

## Chapter 1

# Understanding the Complexities, Costs, and Benefits Surrounding Immigration Policy

## *Tough Decisions for Families and Policy Makers*

“If I get caught sneaking out again, my uncle might make good on his threat to send me to Guatemala,” Santana whispered to Adrianna.

“Well, we’ll just have to be more careful then,” replied Adrianna. “I don’t see how you can handle your uncle’s oppressive rules; you can hardly take a breath without asking for permission.”

Santana just laughed. She figured it was pointless to defend her uncle by telling Adrianna that they should not be sneaking out anyway. Mature beyond her 13 years, Santana was extremely grateful to Uncle Felix for taking her and her younger sister, Izzie, into his already crowded home when their mom was detained and then deported. Eight months had passed since that horrible day when she came home from school to find her aunt waiting with the bad news. Santana had no doubt her mom would do everything she could to get back to her daughters. She would first have to figure out a way to somehow piece together enough money to pay a coyote<sup>1</sup> to assist her in crossing the borders from Guatemala to the United States. She did not want to think about how long that might take or even if her mom would get across safely. Though she missed her mom, putting up with Uncle Felix’s rules

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<sup>1</sup> Term used for person who, for a fee, assists in the transport (smuggling) of undocumented immigrants across the U.S. border.

was not that bad, as they really were not terribly unreasonable. Santana knew that his tendency to be a bit overprotective was due to his cultural beliefs and because he cared about her. He was as close to a father as Santana had since her dad had died when she was seven. And Santana was well aware of the promise Uncle Felix made to her father to watch out for his two children.

“Let’s get back to studying,” was Santana’s response to her best friend whom she shared so much with: clothes, secrets, and the loss of a parent to cancer. What they did not share was immigration status. Born in the United States to undocumented immigrants, Santana was a U.S. citizen, while Adrianna came to the United States with her father at the age of 10 after her mom died. Adrianna had two younger siblings who remained in Mexico with her grandparents.

“Okay, okay, I only have an hour until I need to prepare dinner so let’s get at it,” said Adrianna, who knew she would never have made it this far in school if Santana had not befriended her, helped her with her English, and tutored her in every subject except math, which she excelled in.

Adrianna had arrived at Ridgeway Elementary halfway through the fourth grade year, knowing little English and still in the throes of grief after the painful loss of her mom to brain cancer. Something about the depth of sadness Adrianna exuded that first day she arrived at school caused Santana to gravitate to her, and soon they were inseparable. They balanced each other, Santana being the more responsible and serious of the two while Adrianna was always looking for ways to have fun.

Ten minutes back into studying, Santana’s mind started to wander. She had been having nightmares about her mom’s potential journey back into the United States. There was no doubt that her mom would either try to come back to her daughters or maybe decide to bring her daughters back to Guatemala. Santana did not know which one scared her more. Her parents had come from an impoverished village where one-room concrete homes with tin roofs and dirt floors were the norm. What kind of future would this hold for her and Izzie? The United States was her home and the only country she had ever lived in. Her English was better than her Spanish, and she was proud to be a U.S. citizen. On the other hand, could her mom safely navigate her way back to the outskirts of Middleton to be with her daughters?

The stories her mom shared with her over the years, and subsequently that she had passed on to Adrianna, kept running through her head. Santana’s mother, Marissa, had told Santana that she had not wanted to leave Guatemala and that it had taken Santana’s father, Miguel Gomez, their entire first year of marriage to convince her that they had to leave to build a better life for the children they planned to have. He promised her that in time they would return, but at the time, he could not make a living in Guatemala. Miguel was not naïve; he knew life would still be hard at first in the United States, but he also knew he could find work and both provide for his immediate family and send money back home to help his parents.

Thoughts of her father mingled with fears for her mother. Santana knew that her dad was not yet a teenager when he had started spending close to 5 months of most years as a migrant worker in the United States, following the crops from California to Colorado. His work in the fields, alongside his father and two brothers, allowed his family to live comfortably for the remainder of the year. During the years they didn't make the trip to the United States, her dad's family often could not scrape up the money to pay for basic necessities. Over the years, as the number of Border Patrol agents increased, along with other surveillance, the trip became more expensive and more dangerous. One year, shortly before marrying Marissa, while crossing the border from Mexico into the United States, four of the men in the vehicle Miguel rode in died from heat stroke. Their coyote had arranged for them to ride in the back of an old produce truck. It turned out to be an unseasonably hot period, and the combination of poor ventilation, too little water, and no stops to get out for air (as they had been promised) turned the back of the truck into a death trap for some of the 20 men crammed in. The men had been given orders to remain silent whenever the truck stopped. Finally, after one exceptionally long stop, the men knew something was very wrong and could not handle the sauna-like conditions any longer. Their pleas and banging to get out went unheeded for what seemed like hours, and, as some of the men lost consciousness, the fear that they were all doomed intensified. Miguel considered it a miracle that Border Patrol spotted the abandoned vehicle before they all succumbed to the heat. Though disappointed about being sent back home, it seemed like a small price to pay at that point. Despite this brush with death, Miguel knew that he would journey to the United States again. He simply concluded he must travel back and forth much less often, and that moving to the United States permanently was the best option of providing for the family he dreamed of having.

"Santana!" shouted Adrianna.

"What is it, what's wrong?" a startled Santana asked.

