

## CRITICAL QUESTIONS

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**U.S. Immigration Legislation**

Sidney Weintraub

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**Q1:** What are the main disagreements in the immigration debate?

**A1:** Disagreements on immigration policy center on two issues: (1) treatment that should be accorded the estimated 12 million unauthorized immigrants (about 60 percent from Mexico) now residing in the United States; and (2) the U.S. need for temporary workers in activities such as agriculture, construction, ground maintenance, and food preparation, and serving. Techniques for preventing a further buildup of unauthorized workers are a necessary corollary of what is done to resolve the problem of those now illegally in the United States. Similarly, temporary worker programs require a reasonably foolproof method for employers to verify that job seekers are legally in the country. A consensus is lacking on a number of other issues: whether U.S. immigration preference categories should be partially shifted from family relationships to skill categories; the need for skilled temporary workers (H-1B and L-1 visas); and what to do about U.S.-born children (U.S. citizens) of unauthorized immigrants subject to deportation.

**Q2:** What suggestions exist for dealing with current unauthorized immigrants and preventing further buildups?

**A2:** Proposals for dealing with unauthorized immigrants who have been living in the United States for one or more years without a record of violence run the gamut from allowing them to be regularized after paying fines for their offenses to deportation when apprehended because they violated U.S. laws and did not merit "amnesty." Other suggestions would allow them to adjust status after returning to their home country where they would have to wait their turn for permanent immigration visas—and that could take years, even decades. The fence being erected along the U.S. side of the U.S.-Mexico border is designed, in part, to prevent unauthorized entry into the United States. The U.S. border patrol now has more than 50,000 employees, plus sophisticated technology to detect border crossers. During the final years of the George W. Bush administration, the Department of Homeland Security raided many U.S. industrial operations to capture and deport unauthorized workers. Employers can now use a Web-based electronic system (E-Verify) to determine the eligibility of newly hired employees. None of these measures is foolproof. The recent decline in estimates of unauthorized border entries seems to be more a consequence of the U.S. economic slowdown than the other measures described above. If so, these entries are likely to increase as the U.S. economy recovers.

**Q3:** What tradeoffs are possible to obtain new immigration legislation?

**A3:** Legal immigration into the United States peaked in the decade between 1990 and 1999 at 978,000 a year, about 80 percent from Latin America and Asia. There was a modest decline to 957,000 a year between 2000 and 2005. Unauthorized immigration was estimated by the Pew Hispanic Center at 800,000 a year from 2000 to 2004, but then declined to 500,000 a year or less in subsequent years. The numbers of legal temporary workers have been much lower, about 30,000 a year between 2003 and 2005. To a certain extent, there can be tradeoffs between immigrant categories; for example, the more unauthorized entries can be limited, the greater are the prospects for legal temporary workers. One attraction of hiring unauthorized farm workers is that salaries and other benefits are lower than for legal workers. The tradeoff here can be more mechanization to reduce labor costs, as took place for tomatoes, even as higher wages are paid to legal workers. Instead of hiring more H-1B temporary workers, incentives can be given for U.S. students to focus more on science and technology. Tradeoffs will become more evident as the immigration debate opens. Because of the rush of initiatives in the first year of the Obama administration, immigration legislation is unlikely this year—and this should allow considerable time for determining what compromises are feasible.

*Sidney Weintraub holds the William E. Simon Chair in Political Economy at the Center for Strategic and International Studies in Washington, D.C.*

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