FINDING A BALANCE IN AN UNBALANCED SYSTEM: ANALYSIS OF THE UNITED STATES IMMIGRATION LAWS

A Thesis

Presented to

the Faculty of the College of

Caudill College of Arts, Humanities and Social Sciences

Morehead State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

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August 3, 2015
Accepted by the faculty of the College of Caudill College of Arts, Humanities and Social Sciences, Morehead State University, in partial fulfillment of the requirements for the Master of Arts degree.

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The purpose of this thesis is to examine United States immigration system with an emphasis on the state level law Arizona SB 1070, the proposed federal law Development, Relief, and Education for Alien Minors commonly known as the Dream Act and to offer suggestion to improve future laws. To understand how these laws could possible effect the system proposed bills that were previously passed would be examined for 1) the history of the law, 2) effect that it had on the United States and 3) the current statues of the law. The analysis of these laws would come after a though description of the United States current immigration system. The information to support this analysis would come from different sources. These sources would include state/federal law databases, immigration special interest groups, research groups and finally editorial comments submitted for those who are politicians. The purpose of this thesis is examine the United States immigration system and to offer suggestion for future immigration laws.
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Introduction

Immigration has become a major topic in the United States due to the number of illegal immigrants entering the United States every year. Since the country was formed, immigrants have come to the United States seeking a new country to settle. Along with the immigrants who are legally in this country are those who have come into illegally. To help improve border security and to reduce the number of illegal immigrants, there are immigration reform laws. Immigration is a major issue in the United States.

One of the reasons is that every year there are between 700,000 to 800,000 individuals entering the country illegally with there been 11.2 million illegal immigrants in the country. Second, elected officials cannot agree on an option for these immigrants with the line been drawn through party lines. Democrats want to create a way for illegals to become citizens while Republicans do not want to reward individuals for breaking the law. Republicans also believe that illegal immigrants are placing a strain on the infrastructure of the country.

The first chapter will focus on a history of immigration law in the United States. This history can be broken down into four main points for Chapter 1 which will be: 1) Current Visa system, 2) Immigration (legal/illegal) Growth, 3) Immigration law prior to the year 2000 and 4) Immigration after 2000. Immigration Growth is a description of what the current number of Untied States Visas that are currently been used. Further is a breakdown on what type of visa and their maximum number are allowed each year.

The risen number of immigrants since the 1980’s will be at the center of the section dealing with Immigration Growth. There will also be a discussion on the rate of legal/illegal immigrants that have entered the country as well as what countries they are leaving from. Tied into the discussion on rate of immigration will be the United States laws that have affected immigration.
Immigration laws can be divided into time periods pre and post 2001. The five laws for pre 2001 are: 14th Amendment, 1924 Immigration Act, Hart-Cellar Act of 1965, Immigration Reform and Control of 1986 and the Immigration Act of 1990. These laws were designed to address boarder security, illegal immigrants already in the country and the immigration system as a whole. The final set of laws are set after the year 2001. These laws see a change from previous laws due to the September 11 Terrorist Attacks. The two laws are Enhanced Border Security and Visa Entry Reform Act of 2002 and the Real ID Act of 2005. There was a switch from controlling the number of illegal immigrants in country to tighter control of the United States borders which led to the development of systems designed to help control illegal immigration. One was the E-Verify system.

E-Verify is a tool in which employers can check to see if an employee is legally able to work in this country. While many states have a voluntary system there are many officials who want to make it mandatory. If Mandatory it would cut down on illegal immigrants trying for jobs that they can’t legally do so.

In Chapter 2 will focus on two laws (one federal and the other one state) that have been two of the most controversial bills and laws in the early 2000s. The federal bill has been proposed off and on in Congress since 2000. It is the Dream Act. This paper will discuss the history of the bill from the first proposed in 2001 to the last one in 2014. Analysis of its possible effectiveness and the impact that it would have. The state law is Arizona 1070 which is considered to be unique because it is the first state law that deals with immigration issues which are traditional left to the federal government. Analysis of its possible effectiveness and the backlash from the bill been made into law. Chapter 2 will also discuss solutions for immigration reform in the United States. The solutions would be centered on several policies that would be supported by both sides of the
migration while also having a few that while only gaining support from one side would help overall reform immigration in the United States. First would be the enactment of a new border security in the form of more agents, physical barriers and electronic border. Besides focusing on external solution such as the border there would also need to be a refocus on the internal immigration reform.

This would happen by three items. The hiring of more immigration judges and the setup of an E-verify system in every state would be mandatory. The third the creation of a new visa for temporary seasonal workers or workers that would be allowed to stay in the country for a specific time frame. The next step would be to create a way for the legalization of some illegal immigrants.

