

**IDEAS 08**

## **Immigration: A Campaign Primer**

By KATHERINE MANGAN

Few issues have proved as politically explosive in the presidential primaries as immigration. Candidates on both sides of the political divide have flipped and flopped their way around the topic, trying to appease those who fear their livelihoods are being threatened by undocumented workers, as well as those who believe families already living in the United States should be given an opportunity to succeed here.

Scholars from fields as diverse as law, history, sociology, and economics are also caught up in heated discussions about the need to reform the country's immigration laws. While their views vary widely, most agree that the presidential candidates' preoccupation with border security is giving short shrift to the more complex and potentially important question of what to do about the more than 12 million undocumented immigrants already in this country.

*The Chronicle* asked several immigration scholars to comment on immigration policy and the positions of the major presidential candidates.

### **What should be done to secure the nation's borders?**

Because border enforcement is tied in many voters' minds with "homeland security," none of the candidates want to be seen as weak on the issue. All except Ralph Nader at one point favored building a wall along the U.S.-Mexico border, although Sen. Barack Obama, after voting to authorize the structure, voted against a measure that would have accelerated its construction. (Mike Huckabee had perhaps the most puzzling rationale for a wall: He implied it could help stem the tide of Pakistanis entering the United States illegally.)

After hearing an earful in Texas from voters who bitterly opposed the wall, both Obama and Sen. Hillary Rodham Clinton said during a debate there that they would consult with border residents and consider whether some areas could be better protected with more patrols and technology.

Immigration scholars generally pan the wall. "A border fence is clearly a symbolic gesture that is not in any way going to stop people from crossing the border," says Robin Dale Jacobson, an assistant professor of political science at Bucknell University and author of the soon-to-be-released *The New Nativism: Proposition 187 and the Debate Over Immigration* (University of

Minnesota Press, May 2008). "When you erect physical barriers, it just drives people who want to cross into the hands of coyotes and into more dangerous territory."

Douglas S. Massey, a professor of sociology and public affairs at Princeton University, has some solutions of his own. "Putting more resources into enforcement along the Mexico-U.S. border is a complete waste of taxpayers' money, and building a wall is the height of folly," says Massey, one of the editors of *Crossing the Border: Research From the Mexican Migration Project* (Russell Sage Foundation, 2004). He would reduce the size of the border patrol and use the money saved to beef up security at ports, train stations, subways, and tunnels, and to identify illegal immigrants at workplaces, rather than at borders.

Massey would also provide more development assistance to Mexico. Though improving conditions there wouldn't eliminate illegal immigration from other countries, it would be a start, Massey says. "If we could solve the Mexican problem first," he says, "everything else would be on a much smaller scale and much easier."

### **What about the 12 million illegal aliens who are already in this country?**

Finding a humane way to deal with immigrants already here is crucial, says Kevin R. Johnson, associate dean of academic affairs and a professor of public-interest law and Chicana/o studies at the University of California at Davis School of Law. Clinton and Obama both favored legislation cosponsored by Sen. John McCain that would have provided legal status and a path to citizenship for the illegal immigrants living in the United States, but the bill died last year after drawing fire from both liberals and conservatives — like Huckabee, who said it would amount to amnesty. McCain now says he favors securing the borders first, then focusing on other immigration issues.

"We need to come up with a path to legalization that ensures that undocumented immigrants with ties to the community are permitted to regularize their immigration status," says Johnson, who is author of *Opening the Floodgates: Why America Needs to Rethink Its Border and Immigration Laws* (New York University Press, 2007). He likes the idea, supported by both Democratic candidates, of allowing undocumented workers to pay a fine and learn English. The country could set a date, such as January 1, 2008, and aliens who could prove they were in the country at that time would be eligible to become lawful permanent residents first, and citizens later. The process would have to screen out convicted criminals.

Massey makes a similar proposal: an earned legalization program in which immigrants would rack up points for things like paying a fine, learning English, taking civics classes, paying taxes, and having children who are U.S. citizens. He would offer temporary work visas to those not interested in remaining in the United States permanently.

Keeping families intact should be another goal, Jacobson says, adding that candidates from both the major parties have favored plans that would have the opposite effect. "Both Democrats say that family is one of their top priorities," says Jacobson, "but no one is pointing out that even the most immigrant-friendly policies require that the head of household return to the country of origin and then come back in order to get the visa, which rips families apart."

One of the few differences between the Democratic candidates is that Obama would allow undocumented workers to get driver's licenses while Clinton, after waffling on the issue, finally said she would not. Michael A. Olivas, a professor of law at the University of Houston, points out that without driver's licenses, illegal immigrants can't get car insurance, and he says that unlicensed, uninsured motorists pose a safety risk for everyone. "I can understand if you don't want them to run for judge, but not getting car insurance? We're cutting off our nose to spite our face," he says.