"Why don't you tell me? You were staring out the window, and I had to call your name three times before you responded."

Fighting back tears, Santana told Adrianna what was consuming her thoughts, not that Adrianna could not have guessed. "I miss my parents. They were always yelling at us or each other, but that is just how they communicated, and when Dad got sick I saw how much they cared for each other. Uncle Felix and Aunt Margareta do their best, but I need my mom. It is not fair. Did I ever tell you that my parents did try to get papers to enter the United States legally? Mom said it was almost a year before they heard back that they were so far down the waiting list it would be years and maybe decades before they would be considered. My mom said after that news, she and Dad had countless arguments before she finally gave in, agreed to cross the border, and enter the United States without proper documentation. All she insisted on was that he find a job, and then she would follow."

Adrianna had heard bits and pieces of the story before but knew her friend needed to talk. So, she listened as Santana continued on about how her father, Miguel, had traveled to the United States, secured a job in construction with the help of Marissa's older brother, Felix, and then sent money to pay for Marissa to make the trip. Seven months after Miguel landed a job in Texas, Marissa, now eight months pregnant with Santana, followed. At great cost, Miguel had made sure that he hired someone he could trust to ensure safe passage for his pregnant wife.

"I really better finish up these few algebra problems," was Santana's signal that she had said all she wanted for the time being, so they both got back to their homework. Within minutes, Santana's mind had gone to thinking about her best friend's situation and conversations they had not so long ago.

Adrianna's story differed from Santana's in that her father had left his family in Mexico while he worked in construction in the United States. He returned for visits a couple of times a year during the first few years of Adrianna's life. During one of those visits, Adrianna's twin sisters were conceived. After her third birthday, the visits became less frequent. Adrianna had no way of knowing that the infrequency was due to beefed-up security at the border following the September 11, 2001, attacks on the World Trade Center. All she knew was that she missed her father. He came home for a longer than usual stay when she was 8 years old, after her mom was diagnosed with cancer.

Santana had seen Adrianna cry more than a few times as she retold the story of how, when her dad was home in Centro, a village just outside Mexico City, and her mom was still healthy enough to enjoy life, the five of them were always together playing, dancing, and singing. This only lasted a short while. Reflecting back, Adrianna thinks maybe it was 5 to 6 months of happy memories before her dad was gone again, right after her ninth birthday, this time not to return until after Adrianna's mom had died. Adrianna had confided in Santana that sometimes she still felt anger at her dad for leaving them that last time. Now at 13, she knew her dad had left because there was no work in their village, and he wanted to be able to support his family and send money so her grandparents could get her mom the care she needed. But, as a 9-year-old, she had convinced herself that if her dad had stayed, her mom would have gotten better and not died. Despite what logic told her, she still felt a degree of resentment.

Increasingly, in the past few months, Santana had observed Adrianna lash out in anger at her dad, Mr. Torrez, when things were not going her way. Mr. Torrez's response, or more accurately lack of response, is what surprised Santana. She could see the hurt on Mr. Torrez's face, but he let Adrianna get away with, what Santana considered, horribly disrespectful behavior. Santana wondered if he too blamed himself for not being able to save his wife from cancer and maybe felt guilty about leaving two of his three children in Mexico. Santana did not say anything after the

first time she witnessed Adrianna yelling at her father, but following the second time, after she knew Adrianna had calmed down, asked, “What the heck was that about?”

“I get my temper from my mom. Oh, I know it’s not fair, and that he’s doing the best he can, but he wasn’t there for me so many nights when I was scared when mom was dying, and he’s not there for me too often now. You know, when I’m not with you, I’m often alone here since he takes overtime work whenever it’s offered. Why can’t I just have a normal family?”

Santana knew well enough that when Adrianna got going like this, it was better to just let her go, which is exactly what she did when this interaction occurred a couple of months ago. Sure enough, Adriana continued, “Yeah, I feel like crap for yelling at my dad, but sometimes I just want to explode. Not only is Mom gone but also my little sisters need me, and while I know I could go back and live with my grandparents, my dad needs me, too. I can’t talk to him about missing my sisters because he feels so bad that he couldn’t bring us all to the United States with him. I hate that I sometimes resent him for that, too. Of course I want the opportunities I will have here that I wouldn’t get back home, but, at the same time, I feel guilty because I don’t know if we can ever get my sisters here.”

At the time Adrianna shared this, Santana had not known what to say, and thinking about it today she felt just as helpless. Santana knew she could not bring her dad or Adrianna’s mom back, but she believed that a country as great as the United States could figure out a better immigration policy. From her perspective, it just did not make sense that a country can stand for justice and freedom but have policies in place that lead to families being torn apart, especially those of people like Mr. Torrez and her mom, who were working hard, paying taxes, and contributing to the economy. Santana knew that both her mom and Mr. Torrez had been praised by their employers for their work ethic, yet they both lived in fear of being deported. For Santana’s mom, that fear had become a reality. Why would the U.S. government spend \$5 billion a year to find, detain, and deport people like our parents and have policies that end up separating children, who are citizens, from their hardworking parents?

“Earth to Santana, earth to Santana,” Adrianna was sarcastically chanting. “Are you done with your algebra?”

“Dang, I just can’t focus,” responded Santana when she realized her mind had been wandering again.