**Chapter 1**  
**Section 1: United States Visa System**

The word immigration has been mentioned several times in this paper, but it has not been defined. Immigration is the movement of a person(s) to another country that is not their birth country. The person(s) who do this are called “immigrants”. Immigrants that are in the United States can be divided into four sub-groups. In Figure 1, the chart shows the breakdown of the categories and subcategories. Naturalized U.S. citizens are those people who were born in another country and have passed the U.S. citizenship test. These people after meeting requirements have the same legal rights as native born citizens (Orrenius 2010).
The second sub-group is permanent residents. These types of residents are, “foreign-born people who hold a green card, or visa, that allows them to reside permanently in the United States, but are not naturalized U.S. citizen” (Orrenius 2010 9). Visas are documents that allow a person from another country to work and live in the United States. There are two types of visas: non-immigrant and immigrant. Non-immigrant visas are temporary visas that are granted to individuals who plan to be in the country for a certain time period. The time period can range from a few weeks to months and, in certain cases, years. The individuals that are commonly granted these types of visas are foreign government officials, athletes coming to the U.S. to compete, special circumstances such as students coming to a U.S. university (Orrenius 2010 9; United States Visas 2014).

Immigrant visa while similar to non-immigrant visa are given to individuals who plant to immigrate to the United States to live full-time. Immigrate visas are issued to permanent residents which can be broken down into five other sub-categories—see Figure 2. The first of these categories are immediate relatives of United States citizens. Since the year 1965, the number of immediate relatives that have entered the United States is unknown due to the fact the government does not place a limit on the number of immediate relatives that can enter the country or count the number (United States Visas 2014).
The immediate relatives include parents, spouses and unmarried minor children (Orrenius 2010). The type of visas granted in this category are: IR1, CR1, K-3 (a type of temporary visa given to the spouse of a U.S. citizen awaiting the 1-130 immigrant petition), and K-1 (a type of temporary visa given to the fiancé of a U.S. citizen while they wait for the K-3 visa). There are also special visas for adopted children who are coming in from another country which are IR3, IH3, IR4, and IH4 (United States Visas 2014).

The third sub-category is a category of family members who are not immediate relatives as classified by the United States visa system. It is also called the Family-Sponsored Immigration. Those relatives include siblings and adult children of U.S. citizens as well as spouses and children of permanent residences. The type of visas for this sub-category are IR2, CR2, IR5, F1, F3, F4 for United States citizens while the visas F2A, F2B are for “lawful” permanent residents (United States Visas 2014).

The fourth sub-category of permanent residents (employment based-immigration) is the same as the third sub-group of immigrant type-see Figure 1. This type of employment of immigration
is based on skills that the United States Government believes that the current work force is lacking-see. These types of categories are also used when a business in the United States is sponsor an individual to come into the United States and work in their business (United States Visas 2014).

Individuals that are applying in these two categories are prioritized based on a preference group. The visas are divided into a range of one (priority workers), two (Professionals Holding Advanced Degrees and Persons of Exceptional Ability), three (Professional and other workers), four (certain special immigrants’ and five (Employment Creation/Investors) (United States Visas 2014; Orrenius 2010 page 18-19).

Diversity immigrants are the fifth category of permanent residents. These types of immigrants’ are allowed in under the DV visa. These types of visas are awarded in a lottery style to individuals from underrepresented countries such as in Africa, Eastern Europe, or Southern Asia-see Appendix A for a complete breakdown of Annual Limits for Immigrant Visa (United States Visas 2014; Orrenisu 2010 pages 18-19). The final categories in permanent residence are refugees and asylum seekers. These types of immigrants’ are allowed permanent residence when they face persecution in their home country (United States Visas 2014; Orrenisu 2010 pages 18-19).

The five categories of permanent residents also have a further limitation. Each category except the first category (immediate relatives) has a limit that is placed on it by the U.S. government. The overall limit for the number of immigrants allowed into the country is 675,000 which is comprised of foreign national who receive visas and those individuals who receive a visa while physical present in the country.
These individuals are usually family members of current U.S. residents or citizens. The total number of 675,000 can be divided into three sub-groups. Those groups are family sponsored (226,000 to 480,000 allowed visas), employment based (minimum 140,000), and diversity visa (55,000). There is also a limit on the numbers a country can have which is, “seven percent of the total annual family-sponsored and employment based preference limits”-see Appendix A for a complete breakdown of Annual Limits for Immigrant Visa (U.S. Immigration Numerical Limits and Caps, 2011).

Section 2: Immigration Growth

The United States Government has attempted to keep track of the number of immigrants that have entered the country. As seen in Figure 3, the number of immigrants’ entering the United States has been increasing. At best current estimates there are over 13.1 million legal residents currently living in the United States. Figure 4 shows the track of the estimated number of illegal immigrants’ that have entered the United States. These numbers are based on a mathematical formula created by Jeffery Passel of the Pew Research Center (Resnick 2013).

