<sup>37</sup>

Effective interior immigration enforcement can build on the strengths of broader immigration reform, which, by providing undocumented individuals the opportunity to earn legal status, would allow them to come out of the shadows and would allow state and local law enforcement to have a more complete knowledge of the residents of their communities. By “shrinking the haystack,” federal, state and local law enforcement can more easily “find the needles,” prioritizing resources to seek and remove true threats to public safety.

Commonsense immigration reforms should include enforcement measures to process and identify those in the country unlawfully, including E-Verify, the electronic worker verification system for job seekers. A strengthened E-Verify, accompanied by visa program reforms to ensure that agricultural, construction and other employers have access to the workers they need, can ensure that employers are on a level playing field and can only hire legal workers. Such a system must allow employers the ability to reliably check the status of their workers and contain safeguards to ensure that legal workers are not wrongfully misclassified and mistakenly prevented from working. Accompanied by legislation legalizing adequate numbers of agricultural, construction and other workers, E-Verify — with safeguards — can be a helpful tool to deter unlawful immigration.

**Legalizing the status of undocumented individuals allows people to come out of the shadows and allows state and local law enforcement to have a more complete knowledge of their residents.**

## V. The Need for Earned Legalization with a Path to Citizenship

Real immigration reform must deal with the existence of the millions of people already living and working in the United States. Mass deportation of 11 million undocumented people would not only be extremely costly, unworkable and immoral, but also would destroy businesses and families.<sup>39</sup> Nor is “self-deportation” a realistic or workable proposal to resolving the status of millions of people.

Effective reform would require earned legalization for those among the eleven million who pose no threat to the public. This approach ensures hardworking, economic contributors remain with their families, contributing to the prosperity and potential of the U.S. economy.

Earned legalization would require otherwise law-abiding undocumented residents to get right with the law after meeting a series of stringent requirements: paying fines and taxes, showing proficiency in English and U.S. civics and passing a criminal background check.

Earned legalization could require all of the following:

- > **Paying taxes.** Just as American citizens are expected to pay taxes, so are those who wish to earn legal status. The undocumented individual could be required to pay taxes owed to the federal government for the period corresponding to the time during which he or she was undocumented.
- > **Paying a fine.** In acknowledgement of breaking the law, the undocumented individual could be required to pay a fine as a penalty.
- > **Learning English and civics.** Learning English and becoming familiar with the U.S. culture and government structure could be a requirement of earned legalization. Learning the English language will help ensure that this population is capable of fully integrating into the U.S. system.
- > **Undergoing thorough background checks.** Commonsense legislation could require undocumented individuals to undergo background checks as a precondition of earning legal status in the U.S. This would ensure that U.S. national security and the rights of other citizens are respected and preserved.

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### Earned Legalization Requirements



Earned legalization would help families stay together. The Pew Research Center's Hispanic Trends Project<sup>39</sup> estimates that 4.5 million citizen children are living with an undocumented parent. When a mom or a dad is deported, a family is torn apart. Requiring a parent to return to a home country for years often can put him or her in harm's way without familial support and also prevents that parent from protecting and supporting his or her family.

Earned legalization would bring individuals out of the shadows and would encourage immigrants to integrate fully into American society. With approximately 11 million undocumented people living in the United States, it goes against common sense to exhaust the resources needed to round them up and force them to return to their home countries — especially for those who otherwise pose no danger and contribute to their communities. Many of them have been living in a community for some time and have put down roots or have U.S.-citizen or permanent-resident family members. Efforts to make our country unwelcoming to them so that they will leave are not only unrealistic but will only make these individuals more vulnerable to exploitation. Neither option is in the spirit of this country's values and founding ideals.

Earned legalization would stimulate the economy by growing the tax base. Increased tax revenues paid by the newly legalized would broaden the tax base for critical government programs and stimulate the American economy. Furthermore, the legalization of this group would spur increased economic productivity and create employment opportunities both upstream and downstream that would benefit all Americans. Recent studies show that legalizing the 11 million undocumented people in the United States would increase tax revenue, stimulate consumer demand, and create jobs.<sup>40</sup> According to the Regional Economic Models Inc. (REMI), legalization alone would create over 500,000 jobs by 2020.<sup>41</sup>

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## Benefits of Legalizing 11 Million Undocumented People in the U.S.



Increase in  
Tax Revenue



Stimulate  
Consumer  
Demand



Create Over  
500,000 Jobs  
by 2020\*

\*Source: Regional Economic Models Inc. (REMI)

Individuals should be able to earn legalization. Allowing individuals to earn legalization is in line with the spirit of our nation's laws and values. Those who break laws would be able to pay fines and perform community service to make amends. Our nation values providing opportunity for those willing to work hard for it.

Earned legalization must be fair to those already in line. Earned legalization should be coupled with legislation that streamlines and improves the currently cumbersome immigration system for all those currently waiting in line. Additionally, earned legalization should provide undocumented individuals with the opportunity to remain in the country while they actively work toward all the requirements that eventually lead to an opportunity to apply for citizenship.

