Economic Effects of Immigration: Avoiding Past Mistakes and Preparing for the Future

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ECONOMIC EFFECTS OF IMMIGRATION: AVOIDING PAST MISTAKES AND PREPARING FOR THE FUTURE

NATALYA SHATNIY*

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I. INTRODUCTION

In the small city of Central Falls, Rhode Island, people in the community suddenly began to disappear: a leader of a Roman Catholic Church prayer group, a second grader’s father, and a janitor at the courthouse. The distraught families found their missing family members days later in a completely isolated universe; cut off from the world, yet only blocks from their homes. This isolated universe, the Wyatt Detention Facility, that was seen by the Central Falls community as an “economic engine” that brought jobs and much needed federal funds into the small city of 19,000, became a prison to these individuals incarcerated in an effort to round-up undocumented immigrants.

The main purpose of the facility was to house people charged with felonies; however, surprisingly, this jail also held hundreds of people who were not felons, including many who had not been charged with a crime. But the individuals above—like prayer group leader Maynor Canté who was detained in 2007—are bystanders caught in the crossfire of the recent immigration crackdown. Canté worked two jobs and spent thousands of dollars attempting to legalize his immigration status, only to be swept up by immigration officers on his way to work and taken to the Wyatt Detention Facility. What happened to the small community of Central Falls when people like Canté began disappearing? Local businesses lost

1. Nina Bernstein, Dependent on Jail, City of Immigrants Fills Jail Cells with its Own, N.Y. TIMES, Dec. 27, 2008, at A1 (discussing the devastating impact of “immigration crackdown” on a small community).
2. Id.
3. Id. The people of Central Falls saw Wyatt as the economic savior of the city, a source of jobs and federal funds. Id. Initially, the jail was intended to house federal inmates, but to help pay off the cost of its construction, Wyatt looked to make money on prisoners like Mr. Canté—“administrative detainees not charged with a crime, but held while the government tries to deport them.” Id.
4. Id.
5. Id.

He ended up one of 2,000 detainees packed into a windowless tent city that had sprung up only a year earlier in Raymondville, Tex[as]—the nation’s largest immigration prison camp, run for profit and still growing.
crowds of customers and many people went into hiding. This aggressive immigration crackdown that began with a story about one distraught family quickly escalated to become a disturbing reality for the entire Central Falls community effecting the town emotionally and economically.

What would happen if all illegal immigrants suddenly disappeared like Canté? The devastating impact of lost tax revenues and the reduced labor market on the U.S. economy would be the equivalent of eliminating the entire population of Pennsylvania, and could easily cause one of the biggest economic disasters in American history.

Undocumented immigrants contribute to the economy through consumption, taxes, and the labor market and are especially helpful to small businesses trying to hold down labor costs. For example, economists be-

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For weeks after his lawyer reopened his case for a hearing in Boston, she could not locate him. He was on the verge of deportation by the time she managed to persuade the government to fly him back from Texas, two days before last Christmas.

Mr. Canté finally appeared before an immigration judge on January 2, after three months in the detention maze. Because his case fell under the more lenient laws in force before 1997, he not only was released on bond, but allowed to work until his immigration hearing in December 2009. He is now trying to pay back thousands of dollars in loans and legal fees.

Id. 6. Bernstein, supra note 1.

In Central Falls, the crackdown sowed panic. At the public charter school two blocks from Wyatt, parents, already afraid to be photographed at school events, were now reluctant to drive to meetings, said Sarah Friedman, a founder of the school.

An [eight]-year-old girl, one of the school’s high-scoring students, stopped speaking in class when her father disappeared into detention, the girl’s mother said. Without his income, mother and daughter, United States citizens, were almost evicted from their apartment.

At Central Falls High School, some students stopped coming to class because their families had gone into hiding, said Margie Cruz, a school-home liaison: “The child was born here, the child is legal. But the family has to hide because the father will be deported.”

Id. 7. Id.


lieve that the San Diego tourist industry “could not exist in anything near its present form without undocumented immigrants” and have said that undocumented immigrants “add an element of . . . entrepreneurial activity to the economy.”10 With these stark statistics and economic predictions, it is difficult to ignore the parallel between the crackdown on immigration and the current economic downfall.

Is it possible to keep enjoying the economic benefits undocumented immigrants bring to the United States while simultaneously eliminating the costs? Looking at the big picture, the solution seems simple. Since the majority of the cost of undocumented immigration comes from healthcare, education, and social security, why not just let the undocumented immigrants pay into the system and give them the same rights as legal immigrants?11 In order to address this issue in an adequate manner, it is important to focus on two of the main problems with the creation of a social support system funded by undocumented immigrants: (1) how to deal with the current economic costs of these immigrants already in the United States, and (2) how to proceed in the future.

The first issue pertaining to economic costs of currently present undocumented immigrants in the United States was previously addressed during the Reagan Era through the Immigration Reform and Control Act of 1986 (IRCA).12 IRCA gave undocumented aliens in the United States an opportunity to legalize their status and enjoy the same benefits available to documented immigrants.13 Segrereo Mendez was one of three million unauthorized immigrants who took advantage of this amnesty opportunity.14 She is now a U.S. citizen who has worked a tough manual labor job in the garment industry for the past twenty-seven years while

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When President Ronald Reagan re-lit the Statue of Liberty torch in July 1986 and then, later that year, signed the Simpson-Mazzoli Act (also known as the Immigration Reform and Control Act), Mendez got lucky. An illegal immigrant herself, she was
This one-time amnesty provided by IRCA was similar to winning a lottery ticket for Mendez and also brought benefits to the U.S. economy by offsetting the costs of undocumented immigrants. It seemed like a win-win situation for the U.S. economy and the three million individuals who received amnesty at that time. So where is Mendez twenty-five years after becoming a legal immigrant under IRCA? Recently, Mendez traveled to Miami, where her legal, U.S. resident son had been jailed for a traffic incident. Even after he paid his bail, he was held in custody for two extra days while “the authorities checked out his papers.” This highlights the importance of discussing the impact that measures like the IRCA have on children that legally enter the United States through their parents’ amnesty. The IRCA may have been a beneficial one-time amnesty solution for undocumented aliens already in the United States, but it did not solve the issue of immigration for future immigrants, such as Mendez’s son.

These issues—both dealing with economic impact of illegal aliens already in the United States and creating remedies for future immigrants—have not been properly addressed by the legislature in the past, and have lead to the current debate about immigration reform. In June 2011, the Comprehensive Immigration Reform Act (CIRA) was introduced as a

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15. Id.
16. Id.
17. Id.
18. Id.
19. See Thrasher, supra note 14 (discussing how even legal immigrants are still lost in the process). In detailing the situation of Mendez’s son, Thrasher writes:
[B]ecause he was an immigrant—even though his work permit was in order—he was held in custody for two more days while authorities checked out his papers. It didn’t have to be this way: When she became a citizen through Reagan’s amnesty program, she was allowed to sponsor her two Honduran sons for legal status, but one of them chose not to become a full citizen. Now that was causing him trouble—at a particularly touchy and turbulent time for immigrants.

Id. However, the social impact is far beyond the scope of this Comment, and only probable economic implications will be discussed. What is certain is that current immigration laws are not sufficient to keep up with the fast-developing U.S. economy. DONALD M. KERWIN, MIGRATION POL’Y INST., MORE THAN IRCA: U.S. LEGALIZATION PROGRAMS AND THE CURRENT POLICY DEBATE 1 (2010), available at http://www.migrationpolicy.org/pubs/legalization-historical.pdf (explaining that the impact of future immigrants is uncertain). For a full discussion on the impact of citizenship on children, see Lee J. Terán, Mexican Children of U.S. Citizens: “Viges Prin” and Other Tales of Challenges to Asserting Acquired U.S. Citizenship, 14 SCHOLAR ___ (2012).

20. See Kerwin, supra note 19, at 3.
possible solution. CIRA’s main proposals include amnesty, increased border security, and a new employment verification system. But is it enough? Past mistakes in the history of immigration reform must be examined and compared to CIRA to determine whether CIRA will truly solve both current and future immigration problems.

II. THE ROAD THAT LEADS TO THE CURRENT NEED FOR IMMIGRATION REFORM

How did we get here? How did the United States end up with approximately eleven million undocumented immigrants in the midst of an economic depression and an urgent need for immigration reform? In the midst of these current immigration debates, it is important to remember that immigrants founded the United States. Immigrants are this country’s roots, the bedrock, and heart and soul of what this country has represented since the Pilgrims first arrived. In 1620, the United States was founded by people aspiring to live what we now call the “American

Discussions of the United States’ immigration history are often centered around the nation’s founding, with little mention of more recent immigration trends. However, the history of immigration to the United States spans a long period of migration of many different peoples from various parts of the world. One common belief is that America was originally peopled by wanderers from Northeast Asia about 20,000 years ago. These wanderers were believed by some to be the founding population (and ancestors!) of today’s Native Americans. Others believe that the first Americans came from Polynesia, South Asia or even Europe. It is also believed that the very first Americans were killed by later arrivals and that they left no descendants. The debate rages on! However, not to be lost in this debate is the fact that whether 20,000, 10,000 or 1,000 years ago, most immigrant groups to America came full of hopes and dreams of the “Promised Land.”

