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California Latino Legislative Caucus

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MAKING IMMIGRATION POLICY WORK IN THE UNITED STATES

BY:

ASSEMBLYMEMBER RICHARD G. POLANCO
Chair, California Latino Legislative Caucus

ASSEMBLYMEMBER GRACE NAPOLITANO
Vice-Chair, California Latino Legislative Caucus

MEMBERS:

Senator Ruben S. Ayala

Senator Charles Calderon

Senator Art Torres

Assemblymember Joe Baca

Assemblymember Cruz M. Bustamante

Assemblymember Louis Caldera

Assemblymember Martha Escutia

Assemblymember Diane Martinez

Assemblymember Hilda Solis

PRINCIPAL CONSULTANT:

Valerie E. Martinez

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TABLE OF CONTENTS

I. INTRODUCTION

II. RESTRICTIVE LEGISLATION
   Education
   Health Care

III. THE WELFARE MYTH

IV. IMMIGRATION IMPACT

V. FUNDING IMBALANCE

VI. FEDERAL PROMISE

VII. PROBLEMS/SOLUTIONS

VIII. CONCLUSION
I. INTRODUCTION

Nowhere in the United States has immigration become as controversial a political issue as in California.

In the 1980s, immigrants accounted for one-third of the nation's population growth, with California absorbing about half of the newcomers. The recent recession has prompted some to blame the State's complex problems—such as unemployment, crime, and the dwindling availability of public resources—on this influx of immigrants.

Immigrants are accused of abusing government assistance programs, contributing little or no tax revenue to the public coffers, taking jobs from U.S. citizens and failing to adjust to new communities. These concerns are heightened because immigrants bring with them diverse cultures, lifestyles, and languages, which some see as threats to their sense of values and community.

California's problems can be attributed to the State's explosive population growth, layoffs in the defense and aerospace industries, military base closures and, most notably, California's deep and long-running recession.

The recession has resulted in high unemployment and an increased demand for costly public services at a time when state revenues have been decreasing. Consequently, much attention has been focused on the amount of money spent delivering services to immigrants who do not reside lawfully in the U.S., and on jobs undocumented immigrants are filling that, some believe, would otherwise be available for residents to fill.

Concern about the presence and arrival of foreigners is not new. Between 1880 and 1910, when almost 18 million immigrants entered the country, the large quantity of newcomers evoked similar reactions. Immigrants, it was feared, threatened the cultural and moral fiber of American society. Italians, Germans, Poles, Jews and Irish were considered inferior, and not likely to assimilate with their northern and western European predecessors.

While history books reveal a pattern of anxiety on the part of some citizens, they also indicate that these concerns were often misplaced or unfounded. For example, at the turn of the 20th century, newcomers provided a valuable source of labor, helping to build the country's infrastructure. Immigrants generally proved to be hard-working, honest and often entrepreneurial citizens.

Today's newcomers, mostly from Asia and Latin America, particularly Mexico, are likewise contributing heavily to the country's well-being. During the 1980s, 1.5 million immigrants with college degrees arrived in the United States. Newcomers have filled needs for engineers, health care professionals, scientists, computer programmers and managers.¹

¹ Jonathan C. Dunlap, America's Newcomers (1993), p. 3.
II. Restrictive Legislation

The troubling phenomenon we have recently witnessed is more and more policymakers buying into the parochial view that the State's economic ills are caused by immigrants. This view by some is fanning the flames of intolerance. Some legislators are using their positions to validate this sentiment by introducing legislation that restricts fundamental civil rights.

The test by which we determine restrictions on the rights of undocumented immigrants should be the same as that used in any other policy decision — what is best for the public at large. Policy should reflect thoughtful decisions with positive long-range effects. Thus far, restrictive immigrant legislation has not held to this test.

Education

For example, AB 149 (Mountjoy, R-Arcadia), sought to keep undocumented immigrant children out of public schools by prohibiting the expenditure of State dollars on their education. Under a decision of the U.S. Supreme Court (Plyler vs. Doe), the bill was deemed unconstitutional. Moreover, there was no reason to believe that the bill would have curtailed illegal immigration, since studies show the primary reason for illegal immigration is job-seeking. If enacted, the bill could have worsened economic and social conditions by increasing the number of uneducated and unemployed people in the State. California must stay competitive with a strong workforce. This bill would have accomplished the opposite.

Health Care

Another bill, AB 150 (Mountjoy), would have prohibited providers from collecting Medi-Cal reimbursement until the provider reported the undocumented immigrant patient to the INS. Again, because most undocumented immigrants come here to work, there was no reason to believe this bill would have reduced illegal immigration. In addition, California already limits the health care available to undocumented immigrants to emergency services and prenatal care. This bill would have prevented this care, which is inhumane and unrealistic. In an emergency, it would also have jeopardized care to citizens and legal residents who have an accent or look different, but who may not have identification readily available. The potential for resulting lawsuits could cost the State millions. As President Clinton recently noted regarding a similar proposal by Governor Wilson, "none of us would tolerate just letting people die on the street if it came to that."

