

Executive Summary

The American domestic debate over illegal immigration is stalled and radicalized for two reasons. First, leftist organizations see the political value in rapidly extending public benefits—and ultimately the franchise—to millions of Mexican nationals. Second, business groups—largely the agriculture and construction sectors—want cheap labor. In Texas, for example, the state’s leading business group, the Texas Association of Business, aligned with the Mexican American Legal Defense and Education Fund (MALDEF) to oppose state action on illegal immigration.

This political alignment has helped to foster large-scale demonstrations. In March and April 2006, marches and rallies were organized to oppose proposed criminal sanctions against migrants and those individuals and organizations, such as the Catholic Church and the Central American Resource Center, which aid them. Similar rallies took place across the nation in May 2007. The common chant at these rallies: Cesar Chavez’s “Si Se Puede!” [Yes, we can!]. During the 80th Session of the Texas Legislature, there were frequent marches against any action on illegal immigration, often with demonstrators carrying Mexican flags through downtown Austin.

Meanwhile grassroots organizations, such as the Minuteman Project, have formed to patrol the vast, unprotected desert regions of California, Arizona, New Mexico, and Texas to prevent illegal border crossings.

As one extreme seeks to fortify the entire U.S.–Mexico international boundary to prevent more Mexicans from entering the United States, the other faction seeks blanket amnesty and expedited citizenship for all illegal immigrants.

The estimate of the number of illegal immigrants in the United States varies. A generally accepted figure seems to be 11–12 million people.¹ Other estimates state that the number of illegal immigrants in the United States may be as high as 20 million people.² These figures are imprecise because of limitations of the enumeration process. The former Immigration and Naturalization Service (INS) estimated, based on the 2000 Census, that 7 million “unauthorized immigrants resided in the United States as of January 2000” and identified “Mexico as the largest source country for unauthorized immigration to the United States.”³ The INS also reported that “Mexico’s share of the total unauthorized resident population increased from 58 percent in 1990 to 69 percent in 2000.”⁴ In Texas, the number of illegal immigrants is estimated between 1,041,000 (the former INS

¹ “Not criminal, just hopeful,” *The Economist*, April 13, 2006; and, “Modes of Entry for the Unauthorized Migrant Population,” Pew Hispanic Center Fact Sheet, May 22, 2006.

² Robert Justich and Betty Ng, CFA, “The Underground Labor Force is Rising to the Surface,” Bear Stearns Asset Management report, January 3, 2005.

³ “Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000”, Immigration and Naturalization Service, January 31, 2003;

<http://www.dhs.gov/xlibrary/assets/statistics/publications/2000ExecSumm.pdf>

⁴*Ibid.*

estimate as of 2003⁵) and 1,633,000 (estimate by the Federation for American Immigration Reform, as of 2005⁶).

That the number is large and growing seems beyond dispute, but the questions that are infrequently asked are: What are Mexican nationals running from and what are they running to? The short answers to those questions are: They are running from extreme poverty to the promise of higher wages and public benefits. Scenes of Mexican nationals and other Latin Americans scaling walls, wading rivers, traversing deserts, and stealing a ride in tractor-trailers are all tragic and depressing. They flee for a legitimate purpose—a better life—and are, for the most part, willing to work to achieve that goal when they get here. Indeed, these are the people that the country should gladly embrace. The problem is that, regardless of their motives and virtues, illegal immigrants are *illegal*.

That is why talk of amnesty and “paths to citizenship,” as in the failed May 2007 illegal immigration “consensus” in Congress, is falderal. In fiscal year 2005, the United State Citizenship and Immigration Services (USCIS) approved 267,131 H-1B visas so that workers could migrate to the United States legally.⁷ Those individuals who were awarded H-1B visas completed an arduous, bureaucratic, and expensive process. Those who fail to live up to the bargain—to legally gain entry into our country and learn our language—degrade the value of citizenship and undercut the rule of law: a disruption that all too many people in the private sector and non-governmental organizations are willing to aid and abet at great cost to national sovereignty, cultural homogeny, and civic peace, not to mention the cost to taxpayers.

Ultimately, the failure of the federal government to enforce the law has exposed that states are equally derelict in their duties. Effective immigration reform, therefore, should be based on the acknowledgment that states invite illegal immigration through:

- Lax enforcement of the citizenship requirements to enroll in public benefit programs (such as S-CHIP),
- Lax enforcement of penalties against employers who hire illegals,
- A public school system that will teach students entirely in Spanish,
- Inadequate processes and procedures to uphold the citizenship requirements for voting, and
- Municipalities that act as sanctuary cities and operate day laborer sites.

A report from Bear Stearns Asset Management summarizes the relationship between the federal and state governments with regard to illegal immigration:

⁵ 2002 Yearbook of Immigration Statistics, DHS Office of Immigration Statistics, Oct. 2003

⁶ “Texas: Illegal Aliens”, Federation for American Immigration Reform; http://www.fairus.org/site/PageServer?pagename=research_researchab4e

⁷ U.S. Department of Homeland Security, “Report on H-1B Petitions, Fiscal Year 2005, Annual Report”; Issued April, 2006; http://www.uscis.gov/files/nativedocuments/H1B05Annual_08_7.pdf

“Although the federal government has the sole authority to govern immigration flows, the responsibility for providing support to legal and illegal immigrants rests with the state and local governments.”⁸

It is that responsibility for support that channels the costs of illegal immigration to the states. To abate those costs, both fiscal and social, *State Approaches to Illegal Immigration* makes policy recommendations in five broad policy areas:

- Voter identification and citizenship verification,
- Denying access to public benefit programs,
- Employer sanctions,
- Ending bilingual education in public schools, and
- Enhancing local law enforcement and border security.

Despite the fact that federal regulations govern immigration and customs policy, there are clearly many policy options at the state level that can provide real solutions to the costs posed by illegal immigration. For states, this acknowledgement must drive legislators to enact reforms to reduce illegal immigration by giving state agencies and officials tools to effectively enforce both state and federal regulations.

⁸ Robert Justich and Betty Ng, CFA, “The Underground Labor Force is Rising to the Surface,” Bear Stearns Asset Management report, January 3, 2005.