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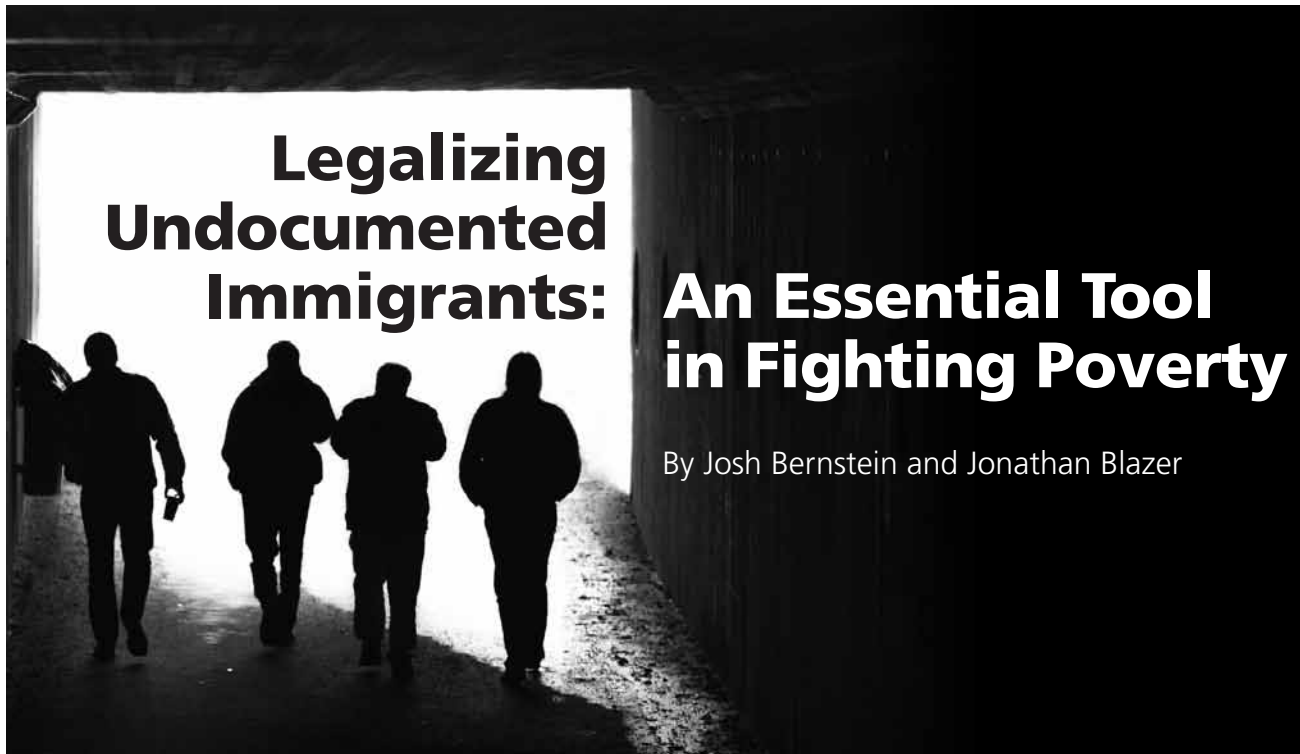
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Poverty Law
and Policy



To: President-Elect Barack Obama
CC: U.S. Congress
From: Shriver Center

In re: Antipoverty Recommendations

1. Strengthen Civil Rights
2. Reform Health Care
3. Fortify Safety Net
4. Solve Federal Fiscal Problem
5. Preserve Affordable Rental Housing
6. Exercise Executive Clemency
7. Foster Career Advancement
8. Link Economic and Workforce Development
9. Ensure Quality Child Care for Workers
10. Build and Protect Assets
11. Legalize Immigrants
12. Guarantee Leave Policies for Women



Legalizing Undocumented Immigrants:

An Essential Tool in Fighting Poverty

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Enabling undocumented immigrants who live and work in the United States to obtain legal status and earn citizenship is a powerful, even essential, ingredient in any comprehensive antipoverty plan.¹ Immigration reform that both broadly legalizes undocumented immigrants currently here and legalizes future immigration flows would

- improve the economic well-being of legalized immigrants and their families, who are disproportionately low-income;
- have a positive economic impact on other low-income individuals and on economic growth; and
- create political space for broader antipoverty legislation, such as health care reform.