III. The Welfare Myth

Undocumented immigrants are prohibited under federal law from receiving welfare. Some legislators and anti-immigrant advocates add to the immigrant rhetoric, misleading the public by arguing to the contrary.
IV. IMMIGRATION IMPACT

Rarely addressed is the positive impact immigration has on the private sector. We have all enjoyed as consumers the benefits of having low-waged, often undocumented, workers amongst us. It is because of them we benefit from low cost agricultural products, restaurant meals, nannies, housekeepers, gardeners, laborers and garment workers.

According to a recent RAND Corporation study, California's manufacturing industries have performed six times better than the national average as a result of the immigrant workforce — both legal and undocumented. The reason: other States are unable to compete with foreign manufacturers because of the high volume of low-skilled, hard-working laborers in foreign countries.

Many new businesses are started by new immigrants. According to the U.S. Census Bureau, between 1982 and 1987, the number of Latino businesses in the U.S. grew by 81%, and Asian-American businesses increased by 89%. Thus in 1987, for example, California's Vietnamese-Americans operated a total of 11,855 firms and generated $665 million in revenue. Research shows that much of this growth can be attributed to immigrant entrepreneurs.

A number of recent studies have been done to examine the economic impact immigrants have on American communities. One consistent finding in all of these studies is that immigrants contribute more financial resources than they use in their new communities.

In 1989, the conclusions of a Heritage Foundation study refuted the contention that immigrants "take jobs from American workers and drive down their wages; that they strain the nation's natural resources and infrastructure; that they are welfare abusers; and that they fail to integrate themselves into American society."

Similarly, a 1990 report of President George Bush's Council of Economic Advisors found "the long run benefits of immigration greatly exceed the short run costs." In 1986, the same group agreed that U.S. immigration policy has been and should be based on the premise that immigrants have a favorable effect on the overall standard of living and on economic development.

Further, a 1992 Business Week article reported that 11 million immigrants work in the U.S. In 1991, they earned $240 billion and paid $90 billion in taxes. Business Week contrasts this with the $5 billion immigrants received in welfare benefits that year — and those recipients were primarily refugees, not undocumented immigrants.
V. Funding Imbalance

The California experience reflects the same pattern. A report issued by the Los Angeles County Board of Supervisors in 1992 found that L.A. County spent $940 million in 1991 on immigrants — documented and undocumented — mainly for health care. Immigrants in that county, on the other hand, paid $4.3 billion in taxes to all levels of government in that same year. However, of those tax dollars, $2.6 billion (60%) went to the federal government; $1.2 billion (29%) went to state government; $350 million (8%) went to local entities; and $139 million (3%) went to Los Angeles County. This maldistribution of funds presents a major problem for local governments, since this is where the bulk of the services are funded.

VI. Federal Promise

Despite the fact that immigration is a matter of federal jurisdiction and policy, a recurring complaint of late from state and local governments is that they have been forced to foot the bill for "immigrant policy" — or immigrant resettlement.

In fact, the Federal Government has recently reduced or constrained the few federal programs that assist new immigrants to integrate into the economic, social and civic life in the United States. The Federal Government has yet to deliver $812 million promised to immigrant-heavy states as a result of the Immigration Reform and Control Act (IRCA) of 1986, which gave 3.2 million immigrants legal status. Funding for refugees, legalized immigrants and for immigrant education programs has been cut substantially or delayed. This has left much of the responsibility for integrating immigrants into society to state and local governments, private organizations, and the immigrants themselves.

For all of these reasons, the issues surrounding immigration have ignited a firestorm of debate. A number of anti-immigrant groups have begun campaigns to stop or limit immigration, funneling millions of dollars into ads, staff and lobbyists in pursuit of an agenda that can feed on the emotions of empty pocketbooks and patriotism. Many immigrant advocates have felt compelled to begin an information campaign to educate people about the positive impacts immigrants have on society.
VII. Problems/Solutions

It is not difficult to identify immigration as a controversial, pressing issue. However, identifying constructive and balanced solutions to the fact that many people are breaking our immigration laws is much tougher.

Few proposals deal with immigration comprehensively. More typically, they deal only with the narrower issue of what to do about illegal immigrants once they are in the U.S. Sadly, those proposals have not been well thought out. Behind their much trumpeted claims of being tough, these proposals, on closer inspection, consist of fairly thoughtless concepts that would be costly, unworkable, impractical and counterproductive. As mentioned previously, some are even unconstitutional and inhumane.

