

Immigration Material from the LWVBC Immigration Study Committee
(to be posted on the Website)

An Historical Overview →

"The United States grew through the work of immigrants. They built America. But at all times, in different ways, immigrants have faced opposition, prejudice, and nativism." CU history professor Julia Greene thus summarized the issues in her address at our Annual Meeting in May. According to one of American history's "grand narratives," she continued, immigrants find opportunity, work, and success. At the same time, in another grand narrative, they meet hostility. Native Americans resisted the arrival of Europeans, who, once settled, in turn resisted newer arrivals. In 1790, Benjamin Franklin wanted to keep out the "dark, swarthy" people. Who were these people? Germans! Their failing? Not being English!

Today's border fences and "Minutemen" continue the narrative of hostility. But, Greene noted, there is a difference. Now new arrivals face not only discrimination for cultural and linguistic differences, but also high hurdles to achieve legal status. The phrase "illegal aliens" is a recent construct. Although the proportion of immigrants to total population is smaller now than it was a century ago, anxiety about immigrants is higher than ever. A vocal and influential segment of the population favors expulsion and punishment. Anxiety levels among the increasing numbers of undocumented newcomers are of course immeasurably higher. Our employers need 500,000 new workers a year, but under our laws nowhere near that many can be issued the required documents.

In a lively discussion, League members asked Dr. Greene to suggest reforms. She urged adjusting the "ridiculous" national quotas to reflect economic realities. Immigrant quotas for Mexico and Bulgaria are the same, even though few Bulgarians want to come here. She also advocated recognizing the effects of economic globalization. Under NAFTA (North American Free Trade Agreement), the U.S. required Mexico to change its constitution to allow foreign ownership of land. Mexican workers lose their jobs at home and come here to survive.

Greene stressed the importance of education to raise awareness of how immigrants suffer while employers benefit. Undocumented immigrants pay taxes. Further, audience members pointed out, undocumented workers' contributions have rescued the Social Security system. While local governments and school districts are stretched, the federal government enjoys tax revenues from immigrants without papers, in an amount far greater than what it spends in direct services to them.

Funds for processing "green card," permanent resident, and other applications have been cut; resulting in unconscionable delays. At the same time, Greene noted, funding for border control and law enforcement has increased. And private prison owners profit considerably from housing undocumented people. Consider the times in our history when lawbreakers have forced needed reforms. "Rosa Parks broke the law, too," Greene observed.

Scope of the LWVUS Immigration Study →

The recent failed attempt at immigration reform in Congress proved that the immigration issue is very complicated. Given this complexity, in the initial stages of their work, the LWVUS Immigration Committee announced the scope of the task they were taking on:

1. Underlying values and principles regarding immigration
2. Reasons for migration from other countries (family, work, political asylum, etc.)
3. Current federal immigration policy (overview, effectiveness, human rights concerns)
4. Impact of immigration (economic, diversity, inclusion in American society, etc.)

Much information about immigration is on the LWVUS website; everyone is encouraged to look. Start with three excellent recent *National Voter* articles: Navigate to LWV.org, then Projects, Immigration Study, National Voter. They are the three items listed.

Immigration is a very interesting, complex topic. Too often, it is addressed by people shouting at each other, with no one listening to other points of view. The "League Way" of studying and discussing this issue can be very eye-opening. We encourage all local members

to participate in the consensus process in the next few months and to try and prepare for this process as much as possible in the meantime. And keep an open mind!

Glossary of Terms →

During our country's political discussion on immigration, we hear many terms, some with more negative connotations than others. The terms listed here will probably come up during discussion among Leaguers about how to answer the consensus questions. The consensus process is a very thought-provoking and interesting experience!

ICE: Immigration and Customs Enforcement, within the Department of Homeland Security. ICE replaced INS (Immigration and Naturalization Service).

Immigrant: A person who comes to a country for the purpose of permanent residence.

Temporary visitors: Tourists, students, guest workers.

Naturalized citizen: An immigrant who has become a U.S. citizen by meeting certain requirements.

Alien: A foreign-born resident who has not been naturalized and is still a citizen of another country. (Can be documented or undocumented.)

Amnesty: The act of an authority (such as a government) by which general pardon of an offense is granted, often before a trial or conviction. This usually applies to a large group of individuals, releasing the group from legal consequences.

DHS: Department of Homeland Security

US Immigration Policy Since 1965 as reflected in Federal Law →

The 1965 Immigration and Nationality Act (INA) set the parameters for current immigration law. It provided that the total number of immigrants allowed by Congress in any year would be divided equally among all countries. The principle of diversity thus replaced more racist policies of the 1890s and the 1920s. It also established special preferential categories for immigrants having skills or education needed by U.S. employers and for immigrants with family members already resident in the U.S.