Figure 3: Legal Immigrants in the United States

Source: .trivisonno.com

The formula is based on data collected from the U.S. Census Bureau, and Immigration. The data is the number of immigrants’ allowed in the country, the number of people born in another
country and the number of people who took the survey that the Pew Research Center conducted. The formula is:

Number of surveyed immigrants – legal immigrants = equal base number of immigrants

The number generated by the formula is then put through a series of probability matrix which estimates based on a series of questions that may be legal or illegal (Resnick 2013). These questions ask for occupation, tax status, mortgages, and how long they have been at their current home. These questions help distinguish legal from illegal immigrants. An example for these types of questions would be a person who stated they had a mortgage and worked as a lawyer. The system based on these answer would state that the person was legal because they had a mortgage and belong to the national bar association (Resnick 2013). At current best estimates, as seen by Figure 4, there are currently around 11.2 million illegal immigrants’ in the United States.

Figure 4: Illegal Immigration Estimates in the United States

While the United States does have an illegal immigration population, these individuals and groups do not come from the same place. A common myth is that all illegal immigrants’ come from Mexico or China, and while it is true that there is a percentage that does come from
Mexico, illegal immigrants’ actually come from many different countries. The top ten countries based on 2008 census from the Department of Homeland Security are: Mexico (7,030,000 illegal immigrants’), El Salvador (570,000), Guatemala (430,000), Philippines (300,000), Honduras (300,000), Korea (240,000), China (220,000), Brazil (180,000), Ecuador (170,000), and India (160,000). There is an eleventh category that is composed of other countries that while illegal immigrants’ from those countries are present in the United States there are not that many from a single country. The other countries have 2,000,000 illegal immigrants’ in the United States (Hoefer 2008). These numbers show how many immigrants’ that are present in the country (legal and illegally) what they do not show is why an individual migrates to this country or any country.

There are many reasons as to why a person would immigrate to the United States or other countries. These reasons are called push and pull factors. These factors either pull someone to the destination country or push them out of their original countries to seek a better situation than their current one. The first push is conflict. People are forced to leave their current country due to armed conflict/war to save their lives. Those groups and individuals fleeing become known as refugees. (Push and pull factors 2013).

Another push factor is the government. Individuals will migrate from a country is the government is governing poorly or, “treating different groups (badly) for reasons of ethnicity, religion, or political opinion” (Push and pull factors 2013). A common example of this type of push is when ethnic cleansing is done by a government which will force groups to leave due to factors as listed above. Another push factor is religion (Push and pull factors 2013).

Many countries in the world have some form of freedom of religion, however other countries do not. In the Middle East, individuals who are Christian are leaving Arab countries because they
are being persecuted for following their religion. Once they leave the Middle East they usually travel to Europe or the United States for the religious freedom that is practiced there (Push and pull factors 2013).

A pull for a country for migrates is job opportunity. Many countries do have the infrastructure to support a large job markets or the jobs available do not provide enough for the individual to survive/thrive. Individual will there leave the countries to peruse a better job in another country that can provide it and a greater chance to gain wealth. One of best examples of this pull is the relationship between South American (including Mexico) in which individuals leave these countries to come to the United States to find better employment opportunities (Push and pull factors 2013).

The next pull is family. When an individual has established themselves in a new country the individual will often attempt to bring their family into the country for a reunification. When an immigrate from a South American country such as Columbia becomes a United States citizen they will send for their families to come live with them in the country. The new citizen will in turn sponsor their spouse to become a citizen or gain access to a visa (green card) (Push and pull factors 2013).

Another push for immigration to a new country is growing up or education. Many younger individuals will leave their country of origin to attend to other countries where better higher educations (universities/college) are offered. In some countries, higher education is sometimes not offered or is not available to everyone. Universities in Great Britain draw students from different countries. This is due to that fact that the class are shorter which leads to lower student costs and fees (Push and pull 2013; UCAS 2015).
There is a final push/pull factor that is the same. That is nature. Nature can be a push because of the effects it has on the land of many countries. This effect can be from, “bad environment, climate change, and limited access to water/food” and rising sea levels will cause land to disappear under water. Nature can also be a pull factors for some countries due to better living conditions where better food/water access is available. One of the best push examples for nature can be seen in the situation that is developing on the island of Maldives. The island located in the Indian Ocean has started to sink into the ocean. This has caused many of the citizen to migrate to other countries such as India or the Philippians which offer more stable land that is not threatened by nature (Push and pull factors 2013).

As stated above migrants will move to the United States from different place, reasons, and in patters/numbers of years. Countries where migrants move to will attempt to regulate these numbers by only accepting amount a certain number of migrants per year. U.S. governments will also try control the illegal immigrants’ through the passage of laws similar to the ones that are passed that regular legal migration in all aspects. This is referred to as immigration reform. The definition of migration reform is the government’s attempts through legislation to improve current immigration laws and polices (NCSL 2013; The President's Proposal: Immigration 2013).

