Immigration’s Future: A Pathway to Legalization and Assimilation

Herbert London†

† Email: HLondon@londoncenter.org. Address: The London Center for Policy Research, 10 West Street, New York, NY 10004.
1 Introduction

Immigration policy is somewhat like taxes, reform to the extent you can get it, is based on expectation. A tax designed to cool an overheated economy or a currency that is fading fast may be different from a tax policy designed to stimulate economic growth. Policies are a reflection of perceived need. The same is true of immigration.

There are several value propositions in play when it comes to immigration, albeit one overarching principle I advocate: a grand bargain that includes some form of legality for long established, non-violent illegals in exchange for an end to mass legal immigration. This is a compromise that makes sense for many on both sides of the political aisle, albeit common sense and immigration policy are not always compatible. Nonetheless, my position is stated up front so it is not caught in the fog of background evidence.

2 What to Do With the Current Illegal Immigrants?

Proponents of “amnesty,” and I am not one, “demand enforcement first,” even though employment-verification and exit tracking systems have not been implemented to anyone’s satisfaction. In 1986 amnesty was granted, but enforcement failed. If an enforcement regimen leads to millions of illegals being displaced, it would be disruptive and ultimately unacceptable. It is essential that enforcement precede any plan for leniency but a policy based on preventing new illegals should not stand in contradistinction to a policy on illegals residing here.

The immigration statistics, particularly on undocumented immigrants, paint a generally grim picture, with some exceptions. Pew Research Center’s Hispanic Trends Project has estimated that from 2005 to 2010, 1.4 million Mexicans, including many born in the U.S. left this
country. During the same period 1.4 million “new” Mexicans entered the U.S. (most illegally) resulting in a net migration of zero (Passel, Cohn, and Gonzalez-Barrera 2012).

In the immigration context “amnesty” is any condition that permits illegals to remain legally. If we account for those without criminal convictions, plus those who came before age ten and grew up here, there are about 6 million in this category or half the current illegal population eligible for amnesty. (This number is an extrapolation based on those illegal immigrants residing in the U.S. who have not committed a felony offense.)

Amnesty beneficiaries, in my judgment, should get green cards and an opportunity to pursue citizenship, but there must be milestones on the road to citizenship. To offset the “amnesty” provisions, immigration should be cut in half from the present 1.1 million coming to the U.S. annually. Cuts to legal immigration can offset the effect of amnesty since empirical evidence suggests high levels of legal immigration produce high levels of illegal immigration (Passel 2005). Legal immigration creates the networks and connections that make illegal immigration possible.

A lower level of overall immigration would tighten the labor market, ease pressure on welfare, health and education systems and might promote assimilation which is lagging in any case. But it is especially important for the absorption of the “soon-to-be amnestied” illegal population.

3 Should There Be Comprehensive Reform?

The absurd conceit behind comprehensive immigration reform is that several entirely separate issues are conflated. While the illegal issue in the U.S. is related to immigration limits, there are other questions that must be addressed: Does the country benefit from welcoming more English-
speaking skilled professionals or should it invite low-skill level immigrants who fill jobs at the bottom of the economic ladder? Clint Bolick and Jeb Bush contend there are jobs Americans will not pursue and, as a consequence, we should liberalize the opportunity for temporary laborers (Bush and Bolick 2013: 82). Yet, it should also be noted that only 30 percent of this unauthorized immigrant population is proficient in English and not easily assimilable, as the evidence that follows indicates (Stoney and Batalova 2013).

It should also be noted that there is only one occupation in the U.S. of the kind noted by Bolick and Bush (agriculture) where the majority of workers are illegal immigrants. The other categories present a different pattern (See Table 1).

Advocates of comprehensive immigration reform such as Robert Lynch and Patrick Oakford of the Center for American Progress contend that the wages of unauthorized immigrants would increase by as much as 15.1 percent if they were granted legal status. However, they noted that 22 percent of all adults without a high school diploma came from the ranks of the unauthorized even though they represent 4 percent of the U.S. adult population. Similarly, Gianmarco Ottaviano and Giovanni Peri maintain that a substantial increase in legal immigration increased the wages of native-born workers by 0.6 percent (Ottaviano and Peri 2006: 30). They also found that new immigration would reduce the wages of existing immigrants by 6 percent. This conclusion is consistent with a 2011 comprehensive immigration analysis by Kavier Chojnicki, Frederic Docquier and Lionel Ragot that showed post-war immigration benefited all U.S. natives, but the benefits would have been more profound had the U.S. pursued a selective, skills based immigration policy.

