Immigration and Emigration
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From the time of the nation’s founding, immigration has been crucial to the United States’ growth and a periodic source of conflict. In recent decades, the country has experienced another great wave of immigration, the largest since the 1920s. However, for the first time, illegal immigrants outnumbered legal ones. The number of illegal immigrants peaked at an estimated 11.9 million in 2008, and a 2010 study shows that the figure dropped to about 11.1 million in 2009, the first clear decline in two decades.

Republicans and Democrats have agreed for years on the need for sweeping changes in the federal immigration laws. President George W. Bush for three years pushed for a bipartisan bill before giving up in 2007 after an outcry from voters opposed to any path to legal status for illegal aliens. Since then the issue had in effect been dormant, as both parties were wary of the divisive passions it can arouse. But immigration reform came back to life in April 2010 after the passage of a new Arizona statute that is the nation’s toughest on illegal immigration.

On July 28, 2010, one day before the law was to take effect, a federal judge blocked Arizona from enforcing the statute’s most controversial provisions, including sections that called for officers to check a person’s immigration status while enforcing other laws and that required immigrants to carry their papers at all times.

The judge, in response to a Justice Department lawsuit filed on July 6, found that the law was on the side of the Justice Department in its argument that many provisions of the Arizona statute would interfere with federal law and policy.

Although the federal ruling is not final, it seems likely to halt, at least temporarily, an expanding movement by states to combat illegal immigration by making it a state crime to be an immigrant without legal documents and by imposing new requirements on state and local police officers to enforce immigration law. About 20 other states are considering similar laws.

In September, Democrats put forward legislation that would grant legal status to some students who are illegal immigrants. The measure is meant to bolster support among an important voter group going into the midterm elections and beyond: Hispanics, the largest minority in the country.

After the Arizona had law passed in April, a coalition of top Senate Democrats laid out the contours of a proposed overhaul of immigration laws - and appealed to Republicans to join them in pursuing it - even as doubts mounted about the prospects of winning approval of legislation in 2010. Under the outline of immigration changes drawn up by Senator Charles E. Schumer of New York, the No. 3 Senate Democrat, the federal government would enhance border security and create a new fraud-resistant Social Security card. Illegal immigrants who wish to remain in this country would have to admit they had broken the law, pay back taxes and fees, and pass a criminal background check to qualify for legal residency after eight years.

President Obama pressed Congress in early July 2010 to adopt a sweeping plan to fix a "fundamentally broken" immigration system. In his first speech devoted entirely to immigration policy since taking office, Mr. Obama tried to navigate between what he called the two extremes
of the debate, defending his efforts to strengthen border security while promoting a path to citizenship for many of the 11 million people in the United States illegally.

At the same time, the Obama administration has replaced immigration raids at factories and farms with a quieter enforcement strategy: sending federal agents to scour companies' records for illegal immigrant workers.

White House officials said Mr. Obama was not involved in the Justice Department's decision to sue. But the suit came after Mr. Obama's speech restating his commitment to overhaul legislation that would give legal status to millions of illegal immigrants. Mr. Obama's decision to elevate the issue reflected more of a political strategy than a legislative one since the White House has no plan to actually push a bill in 2010 through a Congress already consumed by other issues. Instead, Mr. Obama's focus appeared intended to frame the debate for the approaching election to appeal to Hispanic voters who could be critical in several states as well as other middle-class voters turned off by anti-immigrant discourse while blaming Republicans for opposing a comprehensive overhaul.

It was not clear if the Schumer plan would win any Republican support. In March 2010, Mr. Schumer and Senator Lindsey Graham, Republican of South Carolina, had unveiled the outlines of a reform proposal, which would require illegal immigrants to admit they broke the law before they could gain legal status and require all workers in the United States to carry a biometric identity card to prove that they are eligible to work. But after the Arizona law was signed, Mr. Graham declared that Congress should not try to act on such a "divisive" subject in an election year, leaving the prospects for a bipartisan approach more muddied than before.

**IMMIGRATION UNDER BUSH**

In January 2004, President Bush called for an overhaul of the immigration laws, proposing the broadest changes since legislation in 1986 that gave amnesty to more than three million illegal immigrants. Mr. Bush asked Congress to create a guest worker program that would "match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs." Immigrants would be authorized as guest workers for three years, then required to return home. The plan offered illegal immigrants in this country the possibility of becoming legal by registering as temporary workers. After opening the debate, Mr. Bush did not press the issue during his re-election campaign that year.

By 2005, frustration was growing over illegal immigration, particularly among voters in states like Arizona and Georgia that had seen a surge in newcomers. In December 2005, the House passed a bill, championed by conservative Republicans, which focused on law enforcement and border security, making it a federal felony to live illegally in the United States and mandating hundreds of miles of fence along the Mexican border. Church groups and organizations representing immigrants and Hispanics protested the measure and organized large demonstrations through the spring of 2006.