During the last decade a resurgent immigrant rights movement, arguing that current immigration policy is a human rights and pragmatic disaster, elevated legalization onto the national political agenda. The nation simply cannot live indefinitely with immigration policies bequeathed to us by demagoguery and gridlock—policies that are both impractical and inconsistent with our values.

I. The Immigration Debate, Demographics, and Poverty

By tradition, economics, and culture we are a high-immigration nation. Each year well over a million people immigrate to the United States; about one of eight U.S. residents is an immigrant. Migration is the human face of globalization, and all regions of the world are engaged as sending and receiving countries in a mass migratory flow involving half a billion people.² The United States, like many countries, is struggling

¹The term “undocumented immigrants” refers to noncitizens who lack federal documentation to show that they are currently entitled to visit, work, or live in the United States. It is preferable to “illegal alien” because it is less pejorative and more accurate. Many undocumented immigrants entered the United States lawfully under valid visas, and although most lack any path to legal status under current law, some may be eligible for a lawful status. The use of “illegal” as a noun is even more pejorative than “illegal alien.”

²Marcelo Suarez-Orozco, New York University Professor of Globalization and Education, Presentation, 2008 National Migration Conference, Washington, D.C. (July 28, 2008) (figure includes migrants as well as the family members left behind).

to adapt to a new international mobility driven by push and pull factors far more powerful than legal decrees.

About two thirds of foreign-born persons in the United States are naturalized citizens or lawfully residing immigrants, but the heat of the current debate focuses largely on undocumented immigrants. This population grew annually by over 500,000 on average from 1990 to 2006; during the latter years undocumented immigration exceeded legal immigration.³ Approximately 12 million undocumented immigrants reside in the United States; some 7.8 million of them constitute 5.2 percent of U.S. workers.⁴

For such a large number of individuals to face severely circumscribed rights that leave them vulnerable to threats and abuse is intolerable. Deporting 12 million people is not a realistic possibility. The only practical alternative to the status quo is to offer undocumented immigrants a mechanism to legalize their status.⁵

Not only is legalization a social justice imperative; it is also a way to manage immigration and immigrant integration more effectively. Our history of high immigration, our global economic position, and the shrinking world guarantee that the United States will remain a high-immigration nation. Legalization would

establish policies accordingly rather than fighting a futile and corrosive war against immigration and immigrants—one that, like all wars, imposes social and economic costs on everyone.

Most undocumented immigrants live in families with children. Due to high employment rates, in 2006 the average undocumented family earned approximately \$28,900—far less than the \$50,600 earned by other U.S. families but well above the poverty line and even at the upper threshold of “low-income.”⁶ Nonetheless, undocumented immigrants are nearly twice as likely as native-born persons to be poor.⁷ The recent economic slowdown has apparently taken a particularly severe toll on the income of immigrants, especially among households likely to be headed by an undocumented worker.⁸ Children living with an undocumented parent—and about two-thirds of these children are U.S. citizens—face a poverty rate of approximately 35 percent.⁹ Citizen children of undocumented parents are nearly three times as likely as citizen children of citizen parents to lack health insurance. Half of undocumented children are uninsured.¹⁰

Although undocumented immigrants and their children compose 5 percent of the U.S. population, they are 9.2 percent

³JEFFREY S. PASSEL & D'VERA COHN, PEW HISPANIC CENTER, TRENDS IN UNAUTHORIZED IMMIGRATION: UNDOCUMENTED INFLOW NOW TRAILS LEGAL INFLOW (2008), <http://pewhispanic.org/files/reports/94.pdf>. Since 2007, undocumented immigration has leveled off and fallen below legal immigration.