Id.
Dream.”26 Today, people attempting to live the “American Dream” can be charged with “aggravated felonies,” and thousands of immigrants are currently being held in detention facilities.27 In fact, 380,000 immigrants were detained in 2009 alone.28

The United States fell a long way from the 1800s, when immigrants laid a foundation for the freedom we all enjoy today, to 2012, when immigrants are being treated as felons. The following are key events in immigration history leading to the current need for immigration reform:29


28. About the U.S. Detention and Deportation System, supra note 27 (including “survivors of torture, asylum seekers and other vulnerable groups including pregnant women, children, and individuals who are seriously ill without proper medication or care”).

MAJOR IMMIGRATION REFORMS PASSED BY THE U.S. CONGRESS

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of the Act</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to</td>
<td>Naturalization Act of 1790, Naturalization Act of 1795, Naturalization Act of 1798</td>
<td>Established basic requirements for citizenship, including residency</td>
</tr>
<tr>
<td>1800</td>
<td>The Page Act of 1875</td>
<td>The first act that restricted immigration</td>
</tr>
<tr>
<td>1875</td>
<td>The Naturalization Act of 1906</td>
<td>Standardized naturalization procedures, made some knowledge of English a requirement for citizenship, and established the Bureau of Immigration and Naturalization</td>
</tr>
<tr>
<td>1906</td>
<td>The Emergency Quota Act</td>
<td>Restricted annual immigration</td>
</tr>
<tr>
<td>1921</td>
<td>The Immigration and Nationality Act of 1924 and The National Origins Formula</td>
<td>Established quota and divided immigrants into quota and non-quota nations in response to rising immigration from Europe and Asia</td>
</tr>
<tr>
<td>1924</td>
<td>The Immigration Act of 1924 and The National Origins Formula</td>
<td>Establish guidelines and combined statutes</td>
</tr>
<tr>
<td>1952</td>
<td>The Immigration and Nationality Act of 1965</td>
<td>Mexican immigration became restricted for the first time and national quotas were discontinued</td>
</tr>
<tr>
<td>1965</td>
<td>The Immigration Reform and Control Act of 1986 (IRCA)</td>
<td>Granted amnesty to qualifying illegal immigrants, increased funding for INS, and imposed penalties on employers</td>
</tr>
<tr>
<td>1986</td>
<td>The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IRIRA)</td>
<td>Attempted to correct shortfalls of IRCA of 1986</td>
</tr>
<tr>
<td>2011</td>
<td>Comprehensive Immigration and Reform Act of 2011 (CIRA)</td>
<td>Proposed: amnesty, stricter penalties, increased border security</td>
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From the early ages of American history until 1952, there were scattered statutes regarding several aspects of immigration law. However, 1952 marked the first significant attempt by the federal government to create a national immigration policy with the passage of the Immigration and Nationality Act, which established immigration guidelines nationwide.

Because CIRA, the most recent piece of proposed legislation for immigration reform has similar goals as IRCA, the two most important pieces of past legislative reform that need to be examined are IRCA and a revision of IRCA, the Illegal Immigration Reform and Immigrant Responsi-

It is important to examine these two major past reforms in order to understand how the United States arrived at its current need for immigration reform, and more importantly to determine how to avoid prior immigration reform mistakes.

The first major federal immigration reform that granted amnesty was IRCA, which was passed in 1986 and increased funding for United States Immigration and Naturalization Service (INS) while imposing penalties on employers. The second major piece of immigration legislation was IIRIRA, which was passed in 1996 in an attempt to correct the shortfalls of IRCA. The current attempt at immigration reform is the CIRA, which was introduced in 2011 and seems to be a revised version of IRCA. The common factor between each of these major reforms is economic recession. As history shows, immigration reform is closely related to the economic state of the country, or more specifically, a slump in the economy leads to a call for immigration reform.

In order to determine what led to IRCA, it is important to examine the economic state of the country prior to 1986. From the 1950s to the early 1980s, the United States experienced the lowest immigration levels in the past 100 years. For example, 1970 was the lowest point of immigration, with immigrants making up only 4.7 percent of the population of the

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37. Id.

United States. In the late 1970s and early 1980s, as the U.S. economy entered a recession, the immigrant population jumped to 6.2 percent with Mexican immigrants accounting for the majority of the increase. In fact, legal Mexican immigrants accounted for forty-two percent of all new immigrants arriving between 1980 and 1984, and undocumented Mexican immigrants were estimated to cross the border at a rate of approximately 40,000 per year. Between the 1980s and the early 1990s, this number doubled. During this period of rapidly increasing immigrant population, the U.S. economy was declining. By 1982, the unemployment rate was at 9.7 percent—similar to today’s unemployment rate. The high unemployment rate combined with the struggling economy created frustration that led to the passage of IRCA in 1986. However, it is still hard to believe that the downfall of the economy and a skyrocketing unemployment rate was a result of the forty to eighty thousand undocumented Mexican immigrants that entered the United States at this time. However, over twenty years later, current illegal immigration rates and unemployment rates appear to be connected.

A. How the Immigration Reform and Control Act of 1986 Attempted to Correct Undocumented Immigration

IRCA was the legislature’s first major attempt to address the growing number of undocumented aliens entering the United States in the midst

39. Id.
40. Id.
41. Id.
43. Id. at 6.
45. In January 2012, the seasonally adjusted unemployment rate, as reported by the Department of Labor was 8.3 percent. Employment Situation Summary, BUREAU OF LABOR STATISTICS (Feb. 3, 2012), http://www.bls.gov/news.release/empsit.nr0.htm. The annual rate for 2011 was 9.6 percent. BUREAU OF LABOR STATISTICS, supra note 44.
47. PASSEL, supra note 42.
48. See An Amnesty for the UK’s Illegal Immigrants, the Week with The First Post, http://www.theweek.co.uk/24011/amnesty-uk’s-illegal-immigrants (last updated Apr. 15, 2009) (explaining that the same view is also common in other countries, such as the United Kingdom).
of an economic recession. It contained three major elements: (1) amnesty of undocumented aliens already in U.S. territory, (2) stricter penalties for employers hiring these aliens, and (3) provided funding for border protection to prevent aliens from entering U.S. territory. Although IRCA seemed to be great in theory, it failed in practice. While attempting to correct a present immigration problem, IRCA failed to foresee, and properly address, future immigration issues. The main elements of IRCA are also reflected in the currently proposed CIRA, which is why it is important to examine IRCA to avoid past mistakes.

The first major element of IRCA was providing amnesty to undocumented aliens already in the United States by granting temporary legal resident status through the general legalization program, or permanent residency to qualifying agricultural workers. Almost three million people were granted amnesty and became legal U.S. residents. The second element of IRCA addressed employers hiring undocumented workers through enforcement of stricter penalties on the employers who did so. IRCA made the following punishable by law: (1) to knowingly hire someone who did not have the proper authorization and documentation to work in the United States, (2) continue to employ an unauthorized worker, and (3) it made the employer responsible for verifying a person's identity and eligibility to work in the United States. The actual enforcement of this last element was one of the failures of the implementation of IRCA.
The third major element of IRCA was to increase funding for border patrol, especially along the Mexican border.\(^{59}\) This element also failed in practice and implementation.\(^{60}\) Although the lawmaker’s ideas in IRCA seemed realistic, the government agency in charge of implementing those processes, the INS, was not able to implement them properly.\(^{61}\) IRCA is often deemed a failure; however, it is important to recognize why IRCA did not yield the result that lawmakers expected.\(^{62}\)

### B. Fixing IRCA: Illegal Immigration Reform and Immigrant Responsibility Act of 1996

The lawmakers attempted to correct the downfalls of IRCA with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).\(^{63}\) IIRIRA imposed stricter penalties on immigrants remaining in the United States after expiration of their authorized period.\(^{64}\) IIRIRA also restricted such immigrants from re-entering the United States for several years after deportation.\(^{65}\) IIRIRA’s stricter penalties were designed to discourage unauthorized immigration; however, actually detaining immigrants who overstayed their visa periods was another failed process.\(^{66}\) Some deportees were held in U.S. prisons for years awaiting their hearing.\(^{67}\) Not only was this an inefficient and inhumane process, it was also costly to the states.\(^{68}\) Again, while lawmakers attempted to regulate immigration because it was perceived to be harmful

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61. Id. at 5.
62. See id. at 7–8 (discussing the current relevance of IRCA).
66. See Bernstein, supra note 1 (illustrating an example of the disastrous effects when city tried to detain deportee).
67. See id. (illustrating multiple deportee’s incarceration experiences, and explaining that once detained, the deportees were often transferred to another facility before their families had a chance to visit them).
to the U.S. economy, the actual implementation of these newly passed regulations ended up backfiring and becoming more costly for the United States.69

After the failure of IRCA and IIRIRA, Congress is once again proposing major immigration reform through CIRA.70 Is CIRA the answer to today’s need for immigration reform, or is there a better answer? This Comment will examine the economic impact of IRCA, the proposed changes of CIRA, and how other countries have dealt with immigration issues. Since the economic impact of undocumented aliens seems to be the center of immigration debate, this Comment focuses on the costs and benefits of immigration in the midst of an economic recession.

