

Breaking the Immigration Stalemate



**From Deep Disagreements
to Constructive Proposals**

A Report From The Brookings-Duke
Immigration Policy Roundtable

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INTRODUCTION

This report reflects the collaborative effort of a unique group. The Brookings-Duke Immigration Policy Roundtable is a disparate gathering of twenty individuals with different experiences and perspectives: think tank analysts, political and policy entrepreneurs, community leaders, former government officials, and academics from various disciplines. The group's distinctive feature is that its members see immigration from divergent, even conflicting perspectives. Indeed, the range of views represented in our Roundtable is unprecedented in recent immigration policymaking.

Advocates for different approaches to immigration policy are too often at one another's throats and insufficiently intent on seeking agreement and fashioning constructive policies. Throughout this process, we never avoided exploring our differences, but we always did so with an eye on where we might be able to come together on specific policy proposals. Our process was therefore deliberative. Over the course of ten months we held one weekend and six day-long meetings in which we examined and discussed diverse aspects of immigration policy. We did not undertake new research, but rather built on and explored the implications of the extensive work of other individuals and groups.¹

When the Roundtable first convened in November 2008, our differences in perspective were readily apparent. Some of us were clearly attuned to the opportunities and realities of an increasingly interconnected global economy, which necessarily involves substantial movements of workers around the world. Some of us were just as clearly concerned with the domestic costs and strains precipitated by these global forces.

Overarching these two perspectives were opposing understandings of national sovereignty and the rule of law. Specifically with regard to illegal immigration,² everyone in the group shared a concern that the rule of law is being challenged, but had different ideas about the nature of the problem. Some empathized with Americans who are outraged that the law is not being enforced, or even is flouted. Others held that as currently written, our immigration laws are unworkable and must be reconciled with social and economic realities. We all felt keenly the myriad and important ways that immigration policy shapes our national destiny.

Despite these deep divides, over many months Roundtable participants converged on a set of recommendations that address ways to reduce illegal immigration significantly, set standards for the legalization of illegal immigrants already in this country, rebalance current visa programs, improve temporary worker programs, and assimilate and integrate immigrants into American society. We also recommend some long-term measures to improve management of future immigration by establishing an independent standing commission on these matters and engaging the Mexican government on key related challenges.

Because the Roundtable's final product is the output of such a diverse group, each member, on his or her own, would have drafted a somewhat different report. Signatories to this document do not necessarily agree with every detail of the report. We do concur that it strikes a reasonable balance among competing considerations, interests, and principles and that it is a major advance over the status quo. We further affirm that the compromises struck represent a model for dialogue and cooperation on this difficult and emotional issue.

1. These include reports from the U.S. Commission on Immigration Reform (the "Jordan Commission"; multiple reports, 1994-1997), the Independent Task Force on America's Future (2006), the Center for American Progress (2007), the Economic Policy Institute (2009), the Migration Policy Institute (2009), and the Council on Foreign Relations (2009).

2. In this report, we use the terms "illegal," "undocumented," and "unauthorized" interchangeably and without bias. Our intention is to avoid disputes over terminology and to focus on substantive policy issues.

BACKGROUND & RECOMMENDATIONS

For several years now, the national debate over immigration has been deadlocked. On one side, anxious and often angry citizens want to punish or even deport millions of illegal immigrants and then secure the borders against further intruders. Other Americans want to regularize the status of the undocumented and find ways for subsequent newcomers to arrive through more orderly channels. In the meantime, the need for critical reforms of the system by which legal immigrants are admitted here has gone unaddressed. And since 9/11, a new and compelling dimension—national security—has heightened the stakes in immigration policy-making.

A new administration has now committed itself to immigration reform, but it already has a full agenda of other urgent issues to address. It remains unclear how much political capital President Obama will either have or be willing to expend on immigration. Despite the problems associated with our broken immigration system—the threat to the rule of law, exploitation of vulnerable newcomers, real and perceived competition with Americans for jobs and public resources, and so on—reform is likely to be perceived as more of a threat than settling for the status quo. The present context of immigration policy is, therefore, rigid but unstable—like the tectonic plates of the earth’s crust before an earthquake.

None of this should be a surprise. Immigration has been difficult and contentious throughout the history of this quintessential “nation of immigrants.” As an issue, immigration combines enormous technical complexity with emotionally charged concerns about ethnicity and race. Well-organized interests have much at stake in the formulation of immigration policy and have a legitimate role to play in the debate. So do ordinary Americans, who are not well organized but for whom immigration not

only involves their interests, but also stirs powerful and symbolic sentiments about values and national identity. On these issues, opportunities for demagogues abound at all points along the political spectrum. It should be no surprise that immigration does not play out along the usual interest-group and partisan lines.

More than a year ago, the conveners of the Brookings-Duke Immigration Policy Roundtable decided that it was time to attempt to tackle immigration in a new way. Because of the intensity and complexity of the national debate, there has been a tendency for participants to narrow the range of interlocutors within more manageable limits. Broad groupings of those who agree on general approaches but have specific disagreements or differences of emphasis have tended to talk to one another. Their adversaries have done the same. Disagreements within the two overarching “pro-immigration” and “restrictionist” camps have been intense enough. Serious engagement *across* that major divide has been less direct, and has transpired in those venues least likely to resolve anything—newspaper headlines, the blogosphere, and cable television.

We sought to create a new venue for serious and thoughtful debate across a wider spectrum of immigration views by assembling twenty individuals with divergent perspectives and orientations toward immigration policy. There are no representatives of national advocacy groups among us, nor are we all immigration specialists. But we all brought a commitment to honestly and thoroughly discuss our differences in light of the best available evidence—with a constant eye to identifying where we might agree on policy proposals that would address current problems. This report is the product of our deliberations. The broad recommendations we agreed upon are summarized here.

The United States Should Dramatically Reduce Illegal Immigration by Linking Workplace Verification and Legalization

From the outset, the Roundtable focused on the most vexing and contentious aspect of the contemporary policy debate—*illegal* immigration. It would be difficult to understate the legacy of distrust and anger that has accumulated over decades of controversy about this topic.

Most recently, the policy debate over illegal immigration has been linked to securing our borders, especially our border with Mexico. Legalization of the undocumented has been conditioned on increased border security. We affirm the continuing importance of this goal. Our emphasis here is on enforcement of our immigration laws *at the workplace*—which is after all what draws most immigrants here in the first instance. In our view, enforcement at the workplace is the predicate for any legalization program.

Roundtable participants grappled with the nettlesome reality that those advocating stricter enforcement of U.S. immigration laws require that their proposals be implemented before any legalization process can begin (assuming that they support legalization in the first place, which is a big assumption). Citing what happened with legalization under the 1986 Immigration Reform and Control Act (IRCA), they argue that once legalization begins, serious efforts to prevent subsequent illegal immigration will not be attempted. Conversely, advocates for immigrants are just as adamant that unless legalization is under way before enforcement is implemented, the undocumented will be put in jeopardy and may well retreat further into society's shadows.

Our resolution of this dilemma is a series of carefully sequenced and monitored measures that link workplace verification with legalization efforts. At critical junctures, progress under these steps would be assessed, in order to reassure both parties that their goals are being advanced and that it is in their mutual interest to proceed with the interlocking processes.

Our proposal is not rocket science, nor is it foolproof. It does reflect our efforts to bring together goodwill and insight in order to think through an important policy dilemma to a mutually acceptable resolution.