Section 3: Pre-2000 Immigration Law Reform History

There are several questions that can be applied to immigration policy in general. The first of these is the history of the law. What issues (inside/outside of the United States) brought about the creation the law? The second part are the major points of the law and if any changes were made from the original proposed law to the one that did pass. Finally if the law was ever revoked. What were the reasons for the revoking and if possible was
there another law that took its place? These questions can be answered in discussion on immigration reform.

There are four main parts of immigration reform that are being focused on. One of those as stated above is border security, and the other three are worksite enforcements, guest worker programs, improve current immigration system, naturalization process. Immigration reform has been brought about by different laws, however one of the most important is the 14th Amendment to the United States Constitution (Immigration Reform 2013).

This Amendment was ratified by United States government on July 9 1868 during the period when the southern United States was been rebuilt after the Civil War (see Appendix B for full text of the Fourteenth Amendment). There are two main points of the Amendment. The first is that it was created to support the Civil Rights Act of 1866. The Civil Rights Act was created to ensure, “that all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, expect as punishment for crime where of the party shall have been duly convened, shall have the same right, in every State and Territory…”-see Appendix C (Frohnen 2008). The Civil Rights Act was created so that all former slaves could be declared citizens (Frohnen 2008).

The Fourteenth Amendment was created to support and protect the Civil Rights Act with what would become known as the Citizenship Clause. This Clause stated, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. The reasons for creating an amendment to the Constitution instead of just relying on the Civil Rights Act was to make it easier for people to
gain citizenship and more difficult for individuals and government officials to take it away (U.S. Const. XIV). The Act and Amendment created citizens of anyone who was born on territory claimed by the United States government. A citizen is, “person who legally belongs to a country and has the rights/protection of that country” (Citizen 2013).

The Amendment has also created a unique phenomenon: anchor babies. These babies are born to illegal immigrants’ who have their children in the United States. This has allowed the babies to become an Untied States citizen which in turn has allowed the parents to remain in the country. It has been estimated by the Center for Immigration Studies that 300,000 to 400,000 anchor babies are born each year (Wydra 2009; Reasoner 2011).

Over the decades since the passing of the Fourteenth Amendment, there has been several laws/acts that have been created that would become known as immigration reform. While there are dozens of laws about immigration, these laws are considered to be the major immigration reform laws/acts by various law scholars, government officials, and lobby groups—see Appendix D for a complete list of all immigration laws (U.S. Immigration Laws Online 2007).

The first of these immigration reform laws was the 1924 Immigration Act. This act set the number of immigrants allowed into the country. There were two sub-sections to this rule/law. The first section continued until July 1st 1927 the number of immigrants would be allowed into the United States would be two percent of each nationality or country of origin based on the 1890 Census. This particular census was chosen because it showed the number of immigrants coming into the United States before problems/situations around the world which led to more immigrants coming to the country. One situation that led to large migration was W.W.1. This sub-section of the Act would also establish a minimum number for the quota which would be one
hundred. The next sub-section deals with immigrants allowed in the country after July 1\textsuperscript{st} 1927 (U.S. Immigration Laws Online 2007).

After 1927 the number of immigrants allowed entry into the United States would still be based on their country of origin but instead of a percentage of the population it was based on the total United States population as it was in 1920. The number of immigrants, 150,000, “would be divided between countries in proportion to the ancestry of the 1920 population,” with the minimum still remaining at one hundred. This Act also established the individuals who would not be counted as part of the number or quota immigration system. These individuals in this category were, “wives and unmarried children (under 18 years of age) of US citizens, residents of the Western hemisphere, religious or academic professionals, and “bona-fide students” under 15 years of age” (U.S. Immigration Laws Online 2007).

The 1924 Immigration Act was initially created in response due to the number of immigrants coming to the United States from Post World War I Southern and Eastern Europe. Post World War I or PWI had forced many changes on to Europe. The first among these were the formation of new boundaries for countries and the formation of new countries (Adler 2012).

The Treaties of Versailles, Saint-Germain and Trianon created several new countries out of Austria-Hungary and parts of Germany or succeed the land to other countries. There were several reasons for the Treaties changing the political boundaries of many European countries. The first was that countries who had been involved in fighting Germany and Austria-Hungary were worried that these two countries would once again try to initiate another war. The other countries mainly Western Europe and the United States wanted to limit their abilities to start another war (Duffy 2009).
A second reason was the territories in central and in south-east Europe had declared their independence from larger countries such as Germany and the Austrian-Hungary Empire. Within these totals there were several changes that affected this part of Europe. The first of these changes was the establishment/creation of the countries - Austria and Hungary. As part of the treaties, Hungary had to give land to ethnic groups (Serbians, Croatians, and Slovenes) that were part of the majority of the population of the country (Duffy 2009).

These ethnic groups formed the countries of Romania, Yugoslavia, and Czechoslovakia. The second of these changes was land from Hungary was ceded to Poland and Italy as well as the above mentioned newly created countries. Germans and Hungarians with the new political boundaries were ethnic minorities in the new countries. The Jewish people living in Europe were also facing a troubling time in post-world war I. Many of the new countries did not welcome Jews and expressed open hostility to them. The reason being these new countries wanted people to support the new countries while Jewish people considered themselves Jewish first and a nationality of their country second (Duffy 2009; United States Holocaust Memorial Museum 2013).