C. The Current Immigration System in the United States

There are currently four ways to become a naturalized U.S. citizen: (1) permanent U.S. residency for five years,71 (2) permanent U.S. residency for three years and a spouse who is a U.S. citizen,72 (3) serving in the U.S. Armed Forces,73 or (4) being a child of a U.S. citizen.74 The majority of immigrants become a naturalized U.S. citizen through permanent residence by obtaining a “Green Card.”75 A Green Card can be obtained through family, employment, asylee or refugee status, and other special programs that apply to a very small class of immigrants.76 In order to obtain a Green Card, you must first acquire a visa in order to enter the United States.77 In 2010, there were 482,052 immigrant visas issued.78

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69. Bernstein, supra note 1; Feds Estimate, supra note 68.
72. Id. § 1430(a).
73. Id. § 1439(a).
74. Id. § 1401; Terán, supra note 19.
76. USCIS Green Card, supra note 75; U.S. CITIZENSHIP & IMMIGR. SERVICES, supra note 75.
The current waiting list for family-based visas alone is 4,552,774,\textsuperscript{79} while the number of visas issued per year for family category is only 226,000.\textsuperscript{80} At this rate, it will take fifteen years to process the current waiting list. While some children may qualify for a family visa through their parents before they reach the age of twenty-one, many of them will have reached, or exceeded twenty-one by the time they make it through the waiting list, and will no longer qualify for a family-based visa. As of October 2011, the cutoff date for a majority of sibling-sponsored immigration visas was May 15, 2000.\textsuperscript{81} This means that brothers and sisters of U.S. citizens who applied prior to that date are just now up for eligibility review.\textsuperscript{82} While waiting “in line” for those eleven years, the likelihood that the sibling’s children turned twenty-one years of age and therefore no longer qualify is pretty high. For citizens of the Philippines, the sibling-sponsored visa waitlist is currently processing applications from 1988.\textsuperscript{83} It is hard to imagine what it must feel like to wait twenty-three years just to be able to live in the same country as your brother or sister. Additionally, the permanent resident application fee is currently $1,020; many application fees are increasing, and some are as high as $6,230.\textsuperscript{84} This is unmistakably a broken system that separates families for decades. Keeping these stark


\textsuperscript{80.} Visa Availability and Priority Dates, U.S. DEP’T OF HOMELAND SEC.– CITIZENSHIP AND IMMIGR. SERVICES, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3eb5b9ac89243c6a7543f6d1a/?vgnextoid=aa290a5659083210VgnVCM100000082ca60aRCRD&vgnextchannel=AA290a5659083210VgnVCM100000082ca60aRCRD (last updated June 15, 2011) [hereinafter Visa Availability and Priority Dates] (excluding immediate family, such as parents and children, for which there is no limit; however, processing still takes a substantial amount of time).


\textsuperscript{82.} Id.

This bulletin summarizes the availability of immigrant numbers during October. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; U.S. Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible, in chronological order of reported priority dates, for demand received by September 9th.

\textsuperscript{83.} Id.

\textsuperscript{84.} Check Filing Fees, U.S. DEP’T OF HOMELAND SEC.– CITIZENSHIP AND IMMIGR. SERVICES, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3eb5b9ac89243c6a7543f6d1a/?vgnextoid=ba1ae408b1e4b3210VgnVCM100000b92ca60aRCRD&vgnextchannel=ba1ae408b1e4b3210VgnVCM100000b92ca60aRCRD (last updated Mar. 18, 2011) (outlining the range of fees per category).
numbers in mind, it is not surprising that there are somewhere between eleven and twelve million undocumented immigrants currently in the United States.85 This immigrant population, estimated at 3.7 percent of the U.S. population, has a noticeable and significant impact on the U.S. economy—both in positive and negative respects.86

III. THE ECONOMIC IMPACT OF ILLEGAL IMMIGRATION

And while immigrants surely have contributed to some extent to the ranks of the poor, that was also true of previous waves of immigrants; the point is, most of these immigrants didn’t stay poor.87

Such transitions do not happen overnight without action or change. The widespread opinion among the American public is that undocumented aliens take advantage of government services and have a negative effect to the U.S. economy.88 This general misconception is simply and “undeniably false.”89 A survey obtained in 2006 illustrated that eighty-five percent of economists believed that the U.S. economy has benefited from its alien population more than it had been harmed.90 Even in 1995, seventy-four percent of economists believed that undocumented aliens positively influenced the U.S. economy.91 The alien population grew from about five million in 1996 to 11.3 million in 2006.92 Even though the population more than doubled, more economists believe that the benefits that come from immigration outweigh the costs.93

85. Jeffery Passel & D’Vera Cohn, Pew Hispanic Ctr., Unauthorized Immigrant Population: National and State Trends, 2010, at 1 (Feb. 2011), available at http://www.pewhispanic.org/files/reports/133.pdf. Researchers state that as of March 2010 the number of unauthorized immigrants was around 11.2 million, but over the past five years the number has fluctuated between eleven and twelve million. Id. For the sake of consistency in this Comment I will use eleven million, or between eleven and twelve million.
86. Id.
89. Id.
90. Id. at 824.
91. Id.
92. Illegal Resident Alien Population 1 (n.d), available at http://www.dhs.gov/xlibrary/assets/statistics/illegal.pdf (placing the number of undocumented aliens living in the United States between 4.5 and 5.6 million); Passel & Cohn, supra note 85 (tracking the undocumented alien population from 2000 to 2010).
What are the costs and benefits associated with the immigration of undocumented aliens? It is hard to calculate the exact numbers since these are undocumented residents; however, most economists agree on general estimates. On the national level, the yearly cost of immigration is estimated at $113 billion, while the benefits of consumption by these individuals is estimated to be $400–450 billion. The main costs of immigration include healthcare, education, and criminal justice system expenses. While the main benefits of include consumption of goods and services, affordable labor for small businesses, and contribution in taxes—while not receiving the benefits of federal welfare.

A. The Major Costs of Immigration

As stated above, a major cost of unauthorized immigration is healthcare. The costs are especially high in border states such as Texas, Arizona, and California, where several hospitals have been closed or are on the brink of bankruptcy because of the federal requirement to supply emergency room care to all uninsured individuals—including undocumented immigrants. The estimated cost of providing healthcare to all uninsured individuals may reach $2.2 billion. The key word here is “uninsured.” Healthcare insurance is often times provided as one of the benefits through an employer, which is clearly an unattainable option for

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[138x676]THE SCHOLAR

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www.judiciary.senate.gov/hearings/testimony.cfm?id=e655f9e2809e5476862f735da147e5ee &wit_id=e655f9e2809e5476862f735da147e5ee-1-2 [hereinafter Greenspan].

94. JACK MARTIN & ERIC A. RUARK, FEDERATION FOR AMERICAN IMMIGRATION REFORM 1 (Feb. 2011), available at http://www.fairus.org/site/DocServer/USCostStudy_2010.pdf?docID=4921. The report estimates that the “annual costs of illegal immigration at the federal, state and local level to be about $113 billion; nearly $29 billion at the federal level and $84 billion at the state and local level.” Id.


97. Lipman, supra note 88.


100. CAMAROTA, THE HIGH COST OF CHEAP LABOR, supra note 96.
undocumented workers. The fact that these individuals are undocumented keeps them from obtaining legal employment and its benefits, leaving them uninsured and resulting in a devastating impact on the U.S. healthcare system. There are no statistics to compare the cost of providing healthcare to documented immigrants because they have access to legal employment benefits, such as health insurance. However, when putting a documented and an undocumented immigrant side by side, the only major difference is “a piece of paper”—a Green Card. This piece of paper seems to be the key to reducing healthcare costs.

Another major cost of unauthorized immigration is education, estimated at $52 billion per year. Taxpayer contribution is the main source of education funding, as taxes for education are generally included in the yearly property tax bill, which every homeowner is obligated to pay. Since home ownership is another unattainable option for undocumented immigrants, they are unable to significantly contribute to national education costs. In an indirect way, they contribute by paying rent to a landowner, who in turn pays the property taxes; however, it would be impossible to calculate the actual amount contributed in this manner. Again, the “piece of paper” that separates a documented and an undocumented immigrant has a huge impact on the cost of education because without it, immigrants are unable to contribute to education costs.

101. See Kaiser Family Found., Key Facts on Medicaid and the Uninsured (Aug. 2003), available at http://www.kff.org/uninsured/upload/Immigrants-Health-Care-Coverage-and-Access-fact-sheet.pdf (explaining access to healthcare coverage for legal and illegal immigrants, where it was estimated that thirteen percent of unauthorized immigrants have access to Medicaid).

102. See Martin & Ruark, supra note 94, at 15–18 (explaining that paying for the treatment of uninsured individuals is extremely high, and illegal immigrants who do not have any means to legally pay into the system are included in the category of uninsured).

