

Us immigration policy: history and arguments



Recent years have made it clear that the current immigration system is broken and fails to meet America's modern needs. Though it is based on family reunification, unfortunately current U. S. immigration law often results in the tragic separation of families or the forced departure of children with full U. S. citizenship when an " illegal" parent is deported.

It is not only families that are affected by current policy. America's workforce is a shared effort between citizens and immigrants. Admission of skilled workers enables the fulfillment of positions that Americans are not sustaining. In addition, current immigration policy allows for the provision of refuge for people who are at risk for political, racial or religious persecution from their country of origin (Congressional Budget Office, 2006). It is unfortunate that majority of the refugees end up settling in the inner cities where they adopt to living in communities embedded with crime (Baldoz et al.) According to Bill Ong Hing a Professor of Law and Asian American Studies at the University of California, children of refugees have grown up in crime ridden society, they commit a crime, get charged and serve time but later they are deported back to the country that they had originally fled.

U. S. borders are out of control at a time of increased threats of terrorism. Vast numbers of immigrants cross the borders and enter into America; some die due to the harsh desert conditions while others remain in America illegally creating an underground society that is vulnerable to exploitation and abuse.

These policies are not beneficial to either immigrants or American citizens and need to be modified in order to create a nationwide banister of hopeful

equality so that entrance into the United States can be achievable by legal means without jeopardizing the rights and benefits of current citizens.

Some believe that American immigration policy should be stricter; such terms to include the expulsion of illegal immigrants and placement of a border fence around United States; however, by providing a path for those who are here illegally to get legal status, a much more viable plan can be set to action leading to successful immigration into the United States. By increasing the number of available visas to immigrants and temporary nonimmigrant workers, creating tighter border security, expanding cooperation with developing nations and even imposing tougher penalties to employers who hire and abuse undocumented immigrants, we can provide such a benefit to all who wish to reside in the Land of Opportunity.

DEFINITIONS

“ Immigrant” is a technical legal term given to a foreign national who has been granted permission to remain in the United States permanently. Such a person is a legal permanent resident (LPR) and is given a green card as a proof of legal status. A “ non-immigrant” is a foreign national who is admitted to United States for a short period of time. They are given “ Visas” according to their reason for entry. For example a student will get class F, visitor class B, and a temporary worker class H. Upon arrival at the port of entry, they are given an I-94 card, which is a small white card placed in the passport. The card indicates how long the foreign national is authorized to stay in United states (U. S.) either with a specific date the foreign national is to leave or with a notation such as D/S (duration of stay) which means that the person is permitted to stay as long as he or she maintains her status. “

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Alien” is a term given to someone who isn’t a United States Citizen. This term includes temporary visitors, legal permanent residents and undocumented individuals. Many advocates feel that this term has a negative connotation; therefore, the term foreign national/immigrant or undocumented will be used throughout this paper.

“ Undocumented” is a term given to foreign nationals who are present in the U. S. without lawful status. The term can also refer to those who entered the U. S. without inspection (EWI) by crossing the border, those who overstay their allotted time in the U. S. or those who violated the terms of their legal status. With very limited exceptions (notably asylum and immediate relative of a U. S. citizen’s partition) a person who is not in lawful status in the U. S. cannot change from being in the U. S. unlawfully to being a lawful individual (Congressional Budget Office, 2006).

HISTORY

In order to understand the issue of immigration, it is essential to pore over the background and history of immigration. According to Greenblatt (2008), United States was created as a nation of immigrants who left Europe for political, religious and economic reasons. After gaining independence, America had an open door immigration policy for 100 years (Greenblatt, 2008)

The Early Laws

The first actual naturalization law in the United States was the March 26, 1790 Naturalization Act restricting immigration to “ free white persons.” Residency requirements were established so foreigners could prove their

economic worth over a legislated period of time. In 1870 the law was changed to allow a limited number of Africans to enter. The Chinese Exclusion Act of 1882 specifically excluded Chinese as they were deemed an inferior race and undesirable. This Act was repealed in 1943 when the Magnuson Act recognized the importance of China's alliance with the US in the war against Japan. In 1865, the Fourteenth Amendment of the Constitution, while intended to protect newly emancipated slaves, in effect made automatic citizens "All persons born or naturalized in the United States," regardless of the citizenship of the parents.