It is precisely in this unskilled worker category that immigrant dreams are shattered. Recent studies indicate that incarceration rates for second generation Mexican American and
Caribbean American men are as high as incarceration rates for Afro-American men, while adolescent child bearing and dropout rates for members of these communities are higher than they are for black Americans (Haller, Portes, and Lynch 2011: 20). These are arguments that militate against “easy” assimilation. While Jacob Vigor in “The Civic and Cultural Assimilation of Immigrants to the United States” (chapter 3) points to the effective assimilation of some immigrant groups, he overlooks, in my opinion, why the recent migration from Latin America and South America is different. Evidence that follows suggests second generation immigrants are going “backwards.” Instead of embracing their adopted home, they are encouraged to be multiculturalists, retaining loyalty to the “mother country” or to ethnic identification. This, as I see it, is attributed in large part to a dramatic ideological shift in American attitudes that has as its consequence a reduced demand and desire for patriotic assimilation. This argument, made by John J. Miller in the Unmaking of Americans offers one more reason why legalizing the unauthorized population, decreasing unskilled immigration and increasing, by degree, skilled immigration may be complementary strategies. The sheer number of a particular ethnic group often militates against easy assimilation. While high skilled immigrants tend to have more diverse attitudes than unskilled counterparts and, as a consequence, somewhat easier to assimilate. By increasing the number of skilled immigrants who are likely to consume fewer public services than their unskilled counterparts, the nation’s ability to assist the native born poor and existing stock of less skilled immigrants is given a boost.

Not all commentators on immigration regard these facts with fear. Michael Barone in Shaping Our Nation argues we have grown unnecessarily alarmist about immigration policy. From this strain of analysis emerges an appreciation of American durability. As he sees it, American society is founded on mass migration with immigration as a source of turbulence and
creativity. There is nothing new about challenging waves of anti-establishment immigrants destabilizing the status-quo.

Although it is probably too early to generalize, the drop-off in Mexican immigration after the recession of 2007-8 may be comparable to the sudden decline in German and Irish newcomers in the 1890’s. If Barone is right that Mexican immigration has peaked—a point not generally embraced by immigration analysts—the pressure for comprehensive policy reform has probably diminished.

4 High-Skilled Immigrants

On one matter there appears to be consensus, at least if one relies on cliché driven arguments. Just as there is a belief low skilled immigration should be reduced, there are many who believe high skilled labor should be increased. Alex Nowrasteh of the Cato Institute calls skilled immigration “the new common ground in the reform debate.” However, most holders of H-1B work visas are college educated presumably here to fill gaps in specialized occupations. It is almost impolitic to observe that the H-1B program is manipulated by government and hardly in the hands of a free labor market. However, the employment picture for recent college graduates has grown bleak. The unemployment rate for Americans in their twenties is at 8.8 percent up from 5.7 percent in 2007. Underemployment stood at 18.8 percent almost double what it was five years ago. And a Congressional Budget Office report said that, by 2024, Obamacare would eliminate or reduce full-time jobs for some 2.5 million Americans (CBO Report 2014: 13).

1 H-1B requirements can be found at: http://www.uscis.gov/eir/visa-guide/h-1b-specialty-occupation/understanding-h-1b-requirements.
The Obama government itself argued in court filings for an H-1B visa fraud case that “in January of 2009, the total number of workers employed in the information technology occupation under the H-1B program substantially exceeded the 241,000 unemployed U.S. citizen workers within the same occupation.” (Thibodeau 2009) If H-1B workers outnumber unemployed techies, and if companies that outsource tech jobs overseas are gobbling up these visas, fears about domestic employment may not be unfounded.

Robert Bennett, a former Utah Senator said, “Once it’s clear [the visa bill] is going to get through, everybody signs up so nobody can be in the position of being accused of being against high tech.” (Matloff 2003: 13) In fact, as he notes, H-1B visa holders frequently do not have more advanced skills than what is available in the domestic market. And there is scant evidence of a tech labor shortage, albeit industry sources refer to a 100,000 person shortfall (Matloff 2003: 73). Norm Matloff, professor of computer science at the University of California, Davis, argues “The H-1B work visa is fundamentally about cheap, de facto indentured labor.” (Matloff 2003: 3) He goes on to note, “The vast majority of H-1B’s, including those hired for U.S. universities, are ordinary people doing ordinary work, not the best and brightest.” (Matloff 2008) They are simply paid less through a “prevailing wage rate,” a mechanism riddled with holes.2

By contrast Matthew Slaughter, professor at the Tuck School of Business, contends that the cap of 85,000 on H-1B visas impedes economic development (Slaughter 2014). He argues that an estimated 100,000 jobs lost directly because H-1B visa application were denied has resulted in a loss of an additional 400,000 jobs “not created at immigrant-hiring” companies.