While the new countries and political boundaries were causing tension between the new ethnic majorities and the former majorities there was further problems’ due to the economic pressure that was facing countries and their populations. The first problem that many of these countries faced especially Austria, Hungary, and Germany were the repayment of the money that was borrowed (Karpilovsky 1996).

The countries borrowed money before the war and during the war. The borrowed money was used to purchase such things as food and raw material to be converted into goods (weapons, civil material {agriculture goods, factory equipment}), weapons, and civil material. These countries
were obligated to repay the amount of money that they had borrowed further the Treaties that were signed at the end of the war also forced these same countries to make payments to the countries that they had fought. These hardships caused between 12 to 13 million to emigrate from their countries (new and old) to the United States (Duffy 2009; Karpilovsky 1996; Immigration in the early 1990s)

Many Americans were worried about the number of immigrants arriving into the United States for a number of particular reasons. The first of these was that American citizens were worried that immigrants would come to American and take jobs away from citizens. During this time period there were no laws about set wages (minimum wage) so a person could pay a worker any wage that they wanted. Historically, immigrates have worked for less payment for service and because of this people hiring will hire a new immigrant rather than a citizen. United States elected officials during/after W.W.I especially ones in large cities where manufacturing were concentrated about the large number of workers who were been hired at a reduced wage then previous hired workers. One of the leading opponents to these new workers was the growing unions that did not include immigrants (Adler 2012).

The second is a more cultural reason. That is Americans felt the new immigrants would affect the culture of America by taking away the values/culture that was already established. American culture was the traditional culture that had been brought over when the colonies had been established and grown after the American Revolution. This culture was mainly based on Western European which allowed immigrants who came from the British Isles, France and Germany to be more accepted then those immigrants who came from Eastern Europe. American culture can be seen centered around on a person’s ability to choose their own future. That it up to that individual on what they want to do. However, what most do not realize is that American
culture is actually several different cultures blended together to form a new unique one. This Act would remain very popular with the population and officials in government. These individuals felt that by controlling the number of immigrants coming into the country they were controlling the fears that were mentioned above. It would not be until the 1950s to 1960s that the Act would be overturned. The Hart-Cellar Act would overturn the 1924 Immigration Act (Adler 2012).

The Hart-Cellar Act or INA Amendment would be signed into law in 1965. It was an amendment to the Immigration and Nationally Act of 1952 which was also known as the McCarran-Walter Act. The McCarran-Walter Act was a two part act. It first ended the ban of Asian immigrants however it also placed a quota on the numbers allowed into the country who were from Asian countries. This Act was passed due to the fear of Communist Party spreading its influence to the United States and the outbreak of the Vietnam War (Milestones: 1942-1952 Office of the Historian 2014).

The Vietnam War was between Communist North and Democratic South. Each side was supported by larger countries with the North been supported by Communist Russia and China. The South was supported by the United States. The United States was afraid that immigrants fleeing Asia would bring the Communist Party ideals/beliefs to the United States so the number of individuals that would be allowed into the country was set at one hundred. Only one hundred individuals total from out of each Asian country were allowed to migrate to the United States (Boyd 2012; Milestones: 1942-1952 Office of the Historian 2014).

The McCarran-Walter Act also gave the government the ability to deport individuals. These individuals were immigrants or naturalized citizens. The Act stated that they could be removed if they were attempting to engage in activities that were against the government. These activities

The Hart-Cellar Act was originally proposed by Emmanuel Cellar (D, NY). Cellar had been attempting to reverse the 1924 Immigration Act. He believed that like many others that the quota system was racist against individuals that immigrated from certain parts/countries in the world such as southern and eastern European countries. He tried to have the Act overturned but was unsuccessful for over forty years. In 1958, Cellar along with Phillip Hart created what would become known as the Hart-Cellar Act (Boyd 2012).

This Act abolished the number system that was based on country of origin. The number quota system was replaced with the preference system which focused on a person’s skills along with relationships that existed with citizens/residents of the United States (U.S. Immigration Laws Online 2007). The Act in simple terms focused on the individual that was applying for a residence instead of what country that individual had lived in.

The new system called visa system placed restriction on the number of visas that were issued. The number was set at 170,000. This set number does not include relatives of United States citizens or lawful residents or “special immigrants” (U.S. Immigration Laws Online 2007). Special immigrants were those who were, “born in "independent" nations in the Western hemisphere; former citizens; ministers; employees of the U.S. government abroad” (U.S. Immigration Laws Online 2007).

Senators Cellar and Hart were the original proponents of the Act, President Kennedy became a great supporter of the Act. During his time as president, the Civil Rights Movement was occurring. This movement was centered on equal rights for African Americans. The Amendment had freed slaves and had established separate-but-equal that African Americans had the same
rights as other citizens in the United States they were still discriminated against nor equal. 

