

# Ineffective & Unjust:

FIXING OUR NATION'S  
BROKEN IMMIGRATION SYSTEM



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# **POLICY REPORT**



## **Ineffective and Unjust: Fixing Our Broken Immigration System**

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## EXECUTIVE SUMMARY

Concerned for the security and integrity of our country, we at the Muslim Public Affairs Council (MPAC) offer this publication as a Muslim American faith-based policy contribution to the national discourse on immigration reform. Our goal is to provide a voice of moral pragmatism.

As Muslim Americans presenting a faith-based perspective to one of our nation's biggest public policy challenges, we look to the Qur'an for moral guidance. In order to best satisfy the public interest, referred as *maslaha* in Islamic thought, we believe there are four values guiding our comprehensive immigration reform strategy. They are:

1. **Human Dignity.** One of the key objectives of immigration reform is to ensure that individuals are not to be exploited and must be treated humanely and justly – regardless of nationality or legal status.
2. **The Rule of Law.** Breaking the law – such as illegal entry or overstay – is wrong and must be appropriately compensated for. However law enforcement must also be done justly in accordance with Constitutional values and due process. Enforcement should also give first priority to maintaining public safety – such as focusing on violent offenders and rapists given the importance of human dignity and sanctity of human life.
3. **Fiscal Responsibility.** Applying this to immigration policy, it is our view that all government programs should be as effective and fiscally efficient as possible so as to not become a wasteful burden to taxpayers.
4. **Economic Growth.** Immigration reform – particularly the legalization component – must not harm the job prospects of legal immigrants and U.S. citizens. Those new to this country and using its services should also be expected to economically contribute through education and/or finding employment.

With these values in mind, MPAC approaches the immigration challenge with a comprehensive set of solutions addressing the root causes of our broken system. In particular we focus on three of the most pressing aspects of immigration reform: 1) **Reforming the legal immigration system**; 2) **Earned Legalization of undocumented individuals**; and 3) **Developing effective immigration enforcement**.

### Legal Immigration

Reforming our broken legal immigration system is about balancing competing social/political and economic interests and objectives. It also includes possibly modifying the limit of legal residents and temporary workers allowed into the country each year.

Despite the steady flow of legal entry into America, it is clear the immigration system is broken. There are two main problems with the current setup of legal U.S. immigration:

- *Unrealistic caps for the number of visas granted.* The current visa system fails to adjust to domestic labor market demands. It also grants all nations the same number of visas rather than giving greater priority to nations with greater migration flows into the United States.
- *Bureaucratic inefficiencies and inconsistent policies.* Federal agencies have not devoted enough resources to speedy processing of citizenship and Legal Permanent Resident applications. Nor have they effectively prevented people from overstaying their visas.

A better legal immigration system would provide important economic benefits to America. Our nation may face a labor shortage and an increase in costs for popular entitlement programs. The conservative think-tank, The Heritage Foundation, warns that Social Security is facing a looming fiscal crisis because the “baby-boomer” workers sustaining the program are beginning to retire. In order to avoid a national labor shortage and maintain Social Security’s solvency, outside workers will be needed in order to sustain our economy.

Significant numbers of immigrants already fill critical job sectors, particularly in white-collar professions. In fact, the U.S. Census Bureau reports one-third of all Doctorate degrees earned in the U.S. are awarded to immigrants.

### **Legalization of Undocumented People**

This issue is about allowing undocumented immigrants in the United States to become Legal Permanent Residents. Earned legalization is a concept, “describing a work-benefits program for undocumented aliens in the United States, where work is rewarded with the opportunity to receive legal status.” It differs from “amnesty” because “amnesty” automatically pardons millions of undocumented immigrants who unlawfully entered or overstayed their visas.

Those who argue against earned legalization believe it rewards undocumented individuals at the expense of those waiting to come legally, and argue it may become a magnet for future flows of unauthorized migrants. Others still, argue immigration harms native-born American workers’ wages and job prospects. The above perspective reflects legitimate concerns but fails to take into account three important points:

*First, it misidentifies the root causes for unauthorized immigration.* As noted earlier, the current legal immigration system is characterized by unrealistic quotas and bureaucratic inefficiencies. This creates perverse incentives for undocumented immigration. Additionally, legal enforcement has been insufficient and ineffective.