In May 2006, the Senate easily passed legislation - crafted primarily by the late Senator Edward M. Kennedy, Democrat of Massachusetts, and by Senator McCain -- that offered a path to citizenship for illegal immigrants and created a guest worker program. But the differences with the House bill proved too great to bridge, and the legislation died. By October of that year Congress, reflecting the changing mood in the country, passed a bill ordering the construction by the end of 2008 of about 700 miles of border fences.
President Bush seized the initiative again in early 2007, convening negotiations among a small bipartisan group of lawmakers, this time including Senator John Kyl, Republican of Arizona, instead of Senator McCain. They wrote an ambitious bill, which was referred to as comprehensive reform that proposed to open a path to citizenship for illegal immigrants after fees and other penalties, to create a guest worker program and also to re-orient the immigration system to put more emphasis on importing workers and less on family reunification.

That measure encountered intense opposition from well-organized voters who decried it as amnesty for immigrant lawbreakers. It died in June 2007 when it failed to attract enough votes to reach the Senate floor.

In the absence of federal legislation, state legislatures stepped in, adopting 206 laws related to immigration in 2008. The majority of new laws were designed to curb illegal immigration, by restricting access of illegal immigrants to driver's licenses and public benefits, and by cracking down on human smuggling. However, some states sought to aid immigrants with programs to help them learn English and to speed their assimilation in other ways.

On a federal level, officials at Immigration and Customs Enforcement, a branch of the Department of Homeland Security, stepped up raids at factories and in communities, in a campaign that had started in 2006. The federal agency deported nearly 350,000 immigrants in fiscal 2008. Expanded federal prosecutions of illegal border crossers sharply reduced unauthorized entries in some southwestern border sectors, but also brought a flood of immigration cases in federal courts.

**IMMIGRATION UNDER THE OBAMA ADMINISTRATION**

Hispanic voters, including many newly naturalized immigrants, helped win several swing states for Barack Obama in 2008. Hispanic groups pressed President Obama to halt workplace raids and to move forward with legislation opening legal pathways for illegal immigrants. But despite early pledges that it would moderate the Bush administration's tough policies, the Obama administration is pursuing an aggressive strategy for an illegal-immigration crackdown that relies significantly on programs started by his predecessor.

The Obama administration in August 2009 announced an ambitious plan to overhaul the much-criticized way the nation detains immigration violators, trying to transform it from a patchwork of jail and prison cells to what its new chief called a "truly civil detention system." The plan aimed to establish more centralized authority over the system, which holds about 400,000 immigration detainees over the course of a year, and more direct oversight of detention centers that have come under fire for mistreatment of detainees and substandard -- sometimes fatal -- medical care.

One move started immediately: the government stopped sending families to the T. Don Hutto Residential Center, a former state prison near Austin, Tex., that drew an American Civil Liberties Union lawsuit and scathing news coverage for putting young children behind razor wire.

The decision to stop sending families to Hutto, and to set aside plans for three new family detention centers, was the Obama administration's clearest departure from its predecessor's policies. Even so, the Obama administration has embraced many Bush administration policies, including expanding a program to verify worker immigration status that has been widely
criticized, bolstering partnerships between federal immigration agents and local police departments, and rejecting a petition for legally binding rules on conditions in immigration detention.

In another enforcement change, the administration replaced immigration raids at factories and farms with a quieter enforcement strategy: sending federal agents to scour companies' records for illegal immigrant workers.

While the sweeps of the past commonly led to the deportation of such workers, the "silent raids," as employers call the audits, usually result in the workers being fired, but in many cases they are not deported.

Starting in 2009, Immigration and Customs Enforcement conducted audits of employee files at more than 2,900 companies. The agency levied a record $3 million in civil fines in the first half of 2010 on businesses that hired unauthorized immigrants. Thousands of those workers have been fired, immigrant group’s estimate.

Employers say the audits reach more companies than the work-site roundups of the administration of President George W. Bush. The audits force businesses to fire every suspected illegal immigrant on the payroll— not just those who happened to be on duty at the time of a raid - and make it much harder to hire other unauthorized workers as replacements.

After taking office, Mr. Obama had repeated a campaign pledge to offer a comprehensive bill before the end of 2009, and he chose proponents of that approach for senior positions in the administration, notably Homeland Security Secretary Janet Napolitano and Labor Secretary Hilda Solis. But the deep recession, with millions of Americans losing jobs, dimmed the political prospects for efforts to increase immigration, and groups opposing legalization remained confident they could block any such proposal.

In broad outlines, officials said, the Obama administration favors legislation that would bring illegal immigrants into the legal system by recognizing that they violated the law, and imposing fines and other penalties to fit the offense. The legislation would seek to prevent future illegal immigration by strengthening border enforcement and cracking down on employers who hire illegal immigrants, while creating a national system for verifying the legal immigration status of new workers.

In May, census data from the Mexican government indicated an extraordinary decline in the number of Mexican immigrants going to the United States. Mexican and American researchers say that the current decline, which has also been manifested in a decrease in arrests along the border, is largely a result of Mexicans’ deciding to delay illegal crossings because of the lack of jobs in the ailing American economy.