“Well, I need to go fix dinner for Dad and me. It’s my turn, and I want to surprise him with a dish my mom used to make.”

Santana was reminded of one of the things she liked about her friend. Adrianna might hold some resentment toward her dad, but, on the other hand, she wanted to make him happy as well. Pulled out of her funk by Adrianna’s enthusiasm, Santana

responded, “Why don’t I help you? I haven’t eaten at your place for a while, and it sounds better than what we’ll probably have.”

“Great,” said Adrianna with a smile, “and afterward maybe we can sneak out and go to Javier’s party for a while.” Santana just chuckled.

## BACKGROUND INFORMATION

Stories abound that illustrate pride in the sacrifices and contributions our immigrant ancestors made, which resulted in the United States becoming a prosperous nation. While more experts agree that new immigrants remain essential to ensuring that the United States remains competitive in the 21st century, there is a marked divide in public reaction toward immigrants who are here legally versus those who are here without legal documentation. The focus of this section is on background information that can help inform individuals how to best address the complex and contentious issue of illegal immigration, which is certainly an issue with no easy solutions.

Becoming informed about the issue of illegal immigration is very difficult given the polarized perspectives that we hear from political leaders, which are too often driven by ideology rather than based on empirically sound research. Of course, a review of the research findings can be frustrating as well because the results from different scholars sometimes counter each other. Added to these factors are too many instances where talk show hosts have presented blatantly inaccurate information (Uwimana, 2010). This simply perpetuates myths, feeds into prejudice, and makes political compromise difficult.

This section provides valuable information that needs to be considered if the United States hopes to create a sound immigration policy. Although this is not an in-depth and comprehensive review of all the factors that come into play, it will cover the scope of the issue, past and current legislative attempts to address the issue, and research on the economic costs and benefits associated with undocumented immigrants. Within this discussion, the reader can glean ideas for potential future directions our nation might take as we continue to struggle with how to create a more effective immigration system. Throughout this section the question to continually ask is if, and how, this information might inform future policy.

### Demographics

The demographic data should not be overlooked as it provides valuable information to consider in determining policy solutions. According to the Pew Hispanic Center, there were approximately 11.3 million undocumented immigrants living in the United States in 2014. After two decades of continual increasing numbers

of undocumented immigrants living in the United States, from 3.5 million in 1990 to 12.2 million in 2007, the number has stabilized (Passel & Cohn, 2015). What did increase significantly from 2010 to 2014 was the number of unaccompanied minors who were apprehended while trying to cross the border. In 2014, over 68,000 children were detained. This increase came not from young Mexicans but youth from other Central American countries and is said to be the result of the spike in gang- and drug-related violence (BBC, 2014). In 2015, the number of children apprehended dropped to 35,000 (Karaim, 2015).

Just as immigrants with proper documentation come from all over the world, the same is true with undocumented immigrants. It is estimated that 62% of unauthorized immigrants are from Mexico, and another 13% are from El Salvador, Guatemala, Honduras, the Philippines, India, Korea, Ecuador, Brazil, and China (Hoefer, Rytina, & Baker, 2011). Approximately 55% to 58% of undocumented immigrants entered the United States unlawfully, and the remaining (40% to 45%) of undocumented immigrants have overstayed their visa (Alden, 2010). Recently, the biggest wave of new immigrants is Asian. The large majority are legal; only 13% to 15% of them are here without legal documents (Semple, 2012).

There is universal agreement that economic opportunity has long been the primary reason why people have chosen to leave their birth countries for a foreign land where they are unlikely to be received with open arms. Families are often faced with the difficult decision of leaving some members behind in hopes of finding employment and being able to meet basic needs. For example, Liana (2012) reports that the majority of Mexicans say that they do not want to leave their homes and only do so because they cannot find jobs that will allow them to take care of their families. They would prefer to stay and work in their home country, but with unemployment high and salaries low, the opportunity simply does not exist.

Of the estimated 11.3 million undocumented immigrants, approximately 8 million of them are in the workforce. This equates to about 5.1% of the total U.S. workforce (Krogstad & Passell, 2015). Often the positions filled by undocumented workers are in low-wage service sector areas (e.g., maids and housekeepers, maintenance), farm labor, and construction.

### **Recent Trend in Undocumented Hispanic Immigrants**

As noted above, there has been no net growth in the number of undocumented Hispanic immigrants entering the United States since 2007, and in fact there has been a decrease. This trend is attributed to a variety of factors. The economic recession experienced in the United States that resulted in fewer jobs being available is thought to have played a key role. Increased and stricter deportation rules and tougher border enforcement are also factors that account for this trend (Semple,

2012). The dangers<sup>2</sup> that future undocumented immigrants face have increased, not only due to growing difficulty in crossing the border because of beefed-up surveillance and the border fence but also due to the heightened risk of the illegal immigrants being kidnapped, murdered, or raped because of the violent drug cartels operating along the border (Walser, McNeill, & Zuckerman, 2011).

One more reason is the fact that the birthrates in Mexico have plummeted in the last 50 years. Today, the growth rate among Mexico's working-age population is 500,000 per year, which is half the rate during the early 1990s when record levels of unauthorized immigrants were crossing the border (Hinojosa-Ojeda, 2010). Regardless of other factors, the decreased population will continue to impact new entrants into the United States from Mexico.