103. Id. at 1 (stating that this cost is almost completely absorbed by state and local governments).

104. Margaret Spellings, U.S. Dep’t of Educ., No Child Left Behind–10 Facts About K-12 Education Funding 1 (June 2005), available at http://www2.ed.gov/about/overview/fed/10facts/index.html. The report states that:

Even in this current time of the war against terror, taxpayer investment in education exceeds that for national defense. In addition to the K-12 money mentioned above, taxpayers will spend an estimated $373 billion for higher education in the same school year . . . the United States is a world leader in education investment. However, nations that spend far less achieve higher levels of student performance.

Id.

The third, and perhaps most misunderstood and debated cost of unauthorized immigration, is the cost to the U.S. criminal justice system—estimated at $500 million dollars per year.106 Undocumented aliens comprise an estimated seventeen percent of the federal prison population.107 However, such statistics fail to disclose that the majority of aliens detained are not charged with a crime, but are simply being detained because of their status.108 Such skewed statistics give the American public a general misconception that a high number of undocumented immigrants are criminals.

The majority of highly debated economic costs of illegal immigration can be eliminated with yet another “piece of paper”—amnesty. Granting amnesty to unregistered aliens would give them the same opportunities as legal immigrants, which would enable them to contribute to costs such as healthcare and education. As previously mentioned, the immigrant population brings extraordinary benefits to the U.S. economy.109

B. The Economic Benefits of Immigration

The first major benefit to the U.S. economy stemming from undocumented immigrants is the consumption of goods and services.110 There are currently an estimated eleven million unregistered immigrants in the United States—all of whom are inevitably consumers.111 In today’s economic crisis, consumer confidence and spending are the keys to economic recovery.112 Eliminating the alien population would eliminate over eleven million consumers at a time when every consumer is desperately needed.113 In fact, consumption of goods and services by undocumented immigrants who spend their paychecks in the United States and also in-

106. COLORADO ALLIANCE FOR IMMIGRATION REFORM, supra note 99 (“Taxpayers pay half-a-billion dollars per year incarcerating illegal alien criminals.”).
108. See Bernstein, supra note 1 (relating the situation at the Donald W. Wyatt Detention Facility where the facility held individuals not charged with any crime, but waiting for deportation).
109. Lipman, supra note 88, at 816–17 (discussing the positive impact to the U.S. economy through consumption, provision of essential work services, and other contributions to the economy).
110. Id. at 816.
111. PASSEL & COHN, supra note 85.
113. See Lipman, supra note 88, at 816–17 (explaining the large contribution immigrants make to the economy through the consumption of goods and services).
crease production for their employers is estimated at $800 billion. Some argue that those individuals are not contributing to the U.S. economy because they send their paychecks to their families in their native countries instead of spending it in the United States. But even after remittance, immigrants are estimated to have consumptive capacity of $400–450 billion per year. Because of this, eliminating the alien population today would also eliminate this consumption and cause “the worst economic disaster in the history of the [United States].”

The labor force created by undocumented immigrants is extremely helpful to small businesses and benefits the U.S. economy. Employing these immigrants keeps labor costs down for small businesses, which keeps the cost of goods down and benefits all Americans. Undocumented immigrants fill millions of worker positions that are essential to the U.S. economy, which results in further job creation. In fact, undocumented workers accounted for a sixteen percent increase in the U.S. labor force between 2000 and 2007 and composed five percent of the labor force in 2008. It is important to note that despite this significant contribution, these illegal immigrants do not have access to any type of federal welfare benefits. Furthermore, they are considered to be a flexible element of the U.S. labor force and are the first to be laid off during an economic crisis. Although some studies suggest that employing undocumented workers decreases the wages of Americans who do not have a high-school education, such wage suppression does not have a significant impact on the U.S. economy and any affect it may have is outweighed by the economic benefits of an undocumented workforce.

114. O’Connell, supra note 95.
115. Colorado Alliance for Immigration Reform, supra note 99 (discussing the fact that undocumented immigrants tend to send a large amount of their income to relatives living in their native land). The economic term for this behavior is remittance. Id.
116. O’Connell, supra note 95.
117. Id.
118. Greenspan, supra note 93.
119. Id.
120. Lipman, supra note 88, at 816–17.
121. Greenspan, supra note 93.
123. Greenspan, supra note 93.
124. Id.
Additionally, immigrants benefit the economy by contributing to tax revenues. For example, the Texas Comptroller’s office reported costs to the government of $1.16 billion for services in education and healthcare to undocumented immigrants and their children, but also reported a tax revenue of $1.58 billion from the same. These figures show that Texas actually profited $427.7 million from its population of undocumented immigrants in 2006. Simply stated, immigrants that obtain false documentation for employment still contribute taxes through payroll. Those same immigrants that contribute taxes through payroll will never actually have a chance to collect the benefits, such as Medicare. Furthermore, all undocumented immigrants inevitably pay the sales tax when they purchase goods. Again, this means that there are over eleven million consumers that contribute to the economy each time they spend money by paying sales tax. Because of this, it is important to carefully consider all of the economic costs and benefits of unauthorized immigration when drafting U.S. immigration reform. Today’s economic crisis emphasizes the need for immigration reform to eliminate the costs, keep the benefits, and help revive the economy.

IV. Possible Solutions

The idea of deporting these [eleven] or [twelve] million people—about as many as live in the entire state of Pennsylvania—is pure fantasy. . . . [E]conomic consequences would be devastating.

The above quote represent exactly what the current U.S. immigration system is in the process of doing by hunting down undocumented aliens, most of whom are not criminals, confining them in detention centers and letting the taxpayers pay for the cost. Obviously, the current system of deporting all the undocumented immigrants that are currently in the United States is not realistic or economically feasible. Another way Congress has attempted to get rid of the undocumented immigrant popu-
lation in the United States is by providing incentives for voluntary leave and imposing stricter punishments for those who stay. This attempt has been unsuccessful, as the undocumented immigrant population has significantly increased since the passage of the regulations in 1996—rather than decreasing as Congress had hoped.

The bottom line is the United States has more than eleven million undocumented immigrants present today, past attempts to get these immigrants to leave the United States created an adverse effect, and current attempts can best be described as mere “fantasy.” And despite all of the efforts to expel these immigrants from the United States, the majority of economists believe undocumented immigrants are more of a benefit to our economy than a problem. So why is the U.S. government trying so hard to achieve what would ultimately result in an economic disaster? After weighing the costs and benefits of immigration on the U.S. economy, it seems that allowing undocumented immigrants to stay in the United States by granting amnesty, would be the most economically beneficial option. Not only is it the most economically beneficial option, but it seems to be the only economically realistic option based on prior immigration reform attempts. However, granting amnesty will not be sufficient to prevent future immigration issues and steps must be made toward a long term solution.

A. Why Amnesty is the Only Answer

There are two options regarding undocumented immigrants in the United States today: (1) keep them in U.S. territory or (2) get them out of the United States. The first option, granting amnesty to deserving immigrants and letting them pay into the system similar to legal immigrants, would offset most of the costs of unauthorized immigration described above. The second option, deporting all undocumented immigrants—all eleven to twelve million—is what the current immigration system is attempting to do at the cost of $12,500 per immigrant. Putting aside all the social and moral arguments of forgiving an “illegal” by granting am-
nesty, it is important to examine each option and compare them in economic terms.

1. Option I: Deportation-Current Enforcement and Costs

Deportation is currently handled by Immigration and Customs Enforcement (ICE). Since 1996 the yearly deportation rate has increased by 400 percent. In fact, since Obama took office in 2009, over one million people have been deported. At this rate of deportation, rough estimates and simple math reveal that it will take over twenty years and cost around $140 billion to deport all the undocumented aliens that reside in the United States. Furthermore, deportations will also eliminate economic benefits of immigration, by removing over eleven million consumers from the United States. Disregarding the argument that it is inhumane to break apart millions of families, it would have a devastating effect on the U.S. economy.

Furthermore, the fact that more undocumented aliens are being deported does not mean that the United States is becoming a safer place. In fact, the increase in ICE deportation quotas has had an adverse effect.


[The] Immigration and Customs Enforcement is the principal investigative arm of the U.S. Department of Homeland Security (DHS) and the second largest investigative agency in the federal government. Created in 2003 through a merger of the investigative and interior enforcement elements of the U.S. Customs Service and the Immigration and Naturalization Service, ICE now has more than 20,000 employees in offices in all [fifty] states and [forty-seven] foreign countries.


143. Id.

144. Feds Estimate, supra note 68.

145. See Lipman, supra note 88, at 816–17 (explaining that the economic benefits outweigh the costs of illegal immigration).