The following is a list of balanced and tough solutions offered by the California Latino Legislative Caucus to help deal with the real problems associated with immigration. This plan takes a hard line on illegal immigration; it also proposes ways to help realize the potential of the millions of legal California residents who are not currently U.S. citizens.
STIFFER PENALTIES FOR THOSE WHO VIOLATE U.S. IMMIGRATION LAWS

Punish Smugglers

Problem 1

Because the smuggling of immigrants into this country illegally is profitable and not severely penalized, current deterrents to immigrant smuggling appear to be inadequate.

Solution 1

The current penalty for smuggling immigrants is either a $2,000 fine or up to five years in prison. Congress should increase the penalty to a $10,000 fine and up to 10 years in prison. Still more severe penalties should be imposed on those smugglers who endanger the lives of the people they are transporting — a $20,000 fine and up to 20 years in prison.

Additionally, federal prosecutors should apply the Racketeer Influenced and Corrupt Practices Act (RICO) to fight immigrant smuggling. Use of RICO would permit the government to utilize potent asset seizure and forfeiture laws.

Extradite Undocumented Felons

Problem 2

Undocumented criminals prosecuted through our judicial system and incarcerated in our prisons cost U.S. taxpayers millions of dollars per year. In California, Governor Pete Wilson estimates this cost at $500 million per year.

Solution 2

The federal government should ensure that undocumented criminals who have been convicted of felonies are extradited and serve their sentences in their countries of origin by implementing existing extradition agreements and negotiating agreements where they do not exist. In cases where felons cannot be extradited, prison terms should be served in federal penitentiaries.

To expedite the extradition of undocumented felons, Congress should consolidate federal criminal trials of undocumented felons with deportation proceedings and give federal judges the authority to rule on deportation matters.
STOP VISA ABUSE

PROBLEM 3

Visa abuse rivals inadequate border enforcement as a major cause of illegal immigration. Officials estimate that as many as 200,000 people per year overstay their visas with the intent of remaining permanently in the U.S.

SOLUTION 3

The U.S. Government must create an effective mechanism for tracking persons who enter the U.S. with visas. Congress should also tighten up the criteria for giving visas to foreign nationals, especially to those who are permitted to enter because they purportedly have special job skills.

ENFORCE FEDERAL LABOR STANDARDS

PROBLEM 4

With unemployment rates soaring and many citizens being forced to apply for federal assistance, too many employers are hiring undocumented workers.

SOLUTION 4

The U.S. Department of Labor should enforce labor laws to ensure employers are upholding wage, labor and workplace safety standards. If held to these standards, employers lose the incentive to hire and exploit undocumented immigrants.

The INS should also be relieved of the responsibility for sanctioning employers who hire illegal immigrants. Congress should transfer that responsibility to the Department of Labor, which has the personnel and financial backing to get the job done.
REORGANIZE AND BETTER FINANCE GOVERNMENTAL AGENCIES THAT CONTROL IMMIGRATION

BREAK-UP THE INS

PROBLEM 1

General Accounting Office reports indicate that the INS’s dual and often contradictory responsibilities—border enforcement and citizenship processing—weaken the agency’s ability to perform either task effectively.

SOLUTION 1

Congress should divide the enforcement and naturalization functions of the INS. Two agencies should be created: a Border Enforcement Agency and a Legalization and Citizenship Agency.

BORDER ENFORCEMENT AGENCY (BEA)

The Border Patrol should be consolidated with the U.S. Customs Service. Because both of these agencies guard U.S. ports of entry, consolidation of the two would reduce duplication and increase effectiveness.

To ensure increased accountability, training and supervision of border personnel, Congress should require an independent investigation and review of civil rights abuses by Border Patrol and Customs officials.

LEGALIZATION AND CITIZENSHIP AGENCY (LCA)

This agency should focus solely on the tremendous demand for legalization and citizenship application processing. For example, in California, there are 3.6 million permanent residents eligible for citizenship, and an additional 1.6 million will become eligible in 1994.

The INS has the capacity to process a maximum of 60,000 new citizens per year. Based on current resources, it would take the INS 87 years to process all 5.2 million permanent residents who are eligible for full integration into American society.

IMPOSE A BORDER TOLL

PROBLEM 2

Funding for border enforcement has not kept pace with the rate of undocumented immigration. Equipment is outdated and agents are under-trained.

At the same time, naturalization efforts have lacked the resources to process the growing number of legal immigrants wanting to become citizens.
SOLUTION 2

Congress should study the economic impact of imposing a $1 toll on anyone who enters the U.S.

