

Immigration Challenges: Exploring the Options

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Abstract

Immigration is one of the hottest of the hot button issues of the early twenty-first century. Advocates of immigration restriction highlight negative externalities, supporter of expansion focus on the mandate to attract high skilled workers in the global competition for talent. In an effort to contribute to the debate, this paper reviews immigration legislation of the U.S., explores the impact of immigrant groups, and discusses options for future policy.

Introduction

Immigration is an emotional issue that conjures up conflicting sets of images. On the one hand immigration is associated with noble ideals such as extending opportunity to the poor and giving refuge to the politically oppressed. Popular construction of America's immigration history paints a montage where immigrants quickly assimilate into a melting pot of races that create an alloy stronger than its individual elements. In contrast, an alternative portrait equates immigration with a foreign invasion that will debase the culture, eviscerate the traditional politics, and erode the standard of living of native born Americans. These alternative visions (as well as others) vie for prominence in the marketplace of ideas.

It is a mistake to view the contemporary immigration debate as novel. History is a guide to the present as well as the future. For example in colonial times, Benjamin Franklin observed that German immigrants would not adapt easily to Anglo-Saxon passion for liberty (Koven & Götzke, 2010, p. 126). In the mid-nineteenth century English Protestant Americans portrayed the newly arrived Irish immigrants as dependant on political bosses, alcoholic, violent, ignorant, indolent, and shiftless. In the late-nineteenth and early twentieth century Nordic descendents who were living in America questioned the value to the United States of migrants from Southern and Eastern Europe. Popular turn of the twentieth century author Grant Madison contended that "Mediterraneans" who inhabited Southern Europe, North Africa, and the Middle East were not as virile and strong as the "Proto-Nordics." It was believed that these virile individuals evolved in eastern Germany, Poland and Russia before migrating northward to Scandinavia (Grant, 1916). Grant became known as an expert on race⁴ and provided statistics to Congress that was later used in promulgating the Immigration Act of 1924. In the 1930's, however, interest in Grant's work (as well as in eugenics) declined. With the rise of the Nazis in Germany a backlash developed in the United States against the general philosophy of Social Darwinism.

The immigration debate today differs only slightly from that of earlier American history. Immigrants today are more likely to trace their origin to Mexico, Latin America or Asia rather than from Southern Europe, Ireland or Germany. This change in the country of origin is a source of anxiety for various leaders in the media, academics and politics (Borjas, 1990, 1999; Brimelow, 1995; Geyer, 1996; Huntington, 2004; Lamm & Imhoff, 1985; Ngai, 2006; Portes and Rumbaut, 2006; Schuck, 1998; and Swain, 2007). Many of the same arguments regarding economic, political and cultural impacts have been resurrected as the nation struggles to navigate a new course between the perils of policies that may be too wide open or too constricted. Previous legislation chose to deal with immigration by adopting clear restrictions, enticing migrants in order to stimulate economic growth or some combination of these strategies. A review of previous legislation is instructive.

Immigration Legislation

Immigration legislation dates to colonial times.

Settlers of the Massachusetts Bay Colony limited their welcome to migrants that fit in well with the austere religious perspectives of the Bay Colony. Leaders of the Massachusetts colony recruited “honest men” and “godly men” who were “endowed with grace and furnished with means.” Colonial leaders insisted that migrants should not be “of the poorer sort” (Fischer, 1989: 28). Leaders imposed their version of civic and religious conduct on residents. Dissidents such as Roger Williams were banished, Quakers and witches were hanged (Wood 1936, p. 27). Supporters of the English monarchy were granted large estates by an early governor (Sir William Berkley) to settle in Virginia. The colony mandated that white Virginians worship in the Anglican Church (Church of England) and pay taxes. The colony of Georgia welcomed English paupers. English policy established that those without funds who migrated to Georgia would receive free transportation, 50 acres of free land, and rations (Koven and Götzke, 2010, p. 125). The Pennsylvania colony was established as a sanctuary for persecuted Quakers. Migrants to the Pennsylvania area were granted religious freedom and the colony became known for its ethnic as well as religious diversity. Philadelphia, the city of brotherly love, became the leading American city until 1800 (Wood, 1936).