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2 The requirements can be found at: http://www.uscis.gov/eir/visa-guide/h-1b-specialty-occupation/understanding-h-1b-requirements.
Leave aside the view that this arithmetic is based on assumptions, the analysis does not take into account domestic techies who could fill these positions.

Obviously this H-1B issue is a debatable proposition, but subordinate to the issue of mass, low skilled immigration which dominates the present debate. Whether H-1B is to be reduced or increased by 10 percent can be argued either way. In the end, its influence on the larger immigration issue is diminimous. As long as “family unification” has been the linchpin of immigration policy since the 1920’s, the waves of unskilled workers have imperiled the nation’s social service system and dramatically affected the normal digestion of employees into the workplace.

5 The Problems of Mass Low-Skilled Migration

While Michael Barone offers historical context for the economic turbulence associated with immigration in the past, it is my judgment that present conditions are magnified by the inability of even second generation immigrants to assimilate and by a reversal in government sentiment that once relied on mediating structures to promote integration. While the evidence that demonstrates these assertions is not dispositive, it is persuasive.

Fifty percent of unauthorized immigrant children and 60 percent of immigrant adults have no health insurance (Passel 2005: 35). As a consequence, they rely on emergency facilities, clinics, health centers, or public hospitals for treatment.

Unauthorized immigrants who are minors require more educational service than do native born children because of a lack of English proficiency (CBO Report 2007: 2).

The CBO reviewed measured costs associated with services to unauthorized immigrants and concluded these costs range from a few million in states with small unauthorized populations
to tens of billions in California, Texas, Illinois, New York, Florida, New Jersey (CBO Report 2007: 3). The costs were concentrated in programs that comprise a large percentage of total state spending, mainly healthcare, education, and law enforcement.

In 2010 (the last year of formal statistics on this matter), the average unlawful immigrant household received $24,721 in government benefits and services while paying $10,334 in taxes, an average fiscal deficit of $14,000 per household. (Rector and Richwine 2013). In chapter 2, Alex Nowrasteh makes a case for the “unambiguous and large” fiscal impact of taxes provided by new immigrants. But, as I see it, this case must be evaluated against a backdrop of additional expenses in education, social services and criminally related matters created by the illegal immigrant population. The net effect on the U.S. budget is not “unambiguous.” Even CBO estimates are judgments based on approximations. Although I am persuaded the $14,000 net fiscal cost per immigrant family, after tax revenue is taken into account, is close to reality, that too is an estimate—not a clearly determined number.

Under current law, unlawful immigrant households in the aggregate produce an annual deficit of $54.5 billion (Rector and Richwine 2013).

In 2010, 36 percent of immigrant-headed households used at least one major welfare program (primarily food stamps and Medicaid), compared to 23 percent of native households (Camarota 2012).

The U.S. Census Bureau released figures showing that average per pupil funding from all revenue sources is $12,200. Although this number does not disaggregate the school age children of illegal immigrants, multiplying $12,200 by the 3.8 million students with illegal immigrant parents yields a total of about $46.4 billion, a sum not included in social service expenditure (Izumi 2010).
The 18th Street Gang and the Mara Salvatrucha (MS13) are gangs largely composed of illegal immigrants. Recent Department of Justice reports indicate that the availability of methamphetamines is due to the proliferation of Hispanic gangs. According to the FBI, MS13 is the fastest growing and most violent of these gangs whose motto is “Mata, Viola, Controla” or “Kill, Rape, Control.” There are estimated to be 12,000 hardcore members in the U.S. and as many as 300,000 across Latin America (Feere and Vaughan 2008).

While it is impossible to quantify precisely the influence of illegal immigration on crime, every local law enforcement officer in a recent survey, including Dallas, Fairfax County in Virginia, and Chicago contends that the city or county’s murder rate declined from 20 to 32 percent with the reduction of alien immigration (Feere and Vaughan 2008).