⁴Jeffrey S. Passel, Pew Hispanic Center, Presentation at Crossroads: Addressing the Human Service Needs of Immigrant and Migrant Populations (Sept. 16, 2008), forthcoming at www-950.ibm.com/events/www/issf/issfamericas08.nsf (workshop hosted by International Social Sector Forum of IBM and the Upjohn Institute: U.S. Immigration: Trends, Characteristics & Impacts).

⁵Many antiimmigrant groups recently backed down from calls for mass deportation and argued instead for “enforcement through attrition,” using massive law enforcement, raids, fences, immigration checkpoints, employer verification, due process shortcuts, and denial of benefits. This approach would simply intensify the last two decades’ harsh tactics that, recently pursued with increasing vigor, have imposed economic costs and contributed to toxic racial divisions without affecting migration patterns. See Immigration Policy Center, Fewer Job Openings Equals Fewer Immigrants: Undocumented Immigration Slows Along with the U.S. Economy (2008), www.immigrationpolicy.org/images/File/factcheck/FewerJobOpeningsFewerImmigrants10-01-08.pdf (unauthorized immigration responds more to economic conditions than to enforcement).

⁶See Passel, *supra* note 4.

⁷*Id.*

⁸Rakesh Kochhar, Pew Hispanic Center, Sharp Decline in Income for Non-Citizen Immigrant Households, 2006–2007 (Oct. 2, 2008), <http://pewhispanic.org/reports/report.php?ReportID=95> (median income for noncitizen households fell 7.3 percent from 2006 to 2007, while median income for all households increased 1.3 percent.)

⁹Passel, *supra* note 4.

¹⁰*Id.*

of the poor.¹¹ These figures reflect the situation for immigrants generally: they “experience more poverty than native-born citizens, but they are not driving the nation’s poverty rate.”¹²

II. Impact of Legalization on Low-Income Undocumented Families

Research suggests that legalizing undocumented immigrants would help lift millions in immigrant families out of poverty, increase wages in the industries where undocumented immigrants toil with other low-wage workers, revitalize immigrant neighborhoods, increase tax revenue to all levels of government, and improve the nation’s overall economy.¹³

We must distinguish between legalization and increased immigration. A rich and sometimes contested literature takes up increased migration’s largely positive economic impact on receiving nations and on the United States specifically. Less has been written about the likely benefits of removing the burden of “illegality” from immigrants who are already integrated into the economy; legalization would quickly raise the income level of millions of families of undocumented immigrants by mitigating each of the intersecting factors that now suppress undocumented immigrants’ wages:

- Job mobility is limited due to the limited number of employers and employment sectors willing to hire them.

- The cost to employers of immigration enforcement at the workplace—employer sanctions and raids—is passed along to workers.¹⁴

- Employers can impose costs—subminimum wages, failure to pay overtime, and unsafe working conditions—because workers are vulnerable to threats of immigration enforcement.

- The uncertainty and fragility of workers’ and their families’ future in the United States discourages such workers from investing in education, job training, and English language instruction that would increase their wages.

Much of what we know about these “wage penalties” comes from studies of the Immigration Reform and Control Act of 1986 (IRCA), which legalized approximately 3 million people under two programs.¹⁵ One of the more careful IRCA studies suggests that after four years the wages of legalized men increased 9 percent more than would be expected absent legalization.¹⁶ The impact on women was even greater.¹⁷ If the 7.1 million undocumented families received a 9 percent raise, their collective annual income would increase by over \$18 billion, an amount comparable to some of the largest government antipoverty programs.¹⁸

But these figures understate anticipated economic gain from legalization because conditions for undocumented workers are much worse today than when IRCA

¹¹Unpublished data based on analysis of 2006 Current Population Survey figures, according to Jeffrey Passel, senior demographer, Pew Hispanic Center.

¹²Robert Greenstein, *Misreading the Poverty Data*, WASHINGTON POST, Sept. 18, 2007, www.washingtonpost.com/wp-dyn/content/article/2007/09/17/AR2007091701396_pf.html.