Kennedy considered immigration reform part of the Civil Rights movement (Body 2012). In regard to the then current immigration system he stated, “It neither satisfies a national need nor accomplishes an international purpose. In an age of interdependence among nations, such a system is an anachronism for it discriminates among applicants for admission into the United States on the basis of the accident of birth” (Papers of the Presidents of the United States 1964).

President Kennedy would not be able to sign the proposed bill into law due to his assassination in 1963. His vice president Johnson would finish out his term in office. The State of the Union of 1965 is seen as the beginning of such programs as Medicare/Medicaid, Head Start, Voting Rights Act, Civil Rights Act, Department of Housing and Urban Development. The 1965 Immigration Act became associated with Johnson’s idea of a Great Society when he mentioned in simple terms that for the United States to become great that it needed to move past ideas of the past such as immigrants only needed to come from certain countries in Europe (U.S.-History: Great Society 2014).

The 1965 Immigration Act changed the process of immigration in the United States. It allowed immigrants to come in greater numbers from other than Western European countries. The greatest example was the immigrants that came from Asian countries. Within a year of the Act’s passage the number of Asian immigrants that had made American their home had grown over a hundred (the original cap number under the Walter Act of the 1950s) to over two hundred thousand by the year 1970. This can be seen in Figure 5 which shows the effects the 1924 Immigration Act had on immigrants from Asian countries. It also shows how after the 1965 Immigration Act was passed that there was a steady climb in the number of immigrants from Asian countries (Edwards Jr. 2006).
The Immigration Reform and Control of 1986 was the next major immigration reform act passed. The Act in its initial form was very different than that one that was signed into law. When the law was the first draft it focused more on the punishment of business that used illegal immigrants as cheap labor. It also focused on the racial and ethnic discrimination that many immigrants faced when they arrived in the United States. The Act would come into being due to the 1970s recession. This recession was caused by the 1973 oil crisis and countries abandoning the Woods system. The oil crisis was a result of an OPEC (Organization of Arab Petroleum Exporting Countries) placing an embargo on oil as a result of the United States becoming involved in the Yom Kippur War of October 1973. The Yom Kippur War was an armed conflict between Israel and an Arab coalition comprised of Iraq, Jordan, Algeria, Cuba, Morocco, Tunisia which was led by the countries of Egypt and Syria (Milestones: 1969-1976 Office of the Historian 2014; Astor 2014; Leckrone 2012).

OPEC initiated the embargo when the United States started to supply Israel with weapons. Though the United States was the country to sell weapons to Israel, OAPEC also placed oil embargos on Canada, Japan, Netherlands, and the United Kingdom. The embargo led to sharp
gas price hikes and the supplies of oil (gasoline) in countries which in turn affected the economy

The next factor was the United States abandoning the Bretton Woods system. The Woods System was rules and regulations that governed a country's economy. The main principle was that of a country's currency tied to gold. Under the system a country's currency was backed by gold that the country owned. An example would be that X amount of currency was worth Y amount of gold. In 1971 the United States stopped allowing their currency to be converted to gold which destroyed the Woods System (International Monetary Fund: The end of the Bretton Woods System 2014).

The last factor was a minor crash of the United States Stock Market during the earlier part of the 1970s which was a result of the OPEC oil embargo and the United States abandoning the Woods System. These, “national economic problems and the increased visibility of immigrants (legal/illegal) led the United States Congress to focus on immigration reform” (Leckrone 2012). The reason for this focus was that many Americans felt that in part due to economic problems the country had been through that immigrants (especially illegal immigrants) were being hired more than citizens because of they would work for lower wages. These fears led to many citizens voicing their concern to the United States Congress which in turn created a commission to study immigration reform in 1979. The commission through reviewing past immigration laws made two recommendations to Congress in 1981; two years after the commission had been originally created (Leckrone 2012).

The two recommendations were: “strengthening sanctions on employers who hired undocumented aliens and improving access to American citizenship for undocumented aliens within the United States” (Leckrone 2012). The bill that would become known as the
Immigration Reform and Control Act of 1986 would go through several versions. “A fragile coalition of civil rights-oriented immigrant advocacy groups and free market business groups who wanted cheap labor helped to overcome opposition from groups who supported restricting immigration to pass..” the bill into law (Leckrone 2012). There are two main purposes to the Act.

The first purpose of this bill was to give illegal immigrants a way to gain residence or citizenship. To gain residence, illegal immigrants had to meet certain requirements. These requirements were: “lived and maintained a continuous physical presence in the U.S. since January 1st, 1982, possess a clean criminal record, and provide proof of registration within the Selective Service (conscription for armed services)” (U.S. Immigration Laws Online 2007).