Specific Recommendations:

Congress should authorize and fund simultaneously a mandatory workplace verification system and a legalization infrastructure. Specifically, this legislation should:

- Require the Government Accountability Office (GAO) to certify when the workplace verification system has reached an agreed-upon level of use and effectiveness.
- Bolster wage and labor law enforcement and audit and inspect workplaces.
- Launch a legalization program requiring unauthorized workers who have been in the country for five or more years to: pay a fine; provide evidence of current employment and a steady work history, payment of taxes, and good moral character; pass a background check; and study English and learn about U.S. history and government.
- Require GAO at pre-arranged junctures to certify that the legalization process meets pre-established standards for minimizing fraud.

Congress Should Eliminate Diversity Visas, Restrict Eligibility for Family-Sponsored Visas, and Increase Visas for Skilled Immigrants

Another key area for reform is the bewildering complexity of the nation's current visa system. Here the Roundtable makes four proposals.

First, we propose to eliminate the Diversity Visa Program, whose rationale is at odds with the constraints confronting today's immigration policy-makers.

Next, our Roundtable reaffirms the vital importance of family unification as a bedrock principle of U.S. immigration policy. We also conclude that "family" must be narrowed as much as feasible to mean nuclear family members. The implications of this position are several. It means that many extended family members of U.S. citizens would no longer be eligible for family-sponsored admissions. Yet our commitment to nuclear family unification also leads us to recommend retention of the existing preference category for spouses and minor children of legal permanent residents (LPRs).

For the same reason, our group concludes that the backlog of approximately 600,000 immediate family members (spouses and minor children) of legal permanent residents waiting—many for years—to apply for visas should be addressed immediately. We are also committed to the position that for undocumented immigrants who qualify for legalization, their spouses and minor children living outside the United States should be allowed to join them here as legal immigrants.

Finally, our Roundtable advocates an increase in the number of skilled immigrants (generally, those with a bachelor's degree or higher) admitted to the United States. Mindful of the challenges and opportunities presented to the United States in an increasingly competitive and technology-intensive global economy, we propose an increase of 150,000 skilled visas, to accommodate a total of approximately 330,000 such individuals per year.

Our goal with these specific proposals (not counting the one-time increases from addressing illegal immigration and the backlog of individuals waiting to apply for visas) is to hold constant the overall number of individuals admitted annually for legal permanent resident status. In recent years, that total has averaged approximately 1.1 million individuals. This is not a figure that all of our members agree should be the basis for future policy. Some believe it needs to be higher; a few think lower. But this is what we have as a group settled on as a reasonable compromise as we seek to overcome a recent history of divisive politics and confront a future clouded by economic uncertainty.

Specific Recommendations:

- Congress should eliminate the Diversity Visa Program.
- Congress should limit family-sponsored admissions to spouses, minor children, and parents of citizens; and to spouses and minor children of legal permanent residents.
- Congress should eliminate the backlog of relatives waiting to apply for visas to become legal permanent residents by 1) limiting such visas to the spouses and minor children of LPRs and 2) acting expeditiously to process their applications.
- Congress should increase the total annual number of skilled immigrants and replace the per-country limits on them with a single overall limit.

Congress Should Improve Temporary Worker Programs and Bolster Labor Market Protections

Roundtable members are mindful that the basic admissions categories just discussed have not fundamentally changed over the last half-century, and we generally agree with other analysts that our immigration policy is consequently rigid and unyielding. But not always.

The 1.1 million legal permanent residents admitted annually represent only part of the legal immigration story. As many as 600,000 additional individuals come here every year to live and work on temporary work-based visas. In recent years, a good deal of attention has been paid to *temporary* skilled workers with H-1B visas, who are of particular interest to high-tech employers. But our system has more than 25 such visa categories, which constitute a shadow system of temporary employment. While this array of specific programs is highly adaptive and responsive to employers, it has escaped public debate and scrutiny, while lacking any overall coherence.

Our group recommends several measures to improve this system, including, whenever feasible, replacing temporary employment visas with provisional visas that would be portable and not tie workers to any one employer. We also urge that such provisional visa holders have the option of eventually achieving permanent status. We are mindful that such adjustments would need to be reconciled with overall limits on immigrant admissions, which is one of several tasks we would assign to a new independent Standing Commission on Immigration.

Specific Recommendations:

- Replace temporary employment visas with non-renewable, five-year provisional visas to the extent feasible, and provide visa-holders the option of moving to LPR status.
- Make temporary and provisional employment-based visas portable across employers, following an initial employment period.
- Increase oversight of temporary worker programs, including consideration of increased fees and intensified random post-hiring audits.

Congress Should Establish an Independent Standing Commission on Immigration

Our group also concluded that something more than these specific measures is necessary. Both facets of our immigration system—legal permanent resident admissions and temporary employment visas—need more careful analysis and thoughtful deliberation. A highly detailed restructuring of the admission and visa systems is beyond the scope of this report, but we believe the process we initiated suggests how future immigration policy-making might proceed.

Hence, our report advocates the creation of an independent agency, to be called the Standing Commission on Immigration. Composed of commissioners with lengthy, staggered terms (we suggest a minimum of seven years), and backed by a permanent staff of economists, demographers, and other social scientists, such a body could provide the kind of deliberative forum that immigration policy has lacked. The Commission would have a broad mandate to issue reports and studies on various aspects of immigration policy. It also would be specifically charged with recommending overall visa category ceilings to Congress every two years. Through these activities, it would also serve an agenda-setting function. While we envision the formal powers and responsibilities of this Commission as limited, we also see its purview as broad and not confined to labor market issues.

Specific Recommendations:

- Congress should establish an independent Standing Commission on Immigration that is charged with issuing a biennial report to Congress with specific recommendations on ceilings for permanent and temporary admissions categories and any changes in the nature of those categories.
- The law establishing the Commission should require that Congress either adopt, amend, or replace the Commission's recommendations within a specified period after their release.
- The law should require the Commission to issue advisory studies and reports on various aspects of immigration and assimilation policy.
- The law should require that the Commission be bipartisan and composed of an odd number of members, nominated by the President and confirmed by the Senate, who serve staggered and extended terms of at least seven years and are supported by a permanent professional staff.

Public and Private Sectors Alike Should Increase Efforts to Assimilate and Integrate New Americans

The assimilation and integration of newcomers are critical to the success of national immigration policy. We therefore recommend the creation of an Office of New Americans (ONA) within the Executive Office of the President to oversee and coordinate the various efforts at all levels of government critical to the success of immigrants and their children. We would place this office in the White House—not only because this is where its efforts can best be coordinated across multiple departments, but also because its objective is too important to be left to any single agency. From the Executive Office of the President, ONA could foster the kind of national movement that is called for.

Specific Recommendations:

- The federal government should establish an Office for New Americans (ONA) located in the Executive Office of the President that is charged with overseeing a network of state and local governments, enhancing the capacity of relevant voluntary and non-profit organizations, and coordinating the work of federal agencies in efforts to facilitate immigrants' assimilation and integration into mainstream American society.
- ONA should promote flexibility in federal support for different approaches to teaching English, encourage the funding of language programs contingent on educational outcomes, and advance public/private partnerships that develop innovative language-learning curricula that take advantage of new information technology.
- Both the public and private sectors should strengthen efforts to involve immigrant parents in early childhood programs, to retain immigrant youth through high school graduation, and to encourage higher education.
- Public and private sectors should strengthen the incorporation of core civic principles and U.S. history into the content of naturalization preparation, English language courses, and educational instruction for *all* Americans.

The United States Should Engage Mexico

Finally, our Roundtable acknowledges the special relevance of Mexico to any prudent consideration of U.S. immigration policy. Immigrants from Mexico constitute a huge and almost unprecedented proportion of the influx that has now gained the nation's attention. Not only do the two nations share a lengthy border, but over the years they have repeatedly contested that border, resulting in a complicated and sometimes painful history.