147. Spencer S. Hsu & Andrew Becker, ICE Officials Set Quota to Deport More Illegal Immigrants, THE WASH. POST, Mar. 27, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032604891.html. “Under the Bush administration, ICE officials in 2006 increased an annual quota from 125 to 1,000 arrests for each fugitive operations team. At the same time, the agency dropped its policy that agents focus on criminals and deportation violators.” Id.
ICE currently has a goal of 400,000 deportations per year, and came close to achieving that goal in 2009 with 387,000 deportations.\footnote{Id.} One of the ways ICE plans on achieving the goal is “with a ‘surge’ in efforts to catch undocumented immigrants whose only violation was lying on immigration or visa applications or reentering the United States after being deported.”\footnote{Id.} According to an ICE agent in the San Francisco area, such a push to meet quotas causes ICE agents to detain undocumented immigrants with noncriminal charges, rather than detaining undocumented immigrants with criminal convictions because it takes longer to process more dangerous criminal aliens.\footnote{Id.} The less time it takes to process a detained undocumented alien, the more undocumented aliens can be detained, which is ICE’s major goal.\footnote{Id.} This leads one to question how this procedure of establishing quotas corresponds to ICE’s mission to “promote homeland security and public safety?”\footnote{ICE Overview, supra note 141.}

2. Option II: Amnesty

Amnesty is not the most desired option of many politicians, including past presidents; however, even amnesty opponents realize that it is the only realistic answer to dealing with the current undocumented immigrant population in the United States.\footnote{Press Release, President Bush Discusses Comprehensive Immigration Reform in Texas (Aug.3, 2006), (available at http://georgewbush-whitehouse.archives.gov/news/releases/2006/08/20060803-8.html). The press release states that: I do not think we ought to grant amnesty to people who are here illegally. And the reason I don’t is I think that will encourage a whole other bunch of people to come. But I know you cannot deport [ten] million people who have been here working. It’s unrealistic. It may sound good in certain circles and political circles. It’s not going to work. The best plan is to say to somebody who has been here illegally, if you’ve been paying your taxes, and you’ve got a good criminal record, that you can pay a fine for being here illegally, and you can learn English, like the rest of us have done, and you can get in a citizenship line to apply for citizenship. You don’t get to get in the front, you get to get in the back of the line. But this idea of deporting people is just not—it doesn’t make any sense to me, and it doesn’t make any sense to a lot of people who understand this issue. So here’s a reasonable way to treat people with respect and accomplish what we want to accomplish, which is to be a country of law and a country of decency and respect . . . . Id.}
a. Past Amnesty Reform

The first and only mass amnesty program in the history of United States was the Immigration Reform and Control Act of 1986 (IRCA).\textsuperscript{154} In 1986, the undocumented immigrant population was estimated to be around three million.\textsuperscript{155} IRCA granted amnesty to approximately 2.7 million of these individuals.\textsuperscript{156} That is, nine out of ten applicants met the strict requirement of IRCA and were approved for permanent residency.\textsuperscript{157} About one-third of those applicants became naturalized U.S. citizens by 2001, with the highest number of approvals occurring in 1996 when 250,000 immigrants were naturalized.\textsuperscript{158}

IRCA created four paths to legalization: general amnesty in Section 245(A), the Seasonal Agricultural Worker (SAW) program for seasonal agricultural workers, and two very narrow paths that cause very little controversy and only applied to a select group of aliens.\textsuperscript{159} The first path of general amnesty under Section 245(A) produced the most applicants with a total of 1,763,434.\textsuperscript{160} To qualify, applicants had to meet the following requirements: (1) they had to have lived in the United States continuously since January 1, 1982, (2) they could not have a criminal record with serious offenses, and (3) they were required to meet other general stipulations.\textsuperscript{161} The second path to legalization, the SAW program, produced 1,277,041 applications.\textsuperscript{162} SAW gave amnesty to seasonal agricultural workers who performed farm work for at least ninety days between 1984 and 1986.\textsuperscript{163}

Some sources show that after ten years from obtaining amnesty, the average person only had a seventh grade education and an income of less than $9,000 per year.\textsuperscript{164} Opponents to amnesty suggest that because of this, these legalized aliens cause a financial strain on American taxpay-

\begin{itemize}
\item \textsuperscript{155} \textit{Rytina}, supra note 33, at 3.
\item \textsuperscript{156} Id.
\item \textsuperscript{157} Id.
\item \textsuperscript{158} Id.
\item \textsuperscript{160} \textit{North}, supra note 159; \textit{Rytina}, supra note 33, at 3.
\item \textsuperscript{161} Immigration Reform and Control Act of 1986; \textit{North}, supra note 159.
\item \textsuperscript{162} Immigration Reform and Control Act of 1986; \textit{North}, supra note 159
\item \textsuperscript{163} Immigration Reform and Control Act of 1986; \textit{North}, supra note 159.
\end{itemize}
However, these statements are contradictory because these immigrants had to wait five years before they were provided with access to any federal benefits. And during this time, many were still paying into the system, which they could not access. It does not seem likely that paying into the system while not being able to take anything out of it would create a financial burden. In reality, it would seem to have the opposite effect. Other studies show that five years after legalization, most IRCA legalized immigrants had better jobs than prior to legalization. Furthermore, apprehensions of undocumented immigrants declined after IRCA, which eliminated some of the costs shouldered by the U.S. government and taxpayers.

IRCA had both positive and negative effects on the U.S. economy. On the plus side, IRCA allowed the United States to keep 2.7 million consumers—letting them pay into the system and offset costs such as healthcare and education—and reduced the number of deportations which also reduced criminal justice costs. However, there were also negative effects that included an influx of unauthorized immigrants hoping to receive amnesty, and a backlog of visas because relatives of newly legalized immigrants now qualified for legal entry into the United States.

165. *Id.* “The toleration of illegal immigration undermines all of our labor . . . It’s a race to the bottom. The one who plays by the rules is penalized . . . a guest worker program guarantees wages will never go up, and there is no way American citizens can compete with guest workers.” *Id.* (quoting Cornell Univ. Professor Vernon Briggs).

166. *POMS Section: SI 00501.440 Immigration Reform and Control Act of 1986, SOC. SECURITY ONLINE* (Aug. 26, 1999), https://secure.ssa.gov/poms.nsf/lnx/0500501440 (explaining that for Social Security benefits, “during the [five]-year period beginning on the date LTR status is granted, LTR’s are ineligible for any Federal program of financial assistance”). LTR is defined as “[t]he status that may be granted [to] an illegal alien who has applied for adjustment of status on May 5, 1987 or later, a special agricultural worker who has applied for adjustment of status June 1, 1987 or later, or certain aliens on extended voluntary departure status who applied for adjustment of status in the [twenty-four]-month period beginning December 22, 1987.” *Id.*


170. *HINOJOSA-OJEDA, supra* note 146.

b. Current Amnesty Proposals

The current immigration reform bill proposing amnesty is the Comprehensive Immigration Reform Act of 2011 (CIRA), introduced in the Senate by Senator Mendez on June 22, 2011. CIRA proposes solutions to deal with the current undocumented alien population in a practical and humane way and also takes economic factors into consideration. In addition, the bill proposes a creation of a special committee comprised of several government entities working together to analyze the economic and labor force effects of immigration. The bill focuses on providing amnesty to deserving undocumented aliens, enforcement, and employer penalties for hiring undocumented workers. The bill also stresses the importance of English proficiency, steady employment, and continuous residency in the United States; the bill proposes funding for the program through fees and fines. CIRA consists of two major parts: Title I: Immigration and Title II: Immigration Enforcement and Reform.

i. CIRA Title I: Immigration

Title I of CIRA proposes registration of undocumented individuals and reforms for worksite enforcement. The first section of Title I, Registration of Undocumented Immigrants, outlines guidelines for amnesty to undocumented immigrants present in the United States before June 1, 2011. These immigrants will be labeled as “Lawful Prospective Immig-


This legislation signals to the American people that we are serious about fixing our broken immigration system. We stand for a complete solution—a real solution—to end undocumented immigration and restore the rule of law. This is common-sense legislation that addresses the realities of the situation, stops the flow across our borders, and contributes to our economic recovery.

Id.


177. Comprehensive Immigration Reform Act of 2011; Short Summary of Menendez CIRA Bill, supra note 35.


179. Comprehensive Immigration Reform Act of 2011; Short Summary of Menendez CIRA Bill, supra note 35.
grants” (LPI) and must meet stringent requirements to qualify. On top of the general requirements for immigrants outlined in the Immigration and Nationality Act, CIRA requires all immigrants must pass a background check. After meeting all the requirements and receiving LPI status, which lasts for four years, the LPI will be eligible to apply for permanent residency at the price of $1,000 and must wait six to eight years. This means that it will take at least ten years before an undocumented immigrant can qualify for the benefits afforded to permanent residents.

In addition, the first section of Title I also incorporates the DREAM Act and AgJOBS bill. Some forms of the DREAM Act have been already enacted by individual states. For example, Texas Governor Rick Perry signed the Texas DREAM Act into law in 2001. The Texas version of the DREAM Act allows children of undocumented immigrants who have resided in the United States and graduated from a U.S. high school to pay in-state college tuition. The federal version of the DREAM Act provides a path to naturalization for children of undocumented immigrants. In order to qualify for permanent resident status and eventually citizenship through the DREAM Act, the child must have arrived in the United States as a minor, attended and graduated from a U.S. high school, and met the residency requirement of five years. If the legislature were to pass the DREAM Act the result would create a

180. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
182. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
183. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
184. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
187. Kim, supra note 186.
189. Id.
substantial taxable income for the U.S. economy. In addition, the DREAM Act would cause a reduction in deficits by an estimated $1.4 billion and an increase in revenues estimated at $2.3 billion in the next ten years.