In 1798 the Alien and Sedition Acts were passed in the United States. These Acts increased the amount of time necessary for immigrants to become naturalized citizens; authorized the president to deport aliens who were deemed dangerous to the safety of the United States; and allowed the wartime arrest, imprisonment, and deportation of aliens, if their home country were at war with the United States (Zolberg, 2006, p. 94-95). Many of the provisions of Alien and Sedition Acts were allowed to expire or were rolled back when Thomas Jefferson replaced John Adams as president in 1801.

Efforts to limit the number and type of immigrant are found in the Steerage and Passenger Acts of 1819, 1849 and 1855 as well as the Chinese Exclusion Acts of 1882, 1884, 1888 and 1892. The Steerage Acts sought to: 1) protect passengers going from America to Europe from starvation; 2) restrict the numbers of passengers on vessels; and 3) lay the foundation for immigrant data collection (Hutchinson, 1981L, p. 22).

The Chinese Exclusion Acts were passed in response to the economic downturns of the 1870s, the end of the gold rush, and completion of the transcontinental railroad. These Acts suspended the immigration of Chinese laborers, authorized the deportation of unlawful Chinese aliens, and required all Chinese laborers to acquire a certificate of residents. In California Chinese immigrants were forbidden entry to public schools, denied the right to testify against whites, and forbidden to marry whites. San Francisco passed ordinances in 1876 and 1880 that taxed small laundries (predominantly operated by Chinese) and taxed people who wore pigtails, a hair style popular with Chinese immigrants (LeMay, 1987, p. 53, 57). The Chinese Exclusion Acts reflected general sentiments that people of the U.S. West Coast could be “overrun” unless prompt action was taken to restrict Chinese immigration (Aleinikoff & Martin, 1991, p. 2).

The Immigration Act of 1917 instituted a literacy test barring aliens over sixteen years of age, physically capable of reading, who could not read in the English language, or some other language. The 1917 Act also added chronic alcoholics, vagrants, and those suffering from psychopathic inferiority to the list of those denied entry. The Quota Act of 1921 temporarily set a quota or cap on immigration. The 1917 quota (for each nationality group) was set at 3 percent of the number of foreign born of that group living in the United States as of the 1910 Census. The Immigration Act of 1924 made the quota system permanent and limited immigration to 2 percent of the total number of people of each nationality group as of the 1890 Census.

The Quota Acts, in general, reflected the perspective of prominent author Madison Grant that new immigrants were vulgarizing the tenor of American social, moral and political life. By 1937, Grant’s book, *The Passing of the Great Race*, had sold 1.6 million copies in the United States and was translated into many other languages. As an expert on racial data, Grant provided statistics that were used in the Immigration Act of 1924. Grant asserted that the expansion of non-Nordic race types would engender base behavior and lead to the subjection of Nordics to inferior races. Another advocate of racially based immigration restrictions, Dr. Sidney Gulick, endorsed the principle of assigning immigration quotas based on nationalities already present in the United States. Gulick contended that “the proved capacity for genuine Americanization on the part of those already here from any land should be the measure for the further immigration of that people (Koven & Götzke, 2010, p. 131). Politicians such as Senator David Reed of Pennsylvania also strongly supported the 1924 bill. Reed argued that unless immigration was restrained America would be overwhelmed by a vast migration of peoples from war stricken countries.

He predicted that migration would have a baleful effect upon American wages and standards of living, and would increase the problem of assimilating the foreign born already in the United States. Reed agreed with Gulick in that he thought it best for America that incoming immigrants should be of the same races as those already in the country. Reed advocated that so far as possible each year's immigration should be a miniature America, resembling in national origins the persons already settled in the country (Reed, 1924). The 1924 Quota bill garnered the support of the Ku Klux Klan as well as the American Federation of Labor and was signed into law by President Calvin Coolidge (LeMay, 2006, p. 123).