There are factors that could counter the current trend. For example, the political turmoil in other Latin American countries tends to increase the desire to emigrate. A resurgent U.S. economy could also play a role in increasing the desire to emigrate.

### **Why Not Just Get a Green Card and Enter the United States Legally?**

As noted above, it is estimated by various credible sources that between 40% and 45% of undocumented immigrants did not enter the United States illegally; they entered lawfully with a visa and then overstayed that visa. The other 55% to 60% of undocumented immigrants did enter the United States unlawfully (Alden, 2010).

There are various pathways available to become a legal permanent resident (often referred to as a green card holder) of the United States. Family sponsorship is the pathway sought by the majority followed by the specialized work pathway. Under the current system, the majority of individuals who seek legal permanent residence through family sponsorship will have to wait for years, after they have a visa petition filed, before they can start the green card application process. Years of waiting will turn into a decade or even two for many as the United States issues about 226,000 family-sponsored green cards per year. In 2012, about 4.3 million people under family sponsorship were waiting in line for their green card (Bergeron, 2013). Bergeron (2013), an analyst with the Migration Policy Institute, estimates at this rate it will take 19 years to clear the backlog of people in the pipeline, and that is only if no more families are added.

Pulitzer prize-winning journalist Jose Vargas came to the United States from the Philippines at age 12 and has been living here without proper documents for

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<sup>2</sup> The proportion of border-crossing fatalities to border-crossing apprehensions increased from 2005 to 2011 (Moreno, 2012).

over 20 years. He notes that the current quota system is not proportional to each country's population, resulting in approximately the same number of green cards for a country such as Moldova, with a population of 3.5 million, as Mexico, with a population of 122 million (Vargas, 2012).

The employment pathway is not necessarily quick and easy either. One must have an employer in the United States, and then those with more specialized, crucial jobs skills are given top priority. Temporary work visas are often sought as a first step toward getting permanent legal residency.

### **Impact of Unauthorized Immigrants on the U.S. Economy**

Throughout our history, immigrants have played an essential role by creating wealth and prosperity in our nation. But what about today's immigrants who are in our country without proper documentation? We often hear that undocumented immigrants don't pay taxes, are a drag on our economy, and take jobs away from natives. Organizations for stricter immigration laws, such as Federation for American Immigration Reform (FAIR) and Center for Immigration Studies (CIS), provide findings indicating significant net costs resulting from unauthorized immigrants (Grayson, 2012; Martin & Ruark, 2011). Martin and Ruark (2011) reporting for FAIR indicate undocumented workers cost taxpayers \$29 billion at the federal level and \$84 billion at the state level. At the federal level, taxes paid by undocumented workers offset costs by one third, but their findings indicate that at the state level much less was recouped.

There is also sound research that paints a very different and more complicated picture. The Immigration Policy Center (IPC), a nonpartisan organization, estimated that "households headed by undocumented immigrants paid a combined \$11.2 billion in state and local taxes during 2010" (Unauthorized Immigrants Pay, 2011, p. 1). Based on this and other findings, the IPC concludes that the value unauthorized immigrants add to the economy not only as taxpayers but also as consumers and workers should be kept in mind when making policy decisions. Research by Hinojosa-Ojeda & Fitz (2011) found that in California alone, the removal of unauthorized immigrants would result in the loss of \$301.6 billion in economic activity. Hinojosa-Ojeda (2010) set forth that on top of the cost of detention and deportation, "mass deportation would reduce U.S. GDP by 1.46 percent, amounting to a cumulative loss of \$2.6 trillion in cumulative loss GDP over 10 years, not including the actual cost of deportation" (para. 11). The Perryman Group's 2008 research indicates that, without undocumented workers, the United States would experience in the short run \$1.757 trillion in annual lost spending and \$651.511 billion in annual lost output. Added to these research findings is experience from states that have passed strict anti-immigration measures indicating that "the impact of the laws can hinder prospects for economic

growth, and the costs of implementing, defending, and enforcing these laws can force taxpayers to pay millions of dollars” (Immigration Policy Center, 2012).

The Congressional Budget Office (CBO), which provides nonpartisan analysis of the federal budget, reported that

over the past two decades, most efforts to estimate the fiscal impact of immigration in the United States have concluded that, in the aggregate and over the long term, tax revenues of all types generated by immigrants—both legal and unauthorized—exceed the cost of the services they use. Generally, such estimates include revenues and spending at the federal, state and local level. (2007, p. 1)

On the other hand, the 2007 CBO report also indicated that at the state and local level taxes paid do not totally offset the cost of services undocumented immigrants receive. The CBO analysis refers to that impact as modest; their analysis indicates that, in most cases, state and local spending was less than 5% of total spending in the three major areas where costs are incurred. These areas include education (all children regardless of legal status are entitled by federal law to a free education), emergency medical care (also mandated by law), and law enforcement. Undocumented immigrants are ineligible for the majority of other social welfare programs available to U.S. citizens.

Although the costs in the three areas may be a small percentage in terms of overall expenditures, the actual dollars required are not insignificant. California, with the largest population of undocumented immigrants, faces the largest burden in terms of dollars spent on services. It is not the only state where the costs of educating the children of undocumented immigrants puts a significant strain on already extremely tight state and local budgets. Nadadur (2009), pointing out the burden of the fiscal costs borne by states and local governments, raises the question of the allocation of resources between federal and state governments. Among others, Standard & Poor’s<sup>3</sup> has suggested that the federal government should play a role (e.g., using undocumented workers’ contributions to social security) to offset the disproportionate cost burden states experience due to undocumented immigrants (McNatt & Benassi, 2006).