¹³Immigration has already helped tens of millions of immigrants—and the families to whom they send money—escape much deeper poverty in their home countries. A group of over 500 leading economists and social scientists, concerned that “some of the fundamental economics of immigration are too often obscured by misguided commentary,” characterized immigration as “the greatest anti-poverty program ever devised” (Alexander Tabarrok & David J. Theroux, Open Letter on Immigration (June 19, 2006), www.independent.org/newsroom/article.asp?id=1727).

¹⁴Deborah Cobb-Clark et al., *Immigration Reform: The Effects of Employer Sanctions and Legalization on Wages*, 13 JOURNAL OF LABOR ECONOMICS 473 (1995).

¹⁵8 U.S.C. §§ 1101 et seq.

¹⁶Sherri Kossoudji & Deborah Cobb-Clark, *Coming Out of the Shadows: Learning About Legal Status and Wages from the Legalized Population*, 20 JOURNAL OF LABOR ECONOMICS 621 (2002).

¹⁷Francisco Rivera-Batiz, *Undocumented Workers in the Labor Market: An Analysis of the Earnings of Legal and Illegal Immigrants in the U.S.*, 11 JOURNAL OF POPULATION ECONOMICS 31 (Feb. 1998).

¹⁸This assumes 7.1 million undocumented families earning an average income of \$28,900 (see Passel, *supra* note 4).

was passed.¹⁹ Moreover, the income gains would increase year by year because undocumented status suppresses wage *growth*.²⁰ According to 2004 Current Population Survey data, lawful permanent residents who had been in the United States for more than ten years had incomes 31 percent higher than those who have been here a shorter time; the comparable increase for undocumented immigrants was only 16 percent.²¹

Working conditions would improve because legalized workers have more employment options, are less susceptible to employer intimidation, and are more likely to receive work-related benefits. One study of Latinos in California found that 49 percent of undocumented immigrants were offered employer-sponsored health coverage, compared with 62 percent of lawfully present immigrants and 82 percent of citizens.²²

The impact on workers' families would be even more profound. Undocumented families have about five million children, a majority of whom are citizens; 36 percent of these citizen children live in poverty, often without any cushion from programs intended to alleviate child poverty.²³ While citizen children are eligible for these programs, a range of barriers, primary among these their parents' fear, depresses the children's participation.

Undocumented children are ineligible not only for most traditional public benefit programs but also for federal fi-

ancial aid for higher education and, in most states, for in-state tuition at public universities. Legalization would exponentially increase these young people's future earnings by improving their high school graduation and higher-education attainment rates and opening up their employment prospects.²⁴

The improved sense of well-being, the increased community investment, and the spiritual benefits that would flow to undocumented immigrants from their newfound freedom would be deep and incalculable:

Once fear of being undocumented is lifted from the shoulders of the immigrant, he or she begins to demonstrate new levels of confidence and assertiveness that translate into greater control over one's life. In a sense, the transition from undocumented to resident frees the immigrant from a life in which actions are always risky and tentative at best. With legal status, immigrants are more inclined to think of their actions as permanent commitments and to perceive choices as opportunities rather than risks.²⁵

III. Impact of Legalization on Other Low-Income Families

Though less obvious than the impact on undocumented immigrants, legalization

¹⁹Kossoudji & Cobb-Clark, *supra* note 16, at 623 (gains from legalization "would be larger today than ... when legal status was granted under IRCA [Immigration Reform and Control Act of 1986]").

²⁰Brent Bratsberg, *The Effect of Naturalization on Wage Growth: A Panel Study of Young Male Immigrants*, 20 JOURNAL OF LABOR ECONOMICS 568 (2002).

²¹*Immigrants' Costs and Contributions: The Effects of Reform: Hearing on the Impacts of Border Security and Immigration on Ways and Means Programs Before the H. Comm. on Ways and Means*, 104th Cong. (2006) (statement of Michael Fix, Vice President and Director of Studies, Migration Policy Institute), www.migrationpolicy.org/pubs/FixTestimony072606.pdf.

²²Enrico Marcelli, *The Unauthorized Residency Status Myth: Health Insurance Coverage and Medical Care Use Among Mexican Immigrants in California*, MIGRACIONES INTERNACIONALES, July–Dec. 2004, at 5–35 (the overall "insurance gap" between undocumented and documented Mexican immigrants is 12 percent even after controlling for factors beyond immigration status).