The Quota System

The 1921 Emergency Quota Act and Immigration Act of 1924 established national quotas on immigration based on the 1910 census figures of foreign-born residents in the US. The original intent may have been to maintain some level of protection for US workers from large influxes of skilled foreign workers. (Greenblatt, 2008) But the racial and ethnic quotas clearly reflected the racist attitude of the time that white Europeans were more desirable than any other diversity. Partly in response to the Civil Rights movement of the 1960's, these racial distinctions embarrassed the government and congress offered amendments that eliminated them from the code with the Immigration and Nationality Act (INA) of 1965; signed by president Lyndon B. Johnson as tribute to President Kennedy who was shot in 1963(Vial, et22) However, country quotas remained for foreign-born U. S. citizens who were expected to request family reunification. A visa system was created allowing foreign family members to request legal entry to the U. S. on a first-come, first served basis.

PRESENT DAY IMMIGRATION LAWS

With a family-based immigration system, immigration quickly became a “Chain Migration” process in which legal immigrants already present in the U. S. sponsored new relatives who would become legal and in turn sponsor additional relatives. The archaic quotas of the 1960’s legislation were completely inadequate for the immigration flood of the 70’s and 80’s. There were the political refugees from Vietnam, Laos and Cambodia. Then came a rush of refugees escaping the wars and government persecutions in Guatemala, El Salvador, Honduras, and Nicaragua. (Vial, t(22))

More recently, the United States is continuing to demand medical workers from the Philippines, software engineers from India and as of late, professional business people from China. The system has been unable to handle this demand and the flood of “ illegal” immigrants has rapidly escalated to well over one million annually. The problem that America is facing today is a familiar issue, an issue that has existed long before the recent high-profile migrations from Mexico. However, rather than focus on reforming the antiquated and over-burdened processing system, Congress took an enforcement approach. They enacted the Immigration Reform and Control Act (IRCA) of 1986, which was signed by then President Ronald Reagan, creating penalties for employers who hire illegal immigrants, an amnesty program for illegal immigrants already in the U. S. by 1982, and increased support for the Border Patrol (Greenblatt, 2008).

In 1996, the Illegal Immigration and Immigrant Responsibility Act (IIRRA) gave the government broad authority to construct barriers along the border and authorized a second layer of fencing in San Diego (Karaim, 2008). The IIRRA

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also established new definitions of criminal activity for which immigrants could be deported. The current waiting time for processing legal claims to naturalization continues to grow, now exceeding five years! The issues of immigration have been a hot potato for America for almost two centuries. Immigration reform continues to be highly emotional and controversial, but the policy must be fixed regardless of where one stands on the issue of immigration.

Arguments Against Immigration Reform

Most of the people against immigration reform are generally against immigration. The source of this resentment is rooted in the indifference between the immigrants of the past and the current immigrants. In the past they were white and now they are not, they used to assimilate and now they don't, they used to be self sufficient and not they seek out government handouts (Krikorian, 2008, p. 2).

Some scholars argue that Mexicans; who represent about 50 percent of the undocumented foreign nationals in U. S, constitute a major threat to a cohesive American identity (Huntington, 2004). For instance Huntington argues that the central to the American identity are the " Anglo protestant culture," the " American Creed" as understood as the acceptance of certain political values, and Christianity. According to Huntington, a fundamental problem is that Latinos retain their Hispanic culture, including language and fail to assimilate and there for fail to acquire the American identity.

Effects of immigration on jobs, wages and the economy

“ The key to the economic facet of the conflict between mass immigration and modern society is the fact that immigration floods the job market with low skilled workers, creating what economist call a slack, or a loose, labor market” Krikorian (2008, p. 133). Krikorian argues that when low skilled immigrant workers flood the market, they lower the collective bargaining power of the natives against the employers. As a result, upward mobility for the poorest is impaired by lower wages. Also increased availability of cheap labor reduces the incentives for more efficient use of labor, slowing the natural process of mechanization and other productivity increases in low wage industries where low skilled immigrants are located. This is a perfect example of a supply and demand theory. When an abundance of supply is available, the demand is always low hence if immigration is kept low, wages tend to be high (Krikorian, 2008, p. 138). If the low skilled immigrants who are in U. S currently were to leave, the wages would go up and probably employers would have incentives to provide things like healthcare and the low skilled Americans might have a chance to move into the middle class (Karaim, 2008, p. 752)

Immigrants hurt the economy by not paying taxes and if they pay taxes, its normally low compared to a native due to the low wages immigrants make. Many immigrants work “ underneath the table” thus, evading paying taxes. To make the matter worse, the send billions and billions of American earned dollars back to their home countries other than spending the money in America. Exporting millions of dollars while “ importing millions of poor people with large families means by definition, they will pay relatively little in

taxes but make a heavy use of the government services” (Krikorian, 2008, p. 167). Immigrants increase government expenditure by using public services, notably the health care system and the public education.