The National Origins Quota system remained in effect until passage of the Immigration and Nationality Act of 1965. This Act abolished national origins as a basis for immigration and allowed immigrants to be admitted on the basis of skills and family relationships. Passage of this legislation was not anticipated to produce major changes, however, from 1965 onward the composition of legal immigration was dramatically altered. Immigration from Latin America, the West Indies, Asia and Africa increased while European immigration declined (Zolberg, 2006, p. 336). By 1971 the number of Asian immigrants exceeded the number of immigrants from Europe. Immigration for professionals was especially helpful for Korean and Philippine immigrants. Cuban and Vietnamese immigrants benefited from America's refugee policies. Increases in Asian immigrants were also attributed to "chain migration" or the process of arriving immigrants opening up channels of further migration for family members (Ngai, 2004, p. 262).

President Lyndon Johnson praised the 1965 bill for its rewarding of merit and fostering achievement. Johnson decried the old Quota system stating that it violated the basic principle of American democracy—the principle of rewarding everyone on the basis of merit. He concluded that the quota system was "un-American in the highest sense" because it did not reward people because of what they were; rather it rewarded them from the land from which they spring (LeMay, 2006, p. 159). Factors contributing to the passage of the 1965 Act included: 1) reduced ethnic and racial prejudice in America; 2) changing goals of American foreign policy; and 3) a healthy economy. The Quota system became viewed as inappropriate for a nation seeking global leadership in a diverse world (LeMay, 2006, p. 155).

The Refugee Act of 1980 replaced the previous ad hoc to granting residency to refugees with a more established procedure. The Act established stricter controls on the admission of Vietnamese refugees and gave the president more flexibility in dealing with emergency situations (LeMay, 2006, p. 165). With the 1980 Act annual limits replaced a policy of "calculated kindness" in guiding refugee admissions (Zolberg, 2006, p. 344).

The Immigration Reform and Control Act of 1986 (IRCA) had the dual intent of granting legal status to some illegal aliens (this provision has been termed amnesty) and imposing penalties against employers who knowingly hired illegal aliens (this provision has been termed employer sanctions). Major provisions of the 1986 bill (also known as the Simpson-Mazzoli bill): 1) made it illegal to hire undocumented workers; 2) provided safeguards for foreign looking citizens; 3) legalized aliens residing in the United States since 1982; 4) legalized aliens who worked in agriculture; 5) allowed for admission of additional agricultural workers; 6) paid states for cost of legalization; 7) checked eligibility of noncitizens for welfare payments; and 8) increased funding for the U.S. Immigration and Naturalization Service and Department of Labor (Bean, Vernez & Keeley, 1989). Supporters of the 1986 legislation praised the legal status provisions of the bill. Critics contended that the legislation merely spawned a false documentation industry, did not set up a database to check the validity of documentation, and did not adequately punish illegal immigrants (Koven & Götzke, p. 2010P, 140).

The Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA) increased penalties for immigration related offenses, increased security at land and airports, expedited removal of illegal aliens, adopted more stringent grounds for admission, required proof of citizenship for federal benefits, established limitations on eligibility for higher education benefits, toughened the requirement for sponsoring immigrants and mandated that educational institutions collect information on foreign students' nationality (Magana, 2003: 84-85). Other legislation such as the Real ID Act of 2005 sought to restrict political asylum, set standards for issuing drivers licenses, report violations of duplicate Social Security numbers, and improve border security.

Most recently the Obama administration has promoted legislation such as the Dream Act that would help individuals to enlist in the military, go to college, and become citizens.

Specific provisions of the Dream Act included: 1) applicants must have entered the United States before the age of 16, 2) applicants must have been present in the United States for at least five consecutive years prior to enactment of the bill; 3) applicants must have graduated from a United States high school, or have obtained a GED, or have been accepted into an institution of higher education; 4) applicant must have been between the ages of 12 and 35 at the time of the application and 5) applicants must have good moral character. The Dream Act, however, failed to garner enough votes in the Senate in 2010 to bring it to the floor for debate (Dream Act Portal 2011). Current immigration policy is described below.