²³Passel, *supra* note 4.

²⁴See Development, Relief, and Education for Alien Minors Act, H.R. 1275, 110th Congress (2007); see also National Immigration Law Center, *The Economic Benefits of the Dream Act and the Student Adjustment Act* (Feb. 2005), www.nilc.org/immlawpolicy/DREAM/Econ_Bens_DREAM&Stdnt_Adjst_0205.pdf.

²⁵JACQUELINE MARIA HAGAN, *DECIDING TO BE LEGAL: A MAYA COMMUNITY IN HOUSTON* 129 (1994) (describing the impact of IRCA legalization on a community of Maya migrants in Houston).

would also benefit other low-income families.

A. Legalized Immigrants' Entry into Mainstream Systems

Legalization would infuse money into communities where undocumented immigrants live. Because their incomes are low, most undocumented families spend a larger percentage of their salaries than higher-income families, and their increased spending would be amplified by a multiplier effect in their communities.²⁶

Legalization would shrink the underground economy and improve important systems—e.g., law enforcement, health, education, and finance—that have been distorted by the difficulties of coping with a large population of residents without lawful status.

A 2004 study calculated that the increased access to home ownership for legalized immigrants would add \$44 billion in new mortgages to the housing economy.²⁷

B. Impact on the Low-Wage Workplace

Would a legalization program attract new immigrants who would compete with other low-income workers, thus reducing wages? Although immigration would likely increase somewhat—particularly in the short run, as pent-up demand is eased—the long-term impact is less certain. Immigration is driven chiefly by push-and-pull factors, such as labor market demand.²⁸

Even if legalization did increase immigration, the impact on other low-income workers cannot easily be determined because immigration affects the demand for services as well as increasing the labor supply. Besides being workers, immigrants are consumers and entrepreneurs who raise the demand for goods and services in their neighborhoods, thereby spurring employment.²⁹ More workers do not necessarily mean lower wages; if this were true, wages in big cities would always be lower than in small ones.

Not all undocumented immigrants compete directly with native workers; rather, immigrant labor tends to complement that of native workers.³⁰ Labor markets are dynamic; entrepreneurs adapt to the presence of new workers by undertaking new investments to take advantage of new sources of labor, thereby creating new jobs.³¹ Over time, this investment mitigates any competitive impact on other workers and can even improve their job prospects by creating new opportunities.³² With regard to farmworkers, for example, research finds that each “creates three jobs in the surrounding economy—in equipment and sales and processing and packaging.”³³ Economists generally agree that the need for skilled *and* unskilled workers is likely to increase substantially as the U.S. population ages.³⁴

In any case, the impact of increased immigration on wages is generally conceded to be modest. Other factors, such as new technologies, international trade,

²⁶See Craig Jennings, *Fiscal Policy in Response to Economic Downturns, Pt. 2: Getting the Most Out of a Fiscal Stimulus Dollar*, OMB WATCH, Jan. 14, 2008, www.ombwatch.org/article/blogs/entry/4450/2.

²⁷Rob Paral and Associates, National Association of Hispanic Real Estate Professionals, *The Potential for New Homeownership Among Undocumented Latino Immigrants* (n.d.), www.robparal.com/downloads/NAHREP%20report.pdf.

²⁸Immigration Policy Center, *Fewer Job Openings Equals Fewer Immigrants* (Oct. 2008), <http://immigrationpolicy.org/images/File/factcheck/FewerJobOpeningsFewerImmigrants10-01-08.pdf>.

²⁹*Economic Impacts of Immigration: Hearing Before the H. Comm. on Education and the Workforce*, 104th Cong. 2 (2005) (statement of Harry Holzer, Professor of Public Policy, Georgetown University), www.urban.org/uploadedPDF/900908_Holzer_111605.pdf.

³⁰Gianmarco Ottaviano & Giovanni Peri, *Immigration and National Wages: Clarifying the Theory and the Empirics* (Nat'l Bureau of Econ. Research, Working Paper No. 14188, 2008), <http://ideas.repec.org/p/nbr/nberwv/14188.html>.