Mr. Obama told a bipartisan group of lawmakers on June 25 that Congress should begin debating a comprehensive immigration plan by year's end or early the next year. He named a group to work with Congress that will be led by Ms. Napolitano.

Republicans said they would support a measure only if it included an expansion of guest worker programs. Mr. McCain, who led the call for that provision, said an immigration overhaul had a fresh urgency because of the surge in violence along the border with Mexico.
A recent blitz of measures, including audits of employee paperwork at hundreds of businesses, has antagonized immigrant groups and many of Mr. Obama's Hispanic supporters.

Ms. Napolitano and other administration officials argue that no-nonsense immigration enforcement is necessary to persuade American voters to accept legislation that would give legal status to millions of illegal immigrants, a measure they say Mr. Obama still hopes to advance late this year or early next.

That approach brought Mr. Obama around to the position that his Republican rival, Senator McCain, espoused during the 2008 presidential campaign, a stance Mr. Obama rejected then as too hard on Latino and immigrant communities.

After months of parrying accusations from immigrant advocates that the White House and the Democrats were dragging their feet, Mr. Obama went on the offensive on Sept. 15 against the Republicans. He acknowledged that he had broken repeated pledges to pass the immigration overhaul. He blamed Republicans for the stall, and issued a plea for Latino voters to turn out in November 2010.

Two days before, Senator Harry Reid of Nevada, the majority leader, announced that he would attach an amendment to a military spending bill with a proposal to open a path to legal status for students who were brought to the United States illegally by their parents when they were children. On the following day, Senator Robert Menendez, a Democrat from New Jersey who is also the Senate’s only Latino member, said he planned to offer his own version of broader legislation to repair the immigration system and grant legal status to an estimated 11 million illegal immigrants.

Mr. Reid's bill has a remote chance of passage, with Republicans saying they object to appending an immigration measure to the military spending bill. But Congressional aides said Democrats are betting that even if the legislation fails, they can still reap credit for trying from Latino voters in November.

There is general agreement in Washington that any bigger immigration overhaul is dead for 2010, if not longer.

THE ARIZONA BILL

On April 23, 2010, Gov. Jan Brewer of Arizona signed the nation's toughest bill on illegal immigration. It requires police officers, "when practicable," to detain people they reasonably suspect are in the country without authorization and to verify their status with federal officials, unless doing so would hinder an investigation or emergency medical treatment. It also makes it a state crime - a misdemeanor - to not 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.

But on July 28, Judge Susan R. Bolton blocked central provisions of the law from taking effect. In her ruling, the judge broadly vindicated the Obama administration's high-stakes move to challenge Arizona's law and to assert the primary authority of the federal government over state lawmakers in immigration matters.
The Arizona law had provoked an outcry at home and across the border. Mexico's Foreign Ministry said that it was worried about the rights of its citizens and relations with Arizona. Cardinal Roger M. Mahony of Los Angeles said the authorities' ability to demand documents was like "Nazism."

President Obama had criticized the bill shortly before Ms. Brewer signed it. The Arizona law, he said, threatened "to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and our communities that is so crucial to keeping us safe."

Under a torrent of criticism, the Arizona Legislature and Ms. Brewer made changes to the law on April 30 that they say explicitly ban the police from racial profiling and allow officers to inquire about immigration status only of people they stop, detain or arrest in enforcing existing state law. But the new immigration law also now includes civil violations of municipal codes as grounds to check papers, and opponents were not mollified by the changes.

With the judge's ruling, the political pressure has now shifted back onto President Obama to show that he can effectively enforce the boarder, and to move forward with an overhaul of the immigration laws, so that states will not seek to step in as Arizona did.

**NO MASS EXODUS WITH HARD TIMES**

According to a report published in August 2010 by the Pew Hispanic Center, the number of illegal immigrants in the country, after peaking at 12 million in 2007, dropped in 2009. The reduction — to 11.9 million — came primarily from decreases among illegal immigrants from Latin American countries other than Mexico, the report found.

The report, based on census data from March 2009, provides figures that show that more than a year of recession in the American economy, coupled with intensifying immigration enforcement at the Southwest border and in workplaces around the country, brought a reduction of at least 900,000 illegal immigrants.

But the figure that may be most sobering to all sides in the increasingly contentious immigration debate is the estimate that more than 11 million illegal immigrants remain in the United States. The Pew report shows that despite myriad pressures, there was no mass exodus of those immigrants to their home countries, especially not to Mexico. Instead, the report confirms earlier findings by American and Mexican demographers that the flow of Mexicans into the country illegally to look for work had slowed sharply.

While the hottest immigration debate has taken place in Arizona over the last two years, that was not the state with the largest decrease in illegal immigrants from 2007 to 2009, according to the Pew report. Florida, Virginia and Nevada showed the steepest declines — three states that saw booms followed by busts in home construction, an industry that attracts illegal immigrant workers.

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