Another act previously introduced and incorporated into Title I of CIRA is The Agricultural Job Opportunities, Benefits and Security Act (AgJOBS). AgJOBS was introduced in 2009 but no compromise has been reached to pass it into law; it provides a path to legal permanent residency for immigrant farm workers. AgJOBS was a result of a compromise between the United Farm Workers and agricultural business employers. The bill provides an opportunity for undocumented immigrants working in the agricultural field to pay into the system and offset some of the major costs of illegal immigration.

The second section of Title I, Worksite Enforcement, is aimed at discouraging the use of fraudulent documentation and puts further responsibilities on employers. The bill provides the necessary tools to employers by implementing an employment verification system and adding criminal penalties for failure to comply. Since employment is one of the major incentives for undocumented immigrants to come to the United States, employers’ responsibility and compliance is crucial to immigration reform.


194. Id.

195. Id.

196. SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.


198. COOPER & O’NEIL, supra 49 (explaining that over ninety percent of illegal male immigrants are employed).

199. Id. at 3.
to comply with prior legislative requirements. The new proposals in CIRA should address the issue properly and correct the downfalls of past legislation.

In summary, Title I of CIRA outlines the stringent requirements for amnesty for over eleven million undocumented immigrants and introduces a new system for preventing fraud in the workplace. CIRA’s amnesty provision gives undocumented aliens an opportunity to offset the major economic costs of immigration by letting them pay into the system. Furthermore, the costs of this amnesty reform will be funded by the undocumented immigrants themselves through application fees. CIRA’s amnesty will also eliminate deportation costs of millions of people. This seems like the most economically sensible solution to the problem of illegal immigration currently faced by the United States, and is the preferred solution of most economists. Although some argue that amnesty encourages unauthorized immigration, the addition of CIRA’s Worksite Enforcement will deter future undocumented immigrants by making it harder for them to obtain employment.

ii. CIRA Title II: Immigration Enforcement and Reform

Title II of CIRA outlines procedures for border enforcement, interior enforcement, reforming America’s legal immigration system, and immigration integration and other reforms. CIRA makes it clear that regulating immigration is a function of the federal government, not individual states. Title II proposes expansion Customs and Border Protection (CBP) and Immigrant and Customs Enforcement (ICE) agencies to ensure border enforcement. For internal enforcement, the bill expands

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200. Id.

201. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.


203. Comprehensive Immigration Reform Act of 2011, § 338; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.

204. See SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35 (outlining amnesty options provided to immigrants under CIRA).

205. Bloomberg, supra note 8.

206. O’Connell, supra note 95.

207. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.

208. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.


210. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
penalties and provides new guidelines for agencies handling undocumented immigrants.\(^\text{211}\) It is difficult to predict whether changes proposed in Title II will have a significant impact on deterring unauthorized immigration. However, from an economic standpoint, it makes more sense to allocate funds towards border and interior enforcement reform to prevent future unwanted immigration than to deport such a large number of people.\(^\text{212}\)

Another key proposal of Title II is the creation of a Standing Commission on Immigration, Labor Markets, and the National Interests.\(^\text{213}\) This commission will evaluate economic needs and impacts of immigration to help prevent future downfalls.\(^\text{214}\) This commission is uniquely valuable because it is to be comprised of representatives from numerous federal agencies, including the Social Security Commissioner, the Secretary of Commerce, and Department of Homeland Security.\(^\text{215}\) This will give a picture of how the immigration system functions as a whole in conjunction with other agencies, instead of trying to piece together small amounts of information to determine the economic impact of immigration. Moreover, the commission will address the effect of increasing the legal immigration quota.\(^\text{216}\) A higher legal immigration quota correlates to a lower number of undocumented immigrants and vice versa.\(^\text{217}\) However, very few studies are currently available to determine the true economic impact of a higher quota.

In summary, CIRA proposes an economically efficient way to deal with undocumented aliens through amnesty, workforce regulations, border and internal enforcement reforms.\(^\text{218}\) Even opponents of amnesty support other sections of CIRA.\(^\text{219}\) But if amnesty is replaced with the deportation of over eleven million people, as desired by the opponents of

\(^{211}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{212}\) O’Connell, supra note 95.
\(^{213}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{214}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{215}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{216}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{217}\) Infra Part IV.B.
\(^{218}\) Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.
\(^{219}\) See generally, Is the Legalization of Illegal Aliens a Good Solution to Illegal Immigration in America?, supra note 9 (discussing pro’s and con’s of amnesty).
amnesty, the economic impact will be devastating. Both amnesty and deportation will eliminate major costs of immigration such as healthcare and education, but deportation will require even more funding, while amnesty will fund itself and allow the U.S. economy to retain the benefits of millions of consumers.

iii. Defining the Differences Between IRCA and CIRA

Opponents of amnesty argue that amnesty causes an increase in undocumented immigration and backlogs in processing based on the failures of IRCA. It is true that CIRA’s proposals are very similar to IRCA, and it is only natural to assume that the same type of legislation will create the same type of effect. However, there are significant differences that would cause CIRA to have a substantially different economic impact than IRCA.

First, IRCA was designed for a population of approximately three million undocumented immigrants in the United States in 1986. CIRA, on the other hand, is designed to deal with the approximately eleven million undocumented immigrants currently living in the United States. This is almost four times as many people, which creates an even stronger economic impact. Furthermore, one of the major downfalls of IRCA was the lack of an efficient system to enforce fraud in the workplace. Employers themselves were responsible for verifying documents, but they had no feasible way of actually doing so. As a result, IRCA’s guidelines for employers did not provide an efficient means of enforcement when the guidelines were violated.

IRRIRA attempted to correct this downfall in 1996 by imposing penalties on employers; however, it still failed to prevent fraud and provide an efficient means for employers to follow the guidelines. As a result,

220. O’Connell, supra note 95.
221. Id.
222. See Is the Legalization of Illegal Aliens a Good Solution to Illegal Immigration in America?, supra note 9 (outlining con’s).
228. Id.
unregistered immigrants still had an incentive to cross the border for employment which was easy for them to obtain under the IRRIRA.230

After IRRIRA, a pilot program was launched to provide a tool for employers to check fraudulent documents.231 The program called eVerify was launched in 1997 and became available to employers in 2001.232 Only about one thousand employers participated in the pilot program in 2001.233 As improvements were made to eVerify the number of employers participating also increased.234 Currently, there are over 300,000 employers participating in the program.235 Additionally, as the system keeps improving and more employers begin participating, the number of errors decrease.236 This is the type of efficient system CIRA is incorporating in the bill.237 Unlike IRCA and IRRIRA, CIRA provides a tool that will help employers follow guidelines, rather than simply setting guidelines with no efficient means of following them.238

Finally, perhaps the most important difference between IRCA and CIRA, is that CIRA provides more reforms for enforcement of immigration laws.239 IRCA was deemed a failure because of the influx of immigrants seeking amnesty.240 An increase in undocumented immigrant population from three million to over eleven million is a failed attempt at immigration reform.241 However, it is important to examine exactly why IRCA failed. The idea of IRCA looked great on paper but provided no efficient means to turn the paper promise into reality.242 IRCA failed to address the actual implementation of the bill and to foresee the effect it

230. O’Connell, supra note 95.
232. Id.
233. Id.
234. Id.
235. Id.
236. History and Milestones, supra note 231.
238. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
239. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENENDEZ CIRA BILL, supra note 35.
240. See PASSEL & COHN, supra note 85 (indicating that the only significant reversal in the growing undocumented immigrant population occurred in 2010).
241. See id. (indicating the undocumented immigrant population reached twelve million in 2007).
would have on enforcement agencies.\textsuperscript{243} For example, although there was increased funding for border security under IRCA, border enforcement continues to be inadequate and is unable to deter undocumented immigrants.\textsuperscript{244} In order to solve a problem, only a plan is not enough.\textsuperscript{245} Proper implementation tools are key to executing any plan.

In order for CIRA to be more successful than IRCA, all the involved government agencies must be prepared to properly execute CIRA as it was written.\textsuperscript{246} Failure to execute was the primary reason IRCA was unsuccessful, not because it was a bad plan. That being said, CIRA has a similar chance of failure if it is not properly executed.\textsuperscript{247} Although CIRA does establish more guidelines for internal enforcement than IRCA and provides tools, such as eVerify,\textsuperscript{248} it is hard to predict whether all of CIRA’s guidelines will be enough to implement an efficient system of immigration reform, but it is clearly an improvement from IRCA.\textsuperscript{249} In order for CIRA to avoid the same downfall of IRCA, proper execution and enforcement are necessary. Success requires more than passing a bill to solve the problem; it takes everyone involved, including all government agencies, employers, and even the immigrants themselves.