³¹See Congressional Budget Office, U.S. Congress, *The Role of Immigrants in the U.S. Labor Market* (2005), www.cbo.gov/ftpdocs/68xx/doc6853/11-10-Immigration.pdf.

³²Ottaviano & Peri, *supra* note 30.

³³*Id.* at 68 (citing research by labor economist James Holt).

³⁴See Congressional Budget Office, *supra* note 31, at 25; see also Donald Atwater & Aisha Jones, *Preparing for a Future Labor Shortage: How to stay ahead of the Curve*, 7 (No. 2) GRAZIANO BUSINESS REPORT (2004).

and the relative decline of unions, better account for the increasing wage disparity between low-skilled workers and others in recent years.³⁵

Legalization could greatly enhance workforce bargaining power. Newly legalized workers could leave some of the least desirable and lowest-paid occupations or demand higher wages and better working conditions. Even in occupations where undocumented workers are most concentrated, citizen and authorized immigrant workers constitute a larger share of the workforce, and they too would benefit from the resulting improved wages and conditions.³⁶ A growing understanding of this workplace dynamic is one reason why unions have increased their support for legalization efforts in recent years and why labor leaders have rejected employer sanctions that they once supported.³⁷

C. Impact on Social Services and Budgets

Critics of legalization sometimes assert that legalized immigrants will strain benefit programs and impose a net fiscal cost, undermining governments' ability to serve the low-income individuals who now rely on the programs. Experts have refuted these claims.³⁸ In brief:

- Legalization would improve the employment options and earnings potential of immigrant families, making

them more likely to secure employer-sponsored health coverage or private insurance.

- Current law generally excludes immigrants from the major federal public benefit programs until the immigrants will have held "qualified" status for at least five years, and any legalization program would likely include this or other restrictions.³⁹
- Although undocumented immigrants pay sales and property taxes, and a majority work "on the books" and thus boost the social security and Medicare trust funds through payroll tax deductions, legalization that enables immigrants to obtain social security numbers and permits more of them to leave the cash economy would increase tax revenue.⁴⁰
- Government estimates consistently find that legalization proposals would have a positive budgetary impact, increasing revenue more than cost by boosting the economy and improving tax compliance.⁴¹

IV. Delay in Legalization Complicates Other Antipoverty Efforts

The continuing unresolved status of millions of undocumented immigrants threatens to complicate reform efforts beyond changes in the immigration sys-

³⁵Ottaviano & Peri, *supra* note 30, at 37–38 (immigration a negligible net contributor to wage inequality). See also *Does Immigration Help or Hurt Less-Educated Americans?: Hearing on Immigration: Economic Impacts Before S. Comm. on the Judiciary*, 109th Cong. (2006) (statement of Harry Holzer, Professor of Public Policy, Georgetown University; Holzer notes: "[I]f we really want to improve opportunities for less educated Americans in the labor market, there are a variety of approaches (such as improvements in education and training, expansion of public supports like health insurance and child care, and supporting protective institutions such as minimum wage laws and unions) that would likely be more effective than restricting immigration."), http://judiciary.senate.gov/hearings/testimony.cfm?id=1851&wit_id=5256.

³⁶Passel, *supra* note 4.

³⁷See JANICE FINE & DANIEL TICHENOR, *A MOVEMENT WRESTLING: AMERICAN LABOR'S ENDURING STRUGGLE WITH IMMIGRATION, 1866–2007* (forthcoming).

³⁸See JASON RILEY, *LET THEM IN* 113–118 (2008); Immigration Policy Center, American Immigration Law Foundation, *Immigration Scare-Tactics: Exaggerated Estimates of New Immigration Under S. 2611* (May 2006), www.immigrationpolicy.org/index.php?content=pr0605; Robert Greenstein et al., Center on Budget and Policy Priorities, *CBO Analysis Finds Increased Revenues Would Offset Increased Entitlement Costs Under Senate Immigration Bill: Often-Cited Cost Figure of \$126 Billion Reflects Misreading of the CBO Report* (Sept. 15, 2006), www.cbpp.org/9-15-06imm.htm.