The 1986 Immigration Reform and Control Act (IRCA) addressed the growing problem of persons coming illegally to the U.S. from Mexico and countries farther south. The law provided for stricter border controls, employer sanctions, and raids to pick up persons here illegally. Special visas were allowed so that farmers could bring in seasonal labor. The law also offered amnesty to immigrants here without documents. About 3 million of the estimated 6 million undocumented took advantage of this provision.

As undocumented immigrants continued to arrive in the U.S., Congress adopted the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. The act strengthened the border patrol, extended a fence on the Mexican border, and added more punitive measures for persons found to be here without documents. The proposed immigration bill of 2007 would have continued in the same vein with the addition of a form of amnesty for some of the persons here illegally.

At the present time, a guest-worker law seems to be gaining favor with business people, farmers, and some politicians. Such a law would provide much needed workers who would be brought here on short-term contracts without their families. The workers would stay for a stipulated time as long as they remained employed by the employer who brought them here. Many employers believe the program is necessary, but civil rights advocates warn that it could lead to abuses of workers.

A rational and politically acceptable immigration reform remains elusive. Meanwhile, the law of push-pull migration continues to operate in the U.S. As migration scholars know, when a rich country with surplus jobs is only a line in the sand away from countries characterized by desperate poverty and/or political repression, no humanely acceptable means has been found to stop the flow of immigrants.

(For more background on immigration law, see Aristide R. Zolberg, *A Nation by Design: Immigration' Policy in the Fashioning of America*, 2006.)

Effects of Immigration on those in Colorado today →

Writing in the *National Voter* for February 2007 (page 7), Katherine Fennelly of the LWVUS immigration study committee concludes that the U.S. government refuses "either to authorize sufficient numbers of visas for the legal entry of low-skilled immigrant workers or to enforce employer sanctions [against hiring visaless workers]. At the same time," she continues, "Americans are about equally divided in their opinions about current levels, with half saying that the number should be decreased, and another half saying that it should be maintained or even increased."

How does U.S. immigration policy and practice affect employers and workers here in Colorado? Especially problematic is the need to fill jobs in such areas as farming, meatpacking, manufacturing, building construction, restaurants, and other retail enterprises. Sanctions against employers have already been strengthened. Mexicans are being apprehended at the border and imprisoned. Agents of Immigration and Customs Enforcement (ICE, the largest investigative arm of the Department of Homeland Security [DHS]) are conducting raids; the one at the Swift & Co. meatpacking plant in Greeley attracted especially wide attention. Still, even though entering the U.S. illegally entails life-threatening risks and often considerable expense, working here is an attractive proposition for poor and desperate people. An estimated 225,000 to 275,000 workers without legal status are in Colorado. Some never had a visa, others have overstayed their visit.

To enter the country legally, temporary workers need an "H"-category visa, H-2A for temporary agricultural workers and H-2B for others. Of all the visa categories defined by the U.S. Citizenship and Immigration Service (USCIS, also under DHS) --- these include visas for students, tourists, soccer players, concert pianists, nurses, teachers, and on and on --- the H-visa process is perhaps the most complex. First the prospective employer (not the aspiring visitor) applies to the Department of Labor (DOL) stating his/her need and demonstrating that U.S. workers are not available; in some cases s/he must interview U.S. workers sent by the DOL's State Workforce Agency (SWA) and then report in detail why they will not fill the particular need. With DOL certification, the employer can petition USCIS for H visas. The process is notoriously expensive, bureaucratic, and cumbersome.

A recent *Jim Lehrer NewsHour* report titled "Farmers in Colorado Struggle with Labor Shortage" (PBS, August 20) featured employers who are definitely among the "half" of Americans who want the visa quotas raised. The reporter interviewed an onion farmer near Pueblo, a professor at Colorado State University's Cooperative Extension in Fort Collins, a fruit grower in Palisade, and a nursery owner in Littleton. As a result of ICE raids, fewer [presumably undocumented] people showed up to work this year. Farmers who braved the H-2A process could not get enough help, either.

To meet this year's sudden, severe labor shortage, five farmers in Pueblo, under a pilot program, pay the state over \$9 an hour, per worker, for volunteer prisoners to harvest their crops. Growers in western Colorado, who do not have that option, have been forced to cut production by as much as 50 percent. Labor shortages continue to have serious economic consequences for farmers and growers, their communities, and all of Colorado.

Under the H-2B visa for temporary nonagricultural workers, the annual quota is 66,000 workers, and it was already filled in the spring. The owner of Arapahoe Nursery and Tree Farm, in Littleton, who had used H-2B workers successfully for almost ten years, could not get enough workers this year; the government misplaced his paperwork, his guest workers arrived months late, and he almost lost his entire inventory.