Current Immigration Policy

The current immigration system places the highest priority on family as a determinant of legal status. Automatic Legal Permanent Resident (LPR) status is granted to immediate relatives (spouses, children, parents) of U.S. citizens. Immediate relatives of U.S. citizens typically account for more than 40 percent of the annual LPR flow. LPR status is also granted to family members such as older sons and daughters (not children) of U.S. citizens, spouses and children of alien residents, married sons/daughters of U.S. citizens and siblings of U.S. citizens. Annual limits on the family-sponsored LPR's are set by the U.S. Department of State. The largest category of family-sponsored LPR is that of spouses and children of alien residents. When automatic family qualifiers were added to the family-sponsored preference qualifiers, family sponsored green card recipients comprised 66.3 percent of the total (Monger & Yankay, 2011).

The remainder of the LPR ("green cards") are issued on the basis of employment-based preferences (14.2 percent in 2010), diversity programs (4.8 percent in 2010), refugee and asylees (13.1 percent in 2010) and "other categories" (1.5 percent in 2010). Employment based preferences consists of five categories of workers: 1) priority workers, 2) professionals with advanced degrees or aliens of exceptional ability, 3) skilled workers, professionals, and needed unskilled workers, 4) certain special immigrants, and 5) investors. Diversity immigrants are defined as nationals of countries with low rates of legal immigration to the United States and limited to nationals of countries with fewer than 50,000 admissions during the previous five year period. The number of persons who may be admitted as refugees each year is established by the President in consultation with Congress. There is no limit on the number of persons who can be granted asylum status in a given year.

The number of individuals granted LPR status in 2010 decreased 7.8 percent from 2009. The broader historical trend, however, displayed large increases since World War II. The average annual LPR flow increased from approximately 250,000 during the 1950s to more than one million between 2000 and 2010. Reasons for the increase in LPR status include changes in limits for the preference category and the inclusion of parents of adult U.S. citizens as an exempt category. The increase in legal immigration around 1990 reflects changes ushered in by the Immigration Reform and Control Act (IRCA) of 1986. It is estimated that this legislation led to legalization of 2.7 million unauthorized immigrants (Monger & Yankay, 2011).

Prominent among the 2010 legal immigrants (granted "green cards") were migrants from Mexico (13 percent), China (7 percent), and India (7 percent). In 2010 more than one million persons (1,042,625) were granted lawful permanent resident (LPR) status in the United States. LPR status conferred rights such as the right to live and work anywhere in the United States, the right to own property, and attend public schools, colleges, and universities. LPR recipients may also join certain branches of the Armed Forces and apply to become U.S. citizens (Monger & Yankay, 2011).

A significant issue of current immigration policy is how to deal with illegal immigration. The Department of Homeland Security's Office of Immigration Statistics estimated that as of January 2010 there were 10.8 million unauthorized (i.e. illegal) immigrants living in the United States. Of this total 39 percent entered the U.S. in 2000 or later. Mexico was by far the leading source country of illegals. In 2010 it was estimated that there were 6.6 million unauthorized immigrants from Mexico, representing 62 percent of the total. The next leading source countries for unauthorized immigrants were El Salvador (6 percent), Guatemala (5 percent), Honduras (3 percent) and the Philippines (3 percent) (Hofer, Rytting & Baker, 2011). Both legal and illegal immigrants were unevenly divided throughout the country. In 2010 20 percent of LPRs resided in California, 14.2 percent in New York and 10.3 percent in Florida. Leading metropolitan areas of residence for LPRs were New York-Northern New Jersey-Long Island, NY-NJ-PA (17.8 percent) and Los Angeles-Long Beach-Santa Ana California (8.4 percent) (Monger & Yankay, 2011, p. 4).

The states of California and Texas accounted for approximately 40 percent of all illegal immigrants. Between 2007 and 2010, however, California's unauthorized population decreased (Hoefer, Ryhtina & Baker, 2011, p. 5).