It is imperative that individuals who earn legalization are able to reach their full career potential, meet employers' talent needs and help grow our economy. So that federal employment and training programs are well-positioned to build the skills of these individuals to meet the workforce needs of employers, the Government Accountability Office should conduct a study of the workforce characteristics of individuals who are eligible to earn legalization. The study should **1)** assess these individuals' educational levels, language and workforce skills, and labor force participation by major industries; **2)** identify related promising workforce development practices that could build the skills of these individuals to meet employers' needs; and **3)** make policy and programmatic recommendations to relevant federal agencies responsible for overseeing federal employment and training programs, including the Department of Education and the Department of Labor, to strengthen employment, training and adult education services to these individuals. This study would provide an important overview for federal policymakers and other stakeholders.

**It is imperative that individuals who earn legalization are able to reach their full career potential, meet employers' talent needs and help grow our economy.**

Further, a modernized immigration system should include provisions to ensure that individuals who are eligible to earned legalization are eligible for federal education, employment and training programs by amending related statutes authorizing those programs. Lastly, it is critical that there is adequate funding for existing federal workforce and adult education programs to develop the skills of individuals who earn legalization. Local communities should pilot innovative workforce development strategies to serve these individuals to ensure that they have the opportunity to meet their full potential.

## **VI. Conclusion**

An overhaul of our broken immigration system is long overdue. In 2017, bipartisan, commonsense reform may again be within reach. Such reform would strengthen border security, fix a broken visa system, preserve commonsense interior enforcement ideas and provide an opportunity for earned legalization for undocumented immigrants who are eager to make themselves right with the law. A 21<sup>st</sup>-century immigration system that benefits our nation's economy and all Americans must be a priority.

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## Notes

- 1 Ali Noorani, "A New Remedy for America's Complicated Immigration History," Shelterforce, Table, Apr. 9, 2015, [http://www.shelterforce.org/article/4089/a\\_new\\_remedy\\_for\\_americas\\_complicated\\_immigration\\_history/](http://www.shelterforce.org/article/4089/a_new_remedy_for_americas_complicated_immigration_history/)
- 2 *Id.*
- 3 *Id.*
- 4 Noorani, "A New Remedy for America's Complicated Immigration History."
- 5 See American Immigration Council, "How the United States Immigration System Works," Fact Sheet, Aug. 12, 2016, <https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>
- 6 *Id.*
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*
- 10 *Id.*
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 Jie Zong and Jeanne Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States," Migration Policy Institute, Apr. 14, 2016, <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>
- 15 Pew Research Center: Hispanic Trends, "Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009," Sept. 20, 2016, <http://www.pewhispanic.org/2016/09/20/overall-number-of-u-s-unauthorized-immigrants-holds-steady-since-2009/>
- 16 See Audrey Singer, "U.S. Immigration Demographics and Immigrant Integration," The Brookings Institution, July 16, 2014, <http://www.slideshare.net/Brookings/us-immigration-demographics-and-immigrant-integration>
- 17 Campbell J. Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990," U.S. Bureau of the Census – Population Division, Feb. 1999, <https://www.census.gov/population/www/documentation/twps0029/twps0029.html> (the foreign-born population "fluctuated in the 13 percent to 15 percent range from 1860 to 1920").
- 18 Francine D. Blau and Christopher Mackie eds, "The Economic and Fiscal Consequences of Immigration," pre-publication copy, p. 2, National Academy of Sciences, Engineering, and Medicine, Sept. 22, 2016, <https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration>.
- 19 Zong and Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States," *supra* note xiv.
- 20 *Id.*
- 21 Zong and Batalova, "College-Educated Immigrants in the United States" Migration Policy Institute, Feb. 3, 2016, <http://www.migrationpolicy.org/article/college-educated-immigrants-united-states>
- 22 Robert W. Fairlie, et al., "The 2016 Kaufman Index: Startup Activity," p.16, [http://www.kauffman.org/~media/kauffman\\_org/microsites/kauffman\\_index/startup\\_activity\\_2016/kauffman\\_index\\_startup\\_activity\\_national\\_trends\\_2016.pdf](http://www.kauffman.org/~media/kauffman_org/microsites/kauffman_index/startup_activity_2016/kauffman_index_startup_activity_national_trends_2016.pdf) (up from 13.3 percent in 1996).
- 23 Partnership for a New American Economy, "The 'New American' Fortune 500," June 2011, <http://www.renewoureconomy.org/sites/all/themes/pnae/img/new-american-fortune-500-june-2011.pdf>
- 24 Blau and Mackie, "The Economic and Fiscal Consequences of Immigration," pp.6-9.
- 25 Consolidated Appropriations Act, H.R. 2029, 114th U.S. Congress, <https://www.congress.gov/bill/114th-congress/house-bill/2029/text>; Joshua Breisblatt, "Border Security in Broad Immigration Reform," National Immigration Forum, Nov. 6, 2014, <https://immigrationforum.org/blog/border-security-in-broad-immigration-reform/>
- 26 "United States Border Patrol: Border Patrol Agent Staffing by Fiscal Year," U.S. Customs and Border Protection (CBP), Sept. 19, 2015, <https://www.cbp.gov/sites/default/files/documents/BP%20Staffing%20FY1992-FY2015.pdf>