The government created a welfare state in the name of supporting the poor. In his book, the new case against immigration, Krikorian states that “ there was no welfare state during the prior waves of immigration- in fact it was until well after the end of the last wave of immigration in 1924 that the institution of welfare started to develop”. The Social Security Act of 1935 established pension for the retired American citizens as well as unemployment assistance and aid to families with dependent children (Krikorian, 2008, p. 169). The child Nutritional Act of 1966 created WIC program, then in 1974 supplemental security income was created for impoverished elderly, blind and disabled. All this cost of these programs could have been kept low if the poor population bloated by the immigrants would not have increased.

According to Krikorian, one in four people in U. S. is without health insurance is an immigrant and among children one in three is either an immigrant or a child of an immigrant. Since most of them don't have insurance; when they are sick (no modern society will deny them treatment) they utilize the emergency room. Not all the uncompensated care is covered by the government, hospitals are forced to write off the cost that they incur while treating the uninsured. Hospitals then shift the cost to the paying patients and their insurance companies, resulting in higher premiums for those who have insurance.

Another costly service provided by the government is education. The total cost of expenditure to states for K-12 illegal immigrants was about \$12 billion, and when the children born in U. S to undocumented foreign nationals the number doubles to about \$28. 6 billion (Martin, 2005). This doesn't include the cost that states incur implementing the bilingual education since most of immigrants don't speak English as their first language. Krikorian also urges that 22 percent of public schools are overcrowded, especially in schools that are located in central cities where 50 percent of the enrolments are minority who receive free or reduced price school lunches.

The convention wisdom of the conservative movement which is the leading resistant group against immigration reform is to stop the flow of undocumented foreign nationals across the U. S borders and to deport most or all undocumented foreign nationals with their children. To solve this movement of undocumented foreign nationals, congresses enacted the Secure Fence Act in 2006 which was to secure the 670 miles border region spanning four states, California, New Mexico, Texas and Arizona (Karaim, 2008, p. 747). According to Karaim (2008, p. 747) roughly 370 miles designed to stop pedestrian (a fence consisting of wire mesh reinforced with concrete- filled poles planted 6 inches apart and standing a height of 12-18 feet), 300 miles if it to stop vehicular traffic and about 28 miles installed with high technology sensors and cameras that creates a " virtual fence" in parts of Arizona desert. This fence is also to stop would be terrorist from entering the U. S.

Amnesty to those who broke the law is unacceptable and it not going to solve the issue instead it will encourage more undocumented foreign

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nationals to attempt coming to the U. S. According to North (2010, amnesty simply begets more undocumented foreign nationals, and they in turn beget new and more vigorous pleas for another amnesty. Secondly most of those who received amnesty were low skilled workers. North argues that people with limited skill and limited rights in the labor market can only lead to still greater discrepancies between the rich and the poor. Furthermore, giving another amnesty to low skilled individuals will just increase the dependence of the current welfare system which in turn will give rise to a burden to the current tax payers.

Arguments for Immigration Reform

Contrary to those who object immigration reform and tend to perpetuate the notion that immigrants especially those who are undocumented, take American jobs and lower the wages is false. Most unskilled undocumented foreign national work in the three “ D” jobs- Dirty, Difficult and dangerous jobs that the natives don’t fill. The American labour market is a dual labour market. The dual market theory divides the economy into two segments: the primary and secondary sectors (Nadadur, 2009, p. 1041). According to Nadadur the secondary sector is different from the primary in that the secondary is temporary and consists of unskilled workers with little or no prospect of internal promotion while the primary sector is permanent and characterized by skilled work, employment stability and the presence of job ladders.