What is the solution? Higher quotas? A more efficient process? Punishment of undocumented workers and those who employ them? As reported in the August *Colorado Voter* (page 4), at our LWVCO convention in May, a representative of Swift & Co., talking about the raid, noted that in the past Swift and other employers have been fined by the Department of Justice for asking job candidates for additional documentation!

Many states, including Colorado, punish undocumented workers and their families. A 2006 Colorado law denies most non-emergency benefits, including public housing, unemployment benefits, and Medicaid, to immigrants over 18 who cannot prove legal residency. The time frame for verifying legality is short, the penalties for noncompliance severe. Enforcing the law could cost Colorado taxpayers about \$2 million this year, more than the cost of the denied benefits; however, because no new funds were appropriated, implementation may be delayed. Some business owners believe that the new laws are even

keeping *legal* workers out of our state, perhaps because the workers' families include undocumented members.

To protect employers and workers alike, some advocate the issuing of Social Security cards or other identification embedded with tamperproof electronic information, termed "secure identifiers" (SIDs). A federal law mandates that all state drivers' licenses have such information and protections by 2008-2009, but many states can't afford the costs involved.

Should the U.S. admit more temporary workers? Fewer? Whatever the decision, the consequences will affect everyone.

LWVUS positions that relate to Immigration →

We League members have already studied and arrived at consensus on a number of areas that affect immigration policy. They provide us with a base from which to discuss other studies, and perhaps we do not need to go back over those areas. Preservation of natural resources, social, fiscal, and energy policies, and health care all directly affect both population increase pressures and quality of life in the U.S.---areas that are significantly impacted by immigrants.

Obviously, those positions that specifically apply to citizens have little direct effect on the immigration study except in the context of immigrants who are family members of citizens. The "anchor baby" is an example of that.

Perhaps our most applicable already established position (1973, updated 2002) on the national level relates to Trade policy. We have a fairly detailed position on liberal trade policies which would promote a higher standard of living for people in a global sense. Removal or prevention of trade barriers could affect the demand and production of goods and services, and, of course, where the goods are produced and the services are performed will directly affect immigration policy and motivation of foreign nationals to live and work in the U.S. If poverty can be reduced in the home country, the need to leave will be lessened. Quality of life issues and population pressures in developing countries are dealt with in very specific terms as high priorities.

League members in 1986 arrived at detailed positions on U.S. Relations with Developing Countries. The positions show our desire to encourage and help developing countries as they become producers of exports. Again, if products and services can be produced or performed in foreign countries, incentives for emigration are reduced.

On the national level, we undertook a comprehensive Agriculture Policy study, reaching consensus in 1988, and that bears on one of the most controversial aspects of immigration policy: migrant farm workers. To keep agriculture sustainable and cost-effective, immigration offers the solution of non-mechanized labor at low cost. A source of low-cost labor keeps family farms viable and consumer food prices reasonable. We in the League favor a free agriculture market rather than government price supports. Migrant workers enable reasonable food prices and reduce the need for government programs meant to encourage small and mid-sized farm operations and to preserve a healthy and desirable way of life in rural communities. On the other hand, the introduction of foreign culture to those communities is an unwelcome influence to some, if not many, agriculture-dependent community members.

When the League dealt with Social Policy issues (1969,1972,1980,1989), members reached sweeping consensus opposing discrimination on almost any basis. We charged government with providing broad opportunities for employment, housing, and education. Prevention and reduction of poverty are our goals, and minority integration is a priority. These positions avoid limiting benefits to citizens and specify that they apply to "individuals."

The national study on Health Care, completed in 1993, resulted in a position of support for access to a basic level of care for all U.S. residents, again avoiding the limitation of citizenship.

The League's position on The Presidency (1976, 1984) supports executive agreements with foreign countries, and these could relate to immigration. Also, the Presidency position deals with declaration of emergencies, and some people consider today's immigration to be an emergency situation. Our members believe the President should have some fiscal powers and that the President should manage the budget consistent with priorities set by Congress. The federal treasury benefits when some immigrants pay Social Security taxes though they are not entitled to receive any benefits from the system. At the same time there are significant costs

resulting from federal immigration policies, most of which are borne by state governments. (It seems League members have no position that applies directly to mandates unfunded by the federal government.)

Acknowledging that there are applicable positions, there are some gaps as well. Many regard national security as compromised if immigration is not controlled and monitored. The League's National Defense positions do not address risks to freedom from crime and terrorism. A government-issued secure identity card (SID) could enable employers to verify an applicant's citizenship or visa status and determine if an immigrant could legally work in the U.S. Leaguers lobby against voter identification requirements such as showing a birth certificate because enforcement of such laws can be used to prevent people from voting. The League does not have a position on a national identify card or SID, but the LWVUS board and those on the national level's Immigration Committee would like to know what members think of this idea.