*Second, it ignores the existing reality of 11 million undocumented immigrants living and working in the United States.* Mass deportation is extremely costly, as described later in our report. Furthermore, unskilled undocumented workers make significant short-term economic contributions. The Social Security Administration estimates 75% of undocumented immigrants submit their payroll taxes. They generate \$162 billion in annual local, state and federal tax revenues and pay \$1,800 more in taxes than government benefits received.

*Third, the evidence for arguing immigration's negative effect on citizens' wages and job prospects is weak.* In fact, earned legalization would bring significant economic benefits to the United States. A study by the Immigration Policy Center found earned legalization is likely to **generate an extra \$1.5 trillion** in revenue over 10 years, a 0.84% increase in GDP. This amounts to raising wage floors by at least 6% for **all** American workers, an increase in income which would likely create 750,000-900,000 jobs.

An August 2010 study by the Federal Reserve Bank of San Francisco also found immigration brings significant long-term economic gains. It concluded that immigration provides a \$5,100 increase in the yearly income of the average American worker.

## **Developing Effective Immigration Enforcement**

Immigration enforcement includes border security, worksite enforcement, employment eligibility verification, and removal of criminal undocumented immigrants.

Despite the pressure placed on enforcement strategies to control undocumented immigration, such approaches have largely failed. Border security programs, like the Secure Border Initiative, suffered from massive technical failures and time/cost overruns.

Though border security and detention policies are important, they are also extremely ineffective and insufficient. The heavy emphasis on border security also ignores the large percentages (25-40%) of undocumented immigrants who overstay their visas.

Current labor law enforcement to guard against improper hiring of immigrants is also ineffective. A disproportionate amount of arrests by federal agencies have been directed at undocumented workers (98% of persons arrested in 2008) rather than the management illegally hiring them (2% of persons arrested in 2008). This is tantamount to treating the symptoms of undocumented immigration rather than tackling its economic root cause. Similar problems also occur among documented immigration routes, where there has been a systemic failure to crackdown on worker visa fraud.

The final key component to immigration control is the arrest and removal of violent fugitive criminals and drug and human traffickers. However, such programs – including 287(g), Operation Front Line, and the National Fugitive Operations Program – have been ineffective and counterproductive. The Department of Homeland Security's own data shows these programs waste money, personnel and other resources by arresting overwhelmingly non-violent people who pose no threat to communities. Furthermore, such programs have been criticized by local police for undermining community trust needed to get crime tips.

## Policy Recommendations

Concerned for the safety of our country and the integrity of our civic society, we must fulfill our moral and religious obligations towards remedying this situation as quickly and effectively as possible. Given the complexity of immigration challenges in America today, we offer the following recommendations toward a comprehensive immigration reform strategy:

### *Border Security and Law Enforcement*

- Shift the focus of enforcing labor laws on unscrupulous *employers* rather than workers.
- Emphasize apprehension of fugitive aliens with a *criminal* background.
- Overhaul the Secure Border Initiative (SBI).
- Continue research on a comprehensive and effective employment verification regime.
- Continue research into visa overstay tracking.

### *Legal Immigration*

- Base employment visas ceilings on market demand, not arbitrary caps.
- Reform family visa allowances based on migration flows from countries.
- Enhance bureaucratic effectiveness to reduce processing times and errors in citizenship and Legal Permanent Resident applications.

### *Legalization of Undocumented Individuals*

- Create a path to earned legalization for as many people as possible.
- Develop a simple and straightforward process to earned legalization.
- Make social integration and the possibility of a green card and citizenship the end goal of an earned legalization process.
- Partner with community stakeholders.



Founded in 1988, MPAC is an American institution which informs and shapes public opinion and policy by serving as a trusted resource to decision makers in government, media and policy institutions. MPAC is also committed to developing leaders with the purpose of enhancing the political and civic participation of Muslim Americans.

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