Nadadur states that there is no t completion for jobs by the undocumented foreign nationals and native U. S. workers, and that a continue flow of Undocumented immigrants would benefit the majority of persons residing in

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the U. S. by complementing their labour market instead of competing for it. “When the broader U. S. economy is examined; adopting a dual labour market view, it is hard to find strong evidence of negative wage effects on native workers” Nadadur (2009, p. 1045). This is ascribed to the fact that dual markets shield native workers and due to the indifference of job sectors, wages are not affected by the influx of undocumented foreign nationals in the labour market (Nadadur, 2009, p. 1045). Immigrants taking secondary jobs allow businesses to minimize their costs of production; this positively impacts the income of all workers by decreasing the consumer costs. The consumers can also spend by buying goods and services and grows the economy in return.

As stated earlier, there are about 12 million undocumented foreign nationals residing in the U. S. this population participates in the American and their countries of origins economy. Contrary to those who say that the undocumented immigrants don't pay taxes, about two thirds of the undocumented immigrants who work pay federal and state taxes, social security taxes and Medicare taxes Immigration Policy Center (2009). And all undocumented pay state taxes when they buy items from the local grocery store, when they pay property taxes even if it's from the rental property they rent.

Undocumented immigrants working on the books contributes to social security under names and social security number that don't much the social security administration (SSA) records. In a 2006 SSA report that the Earning Suspense File (ESF) tootled \$586 billion. Unfortunately undocumented immigrants are not eligible to receive benefits social security benefits. Even <https://assignbuster.com/us-immigration-policy-history-and-arguments/>

when they become legal, they are only credited with the years worked after they became legal. Sometimes they leave the country without claiming any of the money they had contributed.

Legalizing the undocumented foreign nationals has a net benefit to the economy. A research done conducted by Westat Inc, for the department of labour showed that workers who were legalized after the IRCA of 1986 experienced a net wage gain of about 15 percent (Immigration Policy Center, 2009). With an increase in wages begets increased in spending which begets strength in the economy.

Most immigrants to the U. S. do want to learn English. There are strong economic prospects and strong incentives for becoming proficient in English. Employment prospects and earnings are greater for those with higher levels of other skills including schooling. There is also a greater access to and participation in civic, cultural, social and political life when one is able to communicate in English while living in the U. S. certain factors, however make it difficult for some individuals or immigrants to become proficient in spoken or written English (Chiswick & Miller, 2007). Older immigrants have a difficult time learning a new language to the natural aging of the human brain making it difficult to learn new language and retain new acquired skills. It's not that they don't want to assimilate but sometimes its biology playing a factor.

It's true that the undocumented immigrants utilize the emergency rooms as the primary source of health care, studies have proved otherwise. Dr. Ku Phd, MPH. conducted two different studies and arrived at the same

deduction, “ there is little reason to believe that the united states is spending too much on health care for immigrants”(Ku, 2009, p. 1327). This is could be due to the 1996 federal welfare reform law (Personal Responsibility Work Opportunity Reconciliation Act, or PRWORA) which restricted Medicaid eligibility for immigrants admitted to the U. S after august 1996 for the first five years (Ku & Matani, 2001, p. 247) unless it’s a medical emergency. Non-immigrants and undocumented immigrants qualify for Medicaid if they meet the other requirements; being in a Medicaid eligible category such as children and pregnant women (Siskin & Lunder, 2009, p. 7). Many undocumented immigrants shy away from seeking medical attention probably due communication barriers, lack of knowledge of the American health care system and fear of detention by the Immigration and Customs Enforcement (ICE) (Kullgren, 2003, p. 1630. Another study done by Stimpson et al. showed that health care expenditure for the average immigrant have not been a growing problem relative to the expenditure among U. S. natives. (Garcia M J Eig L M Kim Y 201035 State efforts to deter unauthorized aliens: Legal analysis of Arizona’s S. B. 1070)Garcia, M. J., Eig, L. M., & Kim, Y. (2010, March 5). State efforts to deter unauthorized aliens: Legal analysis of Arizona’s S. B. 1070 (R41221). Washington DC: Congressional research service. Foreign nationals are relatively healthy and have less access to health insurance; they are disproportionately low uses of medical care (Goldman et al., p. 1710).

Building a wall in order to control illegal immigration is not a viable project. This is a multi billion dollars project that will shift illegal immigrants towards more dangerous and difficult routes in to the United States (Karaim, 2008). It

is estimated that the cost of construction the wall will cost about \$3 billion and the maintenance cost of about \$16.4 million to \$million per mile depending on the damage done to the wall by illegal immigrants trying to cross the borders (Karaim, 2008, p. 749). Another challenge to securing the northern border between United States and Canada which is 5525 miles. It is economically impractical to build a wall to secure this border. Alternatively the United States needs to convince Canada to end the free travel from Mexico (Karaim, 2008, p. 751).