Despite past difficulties, the United States and Mexico now need to cooperate to address issues of mutual concern, particularly immigration. Even those in our group who would emphasize the primary importance of our responsibilities to our fellow citizens acknowledge the compelling moral and prudential nature of our obligations to our neighbors to the south, as well as around the globe. All in our group recognize the present opportunity to engage Mexico in reducing the cross-border flows of illegal drugs, guns, and migrants and in managing other areas of shared interest and responsibility.

Specific Recommendations:

- The United States should create or invigorate institutions for regional cooperation and investment that mediate disputes across a spectrum of issues, including immigration, and that strengthen economic development and civil society in the hemisphere.
- The United States should bolster arms interdiction, law enforcement collaboration, and security and judicial reform in Mexico.
- The United States should cooperate closely on border security and safety.

Enforcement and Legalization

The best estimates suggest that approximately 11.9 million immigrants are in the United States illegally. Some of these individuals have been here for many years with steady employment histories and roots in local communities. Their continued presence is the result of our failures to devise and implement effective immigration policies. These individuals are also here, however, because of choices they made and chances they took to live here without papers. So what do we do now?

Even if sending 12 million people home were feasible, it would be a catastrophic choice—enormously expensive, diplomatically disastrous, and hugely costly in human terms. Neighborhoods would be torn apart, families would be separated, and a new and sorry chapter in American race relations would be written. Less draconian measures enforced by officials at all levels of government to encourage illegal immigrants to leave on their own also were examined by our Roundtable, and none passed muster. Some of us rejected such “attrition through enforcement” as offensive to our values. Others thought that because such a strategy would be unlikely to be rigorously or consistently implemented, it would therefore ultimately be ineffective.

Nevertheless, Americans remain deeply troubled by the challenge to social order and to the rule of law represented by the significant number of illegal immigrants in our midst. Many Americans are equally concerned that our current immigration laws are unworkable. Past failures to properly design and enforce these laws have led to public anger and cynicism, greatly complicating the task of crafting effective new legislation.

A situation that has developed over decades is not going to be resolved by any single fix. Turning things around requires a genuine commitment both to recognizing the social and economic realities that have taken root over many years and to affirming the rule of law going forward. The best way ahead on both these fronts is to

achieve meaningful enforcement *and* an effective path to legalization through a series of linked confidence-building measures. The key is to give everyone involved incentives to make sure that enforcement and legalization provisions work together. While the specifics will necessarily need to be worked out in greater detail, here we offer guideposts toward such a scenario.

Securing the Future: Labor Laws and Workplace Verification

Because workplace enforcement addresses the demand for labor—the main force driving illegal immigration—it can be the most humane and effective means of reducing future illegal immigration into the United States. Successful workplace enforcement requires both stepped-up efforts to penalize employers who violate wage and labor laws and a credible verification system to deter future hiring of unauthorized workers.

Violations of basic wage and hour laws, occupational health and safety regulations, and workers’ compensation laws hurt workers as well as employers who follow the rules. Over time, the rule of law is eroded. Enforcing longstanding workplace legislation and regulations is therefore an important task in itself. It is also one that targets employers who often knowingly violate immigration law. Different employers will present different challenges. Large corporations may comply readily, or they may summon the resources to resist. Small, informal businesses—often run by immigrants—may exploit co-ethnics as much or more than large firms but be harder to regulate.

Since the 1986 Immigration Reform and Control Act, workers have been required to show identity documents to their employers. Yet the process has been fatally compromised, because counterfeit documents are easily obtained, and employers have been severely constrained when checking their validity. Simply put, the law is a charade.

Several new programs now offer the prospect of overcoming past failures and deterring the hiring of illegal immigrants. The most promising effort has been E-Verify, an internet-based system that permits employers to verify electronically—in most cases instantaneously—information on the documents workers are obliged to produce. This system is hardly foolproof, but versions of it have been in use for nearly a decade, and improvements are being made all the time. Members of our group want to see stronger privacy and due process protections for workers, but we accept the principle of moving toward mandatory and meaningful employment verification.

The E-Verify system has been growing, but will need continued funding and support. Moreover, it does present particular challenges with so-called “false negatives”—determinations of ineligibility for workers who are in fact here legally. Looming as an even bigger problem, as E-Verify comes to be relied on more heavily, are “false positives,” which arise when ineligible individuals get away with using false documents. Such identity fraud speaks to the critical need for a more secure means of identification with biometric data. A “hard” Social Security card, a secure driver’s license, and a Personal Identification Number system (such as ATMs use) are all possible options; each presents different pluses and minuses. But Congress must adopt one approach, fund it, and make it the linchpin of a reliable workplace verification program.

Getting to Yes: Coordinated and Monitored Sequencing of Enforcement and Legalization

Successful expansion of E-Verify to screen all new hires should be linked to creation of a path to legalization for unauthorized workers already in the United States. Funding for both a mandatory E-Verify system and the infrastructure for a legalization program should be enacted simultaneously in one piece of legislation.

A legalization program will require that rules and procedures be established, databases built, and application centers set up. As this legalization infrastructure is being put in place, an independent federal agency, such as the Government Accountability Office (GAO), would need to evaluate the E-Verify system and certify when it had reached a reasonable, previously agreed-upon level of use and effectiveness. Any such enforcement regime would also necessarily include appropriate workplace auditing

and inspections. Once E-Verify had been certified, the legalization program would begin. At several subsequent pre-arranged junctures, GAO would certify that the legalization process was continuing to meet standards for minimizing fraud, thereby permitting it to continue apace. As part of this process, measures might be needed to address the situation of unauthorized workers seeking jobs during the interim period when workplace enforcement would be in place but the legalization process had either not yet begun or not been fully certified.

Under this carefully coordinated sequencing, employees, employers, immigrant advocates, and enforcement proponents would be induced to share the same goals: to establish and certify E-Verify, to build the infrastructure to support an efficient, effective, and certifiable legalization program, and to make sure that both proceed as quickly as possible.

Accounting for Legacy Costs: Steps Toward Legalization

Our legalization proposal would require applicants to prove continuous residence in the United States for at least five years, pay a substantial fine, and provide evidence of current employment and a steady work history. Broadly consistent with the 2007 McCain-Kennedy bill, applicants would also be required to demonstrate payment of taxes, good moral character, and participation in a program of study to learn English and U.S. history and government. Finally, applicants would undergo criminal and security background checks.

Qualified individuals would then be offered provisional documents allowing them to work in the United States during an initial enforcement period. At the end of this time, they would, barring any disqualifying behavior, begin a five-year path to legal permanent resident status. Once they had attained that status, those individuals would be eligible to pursue the conventional route to citizenship.

Consistent with the Roundtable’s emphasis on nuclear family unification, the spouses and children of individuals in the process of legalizing—whether already residing here without authorization or still living in their home countries—would also be eligible for participation in this program. Because this provision might lead to fraudulent claims, its implementation could be reviewed by the GAO.

Legalization and Enforcement: Additional Measures

Two remaining issues need to be addressed: What to do with unauthorized immigrants who do not qualify for legalization? And what additional enforcement measures are necessary to ensure that a sizeable, new unauthorized population does not build up again?

Our estimates suggest that a significant number of those currently residing here illegally—as many as 70 percent—would qualify for legalization. Nevertheless, this would leave a substantial number of unauthorized immigrants who do not meet the criteria proposed above. We must find effective and humane ways to address the resulting dilemmas.

Some of these individuals would return home. Others would attempt to remain illegally. There will always be some unauthorized workers in the United States, and we should be prepared to meet certain of their needs. Some members of our group would prefer a shorter residency requirement to ensure that we reduce these numbers as much as possible; others suggest that individuals here fewer than five years might become eligible for legalization if they were required to meet additional conditions. But all agreed that each individual member's notion of the best policy should not become the enemy of the good policy on which we were able to agree.