³⁹See Jonathan Blazer, National Immigration Law Center, *Immigration Reform and Access to Public Benefits: The Return of an Uneasy Coupling* (May 2006), www.nilc.org/immlawpolicy/CIR/cirandbenefits_2006-5-15.pdf.

⁴⁰Stephen Goss, chief actuary, Social Security Administration, estimated that three quarters of undocumented immigrants pay payroll taxes, generating up to \$6 billion to \$7 billion per year in social security tax revenue and \$1.5 billion in Medicare taxes (see Eduardo Porter, *Illegal Immigrants Are Bolstering Social Security with Billions*, *NEW YORK TIMES*, April 5, 2005).

⁴¹See Shawn Fremstad, National Immigration Law Center, *The Economic and Fiscal Effects of the Senate's Comprehensive Immigration Reform Act of 2006* (Sept. 26, 2006), www.nilc.org/immlawpolicy/CIR/econbenefitsofCIR_2006-9-26.pdf.

tem. “Illegal immigration” lends itself to wedge politics, especially for issues and programs perceived to lie at the intersection of two politically sensitive areas: immigration and welfare.⁴² No matter that undocumented immigrants already are ineligible for all major welfare programs: strategists from both parties urge the politically expedient approach of defending (citizen) taxpayers against undocumented immigrants’ allegedly receiving undeserved benefits.

In the 110th Congress, during debates on a wide range of antipoverty programs, a familiar pattern emerged. The Republican minority attacked the Democratic majority for supporting undocumented immigrants’ participation; Democrats, in an attempt to avoid controversy, denied the claim, disavowed support for undocumented immigrants, and eventually offered prophylactic antiimmigrant exclusions in their own legislation. Although legislative gridlock prevented enactment of many of these measures, advocates have expressed their deep concerns “both about the consequences that these proposals have on access to services for eligible beneficiaries, and about the divisive impact that these negative debates have on our communities.”⁴³

Predictably the appeasement strategy often failed to defang the issue. During the 2007 State Children’s Health Insurance Program (SCHIP) reauthorization debate, to block legislation that would have benefited at least ten million children, legislators opposed to reauthorization and expansion claimed, falsely, that the bill would open the door to coverage for undocumented children. Instead of

pushing back, congressional leaders responded primarily by deleting provisions that would have given states the option to restore coverage to *lawfully residing* children and pregnant women.⁴⁴ The leaders added a harmful documentation verification requirement (that would have posed new barriers for citizens) and inserted gratuitous statutory language prohibiting coverage for undocumented children—a restriction in place since the inception of the SCHIP program. The backpedaling further emboldened opponents and failed to garner the veto-proof majority needed to reauthorize an expanded program.⁴⁵

This experience is instructive as the nation grapples with health care reform and the cause of affordable “health care for all.” As a matter of policy, strategy, or principle, excluding any subgroup from coverage makes no sense. Even if one could exclude only undocumented immigrants, such a restriction would defeat universality. Undocumented immigrants are 12 percent of uninsured persons in the United States.⁴⁶ Because they are disproportionately young and healthy, their inclusion in new coverage options and insurance pools would help spread the risk and possibly reduce the overall cost.⁴⁷ A host of other considerations central to health care reform—the cost-effectiveness of preventive care, public health promotion, containment of uncompensated care, administrative simplification—dictate inclusion of all immigrants.

Nor would express exclusion of undocumented immigrants prevent opponents of health care reform from characterizing the reform as “opening the door” to

⁴²See MEDIA MATTERS ACTION NETWORK, *FEAR AND LOATHING IN PRIME TIME: IMMIGRATION MYTHS AND CABLE NEWS* 6–9 (2008), <http://mediamattersaction.org/static/pdfs/fear-and-loathing.pdf>.

⁴³Letter from over 800 antipoverty and human-needs organizations to members of Congress, www.nilc.org/immspbs/cdev/imm-bens-sign-on-2008-11.pdf.