In 2012, approximately 52 percent of the 40 million foreign born persons were “limited English Proficient,” practically the same percentage as those in 2000. Fifty nine percent of the LEP elementary school children were born in the U.S. to immigrant parents, one sign that second generation assimilation is not working as well as many assume (Batalova and Lee 2012).

Of adult immigrants (25 to 65) twenty-eight percent have not completed a high school diploma compared to seven percent of natives. Mexican immigrant teenagers have the highest school dropout rate among all immigrant groups (Soifer 2009).

“The Social Security Administration assumes that about half of unauthorized immigrants pay Social Security taxes.” (CBO Report 2014: 6) In fact, “most of the estimates that the CBO reviewed did not include costs associated with children who were born to unauthorized immigrants in the United States because those children are U.S. citizens.” (CBO Report 2014: 7) If those children had been included in the estimates, their financial impact—particularly on education—would have been demonstrably higher. Moreover, as the CBO readily admits “…the
scope and analytical methods of studies vary, and the reports do not provide detailed or consistent enough data to allow for a reliable assessment of the aggregate national effect of unauthorized immigrants on state and local budgets.” (CBO Report 2014: 3) Yet the CBO characterizes the fiscal influence of illegals as “likely modest.” (CBO Report 2014: 3)

The number of immigrants naturalized has decreased by 17 percent from 2009 to 2010, a fact that suggests even lawful immigrants do not necessarily want to embrace U.S. citizenship (Batalova and Lee 2012). Of the approximately 12 million illegals residing in the U.S., 8.5 million are eligible to establish a pathway to naturalization, but do not do so for a variety of undisclosed reasons.

6 An Assessment of Mass Immigration and the Free Market

When all of the data on this issue of immigration are assembled, I am left with a basic yet intractable enigma. I am an emotional, free marketeer; even when I realize free markets do not work perfectly, they are invariably the best option available on the policy front. I advocated free market principles when I ran for office and continue to espouse the virtues of a free market today. Why then do I not embrace an open immigration policy? After all, the success of wave after wave of immigrants, despite turbulence, provides some empirical evidence for liberalization.

The Wall Street Journal editorial page, whose views I usually agree with argues for “open borders.” (Riley 2008) “The case for open borders is a case for moving immigration policy in a more market oriented direction. The workers at the plants were coming to this country to work. Why not let them come legally?” it was also noted “…the reason they [illegal immigrants] were breaking the law is because we have a policy in which too many immigrants are chasing
too few visas.” Yet I stand at the barricades opposed to my free market allies, because I am persuaded open borders is a threat to the free market we both admire.

As I see it, the free market is kept vibrant by a series of cultural imperatives. It is not only the law of supply and demand that keeps it functioning, but a religious, philosophical and political position I often refer to as “the burden of freedom.” The market works in an ecology that includes the Protestant Ethic, the rule of law, notions of personal responsibility, risk taking, trust, and individualism. A free market remains free when mediating structures such as schools, churches, families, associations perpetuate the requisite cultural ideals.

In the great wave of European immigration from 1880 to 1924, elites were generally united in advocating Teddy Roosevelt’s admonition that people who come to our shores should be “Americanized.” By that, Roosevelt meant immigrants should obey our laws, embrace our customs, learn our ways, and speak our language. Assimilation wasn’t an option; it was a necessity for living here. That was the standard, notwithstanding a tolerance for filial-piety. You can love the mother of your birthplace as well as the mother of your adopted home.

It is not clear when this view changed. Pat Moynihan and Nat Glazer did refer to the growing influence of cultural pluralism in Beyond the Melting Pot, but even they could not imagine a nation separated by cultural islands in which assimilation even for the second generation is not encouraged.

The 1920’s immigration acts, as already noted, which relied on family unification and mass immigration, led directly to a fundamental shift on the part of the immigrant population coming here and to the elites who welcomed them. Rather than emphasize the unique, idiosyncratic virtues of America, elitists assumed we should allow new immigrants to retain the
culture of the past, which, in far too many instances, was a culture “bound to unfreedom,” namely dependency, government control, and group identification.

To accommodate the new immigrants among other reasons, elites created or altered an institutional apparatus that challenges the very essence of a free market in the form of affirmative action, “disparate impact” decisions, racial and ethnic government grants, race and ethnic based university admissions policy. The size and scope of government activity needed to bolster the status of new immigrants is mind numbing. But most significantly, this activity is designed ostensibly to challenge the 1964 Civil Rights Act which suggested race and ethnicity should be neither a handicap nor an advantage. Immigration policy is now basically organized around government conferred privilege. All things being equal—and they rarely are—a Mexican American has an advantage over a native born American in most job applications and in admission to colleges and universities.