Applicants also had to meet certain education requirements. These were minimal knowledge of United States history, government and some proficiency in the English language. These individuals who were applying for residence were called designated entities and fell under the authority of the United States Attorney General. After an individual has gained status through the United States Attorney General, the individual and any dependents will not be able to receive any form of public welfare up to five years. It should be noted that these types of applications and welfare assistance do not apply for any individual coming from the country of Cuba or Haiti (U.S. Immigration Laws Online 2007).

It also makes it illegal for any individual or company to hire an individual that is in the country illegally. To help accomplish the goal of stopping the hiring of illegal workers, the Act created an employment verification system. The system will use passport, birth certificate, social security number, documentation that proved that the individual is allowed to work/reside in the United States (U.S. Immigration Laws Online 2007).
J. Wesley Leckrone, a researcher for Immigration American (a website dedicated to the history of United States immigration history) wrote that, “the Immigration Act of 1986 provided some amnesty for illegal immigrants in the United States and provided a form of border security so that individuals trying to illegal gain entry into the country would be deterred”. He continued that “by focusing on resolving the problem of undocumented aliens, the legislation did not address the issue of limiting future immigration. The legislation affected approximately three million undocumented workers. However, its deterrence provisions had relatively little effect on stemming the tide of illegal immigration after 1986 which can be seen in Figure 6” (Leckrone 2012).
The Immigration Act (1990) was the next immigration reform law to pass. This Act was seen by many individuals and associations as a somewhat returning to a policy of allowing immigrants the ability to enter into the United States easier. “The Act allowed for sanctuary in the country and increased the numbers of work visas and visas awards to immigrants hoping to become permanent residents of the United States” (Bell 2012).

Under the 1990 Immigration Act, the increased number of visas would be given to immigrants who were seeking to work in the United States and become permanent citizens of the country. The visas given out were used by individuals sponsored by employers, family members or skilled workers to gain entry into the United States. The primary purpose of the Act was to increase the pool of skilled workers that were entering the country. Government officials, business, organizations and individual citizens felt that skilled workers were been pushed to
other countries with less strict immigration laws. Previous laws such as the 1986 Immigration Act allowed for 50,000 thousand work visas a year. The 1990 Act would increase that number to around 140,000 (Bell 2012).

One of the most profound provisions of this Act was the creation of the Diversity Visa Lottery. Using information based on high/low admission region/country over a five year period, additional visas are given to those regions that are not part of the individual number system. High admission country has over 50,000 immigrants while low admission has fewer than 50,000. Africa; Asia; Europe; North America; Oceania; South America, Mexico, Central America, and the Caribbean are the high/low admission regions—see Appendix E for the latest high/low admission regions numbers (U.S. Immigration Laws Online 2007).

There are certain criteria that an individual who is awarded this kind of visa must meet before the visa will be awarded. The first is that the individual must have a high school diploma or the equivalent. The next is the minimum of two years work experience and job training. While the United States Attorney General has control of the region numbers, the Secretary of State deals with the other aspects of the lottery system. This includes keeping track of the lottery individuals/immigrants age, occupation, education, and other information (family size, country of origin). The Secretary of State, “age, occupation, education, and what they consider important characteristics or information” (U.S. Immigration Laws Online 2007).

The impact of the law could be seen in the first years after it passed. The United States saw a steady increase in immigrants who were considered skilled by the government. “The 1990 act was the first major overhaul in U.S. immigration law since the 1960’s, and its passage prompted increased numbers of both skilled and non-skilled laborers from other nations to immigrate. The largest increases in legal immigration came from Mexico and the Philippines. Other nations that
saw increases in numbers of immigrants during the first five years the law was in effect were India, Canada, China, and many African countries” (Bell 2012). Though the 1990 Act was seen as a success proponents point out the problems that occurred because of the Act (Bell 2012).

The first was that the new loopholes that were opened to non-skilled workers. To help the United States seem more hospitable to skilled immigrants, a number of laws that dealt with deportation and exclusion of immigrants were removed. Example of the laws affected were the 1986 Immigration Act in regard to the number of individuals that could come from certain regions/countries in the world. This Act is often regard as having a great influence on immigration reform during the early 1990s and would dictate policy through most of the 1990s (Edwards Jr. 2006; Klenowski 2012; Bell 2012).

The graph in Figure 7 shows the number of illegal immigrants that had been estimated to have entered the United States. It shows the years between 1990 and 1995. There is an actually increase of the number of illegal immigrants who are entering the country. The exact number had actually increased by 2.2 million individuals (Edwards Jr. 2006; Klenowski 2012).

Figure 7: Illegal Immigrants migration into the United States between 1990 to 2012 (in millions)

![Graph showing illegal immigrants migration into the United States between 1990 to 2012](http://www.pewhispanic.org/2013/09/23/population-decline-of-unauthorized-immigrants-stalls-may-have-reversed/)
This growth in illegal immigration is blamed on the 1986 Immigration Act by policymakers and government officials. The 1986 Immigration Act or IRCA offered amnesty to illegal immigrants who met the criteria for amnesty. It has been estimated that around 3.5 million individuals were granted amnesty under the IRCA. Creators of the Act believed that IRCA amnesty would reduce illegal immigration however it did not as explained above. The reason is that more illegal immigrants came into the United States hoping that there would be another act/law that would offer amnesty again and make them legal citizens in the United States (Klenowski 2012; Edwards Jr. 2006).