In sum, the combination of stronger wage and labor law enforcement, a reliable workplace verification system, and a fair and credible legalization program is the core of our recommendations for addressing unauthorized immigration. We also recognize that there will continue to be a need for additional measures to reduce illegal immigration through better monitoring of border-crossing areas, as well as continued investment in the recruitment and training of border, seaport, and airport agents. We must also devote more resources to tracing individuals who overstay their visas—a group nearly as large as those who cross the border illegally.

Lawful Admissions

The United States is a country shaped fundamentally by immigration. Yet our current system of legal admissions ill serves many Americans, the nation's economic goals, and millions who seek to make America their home. Nevertheless, a series of straightforward measures can address many of these problems, support Americans where they live and work, and strengthen our economic competitiveness. Moreover, we believe that our nation can address these objectives while holding overall numbers constant. Trade-offs and tough choices will remain, and in the next section we propose a new approach to adjusting future flows of legal immigrants.

Tilting Toward Skills

Over the past five years, the United States has, on average, admitted more than 1.1 million immigrants annually to the status of legal permanent resident (LPR). Of this core group, about 13 percent have been refugees and asylum-seekers, more than 16 percent have been admitted for employment-based reasons, and about 63 percent have been admitted based on family ties, without regard to their education and skills. (The remaining 8 percent have come in under various minor admission categories.)

As our economy becomes increasingly reliant on the development and application of sophisticated technologies, educated workers with the knowledge and skills to adapt and innovate are more and more critical. Skilled immigrants (those with at least a bachelor's degree) are increasingly in demand, especially in research and development, emergent industries, and higher education. Highly educated and trained scientists, mathematicians, and engineers can make particularly significant contributions to our economy and society. Yet despite stiff global competition for such individuals, we limit skilled immigration to a narrow segment of total permanent admissions. Only about 180,000 such individuals (including their spouses and children) are admitted annually. Moreover, many of

these are at the lower end of the broad "skilled" category. The overall result is long wait times for skilled workers generally, in some cases running into years. In addition, the absolute numerical limits on admissions from any one country impose still tighter restrictions on skilled applicants from places like India and China who could benefit us.

One consequence of this policy is that employers have opted for importing *temporary* skilled workers, many of whom join the long lines of people waiting to become permanent residents. Such temporary skilled workers are typically tied to a single employer, and may remain in limbo for many years while waiting to become a lawful permanent resident. During this period, their spouses are not permitted to work, and travel abroad is difficult.

We recommend increasing the annual number of permanent visas available to skilled workers by 150,000 and replacing the per-country limits with a single overall limit. This expansion would directly address many of the problems that have developed around the patchwork system for admitting temporary workers. Moreover, both the economic and civic life of the United States would be strengthened. Lifting the per-country limits on employment-based visas would enhance our ability to attract highly talented workers, regardless of nationality.

To account for these additional employment-based visas and to hold overall numbers constant, we recommend (1) abolishing the Diversity Visa Program and (2) limiting family-sponsored preferences to nuclear family members. We affirm the principle of family unification as a cornerstone of our immigration policy, but believe that it has been extended further than is prudent.

The Diversity Visa Program was established by Congress in 1990 to open up migration networks from countries not typically sending immigrants here. It relies on an annual lottery in which millions of residents of eligible nations

who have at least a high-school diploma or its equivalent compete for 50,000 lawful permanent resident visas. These rules appear to invite fraud. In any event, at a time when U.S. immigration policy is struggling to reconcile the competing demands of family- and skills-based admissions, such a program seems strikingly out of step with contemporary and future challenges. Today, in the name of numerical discipline, it should be terminated.

Limiting family-sponsored preferences to nuclear family members is another reasonable measure to introduce discipline. In practice, this would mean that U.S. citizens would no longer be able to obtain permanent resident visas for their adult siblings or their married and unmarried adult sons and daughters. The minor children and spouses of lawful permanent residents would remain eligible for family visas.

The above are our recommendations looking forward. Meanwhile, a troubling legacy from past and current policies needs to be addressed. There is a substantial backlog of individuals waiting—often for many years—just to apply for family-sponsored visas as relatives of both citizens and LPRs living here. Included among these are nuclear as well as extended family members. They have presented preliminary evidence of a qualifying family tie and paid fees to get in line to apply for a visa, but they have not been guaranteed one. About 5 million individuals are in this situation.

Consistent with our nuclear-family criterion, the Roundtable would afford the opportunity to file for these visas only to the spouses and minor children of LPRs, about 600,000 individuals. Unmarried adult children of LPRs, almost 900,000 individuals, would become ineligible to apply. So, too, would adult children and siblings (and their spouses and minor children) of U.S. citizens—about 3.4 million. Any application fees paid would be refunded, with interest. Once officials have ascertained the precise number of eligible individuals remaining in the application queue, they would inaugurate a phased program to clear the pared-down backlog in three years.

These are difficult and contentious policy choices which directly address critical linkages in the chain migration that results in ever-expanding family-sponsored immigrant networks. We therefore emphasize that the U.S. citizens who would be most negatively impacted by our proposal can already under current law bring in their spouses, minor children, and parents without any numerical limits. At the

same time, we acknowledge that the relatives of LPRs who would be excluded by our recommendation—adult unmarried children—have typically followed the rules. Yet their disappointment should be weighed against the increased likelihood that many of them would gain entry with employment-based visas whose numbers we urge be increased. Still other extended family members of current LPRs would obtain visas under our legalization proposal.

Improving Temporary Worker Programs

Public controversy and legislative attention have focused on illegal immigration and on the more than 1.1 million LPRs admitted to the United States annually. Less attention is paid to the additional 600,000 individuals admitted each year on temporary work visas. About a quarter of these are unskilled agricultural and other seasonal workers, but most are skilled and educated workers, many of whom are professionals, managers, and executives who come here (with their spouses and children) to work for U.S. and other global enterprises. Many, perhaps most, of these “temporary” workers eventually wind up living here as permanent U.S. residents.

These temporary workers enter the United States through a maze of more than 25 different visa categories. This complex system has emerged over the decades in response to the changing demands of specific employers. The system continues to evolve, lacking overall coherence and defying ready analysis or understanding. Some members of our group would like to expand lawful permanent admissions to accommodate as many as possible of these temporary workers, while leaving room for a small number of seasonal workers to come and go. Others among us resist such policies, or at least require more information and analysis in order to assess them and any alternatives. These are precisely the kinds of questions that can be best addressed by the Standing Commission on Immigration that we propose in the next section. As guideposts for the Commission and for Congress, to whom it must respond, we recommend:

- Temporary visas generally should be replaced as much as feasible with provisional or transitional visas. Our group tilts strongly toward policies premised on permanent residency leading to citizenship. We also recognize that an immigration system that limits the options of individuals either to come here temporarily or to move

here permanently may deter some who could make important contributions to our economy and society. To respond to this reality, we recommend a program of non-renewable provisional visas valid for a fixed term of five years, at the expiration of which individuals would have the option of either returning to their country of origin or applying for permanent status (assuming other relevant criteria have been met). Reconciling such adjustments with other immigration priorities and overall numerical limits would be one critical responsibility of the proposed Commission.

- Temporary and provisional visas for skilled workers should be portable, except for an initial period that affords an employer the opportunity to recoup the costs of securing the employee. The overriding principle should be to enable individuals to change employers and thereby allow them to maximize both their incomes and their contributions to the economy.

One approach that Roundtable participants did not support was any expansion of guest worker programs for unskilled labor. These programs obfuscate the inevitable reality that such workers seldom return home permanently. Moreover, they present challenges from both an operational and a democratic governance perspective. The one exception would be programs for genuinely seasonal workers (as in the existing H-2 programs), whose absence would be disruptive to established markets and industries.