Nevertheless, there is overwhelming evidence suggesting that Americanization or what I would call patriotic assimilation is not proceeding well, certainly not in the manner Mr. Barone predicted. The Alejandro Portes and Ruben Rumbaut longitudinal study—arguably the most comprehensive of its kind—reports that children of immigrants are not “assimilating,” but are “selectively acculturating.” (Portes and Rumbaut 2001: 274) That is to say, many learn some English, but identify themselves “increasingly” with their parents’ birth nation (Mexico, El Salvador, etc.) instead of the USA. In their report, Portes and Rumbaut indicate that, in one Los Angeles high school populated by Hispanics, freshmen students were asked if they wanted to be Americans. The response was overwhelmingly positive. However, when this same question was asked of the same students who were now seniors, only a tiny fraction answered affirmatively.
The Pew Hispanic Survey taken seven months after 9/11, when patriotic sentiments were running high, shows the same pattern (Taylor et al. 2012). Only 34 percent of Latinos (who are American citizens) considered themselves Americans first. Forty-two percent identified with the old country first and 24 percent considered themselves as pan ethnic, as “Latino” or “Hispanic” first. Even among the third generation, Hispanics who have held American citizenship for 80 years or more, 41 percent consider their primary identity as either the family’s country of origin or Latino-Hispanic identity.

In its conclusion, the Portes-Rumbaut study notes: “we should have seen an increase over time in the proportion of youths identifying themselves as American, with or without a hyphen, and a decrease in the proportion retaining an attachment to a foreign national identity. But…the results…point in exactly the opposite direction.” (Portes and Rumbaut 2001: 157) Patriotic assimilation is decreasing and “foreign national identities command the strongest level of allegiance and attachment.” (Portes and Rumbaut 2001: 158)

As the Hudson Institute study on “America’s Patriotic Assimilation System Is Broken” by John Fonte and Althea Nagai indicates, “A large ‘patriotic gap’ exists between native born citizens and immigrant citizens on issues of patriotic attachment and civic knowledge. Despite what some believe, native born citizens have a much higher degree of patriotic attachment to the U.S. than naturalized citizens.” (Fonte and Nagai 2013: 1)

It strikes me as obvious that you cannot seriously discuss immigration policy without comprehensive assimilation reform. And in considering the latter, it must be noted that, since the 1970’s (nothing precise about date), American elites have altered the de facto assimilation position from Americanization (or patriotic integration) to a multiculturalism that emphasizes ethnic group consciousness at the expense of American common culture. Not only are we
sending immigrants the wrong message in my opinion, but the message we do send has a deleterious effect on the free market and its attendant cultural imperatives.

Ultimately multiculturalism insinuated itself into federal bureaucratic practices and court decisions that are difficult to undo. But it may be possible to challenge multi-cultural education, bi-lingual education and even dual citizenship. As I see it, Americanization is a moral issue that defines the character of citizenship and for what a constitutional republic stands.

Surely, any debate about immigration should incorporate assimilation into the analysis. My opening plea for a “grand bargain” is an offer to combine compassion with hard headed realism, recognizing that many illegal immigrants who have resided in the U.S. as tax payers and law abiding residents, deserve a chance for a pathway to citizenship. Nonetheless, I do not have illusions about the difficulty involved in integration as long as elites uphold a standard of multiculturalism. Thus I also believe that this “grand bargain” must cut current levels of legal immigration in half in order to better assimilate immigrants into traditional American values, recognizing, at the same time, the evidence which suggests assimilation as presently understood is not working effectively.
References


Table 1

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<thead>
<tr>
<th>Occupation</th>
<th>Native Born Percentage</th>
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<tbody>
<tr>
<td>Maids and housekeepers</td>
<td>51 percent native born</td>
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<tr>
<td>Taxi drivers</td>
<td>58 percent native born</td>
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<tr>
<td>Meat processors</td>
<td>63 percent native born</td>
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<tr>
<td>Grounds keepers</td>
<td>64 percent native born</td>
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<tr>
<td>Construction</td>
<td>66 percent native born</td>
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<tr>
<td>Porters</td>
<td>72 percent native born</td>
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<tr>
<td>Janitors</td>
<td>73 percent native born</td>
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Source: Camarota and Zeigler 2009