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- 27 The figures were calculated using the following sources: "United States Border Patrol: Enacted Border Patrol Program Budget by Fiscal Year," U.S. Customs and Border Protection, <https://www.cbp.gov/sites/default/files/documents/BP%20Budget%20History%201990-2015.pdf>;  
"United States Border Patrol: Total Illegal Alien Apprehensions By Month," U.S. Customs and Border Protection. Jan. 12, 2016, <https://www.cbp.gov/sites/default/files/documents/BP%20Total%20Monthly%20Apps%20by%20Sector%20and%20Area%2C%20FY2000-FY2015.pdf>
- 28 Remarks by Secretary of Homeland Security Jeh Johnson: "Border Security in the 21st Century" - As Delivered, Oct. 9, 2014, <https://www.dhs.gov/news/2014/10/09/remarks-secretary-homeland-security-jeh-johnson-border-security-21st-century>.
- 29 Roberts, Bryan, "Measuring the Metrics: Grading the Government on Immigration Enforcement," Bipartisan Policy Center, pp. 15-17, Feb. 2015, [http://bipartisanpolicy.org/wp-content/uploads/2015/02/BPC\\_Immigration\\_MeasuringEnforcement.pdf](http://bipartisanpolicy.org/wp-content/uploads/2015/02/BPC_Immigration_MeasuringEnforcement.pdf)
- 30 "Without Strategy: America's Border Security Blunders Facilitate and Empower Mexico's Drug Cartels," Texas Border Coalition, p. 4, Jan. 12, 2012, [http://texasbordercoalition.org/Texas\\_Border\\_Coalition/Welcome\\_files/TBC%20Report-Without%20Strategy-Final.pdf](http://texasbordercoalition.org/Texas_Border_Coalition/Welcome_files/TBC%20Report-Without%20Strategy-Final.pdf)
- 31 See "USCIS Completes the H-1B Cap Random Selection Process for FY 2017," United States Citizenship and Immigration Services, Press Release, Apr. 12, 2016, <https://www.uscis.gov/news/alerts/uscis-completes-h-1b-cap-random-selection-process-fy-2017>
- 32 Sara Ashley O'Brien, "High-skilled visa applications hit record high – again," CNN.com, Apr. 12, 2016, <http://money.cnn.com/2016/04/12/technology/h1b-cap-visa-fy-2017/>
- 33 See Abigail Rubenstein, "Farm Owners Tell Congress H2A Visa Program Is 'Broken,'" Law360.com, Sept. 13, 2011, <http://www.law360.com/articles/271080/farm-owners-tell-congress-h2a-visa-program-is-broken>
- 34 Texas A&M Agrilife Research - Center for North American Studies, "The Economic Impacts of Immigrant Labor on U.S. Dairy Farms," p. 2, Aug. 2015, <http://www.nmpf.org/files/immigration-survey-090915.pdf> (Texas A&M report paid for by the National Milk Producers Federation).
- 35 See, e.g., *New York v. United States*, 505 U.S. 144 (1992).
- 36 Laurence Benenson, "Background on 'Sanctuary' Jurisdictions and Community Policing," National Immigration Forum, Mar. 25, 2016, <http://immigrationforum.org/blog/background-on-sanctuary-jurisdictions-and-community-policing/>
- 37 Richard S. Biehl, "Communities are safer when law enforcement roles are clear," TheHill.com, July 15, 2015, <http://thehill.com/blogs/congress-blog/homeland-security/247880-communities-are-safer-when-law-enforcement-roles-are>
- 38 Wall Street Journal, "The Costs of Mass Deportation," Editorial, Mar. 21, 2016, <http://www.wsj.com/articles/the-costs-of-mass-deportation-1458342018> (Mass deportation "would require at least \$400 billion in new federal spending and reduce U.S. GDP by about \$1 trillion.")
- 39 Pew Research Center: Hispanic Trends, "A Nation of Immigrants," Jan. 29, 2013, <http://www.pewhispanic.org/2013/01/29/a-nation-of-immigrants/>
- 40 American Immigration Council, "An Immigration Stimulus: The Economic Benefits of a Legalization Program," Fact Sheet, Apr. 3, 2013, <https://www.americanimmigrationcouncil.org/research/immigration-stimulus-economic-benefits-legalization-program>
- 41 Treyz, Frederick, Stottlemeyer, Corey, and Motamedi, Rod. "Key Components of Immigration Reform: An Analysis of the Economic Effects of Creating a Pathway to Legal Status, Expanding High-Skilled Visas, & Reforming Lesser-Skilled Visas." Regional Economic Models, Inc (REMI). July 17, 2013, <http://www.remi.com/immigration-report>



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