The concentration of both LPR and unauthorized immigrants is a source of consternation (Huntington, 2004, p. 19). The contemporary wave of immigrants is seen as differing from those in the past for a number of reasons: 1) the large proportions of immigrants in cities such as Miami, Los Angeles, and Washington, D.C.; 2) the domination of a single language (Spanish) and a single nationality group (Mexican); and 3) the recent demise of the melting pot ideal (Lamm & Imhoff, 1985, p. 77-79).

Official pronouncement of the Obama administration refers to a "broken" immigration system and a commitment to building a new system that meets the nation's economic and security needs. The president's plan included promises to: 1) fulfill the federal government's responsibility to securing the borders; 2) demand accountability for businesses that break the law; 3) create a legal immigration system that reflects America's values and needs; and 4) require responsibility from people who are living in the United States illegally. Also cited in the White House web site is the nation's dedication of unprecedented resources to secure the border (The White House, 2011).

The 2010 elections empowered elected leaders in Congress who prioritized tough enforcement. Anti-immigration lobbyists characterized the 2011 Congress as having the strongest pro-enforcement membership in at least 15 years (Preston, 2010). The 2010 election was followed by defeat of the Dream Act, a bill viewed as combining tough enforcement with opening a path to legal status for undocumented aliens; a blueprint followed in the 1986 Act. In 2010 the Obama administration deported a record number of immigrants. This crackdown, however, was not accompanied with the "carrot" of a new path to legal status (Preston, 2010).

Consensus is apparent regarding the "brokenness" of current immigration policy. Less apparent is the actual impact of immigrants on the economic, political and cultural nature of the country. Census data provides some clues to this impact.

Census Data Describing Nationality Groups

The American Community Survey conducted by the U.S. Census provides a yearly "snapshot" of characteristics of foreign born living in the United States. The 2007 American Community Survey data indicates that approximately 38 percent of all foreign-born residents in the United States emigrated from the six Spanish speaking nations of Mexico (28.0 percent), Cuba (2.6 percent), El Salvador (2.6 percent), Dominican Republic (1.7 percent), Colombia (1.6 percent), and Guatemala (1.6 percent) (Koven & Götzke, 2010, p. 58).

Information regarding salaries and wages, home values, and dependency (economic variables), entrepreneurship, education, and marriage (cultural variables) and political variables such as naturalization, ability to speak English, and military participation are available in the American Community Survey.

Economic Differences between Nationality Groups

The data reveals statistically significant differences between economic characteristics of immigrants and native born Americans.¹ When salaries and wages of the top twenty immigrant groups in the workforce in 2007 were compared to salaries and wages of native born Americans in 2007² a bifurcated picture emerges. Central and South American immigrant groups (place of birth of Guatemala, Mexico, Honduras, El Salvador, Dominican Republic, Haiti, Peru, Colombia) reported lower than native born American salaries and wages. Asian, North American and European immigrant groups (place of origin India, Canada, England, Taiwan, China, Germany, Korea, Philippines) reported salaries and wages that were higher than native born American salaries and wages. Salaries and wages for U.S. workers were \$39,824 in 2007 compared to \$22,511, \$22,542 and \$22,613 for immigrants from Guatemala, Mexico and Honduras respectively. At the other extreme, reported salaries and wages were \$67,545, \$62,959, \$60,947, and \$60,713 for immigrants from India, Canada, England and Taiwan. Salaries and wages for U.S. workers fell midway of the distribution of the nationality groups considered (Koven & Götzke, 2010, p. 61).

In regard to immigrant wealth (as reported in home values) most (19 out of the 21 nationality groups considered) identified home values that exceeded those of native born Americans. Only two nationality groups had lower home values. Asian groups (place of origin Taiwan, India, Philippines, Korea and China) recorded the highest home values ranging from \$501,678 to \$426,680.³

Reasons for the higher priced homes of immigrant nationality groups are open to speculation and may include the fact that many immigrants have located in high cost of living states such as California or New York. The proportion of individuals owning their own home for many immigrant groups was lower than the native born proportions for home ownership.

Dependency is another measure of economic success. Immigrant groups were compared to native born Americans in regard to receipt of food stamps and receipt of welfare income.⁴ The majority of immigrant groups were less likely to receive food stamps and less likely to receive welfare. Restrictive legislation such as the Personal Responsibility and Work Opportunity Reconciliation (PRWORA) is credited with reducing the numbers of immigrants eligible for federal benefits (Levinson, 2002).