Two other debated issues regarding the impact that undocumented workers have on the U.S. economy is to what degree they take jobs that U.S. citizens would otherwise fill and whether their presence in the labor force depresses wages. There are some who argue that illegal immigration reduces employment opportunities for U.S. citizens along with depressing wages (Briggs, 2010). On the other hand, Pia Orrenius, the senior economist for the Federal Reserve Bank of Dallas, states that the major question at stake among economists is why undocumented immigrants

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<sup>3</sup> Standard & Poor’s is a well-known financial services company that provides analysis on credit ratings, stocks, and bonds and provides investors with financial information.

actually have such a small impact on the labor market (Fastenberg, 2011). Camatora and Zeigler (2009), discussing their analysis of U.S. Census Bureau American Community Survey data, set forth that there are many factors that impact employment and wages and that not every job an immigrant takes is a job lost to a native. At the same time, they say that if immigration policy results in a dramatic increase in workers in certain occupations, there will be an impact on employment opportunities and wages of natives.

## Legislative Overview

Immigration policy, which the federal government has primary authority over, has gone through periods of welcoming immigrants and eras when we want to push them out and put strict limits on who is legally allowed into the United States. For the first 100 years after declaring independence, immigration was encouraged. In 1875, the first exclusionary legislation was passed targeting criminals, prostitutes, and Chinese contract laborers. The 1882 Chinese Exclusion Act went a step further and barred all Chinese workers. “Lunatics” were also barred under other legislation passed that same year (Ewing, 2012).

The Immigration Act of 1924 put in place a national quota system limiting the number of those who could emigrate from certain countries. It also extended who was barred to include all Asians (Ewing, 2012). The quota system, which sought to keep out those nationalities deemed undesirable, was in place until the passage of the 1965 Immigration and Naturalization Act. Numerical limits were not applied to immigrants from Latin America until 1965. In fact, Mexican farm laborers were in demand following the entrance of the United States into World War II. The severe shortage of farm laborers led to the birth of the *bracero program*, which, between 1942 and 1964, brought between 4 million and 5 million Mexicans into the United States to work in the fields. They were issued temporary visas (Rural Migration News, 2006). The program was eliminated when it became clear the demand for farm workers from outside the United States had diminished, although it does still exist. For example, state agricultural officials in Alabama noted that a labor shortage led to crops rotting in fields after their 2011 crackdown on undocumented workers (Reeves, 2012).

As noted above, the 1965 Immigration and Naturalization Act (Hart-Cellar Act) put an end to the national origin quota system that was very discriminatory and had been in place for over 4 decades. It was replaced with a system that, in large part, is still in place today. This system gives preference to those who either possess specific skill sets or have family members who are citizens or residents of the United States. Numerical restrictions remain but with different criteria (U.S. Immigration Legislation, n.d.). One outcome of the 1965 legislation has been large demographic changes in America (Ludden, 2006).

Two decades later, the Immigration Reform and Control Act (IRCA) of 1986 was passed in hopes of curtailing illegal immigration. This two-pronged approach included sanctions against employers who knowingly hired or retained undocumented immigrants, and it increased Border Patrol. At the same time, it granted “amnesty” for undocumented immigrants in certain types of seasonal jobs and those who could verify they had entered the United States prior to 1982 and remained here consistently. Approximately 2.7 million individuals became lawful residents of the United States as a result of IRCA. Research as to the impact of IRCA on dissuading illegal immigration suggests that the amnesty program under IRCA did not appear to either encourage or discourage illegal immigration in the long run (Orrenius & Zavodny, 2003).

Four years after IRCA was passed, the Immigration Act of 1990 did something IRCA had not—it raised the annual caps on the number of immigrants who would be allowed into the states. Some of the other federal legislation passed in the 1990s did the following: increased Border Patrol, instituted a 3- and 10-year reentry ban of undocumented immigrants who reside in the United States, and barred undocumented immigrants, and legal ones, for 5 years from receiving means-tested<sup>4</sup> welfare services.

Immigration remained a hot button issue, and a few years after the turn of the century, President George W. Bush called for an overhaul of immigration policy:

As a nation that values immigrants and depends on immigrants, we should have immigration laws that work and make us proud. Yet today we do not. Instead we see many employers turning to the illegal labor market. We see millions of hard-working men and women condemned to fear and insecurity in a massive undocumented economy. (Bush Calls for Overhaul, 2004, para. 7)

President Bush proposed a temporary work program allowing undocumented workers to stay in the states, or come to the United States, if an employer confirmed they had a job. His plan was met with a great deal of resistance and went nowhere.

What did pass during the Bush era was the 2006 Secure Fence Act, which authorized the building of a fence approximately 700 miles wide along the U.S.-Mexico border, as well as more checkpoints and technological surveillance equipment. Much controversy has continued to surround the wisdom of building the border fence outlined in the 2006 act, as well as whether the fence that has been built is adequate. Those in favor of the Secure Fence Act claimed that, while it was only one part of the solution, it was a very necessary step in securing the border, as it

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<sup>4</sup> Means-tested programs are those in which one’s income falls below a certain level in order to be eligible to receive benefits, for example, food stamps, cash assistance, child care subsidy, and Medicaid.

will serve to impede those who want to cross the border illegally. Opponents of the act pointed out that on top of the literally billions of dollars in costs to build the fence, which would serve to shift those crossing to more dangerous routes into the United States, there were environmental and cultural costs. In fact, environmental regulations were waived to build the fence.

