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Point: Amnesty for Illegal Immigrants Is a Practical and Just Solution.

Thesis: The United States should reevaluate its perspective and policies on immigration. Amnesty is both practical and just; punishing immigrants is neither.

Summary: Amnesty is the best option both for the 12 million illegal immigrants living in the United States and for the United States economy. The punitive requirements against immigrants were added to legislation to insulate it from criticism that amnesty is forgiveness without consequence. Immigration helps everyone, and Congress should be doing everything in its power to make it as easy as possible for immigrants to live and work legally and freely in the United States.

Immigration Legislation
Debate over US immigration policy has recently hinged on the idea of amnesty, a legislative plan that would allow illegal aliens currently residing in the United States to apply for citizenship. In an attempt to garner bipartisan support in Congress, recent immigration reform bills have combined amnesty with harsher enforcement, heightened border security, and a host of new punitive measures and administrative hurdles for illegal residents who choose to pursue legal status.

Though most agree that it would be impractical, if not impossible, to deport 12 million undocumented residents, the word "amnesty" itself has become a term of abuse on both sides of the debate. Even for those nominally in favor of giving undocumented residents a path to citizenship and a chance to work legally, amnesty is treated as a necessary evil to be mitigated by fines, fees, a "touchback" requirement, and other punitive measures.

Two immigration reform bills have been proposed in Congress. In the House of Representatives, the Security through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE Act of 2007; H.R. 1645) was introduced on April 3, 2007. In the Senate, the Comprehensive Immigration Reform Act of 2007 (the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007; S. 1348) was introduced on May 9, 2007, though it was overturned the following month. Both STRIVE and the Comprehensive Immigration Reform Act are based largely on three previous failed bills: the "McCain-
Kennedy Bill" (S. 1033, May 2005), the "Cornyn-Kyl Bill" (S. 1438, July 2005), and the "Specter Bill" (S. 2611, May 2006). Bills require ratification by both the Senate and the House of Representatives in addition to presidential approval before they become law.

**The Immigration Reform and Control Act (IRCA)**

Although immigration law is constantly evolving as new precedents are set in federal courts, major legislative overhauls occur relatively infrequently. The last comprehensive immigration legislation, the Immigration Reform and Control Act (IRCA; also known as the Simpson-Mazzoli Act), became law in 1986. In addition to criminalizing the act of knowingly hiring an illegal alien, the act granted amnesty to approximately 2.7 million undocumented residents who had been in the country before 1982.

IRCA is often cited by critics of amnesty as an example of failure, noting that illegal immigration spiked after the legislation was passed. However, research suggests that variation in the rate of illegal immigration has much more to do with relative economic prosperity and availability of jobs in the United States than with the implementation of new immigration policies. According to a recent study by the Council on Foreign Relations, when Mexican wages drop 10 percent relative to US wages, attempts to cross the border illegally rise 6 percent. It is inaccurate to attribute the post-IRCA rise in illegal immigration to the amnesty itself. Generally speaking, the driving force behind immigration is supply and demand, not new legislation.

**Economics and Demographics**

Population growth is crucial to a healthy economy, and at present rates, immigrants and their children will account for 60 percent of US population growth in the next forty-three years. As the baby boom generation begins to retire, immigrants will play a crucial role in filling the country’s human capital deficit. Within twenty years, immigrants and their children will account for most of our labor force growth.

Contrary to the popular misconception that illegal immigrants are exploiting the nation's economy, studies have shown that undocumented residents actually contribute more in taxes than they cost the country in social services, and that overall, immigration increases the income of US residents by maximizing the extent to which the economy takes advantage of domestic resources. For instance, in 2006 the Texas Comptroller's Office estimated that the approximately 1.4 million undocumented immigrants in the state paid $500 million more in taxes than they received in government services. Undocumented residents also contribute to the US economy by consuming goods and services. Economically, the United States need immigrants, and will need them even more in years to come.

As far as illegal immigrants themselves are concerned, research on the IRCA amnesty suggests that legalized status would mean a significant wage increase. Between 1989 and 1992, average earnings for newly legalized Latino men rose by 6 percent relative to the earnings of undocumented Latino men. Amnesty would also give the 12 million undocumented residents currently living in the United States access to social services like Social Security, Medicare, and unemployment insurance programs. Allowing immigrants access to these services would not cost US taxpayers more money. On the contrary, amnesty would streamline social services and save taxpayers money. Currently, many undocumented residents use expensive services like emergency rooms because they do not have the necessary insurance to see a primary physician. Legalizing their status would allow them to use social services in their most cost-
efficient forms.

**Punishment**
As a practical matter, punishment helps no one. The punitive requirements against immigrants were added to legislation to insulate it from criticism that amnesty is forgiveness without consequence. Provisions in the Comprehensive Immigration Reform Act of 2007 ensure that undocumented residents applying for citizenship would have to undergo a rigorous, thirteen-year ordeal in order to obtain legal status. Hurdles on the path to citizenship would include an English language requirement, a $5,000 fine, and a "touchback" provision requiring the head of each household to return to his or her home country in order to obtain a green card. Though the "touchback" stipulation is partly intended to make amnesty fair to those who have been waiting in line to immigrate legally, recipients of amnesty should not have to pay the price for the Department of Homeland Security's inefficiency in processing visa applications.

While the Comprehensive Immigration Reform Act of 2007 was rejected by Congress, the STRIVE Act also includes punitive measures such as fines, an English language requirement and extensive waiting periods. The STRIVE Act also includes measures to tighten border security.

**National Security**
Support for immigration decreased substantially after the terrorist attacks of September 11, 2001, and many people fear that amnesty would compromise national security. However, legalizing residents who are currently living outside of the system would actually help law enforcement agencies allocate their resources more effectively in the fight against terrorism. Currently, many undocumented residents are forced to use false identities and Social Security numbers in order to remain anonymous and avoid being deported. If these anonymous millions, the vast majority of whom are law-abiding residents, were free to use their real identities, law enforcement agencies could focus on pursuing criminals and would-be terrorists.

The STRIVE Act, as well as the Comprehensive Immigration Reform Act of 2007, proposed increased security along the United States-Mexico border. Increased spending on programs that treat immigration as a crime is ill-conceived in principle and in practice. Philosopher Harry Binswanger argues that foreign immigrants simply want to engage in free trade, and should be openly welcomed to the United States. US lawmakers are a long way from embracing the kind of open immigration policy that Binswanger advocates. Even if the country remains intent on staving off immigration, stepping up border security fails to address the root of the issue. The desire for freedom and economic supply and demand are the driving forces behind immigration. Legislative attempts to minimize illegal immigration are unable to address those forces.

**Conclusion**
Legislation that includes provisions to punish immigrants for applying for legal status is unnecessary. Immigration benefits everyone, and Congress should be doing everything in its power to make it as easy as possible for immigrants to live and work legally and freely in the United States.

**Ponder This**
1. The author argues that "amnesty is both practical and just" and that "punishment is neither." Do you
agree with this assertion, with only certain parts of it, or none of it? Defend your answer using references from the text.

- 2. In your opinion, is this article focused specifically on amnesty or on US immigration policy in general? Which arguments pertain specifically to amnesty, and which to immigration policy in general?

- 3. In your opinion, are the arguments in this article sufficiently supported by empirical data? Which assertions would be strengthened by additional data?

- 4. If you were a member of Congress and had to vote on a bill that combined amnesty with additional punitive measures, how would you vote? Would you be willing to accept a compromise that would affect the lives of millions, or would it be preferable to put millions of lives on hold until better legislation came along? Explain your decision.

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