Cultural and Political Differences between Nationality Groups

Entrepreneurship, education, and marriage (cultural variables) are compared between native born Americans and immigrant groups. These variables were chosen as representative of the American culture and the dominance of the Protestant ethos identified in characteristics such as individualism, hard work, belief in upward mobility, self-sufficiency and marriage (Weber 1958). Naturalization, ability to speak English, and willingness to engage in collective action (such as joining the military) are indicators of political integration and acculturation.

Previous research indicates differences between nationality groups in regard to self-employment (Glazer & Moynihan, 1963). These differences are still evident. Immigrant groups from nations such as Korea, England, and Cuba were much more likely than native born Americans to start their own business while immigrants from nations such as the Philippines, Haiti and Mexico were much less likely start their own business (Koven & Götzke, 2010, p. 102). Fourteen of the top immigrant groups were had a higher percentage of self-employment than native born Americans. Seven immigrant groups had a lower percentage.⁵ Almost one in four Koreans in the workforce identified themselves as self-employed in the ACS survey, whereas only 5.9 percent of Filipinos and 6.2 percent of Haitians did so. Some research suggests that immigrants seek self-employment in greater proportions than native born Americans because of factors such as discrimination in the labor market and poor language skills (Mata & Pendakur, 1999). Groups such as Filipinos with high proficiency in English and a U.S. style education often secured jobs in the United States prior to immigration (Zhou, 2007, p. 229). In contrast groups such as Koreans had poorer language skills and more limited entry into white collar professions (Koven & Götzke 2010, p. 101).

The ACS survey indicates large between country differences with regard to education. Immigrants from countries such as Mexico, Guatemala, El Salvador, and Honduras were much less likely to have graduated from high school than native born Americans. For example, 54.9 percent of immigrants from Mexico, 53.5 percent from Guatemala, 49.8 percent from El Salvador and 48.2 percent of immigrants from Honduras did not graduate from high school. At the other extreme only 2.7 percent of immigrants from India and 5.2 percent of immigrants from Korea were high school dropouts. This compared to a native born American dropout rate of 9.8 percent. At the highest levels of educational attainment Asian immigrants (especially from India, Taiwan, China, Korea and Philippines) were much more likely than native born Americans (as a percent) to hold a bachelor's or advanced degree.

When proportion married by place of birth was considered, more of the immigrant groups (14) had higher rates of marriage than native born Americans. Immigrants from nations such as India, China, Taiwan and Korea were characterized by high rates of marriage. Immigrant groups with relatively low rates of marriage were from Honduras, Dominican Republic and Jamaica. Immigrants from the Mexico were slightly more likely to be married in 2007 than native born Americans (Koven and Götzke, 2010: 105). Rates of participation in the U.S. military were also compared between groups. The vast majority (18 out of 21) of top immigrant groups had participation rates lower than native born Americans (Koven and Götzke, 2010: 108). It does not appear therefore that the military has been extensively used by immigrants as a pathway to citizenship. Weak indicators of political integration and acculturation suggest that assimilation has not been as successful as desired. Immigrants responded in relatively high numbers that they spoke English "not well" or "not at all." Over 40 percent of respondents in the ACS survey from Cuba, Dominican Republic, El Salvador, Honduras, Guatemala and Mexico noted that they spoke English "not well" or "not at all." Approximately 50 percent of respondents from the largest immigrant group (Mexico with 28 percent of all foreign born) responded that they spoke English "not well" or "not at all."

Naturalization rates also varied greatly between immigrant groups. Immigrant groups with high rates of naturalization include Vietnam (76.7 percent), Taiwan (71.2 percent), Germany (66.6 percent), Philippines (65.0 percent) and Poland (64.5 percent). Groups from nations such as Mexico (25.1 percent), Honduras (25.8 percent), Guatemala (27.6 percent) and El Salvador (32.9 percent) were much less likely to acquire citizenship/naturalization status (Koven & Götzke, 2010, p. 106). The relatively low rates of naturalization combined with poor language skills for specific immigration groups provides empirical support for cultural concerns expressed in recent years (Brimelow, 1995; Huntington 2004; Geyer 1996; Schuck 1988).