In 2011, the Department of Homeland Security reported completion of about 99% of the fence, built to meet the requirements of the amended version of the 2006 Fence Act. The amended version allowed for border security to determine the type of fencing needed, resulting in only 36.3 miles of double-layer fencing called for in the original act and only 4.3 miles of double-layer fencing built during the Obama era. Critics say that President Obama has not lived up to taking the necessary step of building a 700-mile double fence and thus has not taken an important step to secure our borders (DeMint, 2011). Nor do some critics believe the Obama administration is spending enough on border security, citing that the \$573 million dollars spent in 2011 is significantly less than that spent during President Bush's last year in office (Mora, 2011). While whether or not Obama has taken the necessary steps is debated, the fact that the Obama administration has fared no better than the previous administration about comprehensive reform is not up for debate. That does not mean no efforts have been made.

President Obama supports a pathway to citizenship for undocumented workers with stipulations, including that they pay a penalty for entering the country illegally. While not comprehensive reform, he supported the Development, Relief, and Education for Alien Minors Act (Dream Act), which would have provided certain immigrant students who grew up in the United States the opportunity to apply for temporary legal status and to become eligible for citizenship if they went to college or served in the military. Due to Republican opposition, this legislation failed to gain enough votes to pass in 2011. This led to President Obama using his executive powers to make a policy change that gives young undocumented immigrants the right to apply for 2-year work permits that can be renewed indefinitely if they can verify that they entered the United States before the age of 16; lived in the United States for a least 5 years; do not have a criminal record; are under the age of 31; and are in school, graduated high school, or are veterans in good standing. It is believed that approximately 800,000 undocumented immigrants meet these criteria (Preston & Cushman, 2012).

The failure of Congress to act on immigration reform led President Obama to again, in November 2014, use executive power to put in place an order that he says will help people "come out of the shadows." At the same time, the order includes increasing border security to reduce the chances of unauthorized individuals crossing the border. Stating he is not granting a path to citizenship, as only Congress has the authority to do that, the order eliminates the risk of deportation

for undocumented immigrant parents of U.S. citizens or legal permanent residents who have been in the United States for more than 5 years and can pass a criminal background check.

The enforcement side of President Obama can also be seen by the Immigration and Customs Enforcement (ICE) greatly increasing its focus on investigating employers suspected of hiring undocumented immigrants. “Since January 2009, the Obama administration has audited at least 7,533 employers suspected of hiring illegal labor and imposed about \$100 million in administrative and criminal fines” (Jordon, 2012, p. 1). Another focus has been on preventing overstays. For example, in 2009 nearly 2 million out of 7.7 million visa applicants were refused, most because the consular officer suspected they would overstay their visa (Alden, 2010). Since President Obama took office in 2009, there has also been a significant number of undocumented immigrants who have been deported. The emphasis has been on those with criminal records. In 2011, approximately 400,000 undocumented immigrants were deported, half of whom had felony or misdemeanor convictions (Vargas, 2012). During the first 6 months of 2012, ICE reports that they have deported 45,000 individuals who are parents of U.S. citizen children (Caldwell & Medina, 2012). Using federal statistics, a Center for American Progress report estimated that the cost of mass deportation over 5 years would be anywhere from \$206 billion to \$230 billion (Fitz, Martinez, & Wijewardena, 2010).

The detainment of undocumented immigrants has increased significantly at the same time as the number of undocumented immigrants in the United States has stabilized. In 2014, 425,000 individuals were detained, including many women and children. They are mainly housed at county jails and private prisons. While some argue detainment is necessary and justified, there is much controversy over the need for this type of detainment and the conditions many of those detained are subjected to. Advocates report lack of medical care, lack of legal counsel, being denied access to contact with family, harsh living conditions marked by poor quality food (e.g., infested with maggots), and incidents of child sexual abuse (Karaim, 2015).

Failure at the federal level to pass comprehensive immigration legislation led to many states taking action. In 2010, Arizona passed a very restrictive immigration law and five other states have since passed similar bills. In June of 2012, the U.S. Supreme Court delivered a split decision on the Arizona legislation; it upheld the provision that requires that police check the immigration status of anyone they stop or arrest if they determine there is “reasonable suspicion” that those in the car do not have legal papers. On the other hand, the Court did not uphold provisions of the law that were determined to interfere with the federal government’s role in setting policy. One measure struck down would have allowed the state to charge undocumented immigrants with criminal penalties for such things as trying to secure employment (Liptak, 2012).

Without a national policy, laws will continue to vary greatly between states when it comes to barriers to obtaining higher education for undocumented individuals. Still, more and more states are passing what are called “tuition equity” laws. As of 2016, 21 states allowed undocumented individuals seeking to attend college to pay in-state tuition rates. This is a difference of thousands of dollars and often makes the difference in whether many can afford higher education. Six states go further and offer state financial college aid to some undocumented individuals. Counter to these states are examples such as Georgia, which does not allow undocumented individuals to enroll at its top five campuses and at the other campuses charges them higher out-of-state tuition regardless of how long they have lived in the state (Gordon, 2016).