Another negative effect of IRCA was the backlog of immigration applications because newly legalized immigrants were suddenly eligible to bring their relatives into the United States legally.\textsuperscript{250} CIRA also fails to address this issue.\textsuperscript{251} CIRA is targeted at about four times as many people than IRCA, and the backlog can be expected to increase substantially.\textsuperscript{252} CIRA fails to acknowledge and propose solutions for this clearly inevitable effect of amnesty.\textsuperscript{253} IRCA’s failure leads to the conclusion that the idea of amnesty alone is not enough for efficient immigration reform. To accommodate the current and future possible

\begin{itemize}
  \item \textsuperscript{243} Immigration Reform and Control Act of 1986; \textit{Cooper & O’Neil}, supra note 49.
  \item \textsuperscript{244} \textit{Cooper & O’Neil}, supra note 49, at 8.
  \item \textsuperscript{245} \textit{Id.} at 1.
  \item \textsuperscript{246} \textit{Id.} at 4–8.
  \item \textsuperscript{247} \textit{Id.} at 4.
  \item \textsuperscript{248} \textit{Comprehensive Immigration Reform Act of 2011; Short Summary of Menendez CIRA Bill}, supra note 35.
  \item \textsuperscript{249} \textit{See Comprehensive Immigration Reform Act of 2011; Short Summary of Menendez CIRA Bill}, supra note 35 (detailing improved procedures for the enforcement of immigration reform).
  \item \textsuperscript{250} \textit{Cooper & O’Neil}, supra note 49, at 6.
  \item \textsuperscript{251} \textit{Short Summary of Menendez CIRA Bill}, supra note 35.
  \item \textsuperscript{252} \textit{See Passel & Cohn}, supra note 85; \textit{North}, supra note 159 (indicating that almost three million undocumented immigrants benefitted from the amnesty provision of IRCA).
  \item \textsuperscript{253} \textit{Comprehensive Immigration Reform Act of 2011; Short Summary of Menendez CIRA Bill}, supra note 35.
\end{itemize}
backlog, the legal immigration quota per year and per country must be adjusted.254

CIRA partially addresses the issue of increasing the legal immigration quota by creating a committee to analyze the need for an increasing immigration quota for employment visas.255 However, CIRA falls short of being a complete and comprehensive immigration reform bill. Based on the effects of IRCA, the immigration backlog will inevitably increase substantially.256 Before implementing an immigration reform bill, future foreseeable effects must be examined in order to avoid past mistakes. IRCA failed to foresee future economic effects and CIRA fails in this respect as well.257

Even putting the amnesty issue aside, the current backlog of immigration visas in the United States is unacceptable compared to other countries. Countries with higher immigrant population percentages and higher immigration quotas have a substantially lower processing time and backlogs for visas.258 Furthermore, opponents of increasing the immigration quota in the United States argue that it will encourage more overall immigration; however, statistics from other countries show that a higher legal immigration quota corresponds to a much lower number of undocumented immigrants.259 Not only will increasing the quota solve the backlog, but it will also provide more legal paths for deserving immigrants to migrate to the United States, fill up the demand for manual labor force in a legal way, and in turn, reduce unauthorized immigration.260


The problem is that our immigration quotas provide so few opportunities for most of them to enter the country legally . . . there are only 5,000 visas available for unskilled foreigners seeking year-round work. A Mexican without family in the [United States], who wants to do something other than farm work has virtually no legal way to enter the country. And even a man with family here must wait from [six] to [twenty-two] years for a visa, depending on what kind of relatives he has and what their legal status is.

Id.

255. Comprehensive Immigration Reform Act of 2011; SHORT SUMMARY OF MENEN-DEZ CIRA BILL, supra note 35.

256. See COOPER & O’NEIL, supra note 49 (explaining the increase in immigration backlogs following the implementation of IRCA).

257. See COOPER & O’NEIL, supra note 49 (detailing the lessons learned from IRCA).

258. Infra Part IV.B.

259. Id.

260. Jacoby Statement, supra note 254. “We need the labor; foreign workers want the jobs. But there are no legal channels – so inevitably people come illegally. And it is this
B. *Increasing Legal Immigration Quotas*

The majority of undocumented immigrants enter the United States for employment, and since there is always a demand for manual labor, undocumented immigrants will always have an incentive to cross the border. Decreasing this incentive would be the most effective way to prevent unauthorized immigration. Undoubtedly, decreasing the demand for labor is not a practical solution in the midst of the current economic crisis. An increase in the immigration quota will satisfy the demand for much needed manual labor jobs through a legal channel, rather than the current system of satisfying the demand with undocumented immigrants.

Compared to immigration systems in other countries, such as Canada and United Kingdom, the statistics are troublesome. According to the 2010 Census, the United States net migration rate is four per 1,000 population, while Canada’s rate is six per 1,000 population and United Kingdom is at a mere three per 1,000. This means that the number of people leaving and entering each country yearly is very close. The United Kingdom’s estimated migration rate in 2010 was 163,000 people, estimated at 0.26 percent of the total U.K. population. In contrast, the U.S’s quota is estimated at 0.16 percent of the total U.S. population.
The United States has the lowest percentage of immigrants allowed per population and by far the highest percentage of undocumented immigrants, estimated at 3.7 percent of the total population. For example, the U.K.’s undocumented immigrant population was 1.21 percent in 2006 three times lower than in the United States.

Yet some opponents to increasing the legal immigration quota argue that in order to decrease unauthorized immigration, the legal immigration quota must also be decreased. To support their argument, these opponents present evidence that all immigrant populations have increased since the 1960s. This trend in numbers causes opponents to come to a conclusion that documented immigration directly causes undocumented immigration. Concluding that reducing the legal immigration quota will reduce non-legal immigration would require a multitude of connecting links to make a full chain of cause and effect. Opponents of increasing the immigration quota fail to explain how the root causes of unauthorized immigration lead to the conclusion that decreasing the legal immigration quota will solve the problem.

1. Historical Trends

In order to determine the true impact of the legal immigration quota on the undocumented immigrant population, it is important to examine historical trends in the United States. The first immigration law in the United States, The Page Act, was passed in 1875, and created basic guidelines for immigration. Quota for annual immigration was first established by the Emergency Quota Act of 1921 at three percent of the population of an immigrant’s native country that was residing in the United States at the time of the 1910 census. The immigration quota

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270. Passel & Cohn, supra note 85
274. Id.
276. Emergency Quota Act of 1921, ch. 8, § 2(a), 42 Stat. 5; Hannibal Gerald Duncan, Immigration and Assimilation 497 (1933). In addition, not more than twenty
was reduced to two percent by The Immigration Act of 1924 and additional restrictions were placed on the origins of those immigrants. In addition, border security and patrol was implemented to prevent unauthorized immigration. Three years after the decrease in the legal immigration quota, the undocumented immigrant population of Mexican natives in the United States spiked to an estimated one million individuals. In response, Mexican immigration became even more restricted by The Immigration and Nationality Act of 1965 and border patrol was further expanded. By the 1980s, almost twenty years after restrictions on legal Mexican immigration, the United States was faced with a need for immigration reform due to the almost three million unauthorized immigrants that had entered the country. Decreasing the legal immigration quota led to an increase in illegal immigration, despite the newly implemented border patrol program that began in 1924. This trend shows that as the U.S. legislature was restricting legal paths for immigrants to percent of the quota could enter the United States in one month. The effect of the law was two-fold: first, it reduced the number of immigrants coming into the country by more than half, and second, it encouraged immigration from Protestant Northwest Europeans.

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279. LINNA E. BRESETTE, MEXICANS IN THE UNITED STATES: A REPORT OF A BRIEF SURVEY 7 (1929). The report discusses Department of Labor statistics which estimated that in just Texas, California, New Mexico, Colorado and Arizona alone there were 1.2 million Mexicans. Id. It further stated that Mexican nationals were no longer confined to the Southwest and could be found in almost all states. Id.

The numbers of illegal migrants entering the country was growing at an alarming rate, especially in the California and Rio Grande Valley areas along the Mexican border. Citizen groups alleged that these migrants were responsible for the growing violent crime rate and implored the Immigration Service to put a stop to their entry. The Patrol responded by moving resources-sixty-two Canadian border units were transferred south for a large-scale repatriation effort. In 1952, the government airlifted 52,000 illegal immigrants back to the Mexican interior.

enter the United States, unauthorized immigration substantially increased.

The quota failed to grow across the decades and failed to keep up with our economic demands. There are many factors that lead to an increase in unauthorized immigration, but it is difficult to separate the impact a decrease in the immigration quota has on this influx of undocumented immigrants. Nevertheless, it is clear from the past that after a decrease in the legal immigration quota, unauthorized immigration does not necessarily decrease, but instead tends to increase. Those who oppose increasing the immigration quota argue that lowering the legal immigration quota will cause unauthorized immigration to decline, but history has proven the exact opposite to be true.283 In fact, other countries that have a substantially high legal immigration quotas have a substantially lower undocumented immigrant population.284

In order to discourage future flows of undocumented immigrants, the true reasons behind unauthorized immigration must be addressed.285 Putting a patch on the wound is not enough to make it heal properly. Undocumented immigrants come to the United States for jobs.286 In fact, this incentive is so strong, that it overpowers the risks of strict punish-

Laws passed in 1921 and 1924 limited the numbers of newcomers by assigning a quota to each nationality based upon its representation in previous U.S. census figures. Each year, the State Department issued a limited number of visas; only those immigrants who had obtained them and could present valid visas were permitted entry. A corollary to severely restricted legal immigration is increased illegal immigration. So the quota-visa policy led to many of the immigration challenges that we see today. Illegal entries and alien smuggling began to rise along land borders, so Congress created the Border Patrol, in 1924, within the Immigration Service. Stricter immigration policies coupled with Border Patrol apprehensions meant that agency staff and resources were becoming more heavily involved in deportations. And a corollary of deportations was that more aliens were conducting more court battles in order to stay. 