Protecting American Workers

The policies in place to protect skilled and unskilled American workers from unfair competition are extremely weak. The overwhelming majority of firms applying for visas for temporary workers do not have to provide any meaningful evidence that they have first sought out American workers for positions to be filled. Bureaucratic oversight is perfunctory, approval is routine, and there is plausible evidence of fraud on the part of individual visa applicants who misrepresent their qualifications.

It is critical to strike the right balance between being open to foreign labor while not becoming unnecessarily dependent on it. So, too, must the immediate needs of individual firms and industries be weighed against broader, long-term macro-economic goals. Such concerns are especially critical in science, technology, and engineering, where a salutary openness to talented immigrants must be

weighed against the need to encourage more Americans to undergo the rigors of education and training necessary to pursue productive careers in these fields.

A variety of questions and policy options need to be considered here. Should firms that have employed temporary workers in the past without problems be afforded expedited approval of new visa applications, while new applicants or previous applicants with blemished records would be subject to particularly intense scrutiny? Should substantially increased fees be charged to firms importing temporary workers in order to better reflect the savings they gain when not hiring American workers? If so, would employers have greater, more meaningful incentives to seek out American workers? To avoid burdensome and potentially costly regulatory schemes, should random and rigorous post-hiring audits of firms heavily dependent on temporary workers be relied on to protect American workers?

These are obviously complicated and contentious issues requiring sustained inquiry and deliberation. Once again, the proposed Commission would be the ideal venue for such proceedings.

An Independent Standing Commission on Immigration

America needs an immigration policy that responds to the labor requirements of employers, but that also seeks to maximize overall economic growth and minimize economic inequality. Such a policy also should pay close attention to how that growth gets distributed across various sectors of society. Beyond such critical economic considerations, immigration policy should be alert to how well newcomers become integrated into our communities.

To achieve these goals, we have argued for shifting as much as possible from temporary to permanent admissions, for increasing the number of visas for skilled immigrants, and for linking a new workplace verification system with a broad program of legalization of undocumented individuals. We acknowledge that facing up to even a pared-down backlog of people waiting to apply for family-sponsored visas will require temporary increases in annual admissions. Finally, we have urged the development of more effective protections for workers, both native and foreign.

These proposals raise three key questions: (1) Beyond a transition period during which such an agenda would be implemented, how should future flows of legal immigrants be managed? (2) How should fluctuating labor demand in a dynamic and evolving economy be best satisfied, while advancing the nation's overall standing in a competitive global economy? and (3) How can American citizens most effectively exercise democratic oversight and ensure that their voices are heard in this complicated policy arena?

Some analysts have suggested that the United States should substantially increase overall annual admissions. They argue that this would satisfy legitimate economic demands for workers, and by increasing legal channels for entry, reduce the pressure to enter illegally. Others advocate a shift in policy away from private, market actors and toward explicit government goals. They would

achieve this through a point system (such as implemented by Canada, Australia, and the United Kingdom), which would prioritize admissions based on administratively determined labor market criteria.

Alternatively, our group recommends a path between market initiatives and government mandates: regulation and oversight of private labor needs by public agencies. Such regulatory efforts in the realm of immigration are currently shared by the departments of Labor and Homeland Security. But these programs are notably weak, narrow, and ineffective. We believe that the best way to address current deficiencies is to create an independent federal entity with its own professional staff and distinct role: a Standing Commission on Immigration.

A Multi-Dimensional Approach

Others have similarly argued for the creation of a permanent immigration agency, emphasizing that it would afford much needed flexibility to an overly rigid system. Indeed, the framework of family- and employment-based permanent admissions that has been the core of our policy for half a century is rigid and inflexible. And we concur that it badly needs fixing. However, the system of temporary work visas that has grown up beside the permanent admissions categories has proved quite flexible, especially in response to employer needs. The problem with this kind of responsiveness is that it lacks adequate public scrutiny and overall policy coherence. Our proposed Standing Commission on Immigration would be tailored to address these shortcomings.

We envision an agency with a broad charge to function as a research, deliberative, and agenda-setting body addressing multiple aspects of immigration. Some commentators have argued for a commission that would focus narrowly on the labor market impacts of immigration policy. But the Roundtable does not see immigration

solely through this single prism. Immigration policy has many dimensions: demographic change, economic growth, global competitiveness, distributive justice, social cohesion, and American national identity. This is obviously a complicated, multifaceted arena, which is why we recommend that the Standing Commission's overall purview be quite broad, even though its formal powers would be carefully delimited.

The Commission would be charged with issuing a biennial report to Congress with specific recommendations on numerical ceilings in the various permanent and temporary admission categories and on any changes in the nature of those categories. Congress would then be required to act within a specified period, and either adopt the Commission's recommendations, amend them, or replace them.

With a permanent professional staff of demographers, sociologists, economists, and other social scientists, the Commission also would be expected to issue advisory studies and reports on the diverse impacts of immigration on American society. These might include analyses of federal aid to jurisdictions impacted by immigrants, the adequacy of border security measures, demand for temporary workers, and public opinion about immigration.

Properly constituted and supported, the Commission would be the venue where more dispassionate attention would be paid to the overall effects of immigration, not just on the economy but on American society. It could become the forum where the national interest in immigration policy could be explored and debated, not just the needs of specific sectors.

The Commission would not remove politics from immigration policy. The push and pull of diverse interests would appropriately continue, and Congress would ultimately determine any policy changes. Created by Congress, the Commission's research and recommendations would help frame a policy agenda and aid Congress in addressing tough choices that now—in the case of permanent admissions—are avoided, only to fester for decades; or—in the case of temporary workers—get made hastily, without adequate debate and public scrutiny. The Commission's role would not be to displace the inevitable and appropriate clash of interests, but to do a better job of setting the stage for it.

A Better System— Compared to All the Others

No doubt some members of Congress would hesitate to support legislation that delegates any power to unelected commissioners. But others—the majority, we suspect—would appreciate that the more transparent and coherent our immigration policy can be, the more likely it is to meet our country's needs and to command the support of the American people. The Commission would achieve these goals through reports and public hearings that would foster more informed and dispassionate debate in an open forum with the stature to gain widespread attention.

Some Roundtable members expressed concern that such a commission would be captured by the narrow interests that have dominated today's divisive and stalemated immigration debate. Others of us thought that such a scenario might have been plausible twenty or even ten years ago, when a few activists and insiders had this terrain largely to themselves. Today, the American public and its elected officials are much more engaged with a range of immigration issues. Of course, this fact has itself contributed to the emotionalism and intensity of the current debate. We believe that the Commission would be the kind of highly visible and deliberative forum where neither narrow interests nor demagogues could comfortably operate.

Contributing to the effectiveness of the Commission would be the stature of its bipartisan members, who would be appointed by the President and confirmed by the Senate. Commissioners would serve extended and staggered terms (we suggest a minimum of seven years) so that they would be responsive to political currents without being exposed to the riptides of biennial election cycles. The Commission's significant but limited powers would attract seasoned and judicious public servants prepared to serve as commissioners.

In the final analysis, the relevant question is: how does our proposed Commission compare to the alternatives? In our view, there are three. The first would be to afford the market in general and employers in particular increased influence over immigration policy. The second would tilt in the opposite direction, toward direct government control and oversight through a points system.

The third option is the status quo, which combines rigid and unyielding permanent admissions categories with a temporary worker system that is overly responsive to narrow interests and largely obscured from public scrutiny.

Given these alternatives, we believe that a Standing Commission on Immigration would help foster the kind of open and deliberative process that our immigration policy badly needs. This does not mean that this or any process involving immigration will be easy. But we believe that the Commission would begin the necessary balancing of the economic opportunities presented by a globalizing world against the enduring needs of our political community.