Table 1 summarized the economic, political and cultural differences found to exist between native born Americans and immigrant groups.

Table 1: Differences between U.S. Born and Immigrant Groups

Economic Variables	Native Born	Immigrants
Salaries and Wages	Bimodal differences	Bimodal differences
Home Values	lower	higher
Dependency	higher	lower
Cultural and Political Variables		
Entrepreneurship	Bimodal difference	Bimodal difference
Education	Bimodal differences	Bimodal differences
Marriage	lower	higher
Military Participation	higher	lower

Source: Koven and Götzke. 2010.

The data reveals that home values are significantly higher for immigrant groups than for native born Americans. Dependency in terms of proportions receiving food stamps and welfare is generally lower for immigrants. A differing picture emerges in regard to salaries and wages. Mexican immigrants (largest immigrant group) earned significantly less (.001 level, t Statistic -81.4) than native born Americans (Koven & Götzke, 2010, p. 61). Other Central and South American nationality groups also had lower earnings than native born Americans.

Cultural and political differences were found in regard to entrepreneurship, education, marriage and military participation. Most immigrant groups (especially Koreans) had significantly higher rates of self employment and marriage. All but two immigrant groups were less likely to have participated in the U.S. military than native born Americans. With regard to naturalization and ability to speak English the largest nationality group (natives of Mexico) exhibits a poor ability to speak English and a low rate of naturalization. How to address this issue will, no doubt, be a continuing topic of conversation.

Options for Future Policy

Immigration is still a hot button issue. With the Republican presidential debates of 2011 the denial of in-state tuition to foreign born residents has been added to the list of controversial immigration proposals which include enhanced border security, employment verification, and random checking of citizenship status. Such policies make it more difficult for immigrants to gain a foothold in the country. With the perceived inability of the federal government to get a handle on the “broken” immigration policy states have moved into the perceived policy vacuum.

States such as Arizona, Alabama, South Carolina, Utah, Indiana and Georgia have been in the forefront in passing anti-immigration legislation. The states of Arizona and Alabama in particular have received widespread attention as a result of their initiatives.

In 2010 Arizona adopted a bill (State Bill 1070) requiring police officers, "when practicable," to detain people they reasonably suspect are in the country without authorization. Under the legislation, police officers are required to verify detainee's status with federal officials, unless doing so would hinder an investigation or emergency medical treatment. State Bill 1070 also makes it a state misdemeanor not to carry immigration papers. In addition, it allows people to sue local government or agencies if they believe federal or state immigration law is not being enforced (Archibold, 2010). In July 2010, a Federal District Court judge issued an injunction blocking parts of the legislation. The Governor of Arizona, Jan Brewer, filed an appeal seeking to have the injunction lifted.

In April 2011 the United States Court of Appeals for the Ninth Circuit ruled against the governor, allowing the lower court's injunction to stand. The Appeals Court ruling was consistent with the position of the U.S. Justice Department. The Obama administration and its Justice Department contended that controlling immigration is a federal responsibility and that the Arizona law usurps federal powers to control immigration. The Justice Department further maintained that the Arizona law would divert federal and local law enforcement officers by making them focus on people who may not have committed crimes, causing harassment of authorized visitors, immigrants and citizens. Despite the legal setback in February 2011 Arizona law makers crafted legislation that would bar illegal immigrants from driving in the state, enrolling in school or receiving most public benefits ("Arizona Immigration Law (SB 1070)," 2011).

In 2011, Alabama passed legislation that went beyond the Arizona's SB 1070. The Alabama bill: 1) required public schools to determine the immigration status of all immigrants starting in kindergarten, 2) made it a crime to knowingly give a ride in a vehicle to an illegal immigrant, 3) required police officers to inquire about the status of anyone they stopped if they suspected the person of being an illegal immigrant, 4) imposed penalties on businesses that knowingly employed someone without legal resident status, and 5) required businesses to use a database (E-Verify) to confirm the immigrants' status. Immigrant advocates characterized the law as draconian and vowed to challenge it in the courts (Gargis, 2011).