### **What rights should the children of undocumented workers have to college scholarships and other benefits?**

The dream act, supported by both Clinton and Obama, would have provided a path to citizenship for some illegal residents and made them eligible for federal student-loan and work-study programs. It died after failing to get enough votes in the Senate in October. McCain had spoken out in favor of the legislation but was absent from the vote; he later said he would have voted against the bill. During Obama's debate with Clinton in Texas, the Illinois senator cited a need to resurrect the act.

Olivas and Johnson agree that the children of illegal immigrants should be entitled to education benefits, including in-state college tuition and scholarships. "Recall that many were brought here as children by parents and cannot be said to be legally culpable for their immigration status," says Johnson. It makes sense to provide access to affordable college education, he says, because "we have invested in their elementary and secondary education," as required by federal law.

Kris W. Kobach, a professor of law at the University of Missouri at Kansas City, counters that the Dream Act is a "nightmare" that discriminates against law-abiding foreign students and U.S. citizens from out of state. He argues that illegal immigrants would receive taxpayer subsidies of tens of thousands of dollars, while American citizens from out of state could pay three or four times as much to attend college.

Kobach, who from 2001 to 2003 was Attorney General John Ashcroft's chief adviser on immigration law and border security, points out that not all Hispanics are fans of the Dream Act. "Some feel that they played by the rules and they don't have much sympathy for those seeking a short route to citizenship."

Olivas, who has sparred with Kobach for years over this issue, says children of undocumented workers face tougher residency requirements than other students do; in order to qualify for in-state tuition, they have to have lived in the state for three years. Students who move from out of state are eligible after 12 months. "How is that unfair to out-of-state or foreign students?" Olivas asks.

Johnson adds that in his home state of California, undocumented immigrants pay property and sales taxes that support the state-university system, while residents of New York, for instance, do not.

Advocates of making college affordable to children of undocumented immigrants also argue that college-educated graduates will earn more, pay more in taxes, and generally contribute to the nation's economy.

### **How does illegal immigration affect the economy?**

Some scholars believe that guest-worker programs like the one proposed by Massey invite exploitation; Olivas says he would prefer to see more emphasis on finding ways to allow immigrants to stay here permanently. He says critics who think undocumented workers are a threat to American jobs and a drain on the economy "aren't doing the math."

"Undocumented workers pay a disproportionate share of taxes, and they are ineligible for anything but public schooling and emergency health care," he says, adding that many of them also pay into the Social Security system.

Opponents of tough immigration laws argue that the economy would collapse without immigrants to do low-paying work like caring for elderly people in their homes, tending lawns, and cleaning houses. But at the same time, many are uneasy that some of those workers are being exploited.

Huckabee's immigration plan would have penalized employers who hired undocumented workers. During the Texas debate, Obama said he also favors cracking down on employers who take advantage of undocumented workers, "but doing it in a way that doesn't lead to people with Spanish surnames being discriminated against."

If employers were required to pay fair wages to all workers, including those who were undocumented, higher labor costs would most likely lead to higher prices, scholars agree. But the overall economic impact could be positive, some argue. Workers who made more money would spend more and pay more in taxes, Olivas notes.

### **But what happens if the economy takes a nose dive, and jobs are harder to come by?**

Johnson says an economic downturn could have two impacts. "Economic insecurity will frighten Americans, and they may well scapegoat immigrants," he says. "But the economy will probably not be as big a magnet for jobs in the short term, and this may dampen undocumented migration."

At the same time, he says, "the United States arguably should foster economic development in Mexico so that the Mexican economy will keep people there." That could take generations, he concedes, and require the United States to spend money outside our borders, an idea that "is not particularly popular."

Jacobson believes people are more likely to blame undocumented workers if they feel insecure about their own jobs. If she were immigration czar, she would focus on strengthening labor laws, ensuring all workers were making at least minimum wage, and supporting unions so that all workers, including those without citizenship, were treated fairly. "We need to ensure that

employers aren't simply pulling in people across the borders to intentionally keep them in the shadows so they can exploit them," Jacobson says.

Roger Daniels, an emeritus professor of history at the University of Cincinnati and author of *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (Hill and Wang, 2004), agrees. "The way to stop illegal immigration is not by stopping people from coming across the border, but by serious enforcement of labor laws," he says.

Daniels says the presidential candidates are "in denial" about the essence of the immigration issue. Meanwhile, failure to address the issue at a federal level has created a vacuum that local governments are rushing to fill. States and towns are cracking down on illegal immigrants with a patchwork of laws and workplace raids.

But "the 12 million people who are in this country illegally aren't going to leave, and that number is growing daily," he says. "Sooner or later, someone's going to have to develop a policy that will work."

*Katherine Mangan is a correspondent for The Chronicle.*

<http://chronicle.com>

Section: The Chronicle Review

Volume 54, Issue 28, Page B10