### **Public Opinion**

Considering public opinion does not necessarily indicate what the best solution is, but it does provide some insight into an important factor that influences public policy. In the recent past, we have seen a softening of views about immigrants in general and undocumented immigrants specifically. A June 2012 Gallup Poll found that 66% of Americans believe that immigration is a good thing for the United States, and for the first time in 40 years, more Americans (42%) were in favor of keeping levels the same rather than in decreasing them (35%) (Jones, 2012, p. 1).

As indicated previously, the public’s, as well as policy makers’, perceptions are of course not always based on empirical evidence. Despite a significant increase in the number of Border Patrol agents from 1990 to 2010 (from less than 3,000 to more than 20,700), more border fence, and surveillance systems, a 2011 Rasmussen public opinion poll found that two thirds of Americans did not think the border is more secure, and some thought it was less secure than it had been 5 years before (Alden & Roberts, 2011, p. 1).

### **Next Steps?**

Although the federal government has failed at passing comprehensive legislation, there have been continuous efforts to address illegal immigration. Where we go in the future is still up in the air. Following the 2012 election there was hope on both sides of the aisle that a comprehensive bill would pass, but it did not happen, leading President Obama to put in place an executive order. The drop in the number of those entering the country illegally, and a decrease of 58% from 2006 to 2010 in the number of arrests (despite beefed-up security) of people trying to cross the U.S.-Mexico border, suggest that at least on one measure the problem is not as significant as it once was (Romo, 2011). Shannon O’Neil (2012), from the Council of Foreign Relations, notes that the new trend in far fewer people coming

illegally to the United States changes the nature of the issue, which has not yet been discussed in political debates. With this issue, as with others, there is a need for informed citizens to state their opinion in order to better inform those in office, so that they can represent the public's views and use a fact-based approach to policy.

## TOUGH DECISIONS

The girls had dinner almost prepared when they heard Mr. Torrez at the door. "Hola, Papa," shouted Adrianna from the kitchen. "Hi, Mr. Torrez," Santana said as she went into the hallway to greet him. When she saw him she could not contain her laughter. The laughter brought Adrianna running and left Mr. Torrez looking puzzled. "I'm sorry," Santana blurted out, trying to control her giggles. "Papa, what happened?" Adrianna exclaimed. "It looks like they had you working in a grime pit today." Mr. Torrez took a few more steps so he could look at himself in the hall mirror, and a big grin crossed his face. "Boy, I hardly recognize myself," he chuckled, as he noticed his hair was caked with mud, and splashes of grimey mud were splattered on his face and arms.

"Just a little dirty work, for a little extra pay," Mr. Torrez responded, after he quit staring at the mirror. The smile left Adrianna's face. She knew her father sometimes volunteered for work that was dangerous if he could earn extra and then blew it off like it was nothing. Rather than confront him before dinner, and possibly start an argument, Adrianna decided she would bring it up later—letting it drop was not an option she considered. She left it at "Papa, you have time for a quick shower to get at least one layer of grime off before dinner."

The food was delicious. Mr. Torrez got a little choked up expressing his gratitude to both girls for the special meal and telling Adrianna her cooking skills definitely matched those of her mom. "Papa, compared to your cooking, anything tastes good," was her only verbal response, but her beaming face gave away how much it meant to hear that from her dad.

They had all helped themselves to seconds when out of the blue Mr. Torrez calmly stated, "By next month, I will have saved enough money for the twins to be safely escorted to the United States to live with us." Adrianna felt such a rush of emotions, she was not sure whether to hug her father, cry, or yell at him for keeping his plan from her. "Papa, why didn't you tell me you were saving money, and that's why you were working all those long hours, and sometimes taking on jobs that could have gotten you injured or worse?" was what came out. "I thought you were sending every dollar we could spare back home because Granddad needed more medical care."

"The medical bills did take a big chunk of my earnings, Adrianna. That's why it took so long to save enough to pay for the twins' passage. I swore to myself I was going to make good on the promise I made to your mother that we would either all return to Mexico to live, or I would bring the twins here. It has taken almost

4 years, but I can make it happen.” Santana felt a bit awkward and thought it would be better to leave Adrianna and her dad alone to talk, so she excused herself and went to the kitchen to start to clean up. While she was happy for the possibility of the Torrez family being together, she was also frightened for them, and the fears for her mom she had been holding at bay were suddenly greatly intensified. It had been dangerous crossing the border back when her dad was young, and the danger had increased exponentially. She had read about too many instances of people being robbed, sexually assaulted, or abandoned by their coyote and left to die of dehydration. To believe there was such a thing as “safe escort” for undocumented immigrants who were attempting to sneak across the border was ridiculous.<sup>5</sup>

In addition to physical safety, the other risk, of course, was that with more border security, the chance of getting caught and being detained at the border increased. If that were to happen, what would Mr. Torrez do? If he made it back into the United States without incident, but authorities discovered he had left the United States and returned with his daughters, who also lacked appropriate papers, he and the girls could be in jeopardy of deportation.