⁴⁴The provisions dropped were those from the Legal Immigrant Children’s Health Improvement Act, S. 764, H.R. 1308, 110th Cong. (2007).

⁴⁵For additional information on immigration’s role in the 2007 State Children’s Health Insurance Program reauthorization debate, see www.nilc.org/immspbs/cdev/ICHIA/index.htm.

⁴⁶See National Institute for Health Care Management, *Understanding the Uninsured: Tailoring Policy Solutions for Different Subpopulations*, NIHCM FOUNDATION ISSUE BRIEF, April 2008, www.nihcm.org/pdf/NIHCM-Uninsured-Final.pdf#page=2 (undocumented immigrants constitute 5.6 million of the total 46.5 million uninsured).

⁴⁷See Dana P. Goldman et al., *Immigrants and the Cost of Medical Care*, 25 HEALTH AFFAIRS 1700 (Nov.–Dec. 2006) (undocumented immigrants have low medical expenses compared to citizens).

undocumented immigrants' participation. The measures that opponents likely would demand to ensure the exclusion—verification of citizenship, identification, or social security numbers of all who seek to participate—would further undercut reform and impede full participation even among citizens. Lacking government-issued photo identification are 11 percent of U.S. citizens and 25 percent of adult African American citizens; this suggests that *another* four million or five million of the uninsured could fall outside the new coverage if barriers such as citizenship documentation were required in order to exclude undocumented immigrants.⁴⁸

Health care is just one example. Over the past two years, attacks on undocumented immigrants' participation emerged during consideration of bills on social security, earned income tax credit, economic stimulus, extended unemployment benefits, and housing proposals.⁴⁹ Absent legalization, the issue of how to treat so large a number of undocumented immigrants threatens to complicate or even derail a range of initiatives that primarily benefit citizen families and that are necessary to achieve our nation's goals of lifting many out of poverty.

V. Legalization and Beyond

Immigration is a reality, and policymakers fail to address it at the nation's peril. Immigration policy—and any reform—affects wages, poverty, and the overall economy.⁵⁰ Legalization offers a singular strategy for relieving the pressure caused by limiting the rights of a large and growing population.

Eventually, though, the underlying flaws in the immigration system must also be addressed more comprehensively, or the current problems are likely to recur.

In addition to legalization of current residents, essential components of reform include

- improved enforcement of labor laws, such as minimum wage and health and safety laws, to reduce employers' incentives to hire undocumented immigrants;
- updating the immigration system to account for a shrinking and globalized world, replacing the current undocumented flow with a legal one that is more easily policed because it meets the needs of legitimate businesses and workers;
- allowing families that are part of a future immigrant flow to remain together, meeting humanitarian and pragmatic concerns; and
- investing in and engaging with immigrant-sending countries to reduce economic inequality among nations and relieve the forces that drive so many to leave their homelands.

Legalization is not a magic bullet. It should not be isolated from the many other issues that intersect with immigration policy to affect low-income immigrants and citizens. Examining these issues makes clear why a permanent “solution” to the U.S. immigration problems has been elusive. But this reality and these overwhelming needs should not paralyze or prevent us from taking steps, such as broad-based legalization—or even partial legalization measures such as the Dream Act (the Development, Relief, and Education for Alien Minors Act)—that would significantly reduce poverty and lead to a more integrated and prosperous nation.

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⁴⁸Brennan Center for Justice at NYU School of Law, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification* (Nov. 2006), www.brennancenter.org/page/-/dl/download_file_39242.pdf.

⁴⁹See, e.g., Albor Ruiz, *Pol's Pick Bogus Bills over Immigration Reform*, *NEW YORK DAILY NEWS*, July 19, 2007, www.nydailynews.com/ny_local/2007/07/19/2007-07-19_pol's_pick_bogus_bills_over_immigration_r.html.

⁵⁰E.g., the proportion of the current undocumented population to be included in a legalization program matters greatly. Given the increased enforcement policies likely accompanying any comprehensive reform effort, those undocumented immigrants unable to legalize will likely become even more marginalized.