A History of Immigration and Naturalization, supra note 280. Congress established the United States Border Patrol as part of the Immigration Bureau the patrol areas were expanded in 1925 to include over 2,000 miles of seacoast extending along the Gulf and Florida coasts. U.S. Border Patrol, supra note 280.


284. Supra Part IV.B.

285. Waslin, supra note 263.

ment and the obstacles surrounding a secure border. The demand for manual labor in the U.S. workforce will always exist. It would be more economically beneficial to fulfill this demand through legal channels rather than illegal, and un-taxable, means.

Opponents of increasing the legal immigration quota argue that immigrants will take away jobs from Americans. There are two parts to this argument: (1) undocumented immigrants currently in the United States take away jobs from lower class Americans, and (2) legal immigrants take away higher skilled jobs. With a historically high number of unemployed individuals and the current economic crisis, the undocumented immigrant population often becomes an easy scapegoat. In order to determine the validity and true economic impact of these arguments, real life statistics and factors must be taken into consideration.

2. Immigration Effects on the Labor Force

There is a general misconception among Americans that immigrants take away Americans’ jobs and drain the welfare system. The reality is there is little research to support such claims. In order to determine the validity of such statements, it is helpful to compare an immigrant to an unemployed U.S. born citizen on welfare.

Welfare benefits translate into an hourly wage higher than a janitor’s wage in forty-seven states. Why would an unemployed American ever want to work as a janitor? In New York City, the average “welfare salary” is calculated at $14.75 per hour. A first-year, college-educated

288. Id.
291. Id.
292. Id.
293. Are American workers harmed (such as through job displacement or lower wages) by an illegal alien workforce?, PROCON.ORG, http://immigration.procon.org/view.answers.php?questionID=000852 (last updated April 14, 2009) (“The best available evidence does not support the view that large waves of immigrants in the past have had a detrimental effect on the labor market opportunities of natives, including the less skilled and minorities. Any claim that increased immigration . . . will necessarily reduce the wages of incumbent workers should be viewed as speculation with little solid research support.”).
295. Id.
teacher makes less than a person on welfare in nine states. 296 A secretary makes less than a person on welfare in twenty-nine states. 297 The average welfare salary is over $8 per hour in forty states. 298

In contrast, many undocumented immigrants work under false documents and some pay into the welfare system without having any access to the benefits. 299 They are not taking away jobs, they are filling essential positions in the U.S. labor force that no one else has the desire to fill. 300 As a result, the undocumented alien labor force provides lower consumer prices for all Americans. 301 As long as there is an inexpensive alien labor force, socioeconomically disadvantaged Americans are deterred to work unskilled jobs.

As far as the argument that undocumented immigrants are taking away Americans’ jobs, it is hard to believe that the employment based visa limit of 140,000 per year 302 would hardly have any significant impact. The natural functioning of the employment market is the reason many skilled workers are unemployed, not the high number of immigrants. 303 Even if the undocumented immigrants are given a chance to legalize and have the same opportunities as most Americans, such as higher education, they will still have more obstacles to overcome when getting a job than an average American. For example, the language barrier and lack of experience in a U.S. employment environment will still be a disadvantage when competing for skilled jobs.

Perhaps the biggest concern should not be losing jobs to undocumented and documented immigrants, but rather losing jobs to workers overseas. More than 2.4 million jobs were outsourced to workers outside

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296. Id.
297. Id.
298. Id.
300. Greenspan, supra note 93.
301. HINOJOSA-OJEDA, supra note 146.
302. Visa Availability and Priority Dates, supra note 80.

While we find that, overall, there are enough out-of-work natives to replace undocumented workers, there is a severe mismatch between the skills of undocumented workers and the natives who would potentially replace them. Moreover . . . all out-of-work natives would not otherwise find work. Clearly, a certain share of natives are unemployed due to the normal functioning of the labor market (socalled ‘frictional’ unemployment) and will find work regardless of what happens with undocumented workers . . . .”

Id.
the United States in the past ten years.\textsuperscript{304} Those are jobs going to people who do not consume or pay taxes in the United States. It makes more sense economically to give those jobs to people who live in the United States, consume, and pay into the system.

In order to find a more economically efficient solution to immigration problems today, it is important to consider both the current status and the future of the U.S. economy. Deportation will cause an economic disaster; therefore, amnesty is the only viable solution.\textsuperscript{305} Learning from the past, it is clear that amnesty alone is not enough, and the future effects of amnesty must be addressed.\textsuperscript{306} Amnesty coupled with an increase in the legal immigration quota have proven to cause a low undocumented immigrant population in other countries, while a decrease in a legal immigration quota has proven to cause an increase in the undocumented immigrant population in the United States in the past.\textsuperscript{307} Therefore, it would be best to increase the legal immigration quota.

V. PRESENT, PAST, AND FUTURE IMPACTS OF IMMIGRATION ON THE U.S. ECONOMY

Undocumented immigrants did break a law; they broke a law once they crossed the border of the United States. How does everyone else, an average American, get the right to be present in the United States? They get the right simply by being born in the United States. How does an immigrant get the right to be in the United States? By going through an arduous and expensive process of proving they are worthy of becoming a U.S. citizen.

The “illegal is illegal” argument that is often used to approach immigration today was used on numerous civil rights issues throughout U.S. history. For instance, it was once illegal for a Black person to marry a White person.\textsuperscript{308} It seems absurd today that an interracial marriage was once considered a criminal offense. The fact that something is labeled “illegal” is not justification to ignore the big picture and close one’s eyes to what is truly behind that word. Not all “illegal” things are equal, and, therefore, they must be addressed with an open and informed mind. The future of the immigration system in the United States is unclear. What is

\textsuperscript{305} Supra Part IV.A.
\textsuperscript{306} Supra Parts IV.A, B.
\textsuperscript{307} Id.
\textsuperscript{308} See generally Loving v. Virginia, 388 U.S. 1 (1967) (holding that a Virginia statute banning interracial marriage violated the due process and equal protection clauses of the fourteenth amendment).
clear is that the current immigration system is not working. Effective immigration reform must take into consideration the present state of the economy, past failures, and the future impact of such reform.

A. Fixing the Present

As previously stated, there are currently an estimated eleven to twelve million undocumented immigrants, or 3.7 percent of the population, in the United States today.\textsuperscript{309} The legal immigration quota in the U.S. is only 0.16 percent of the total population.\textsuperscript{310} The waiting list to enter the United States as a legal permanent resident is over ten years.\textsuperscript{311} Undoubtedly, the current immigration system in the United States is in dire need of reform. In the midst of a current economic crisis, economic factors are perhaps the most important to examine when drafting immigration reform.

The current undocumented immigrant population brings both significant benefits and costs to the U.S. economy. The proper immigration reform should offset major costs of the undocumented immigrant population, such as healthcare and education, while preserving the major benefits, such as consumption and tax revenue.\textsuperscript{312} The bottom line is that the only two options to deal with the high number of undocumented immigrants in the United States today are deportation and amnesty. Deportation, even if deemed realistic for eleven to twelve million people, will cost $12,500 per person.\textsuperscript{313} Amnesty, on the other hand, will offset major costs while retaining the benefits.\textsuperscript{314}

B. Learning from the Past

It seems natural to be skeptical of amnesty based on prior failures of IRCA. But most critics of IRCA agree that the failure was in implementation and planning for the future, not the actual granting of amnesty. Further attempts to correct IRCA with IIRIRA in 1996 by implementing stricter punishments on employers and immigrants have also failed because the root causes of illegal immigration were overlooked. The past shows that a decrease in the immigration quota has led to a spike in illegal immigration. An analysis of reasons for past failure is key to creating effective immigration reform in the future.

\textsuperscript{309} Supra Part IV.B.  
\textsuperscript{310} Id.  
\textsuperscript{311} Id.  
\textsuperscript{312} Supra Part III.B.  
\textsuperscript{313} Id.  
\textsuperscript{314} Id.
C. Preparing for the Future

Attempting to learn from the past, the current proposal for immigration reform, CIRA, addresses some failures; however, it still overlooks future effects. Amnesty alone, even if properly implemented, will not address the future flow of immigrants. A higher legal immigration quota is directly tied to a low number of undocumented immigrants. Immigrants do not take away jobs from Americans; they contribute to economic growth and development, unlike the 2.4 million jobs currently outsourced to other countries. To prepare for the future, the effects of amnesty or deportation on the U.S. economy must be considered.

Is it even realistic to make over eleven million people, as many as the entire state of Pennsylvania, disappear? As people suddenly began disappearing in Central Falls, Rhode Island, the negative economic impact was clearly felt by small businesses in that town because of the reduction in consumption. Is Central Falls a small scale example of what the United States will become once millions of consumers also disappear? Why is the U.S. government trying so hard and spending billions of dollars to cause “the worst economic disaster in the history of the United States?” The only economically sensible and realistic paths to avoiding this disaster are granting amnesty to current undocumented immigrants and increasing immigration quotas. Perhaps the U.S. government can learn their lesson from the small scale example of Central Falls and discontinue current immigration procedures.

315. O’Connell, supra note 95.