Even if all went well with the crossing, and they stayed under the radar of authorities, life would not necessarily be easy for them in the United States. What if the twins felt greater resentment toward Mr. Torrez than Adrianna did? They had much more of a bond with their grandparents than with Mr. Torrez. She knew that young children often perceived a parent’s absence as choosing not to be with them versus sacrificing for them. They barely knew their father, and Adrianna had been gone for over half of their lives. They might all adapt quickly, but based on the difficult experiences of some families who had been separated for years, Santana knew there were certainly no guarantees.

Adrianna burst into the kitchen clearly excited about the news, and Santana was not about to dampen her spirits. She knew in the next day or so, after Adrianna really started to think about all that was involved, the excitement would diminish as concerns about the risks involved were considered. And, she knew then Adriana would seek her out and want to discuss all the pros and cons of bringing her siblings to the United States. Then, regardless of what Adriana concluded was the best course of action, she would want input on figuring out how to talk to her dad about some of the realities that he was in denial about. Santana sure did not have the answers, but, as always, she would be there for her friend.

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<sup>5</sup> The border fence and increased surveillance has resulted in crossings in more remote and treacherous areas under a scorching sun and brutally high temperatures. Samaritan groups leave water jugs along some routes, and this has helped prevent deaths, but still too often those crossing do not have adequate amounts of water. One Samaritan group, No More Deaths, estimated that they had found at least 214 human remains of children and adults in the desert in southern Arizona alone in the first 8 months of 2010 (Cohen, 2010). The Border Patrol reported finding 368 bodies of suspected undocumented immigrants who had died trying to cross the border in 2011 (Moreno, 2012).

## QUESTIONS FOR DISCUSSION

1. Present some of the key statistics surrounding the issue of undocumented immigrants in the United States, and discuss the value of these statistics in determining effective policy.
2. Respond to the following: Why don't "they" just get a green card and enter the country legally?
3. Discuss the reasons that we have historically gone through eras where we welcome immigrants to the United States and eras when we push them out.
4. Discuss what research indicates regarding the economic costs and benefits associated with undocumented immigrants.
5. Discuss the social costs to families and communities of treating undocumented workers as criminals.
6. Discuss key reasons that the Dream Act did not pass, but yet we have seen increased funding for approaches such as more Border Patrol, surveillance equipment, and the fence.
7. Discuss the two executive orders President Obama has issued relating to undocumented immigrants. Are these sufficient, or is more needed?
8. Critique the effectiveness of federal and state legislation, in the last 15 years, in addressing "illegal" immigration. If we are to create a more effective immigration system, what key features must it include? Draw from the case to provide policy suggestions.
9. What do Adrianna and Mr. Torrez need to consider in making a decision on whether or not to bring her siblings (his other children) to the United States?

## CASE ANALYSIS WRITING ASSIGNMENT

### Option A

1. Read the assigned case study thoroughly prior to class in order to be fully prepared to join in the discussion.
2. Write an analysis in which you set forth four recommendations that should be part of a comprehensive immigration policy. Use content from the case study, as well as social work values and ethics, to provide support for your recommendations. You may set forth a recommendation that is not directly touched on in the case, but that is not the expectation.

3. The analysis should be an approximately two-and-a-half- to three-page, typed, double-spaced essay. Your essay should reflect the standards and expectations of college-level writing: spelling, grammar, and appropriate use of paragraphs all matter. If you quote directly from the case study, use quotation marks, and at the end of the quote, indicate the page number the quote appeared on. For example, “There is a marked divide in public reaction toward immigrants who are here legally versus those who are here without legal documentation” (Lewis, 2015, p. 8).
4. Your case analysis is due \_\_\_\_\_ and worth a maximum of \_\_\_\_\_ points.

### Option B

Substitute the following for Option A above: *Tough Decisions* is a narrative about immigration. We come to our understanding of social problems based on the narrative that best resonates with us, that is, the one we believe presents the most convincing evidence or fits with our idea of what is fair and just.

**Regardless of your personal position**—in your two- to two-and-a-half-page analysis you are to *set forth and defend one* of the following summaries about the author of *Tough Decisions*:

- A. The author is largely neutral on the issue of immigration and presents a balanced background section and story line.
- B. The author constructs a narrative that suggests the United States should back off its current immigration policies (other than the executive orders) and allow for more open borders.
- C. The author constructs a narrative that suggests U.S. immigration policy needs to do a better job of securing borders and reducing the number of undocumented workers and children in the United States as they are a drain on our economy.

You can draw from the story about Santana and Adrianna for some evidence, but for the most part, your evidence needs to draw *heavily from the background information in the middle section of the case*.

\*Note—Option B calls for a shorter essay than Option A

### INTERNET SOURCES

Immigration Policy Center (IPC) ([www.immigrationpolicy.org](http://www.immigrationpolicy.org))

Center for American Progress (<https://www.americanprogress.org/issues/immigration/view>)

Department of Homeland Security Office of Immigration Statistics ([www.dhs.gov/xlibrary/assets/statistics/publications/ois\\_ill\\_pe\\_2010.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2010.pdf))

Heritage Foundation ([www.heritage.org](http://www.heritage.org))

National Immigration Law Center ([www.nilc.org](http://www.nilc.org))

Urban Institute ([www.urban.org](http://www.urban.org))

Vargas, Jose: TED Talk (<http://tedxtalks.ted.com/video/Jose-Vargas-at-TEDx-MidAtlantic>)

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