Assimilation and Integration

Immigration policy—determining who may enter the country—is primarily the responsibility of the federal government. Yet the incorporation of newcomers into American society plays out across all levels of government and among multiple sectors of civil society. The sheer number of immigrants today, and their dispersed geographic settlement patterns, strain resources and create significant rifts across the nation. In the face of such challenges, the nation’s approach to creating new Americans has been largely makeshift. Below we propose a new national strategy to focus on this neglected aspect of immigration.

Becoming part of a new nation is a multi-dimensional process that can be encouraged and supported, or discouraged and even prevented. It includes what many Americans refer to as “assimilation”—including a personal identification with U.S. history, respect for diversity, and a common civic identity defined by a commitment to shared principles. It also includes what others call “integration”—involving social inclusion, educational and economic advancement, and civic engagement. While the terms *assimilation* and *integration* are both laden with connotations that raised concerns within our group, all members agreed on the need for a more proactive and strategic effort to emphasize the identity, commitment, and values dimensions of assimilation as well as the social, civic, and economic dimensions of integration.

For immigrants, the process of assimilation and integration involves learning English, becoming economically self-sufficient, supporting one’s family, and contributing to the community. In the largest sense, it also means understanding and sharing core civic principles and coming to see oneself as a member in full standing of a new political community. For localities, this process means protecting newcomers from unscrupulous landlords and employers, improving the conditions in which immigrants reside and work, setting high expectations and helping newcomers reach them, and en-

suring equal treatment under the law and opportunities for civic participation.

This bargain—a warm and helpful welcome balanced by immigrants’ progress toward the goal of citizenship and commitment to America’s success—presents opportunities for confidence-building measures. For instance, immigrants benefit from knowing the “rules of the game” and the mutual trust that comes from observing them; Americans are reassured by immigrant efforts and commitments to joining the political community.

Roles and Responsibilities

To mitigate impacts on states and localities, enhance social cohesion, and ensure the success of new Americans, we recommend building an infrastructure that links federal, state, and local authorities with key pillars of civil society such as businesses, labor unions, community organizations, and faith-based programs.

The need for more focused and better coordinated integration strategies has never been greater, especially in jurisdictions that are new immigrant destinations. Even in established settlement areas, many of the institutions that promoted assimilation and integration in the past—unions, manufacturing firms, urban schools, and local party organizations—have weakened in this regard.

To address these challenges, some state and local governments already have begun to devise new and creative approaches to fostering assimilation and integration. All such efforts should be linked in a network promoted by a new federal Office for New Americans (ONA), located within the Executive Office of the President. ONA would serve as a liaison with state and local governments, develop educational materials, build up the capacity of voluntary and non-profit organizations to help in incorporating newcomers, and coordinate the work of federal agencies.

ONA would significantly enhance the ability of states to design and operate their own New Americans programs strategically, through public-private partnerships. States could pursue new practices or enhance existing programs tailored to their own needs, including welcome centers, referral services, English language instruction, and civics education.

At both the state and local levels, New Americans programs could strengthen and integrate the work of immigrant-advocacy and traditional civic groups along with businesses, unions, adult educators, faith-based organizations, and philanthropic leaders. For instance, we envision the active involvement of groups ranging from the Kiwanis, the Service Employees International Union, Boy Scouts and Girl Scouts, the National Council of Asian Pacific Americans, and the National Hispanic Christian Leadership Conference. We also recommend that an expanded AmeriCorps program include a significant component of service to promote the assimilation and integration of immigrants as part of this broader infrastructure.

At the federal level, ONA would be the crucial third leg of the assimilation and integration stool, the other two being the Office of Citizenship within U.S. Citizenship and Immigration Services at the Department of Homeland Security and our proposed Standing Commission. The Office of Citizenship already promotes naturalization, and a critical responsibility of the Commission would be assessing and analyzing indicators of immigrants' progress toward assimilation and integration and then linking these indicators to immigration policy and broader national goals. ONA would provide much-needed leadership for a national movement that emphasizes but then reaches beyond formal citizenship. Above all, ONA would have the bully pulpit to deliver the message that assimilation and integration are the mutual responsibilities of immigrants and citizens alike.

Getting such relationships and responsibilities right is critically important. So too is the need to think through and implement the policies that will promote immigrant assimilation and integration. We focus below on the roles of schools and communities and the importance of English and citizenship as examples of how ONA could shape national efforts, enhance what is already occurring in many communities, and build networks to achieve national goals.

Schools and Communities

Immigrants should be expected to take responsibility for their children's education and to utilize and support their local schools. In turn, host communities should set high expectations for all students, and public policy should focus on schools as hubs of parental and community engagement and centers for civic education.

Integration requires concerted, deliberate efforts to invite immigrants to become part of this nation—and for them to take on the rights and responsibilities of active citizenship. American public schools once consciously sought to do this. Today, these institutions may be weakened and over-burdened, but they are often still the most powerful anchors in fast-changing local communities. As mediating institutions, schools are often the primary arena for immigrant children to learn about the expectations placed on them to obey the law, to observe social norms, and to develop the capacity to engage in the civic arena. They also serve as critical venues for the civic and political education of parents and, in some cases, as springboards for their wider public engagement.

More effective efforts to retain immigrant youth through high school graduation, encouraging their going on to higher education, and greater emphasis on their civic engagement set high expectations for immigrants and their schools. Meeting these requires significant outreach on the part of schools and communities, particularly in establishing tighter links with parents. For instance, schools offering early childhood education programs that involve parents, build on their child-rearing skills, and encourage their learning English not only lay the foundation for the long-term educational success of their children, but also establish enduring connections with parents themselves. ONA could keep the national focus on the importance of setting high expectations and helping immigrants and communities to meet them. It also could extend best-practice ideas by identifying promising models and sharing them with other locales searching for solutions.

English and Citizenship

Immigrants should be expected to learn English and become citizens. Government agencies and host communities should facilitate these goals. Newcomers who become proficient in English and naturalize increase their wages and standard of living, own homes at elevated rates, and contribute more in taxes. They are also more likely to take

part in mainstream civic and political events and engage more in the life of their broader communities. In doing so, immigrants demonstrate their commitment to their new status as full and responsible U.S. citizens.

Opinion leaders and major institutions should send strong signals that learning English is vital to immigrants. Amidst continuing controversies over bilingual education, this basic fact is often obscured. ONA could take a leadership role in promoting innovative language-learning curricula, including those that take full advantage of the latest communications technologies. It could highlight the ways in which flexibility in federal support for different approaches to teaching English can work in tandem with policies that make funding contingent on educational outcomes. And ONA could emphasize that adult ESL (English as a Second Language) programs also require significant attention and support.

With regard to citizenship, a recently revised naturalization test has placed greater emphasis on encouraging applicants to learn the fundamental tenets of American democracy as well as the rights and responsibilities of citizenship. Immigrants are thereby being encouraged to make a more considered commitment to their new identity. ONA's work with the voluntary sector could make sure that preparation for this test would be a more meaningful process, helping applicants for citizenship succeed as full participants in the American experiment.

Mexico and Regional Engagement

America's 2,000-mile border with Mexico has always occupied a special place in the imagination of people on either side. It is the point at which Anglo and Latino cultures collide and overlap, histories are shared, antagonisms and intimacies revealed. Many Mexicans have moved north in search of opportunity, and the border itself has moved south.

Today, the border has become a flash-point for conflict and misunderstanding between the two countries. For many Americans, it conjures up a seemingly unstoppable tide of drugs and illegal immigrants with relatively little education and skill. Many Mexicans, for their part, resent U.S. efforts to wall them off, even as they endure a reign of narco-terror fueled significantly by illegal drug proceeds and guns from our side.