The wall alone cannot curb the problem of people crossing the border illegally. Only half of the illegal immigrants living in U. S crossed the border. The other half are visa abusers who entered with either fraudulent visas or violated the condition of a valid visa. Also there is no known terrorist that has been arrested trying to enter the U. S through the southern border. All the 9/11 hijackers entered in to the United States with temporary visas and overstayed the allowed time. Other would be terrorists have followed the same route (Karaim, 2008, p. 750). Infact according to Karaim (2008), terrorists like travelling the way everybody else travels. They like unpredictability.

Ethical Arguments

Why do people covet the dream of living and working in America? The answer is simple; America is the land of opportunities where all hard work is rewarded. Many of the immigrants share this American dream, a dream of success and prosperity for future generations. It is natural for humans to have desires, desires that make the nomads in East Africa to move from one place to another in search of greener pastures. This principle can also be <https://assignbuster.com/us-immigration-policy-history-and-arguments/>

applied to the early who emigrate into the land that is now called united states of America.

The inception of the principle of worthiness changed the immigration laws in U. S. Those who are deemed to be desirable and worthy are allowed and those who fail short of the test are eliminated. Unfortunately racism was planted in to the laws (in 1790 congress made a requirement that only white person's could become American citizens) and race still drives the immigration debate today. Different states have passed laws that are considered divisive and they tend to alienate the members of the community. For example, the new Arizona bill SB 1070 is supposed to stop but slow illegal immigration. But there are provisions in the bill that are controversial; Section 2 of S. B. 1070,

“ generally requires that in the context of a lawful stop, detention or arrest by state and local law enforcement pursuant to the enforcement of a state or local law, law enforcement must determine the person's immigration status, if practicable, when “ reasonable suspicion exists that the person is an alien ... who is unlawfully present in the United States.”(Garcia et al., 2010), p. 25). It is not easy to enforce this law without racial profiling especially where the population (both legal and illegal) is profoundly of Hispanic origin. Similar echoes were after 9/11 when the government “ deamericanised” some of its citizens when it implemented the patriot act. People of Middle Eastern or Asian origin were single out as terrorists. Even after the Oklahoma City bombing, the Arabs were initially blamed by the media before it was discovered that it was a home grown American terrorist Timothy McVeigh.

President George Bush tried to pass a comprehensive immigration reform bill but he was drowned by those who opposed immigration reform. It's clear that politicians use the principle of utilitarianism in making policies. In this case the president drowned was by a vocal anti-immigration group that has been able to control the debate. It would be beneficial for the Politian's to apply the Rawlsian contract theory which requires one to put a veil of ignorance before making any decisions. In order to do that they need to bracket off the media and visit remote areas of nations south of Americas borders. I believe that the will see that desperate parents who want to a part of the American dream and they are willing to anything to be part of the dream.

Possible Solutions

- Create a pathway for legalization of the illegal immigrants who are already here. So that they can no longer be exploited by unscrupulous employers
- Enact laws that are flexible to the rise and fall of the U. S labor demands. (Laws that respect people and protect all workers regardless to where they were born) while enforcing border laws.
- Work with developing countries especially south America to promote economic development and to decrease illegal immigration.

Conclusion

While the US. Immigration system appears to be fair and highly regulated on paper, the facts on the ground display as system that is in distress and needs to be reformed. Continuation of the " enforcement only" policies is not a practical or effective solution. Under the existing system, people are dying

at the borders, immigrants are living in poor conditions, families are trying to reunite legally are separated for many years, employers are unable to hire the workers they need, U. S. workers suffer from disequilibrium in opportunity to gain employment due to the use of illegal immigrant workers by employers who seek to maximize on their profits. Meanwhile the United States government continues to throw billions and billions on this immigration issue hoping that one day it is going to stick and fix the problem. It's neither practical nor even economically feasible to deport more than 12 million people who currently reside in the U. S. illegally. We cannot also sit and pray that due to the economic hardship that one day the illegal foreign nationals will self deport them. United States must adapt to a system that is humane, fair and practical in relation to the immigration challenges of the 21st century.

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