If feasible, Congress should impose the toll on all pedestrians and passengers who arrive by car, ship, ferry, or plane.

Half the toll proceeds should be used to hire more agents and upgrade equipment used to patrol U.S. borders. The other half should be used to promote and process citizenship for legal permanent residents.

The funds should be disbursed to states using the formula currently used to distribute State Legalization Impact Assistance Grants (SLIAG).
Reform Federal Immigration Policy

Hold a Summit on Immigration with Mexico

Problem 1

Six Mexican states are the primary sources of undocumented immigrants in the United States. The U.S. Government has traditionally approached immigration policies unilaterally, instead of working with Mexico to address the factors that push thousands of Mexican nationals out of their homes and to the U.S. in search of jobs.

Solution 1

President Clinton should convene a Summit on Immigration with Mexican President Carlos Salinas de Gortari. This Summit should focus on strategies that will stem the flow of undocumented immigration. These strategies should include boosting economic development in those Mexican states that are the sources of a majority of undocumented immigrants.

Overhaul the Asylum Process

Problem 2

There is a growing trend among undocumented immigrants to seek political asylum to avoid deportation. Moreover, under existing law, refugees are eligible for permanent resident status after only one year and can apply immediately for various federal assistance programs, including the Aid to Families with Dependent Children (AFDC) program.

Solution 2

Congress should overhaul the political asylum process by toughening the criteria for asylum and restricting the benefits available to refugees, while retaining humanitarian standards.

Congress should also make certain that U.S. Customs inspectors and INS officers are not allowed to make deportation decisions in order to ensure separation of police and judicial authority.

Disburse Outstanding SLIAG Funds

Problem 3

Federal immigration policies have severely impacted U.S. border states. While some funds have been disbursed by Congress to ease this burden, Congress has failed to disburse a promised final payment of $812 million to states that absorbed the majority of immigrants legalized through the Immigration Reform and Control Act of 1986 (IRCA), which included the Amnesty program.
SOLUTION 3

Congress should disburse the final $812 million in the form of State Legalization Impact Assistance Grant (SLIAG) funds, which were designed to cover the costs incurred by states affected by IRCA.

EXTEND SLIAG FUNDING THROUGH 1996

PROBLEM 4

Resources to help immigrants prepare themselves to contribute as productively as possible to American society are limited.

SOLUTION 4

Congress should extend SLIAG fund availability to provide educational services to the amnesty population through September 19, 1996. This extension should be implemented in recognition of past reductions and deferrals of SLIAG allocations, as well as the enormous unmet need for educational services.

Further, Congress should maintain the requirement that states use at least 10% of their annual SLIAG allocations for educational services.

CREATE LOCAL CITIZENSHIP CENTERS THROUGHOUT STATES WITH LARGE IMMIGRANT POPULATIONS

PROBLEM 5

By next year, 5.2 million permanent residents in California will be eligible for citizenship. The current system is unable to handle the demand for citizenship processing, creating a burgeoning population of residents who are not fully integrated into society.

SOLUTION 5

The U.S. needs to create citizenship centers for newly-legalized permanent residents attempting to naturalize. This would be done by allowing adult schools, community colleges and non-profit community-based organizations to provide services needed for naturalization and citizenship, including citizenship instruction, testing, and English proficiency.

CREATE A MORE EQUITABLE REVENUE DISTRIBUTION FORMULA

PROBLEM 6

A Los Angeles County report on immigration found that in 1991, immigrants paid more in taxes than they received in public services. However, those moneys were not distributed by the Federal government to the areas where the majority of the service use occurred — at the county level. So at the county level, public services were strained because of this funding imbalance.
Solution 6

The U.S. should devise a more equitable formula for distributing revenue so that the counties impacted most by immigrants keep a larger share of the money those immigrants generate.

Provide only emergency care to undocumented immigrants

Problem 7

Federal and state budget deficits are reducing the resources available for public health programs, particularly for indigent care.

Solution 7

Adopt the California standard that limits undocumented immigrants to only preventive, prenatal, and emergency health care.
VIII. Conclusion

California's explosive population growth, the ongoing recession, a higher visibility of the number of immigrants and the federal government's failure to act, have made immigration the State's most controversial issue. The heightened awareness of the issue has caused many to re-evaluate the benefits and burdens of U.S. immigration policy. Out of this re-evaluation come calls for stricter enforcement of our immigration laws.

The California Latino Legislative Caucus is offering these proposals to the Federal government as a means to help enforce our immigration laws, as well as provide badly needed services to lawful immigrants. The Latino Caucus views this as one step in the move toward reaching consensus regarding viable and balanced solutions to the problems we collectively face as Americans. Only when we work out problems with immigration policy will we be able to move on and address the many other problems confronting this nation.
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