The nature of the border itself has changed dramatically in the past couple of decades. Since the North American Free Trade Agreement (NAFTA) came into effect in 1994, the border has witnessed significant expansion of bilateral trade. It also has become more dangerous and much more of an obstacle, even to those who cross it legally. This poses special problems for border communities whose members need to cross routinely as part of their day-to-day lives.

Mexicans account for more than 6 million, or 56 percent, of undocumented aliens in the United States. Our southern neighbor also is by far the single biggest source of legal migrants to the United States, accounting for about 16 percent over the past five years. (The next largest source, China, has sent about 7 percent, even though it has a population more than twelve times larger than Mexico's.) All told, 31 percent of the foreign-born population living in the United States today came from Mexico. As a result, the special case of Mexico tends to dominate public perceptions about the overall nature and impact of immigration.

There are two reasons for paying special attention to the U.S.-Mexico relationship as part of a broad reform of immigration policy. The first is that our proposed measures for reining in illegal immigration would inevitably lead to some social and economic dislocation in that country. The second is that Mexico's cooperation in controlling the border is essential.

Mexico may be the single largest sending country, but there is a broader regional context. A large number of the illegal immigrants coming across the Mexican border are actually from Central America, and illegal immigration into Mexico constitutes a problem for Mexico itself. The United States will not be better off if bilateral U.S.-Mexican attempts to address issues of mutual concern simply end up destabilizing Central America or ignoring the Caribbean. Any new policy measures therefore may need to center on Mexico, but should do so within a regional framework.

Immigration and Bilateral Cooperation

A productive U.S.-Mexican dialogue on managing immigration flows also should place immigration in a wider context, one that involves security, illegal drugs and guns, poverty, environmental health, trade, investment, and economic integration. The agenda for hemispheric diplomacy is impressively long. But North America lacks the kind of consensus-building institutions found in Europe. This situation is less and less workable in an era of increasing interdependence. We need to create or invigorate institutions for regional cooperation and investment that can mediate disputes across a spectrum of issues from illegal drugs and arms smuggling to labor and environmental standards, and that can support economic development and civil society.

Comprehensive diplomatic engagement will also give the United States and Mexico more ways to interact pro-

ductively. It is in U.S. interests to support Mexico in its struggles against the drug cartels and arms smugglers; to assist in economic development, democratic capacity-building, and municipal governance reform; and to cooperate closely on border safety and security. For its part, Mexico has an interest in an open but orderly border that allows continued trade. It therefore should be encouraged to cooperate closely with the U.S. Border Patrol, to coordinate efforts to repatriate Mexican nationals not eligible for legalization, and to collaborate in verifying the identity of Mexican nationals in the United States, as well as to partner on energy development and steer targeted public and private investment into sender regions. These are all areas of shared interest and responsibility.

Examples of specific bilateral measures that could be taken or strengthened now are: (1) expanding the mandate of the North American Development Bank, set up under NAFTA, to improve infrastructure along the border, in order to facilitate both commerce and the efficient movement of people—roughly a million of whom cross legally each day; (2) devoting more specific attention to the border region's needs to ensure safe environments for residents on both sides and enhance methods for facilitating legal crossings of goods, services, and people.

Drugs, Crime, and Immigration

Fighting narco-terrorism presents a critical opportunity for bilateral cooperation that clearly benefits both countries. Trade in guns and drugs corrupts Mexico's basic political institutions. Fighting narco-terrorism also can make immigration reform more likely. Opposition to legalization and other measures proposed in this report will be stronger if there is continued disorder and threats to public safety in border communities. And the more the United States aids Mexico on the issues of drugs, guns, and maintaining the rule of law, the more it should be able to expect Mexico to cooperate on managing migration flows.

Public policy can improve security against narco-traffickers. One instance is the success of Plan Colombia, a program supported by both the Clinton and Bush administrations. It has emerged as one of the most successful instances of U.S. bilateral cooperation with a Latin American country. Over the past six years, the positive impact on the daily lives of Colombian citizens has been enormous, as everyday security in cities like Medellín and Cali—once cartel havens—has improved significantly.

Under the Bush administration, the United States launched the Mérida Initiative, which calls for greater law enforcement cooperation between the United States and Mexico (plus the nations of Central America, the Dominican Republic, and Haiti). In 2008, Congress appropriated \$400 million for Mexico and \$65 million for the others. Mérida is implicitly patterned on Plan Colombia, but has not been funded at nearly as generous a level. We support in particular the expansion of three recent inter-related strategies: strengthening arms interdiction of illegally exported American guns; better sharing of intelligence to target the dangerous organizations that are fueling the market for these weapons; and increased U.S. support for police and judicial reform in Mexico.

Bringing It All Together: Forecasting Numerical Change

Revised public trust and sound public policy require clarity about how our recommendations would affect new admissions and overall immigration numbers. Estimating the medium- and long-term consequences of changes in immigration policy is a notoriously difficult task. Such estimates inevitably rely on uncertain assumptions and complex interactions among many moving parts. We have sought to avoid projecting a false sense of precision, while at the same time establishing parameters to guide the national debate that we hope to stimulate about immigration policy priorities and trade-offs.

Currently, the United States annually admits an average of 1.1 million immigrants as legal permanent residents. We propose to hold this number constant, while altering the mix of permanent residents admitted with an additional 150,000 skilled immigrants (including spouses and children) each year. We propose “paying for” this increase by eliminating the Diversity Visa Program and by limiting all family-sponsored preferences to nuclear family members, thereby eliminating an annual average of 160,000 admittances.

If our proposals were enacted into law, these new figures would reset the bar until Congress responded to the first set of recommendations issued by the proposed Standing Commission on Immigration. By holding the total number constant, we seek to highlight the importance of anticipating unpredictable increases in future flows so that the system is not overwhelmed. An example would be the sudden need to respond to urgent requests for refugee or asylum admissions. Our approach also recognizes the importance of volatile labor market conditions to immigration policy. Indeed, the Commission and Congress might in the future conclude that such indicators point to the need to increase or decrease numbers of skilled and unskilled immigrants.

Our proposal would result in a significant, but temporary increase in the annual number of permanent residents admitted, as a direct result of two of our recommendations: (1) addressing the backlog of nuclear family members of LPRs waiting to apply for family-sponsored permanent resident visas; and (2) legalizing the millions of illegal immigrants in our midst.

We estimate that clearing the backlog of relatives of LPRs waiting to apply would require issuing permanent resident visas to as many as 600,000 individuals. Yet because about 55 percent of these are already present here in the United States waiting for their status to be adjusted, their visas would not result in new arrivals. We anticipate that all of these 600,000 individuals could be processed over a three-year period.

As for the undocumented, we propose legalization for those who have lived here continuously for five or more years. Current estimates indicate this number to be approximately 8.5 million individuals. Based on the experience with the 1986 Immigration Reform and Control Act (IRCA), we would expect as many as 70 percent of these eligibles to participate in such a legalization program, totaling 6.0 million. Again, because they are already living here, these individuals would not add to the nation's population. Nevertheless, in the absence of legalization or in the face of increased enforcement, some of these would have returned home voluntarily.

Next, our criterion of nuclear family unification compels us to address two other categories: (1) illegal immigrants who would themselves be ineligible for legalization but whose spouses would be; and (2) spouses and minor children of illegal immigrants not residing with them in the United States. If individuals are qualified to legalize under our proposal, we judge it humane and prudent to grant permanent legal admission to their nuclear family members as well. The first group is estimated to be

210,000 individuals. The second is extremely difficult to estimate, but we calculate that it could be as many as 3.1 million. Our legalization proposal therefore implies that over the course of several years, the number becoming permanent residents would be 9.3 million [6.0 + .2 + 3.1].