The intent of state policies such as those passed in Arizona and Alabama is to severely restrict immigration through punitive measures. Proposed policies are reactive in the sense that since illegal aliens are already in the country, they should be identified, and corrective action taken. Businesses or individuals that aid illegal aliens should be punished, benefits should be withheld. Despite the legal setbacks public opinion polls suggest that a majority of Americans support the Arizona law ("Arizona Immigration Law (SB 1070)," 2011).

State laws have focused on reactive, punitive nostrums; however, they ignore other dimensions of immigration policy. A more holistic perspective would look at legal as well as illegal immigration; implications of assimilation as well as cultural divergence. While states focus on addressing the illegal issue, they ignore the family policy implications of the Immigration and Nationality Act of 1965. Family unification and the concurrent issues of "anchor children" and "chain migration" complicate the legal immigration picture. As previously stated, immediate relatives of U.S. citizens typically account for more than 40 percent of the annual Legal Permanent Resident flow. As "automatic qualifiers" discretion over entry is removed from government authorities by the existing law. When family preferences were added to the automatic family qualifiers, family sponsored recipients comprised 66.3 percent of the total number of Legal Permanent Residents.

The high priority granted for families runs counter to immigration policies adopted in other nations. For example, 68 percent of Australia's immigration, 62 percent of New Zealand's immigration, and 60 percent of Canada's immigration is based on skills (Senate Republican Policy Committee 2007). Other countries with a strong skill-based immigration emphasis include: Argentina, Brazil, France, Germany, Greece, Hong Kong, India, Israel, Russia, and the United Kingdom (Koven & Götzke, 2010, p. 199).

The question of assimilation is also woven into the immigration debate. Authors such as Huntington (2004), Geyer (1996), and Brimelow (1998) express nativist angst. Similar concerns were also present at the turn of the twentieth century. A review of the Americanization movement and other efforts to deal with the wave of immigrants should be instructive for current policy makers. As a nation of immigrants an established record of prior policies is available for review.

Conclusions

The recent death of Steve Jobs whose biological father is Syrian as well as the election of Barack Obama whose father is Kenyan are reminders of the openness of American society to people from all regions of the world. Openness portends great opportunities as well as distinct risks. The Great Recession has contributed to a refocusing on immigration. States in particular have been in the forefront in passing legislation aimed at restricting immigration. While the courts have struck down elements of state legislation, in general, restrictive measures are still being advanced by law makers. These initiatives have found a responsive chord among many in American society. A review of Census data indicates that clear distinctions exist between immigrant groups in terms of income, education, entrepreneurship, dependency, ability to speak English and naturalization. These differences have implications in regard to societal acculturation and economic growth.

Policy makers should take these differences into consideration when formulating immigration legislation in the future. As noted by Massey (2007), in practical terms the issue is not whether the U.S. will integrate with others but how the integration will occur. The ease or difficulty of the process will be determined by the vision and sagacity of policy makers.

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Notes

- 1 Differences were noted at the .01 confidence level for 20 out of the 21 nationality groups considered. Ten groups registered lower salaries and wages while ten groups registered higher salaries and wages.
- 2 Top twenty places of birth of U.S. workers in 2007 included: Mexico, Philippines, India, China, Vietnam, El Salvador, Korea, Canada, Cuba, Guatemala, Jamaica, Columbia, Dominican Republic, Germany, Haiti, Poland, Taiwan, Peru, England, and Honduras.
- 3 Nineteen of the differences were significant at the .01 level.
- 4 Fifteen groups were less likely to receive food stamps, six groups were more likely, thirteen differences were significant at the .01, one at the .05 level. None of the immigrant groups considered had higher proportions in receipt of welfare income than native born Americans.
- 5 Fifteen nationality groups exhibited different rates of self-employment than native born Americans at the .01 or .05 level; eleven higher, four lower.