Again, in light of our experience with legalization under IRCA, we assume that despite our best efforts, some significant, though indeterminate, number of fraudulent applications would be approved. A conservative guesstimate would be an additional 1 million individuals. Family members joining them from outside the United States could represent an additional 500,000, bringing this total to 1.5 million. This brings the overall total to 10.8 million [9.3 + 1.5].

Of course, when these nearly 11 million individuals eventually become citizens, they would be able to sponsor eligible family members not yet residing here. To be thorough, we should account for this figure, but again, it is difficult to estimate. Based on recent patterns, less than half of those who became LPRs would not become citizens. Under our proposal, the only additional family members that those who did naturalize would likely bring in would be their parents, at least some of whom would at that point be elderly and therefore unwilling to move to the United States. Under these assumptions, we offer a guesstimate of 1 million additional newcomers arriving here as parents of naturalized individuals. That would bring the cumulative, long-range impact of our legalization proposal to 12 million people [11 + 1].

Offsetting this number, our coordinated enforcement-legalization program would reduce not only the existing number of illegal immigrants, but also the continuous influx of new unauthorized immigrants. Earlier this decade, the net number of undocumented individuals settling in the United States annually peaked at more than 500,000. Current estimates put it around 300,000. But as the economy improves, that number will move back up—particularly if we do not act now on key enforcement policies. With our coordinated enforcement-legalization program in place, if it were 80 percent effective, we would see between 2.4 and 4 million fewer undocumented immigrants settling here over the ensuing decade.

Conclusion

Immigration is a daunting issue even in normal times. And these are hardly normal times. The recent financial and economic crisis has exacerbated previously high levels of distrust between Americans and their leaders. Immigration policy has both contributed to that distrust and suffered from it.

Confounding the task facing policy-makers is the way immigration pervades so many aspects of American society and implicates so many other policy areas, including labor markets, education, and health care. The hard policy questions here are consequently even harder to address. For the same reason, it is all the more critical that we do so.

The members of the Brookings-Duke Immigration Policy Roundtable focused on a few critical parts of this hellishly complicated policy domain. And while the task we set for ourselves has been demanding, even more arduous is the task facing policy-makers and elected officials if they are to craft an equitable and prudent set of immigration policies. We would emphasize that the devil here is truly in the details. Implementation is everything, and much will depend on the right combination of policy judgment and good faith.

The Roundtable's task was to examine our own substantial differences in a deliberative manner and then agree on a core set of policy proposals. These were not easily arrived at, yet they take an important step toward breaking the deadlock on immigration reform. We believe that our efforts demonstrate that it is possible to talk across that deadlock and arrive at meaningful policy recommendations.

To build on these recommendations and craft new solutions on both the local and national levels, many sectors of American society will have to be involved. These include federal and state governments, employers, social service agencies, educational and religious organizations, and civic groups. We urge all of these to take up the challenges and begin to heal the divisions that years of neglect have created.

Additional Statements

We endorse many of the recommendations in the report. However, for us it takes insufficient account of the human rights of immigrants, both authorized and unauthorized. The vast majority of immigrants to the United States are hard-working, honest people seeking a better life for themselves and their children. They are not criminals in any meaningful sense of the term, and indeed have contributed greatly to their adopted country. Most chose to migrate because of limited economic opportunities at home, and because they knew that employers would welcome and hire them. Those who came without authorization deserve a chance to come out of the shadows.

We therefore support a more inclusive legalization program than the report proposes. The current economic downturn, which has led to a sharp decline in new unauthorized immigration, presents a unique opportunity in this regard. A one-year residency requirement (i.e. one year prior to the legislation's passage) would include the vast majority of the unauthorized population—widely estimated at 11 to 12 million people—in the proposed legalization program and allow them to regularize their status.

Increasing the level of authorized immigration is the best way to prevent a resurgence of unauthorized entries once the economy recovers, and with it, labor demand. Both for this reason, and on humanitarian grounds, we are concerned about the consequences of narrowing the criteria for family reunification. Overall we support an increase in the level of future legal migration from Mexico and Central America, an increase that would not be limited to family reunification cases nor to highly skilled workers.

– Jennifer Hunt, Ruth Milkman,
and Christine Marie Sierra

I support the overall package of proposals that has emerged from the Roundtable's deliberations. But I cannot endorse the proposed legalization program.

While I sympathize with my colleagues' desire to alleviate the burdens on illegal immigrants, I also believe that their proposal would simply encourage future waves of immigrants to come here illegally with the expectation of legalization and eventual citizenship. Of still greater concern, my colleagues' proposal pays insufficient attention to the frustration and anger that a large segment of the American public feels about illegal immigration. To be sure, that anger is often intemperate and misdirected, but it is not entirely without justification. In any case, such sentiment is a political reality that must be reckoned with.

At the same time, those most attuned to the public's outrage over this issue are prone to advancing proposals that may be emotionally satisfying, but whose harshness ensures they are unlikely to be implemented in a way that seriously addresses the problem.

My response to this dilemma is a program that would offer generous and straightforward terms of legalization to most illegal immigrants—but *that would also stipulate that these individuals never have the option of becoming American citizens.* (Minors who arrived here illegally with their parents could be exempted and permitted to naturalize.) Such a program would address the human predicament we face, but also impose the clear and uncomplicated penalty on illegal immigrants that the American public has been demanding.

– Peter Skerry

continued

I suggest the following additional points as worthy of readers' consideration of this report.

First, we should acknowledge that an independent Standing Commission on Immigration offers an attractive target for the active and heavily-funded interest groups that have surrounded U.S. immigration debates on all sides. Consider the following thought experiment: how much would it be worth to such an interest group, already committing millions of lobbying dollars each year, to ensure that one of its reliable supporters is appointed to this Commission? How much to "capture" this Commission by arranging for three or four such appointments? Obviously the credibility and utility of such a Standing Commission would depend entirely upon the extent to which its Members are selected to serve the public interest rather than as "representatives" of contesting interest groups.

Second, when it has been suggested that Mexico, as a friendly neighbor and NAFTA partner, has an obligation to cooperate in regulating and deterring *unlawful* migration across its northern border, one common response is that this would be in violation of the Mexican Constitution, which guarantees Mexicans the right to depart Mexico. In reality, Mexican cooperation would be entirely consistent with the Mexican Constitution and its General Law on Population, which authorize the Government to limit emigration administratively to certain designated exit zones and "to supervise the entry and departure of nationals and foreigners, and to review their documentation."

– Michael S. Teitelbaum

Although I support the other recommendations of this thoughtful and illuminating report, I must dissent from the group's recommendation of amnesty for many millions of people who either slipped across our permeable southern border or entered on a temporary visa and chose to remain after it expired.

No one can estimate the exact numbers who will qualify if this proposal becomes law, but the total will surely exceed a staggering 10 million, about as many as the total number of legal immigrants who have entered the country in the past decade!

I am not persuaded that these people have a strong moral claim to become full members of the body politic simply because they survived here for a few years without having been apprehended and deported. Their claim, indeed, seems much weaker than that of millions of prospective immigrants elsewhere who have abided by our laws and patiently waited their place in the line for legal admissions.

Nor am I convinced that another amnesty program will cut the illegal immigrant population in the long run. We were assured, after all, that the one approved in 1986 would accomplish that. Two decades later, the pool of illegal residents was much larger than ever before.

The enforcement tools proposed in the report are sharper than those of 1986. Whether they will in fact be used vigorously, though, depends upon the shifting political winds. And this legalization program sends migrants who are tempted to jump the queue the message that in time there will be another amnesty, and another, and another.

– Stephan Thernstrom

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