IRCA is considered to be one of the most comprehensive pieces of immigration law passed. There are six main parts to this act. The first part deals with establishing better border security through an increase in the number of border patrol officers, and overall patrol process (Klenowski 2012; Edwards Jr. 2006).

It also mentions a need for increase in regard to INS including investigators monitoring visa applications. The second sub-category deals with the penalties that individuals can receives if they are prosecuted for smuggling illegal individuals into the United States. These penalties can range from fines to a prison sentence (U.S. Immigration Laws Online 2007).

The third sub-category deals with the penalties for illegal immigrants (deportation), employers hiring illegal individuals (penalties to a prison sentence). The next sub-category is the process of how a person is deported. The fifth sub-category limits the amount of movement support that illegal individuals can receive. Most common examples of government support that illegal aliens are not allowed access to are government funds for education or some forms of housing. The final sub-category deals with several subjects. These include refugees seeking
asylum as well other individuals such as paroles seeking asylum (U.S. Immigration Laws Online 2007).

The 1996 Act did slow illegal immigration somewhat, but it did not stop completely. In Figure 7 the number of illegal immigrants did continue to enter the United States at a steady rate. The Act did try and stop illegal immigrants by targeting the employers of those who hire illegal immigrants. As the graph shows it did not stop illegal immigration (Klenowski 2012; Edwards Jr. 2006).

**Section 4: Post-2000 Immigration Law Reform History**

The federal government would continue to try and create a new comprehensive immigration reform bill that could be passed through Congress. President Bush in 2001 announced that the President of Mexico, Vicente Fox and himself would propose one of the most comprehensive immigration reforms. These new reforms would include an “increase border security, create a new temporary worker program, and provide legalization to unauthorized immigrants” (Roseblum 2011).

However, the new immigration reforms would be stopped after the 9/11 Terrorist Attacks that took place in New York City. “The terrorist attacks were carried out by individuals who came to the United States with student and visitor visas.” (Roseblum 2011). This information made immigration reform a central issue. The next four years would see the government move away from CIR core principals. The CIR principals are three components that most immigration reforms proponents believe should be included in all legalization that deals with immigration reform. The three components are: immigration enforcement, legalization and changes to the visa system (Roseblum 2011).
The United States government would instead focus on two of the principles such as enforcement and changes to the visa System. In between 2001 to 2005 there were two major laws that were passed that were in alignment with the government’s new focus on immigration. The first of these were the Enhanced Border Security and Visa Entry Reform Act (EBSVERA) of 2002 and the Real ID Act of 2005. EBSVERA has three main parts (Roseblum 2011).

The first was the data sharing between federal agencies on individuals entering the country and the second part was based on increasing document security. This was to make it harder for certain documents such as visas from been counterfeited. The third was an entry/exit tracking system. This system would be used to track individuals by having their tier 1 biometric data (facial image, iris scan, fingerprints) on file, having the individuals do an interview with an immigration agent, and finally having the individual meet at designated times throughout the year with immigration authorities. The second act was the Real ID Act which had four primary points (Rosenblum 2011).

The first point was to create new standards for state driver licenses and identification cards so that the information on the cards could be shared between different agencies using databases. Elected officials feared that these cards could be faked which allow a(n) individuals to enter the country. The next point was the construction of physical barriers between on the boarder of Mexico and the United States (Roseblum 2011; U.S. Immigration Law Online 2007).

Since the 9/11 Terrorist Attacks the United States has been attempting to build a physical barrier between Mexico and the continental United States in the form of a wall. After beginning the wall on the boarder in 2002, the government could no longer continue to afford the budget for the project. The project ran into other delays such as laws enacted by various states that kept contractors from completing the wall. One of the most well-known examples of this was the
Sierra Club bringing a law suit to stop construction of the wall in the state of New Mexico because of it violating several environmental laws. The Act gave the Department of Homeland Security the agency in charge of constructing the barrier the ability to ignore state laws that would stop the construction of the wall. The laws that Homeland Security were able to ignore were environmental laws such as the Environmental Protection Law and the Endangered Species Act (Burkhart 2005; Roseblum 2011).

The third point of the Act was to define what is considered terrorist and terrorist activities. Terrorist activities are considered to be one of five activities: 1) hijacking/sabotage of an aircraft/vessel/vehicle; 2) threatening to kill/injure another person to compel either an individual or organization to do an action; 3) violent attack on a protected person (example an ambassador); 4) carrying-out or attempt of an assassination; 5) is the use of a weapon up to and including biological, chemical, and nuclear or firearm. (NCSL: Real ID Act of 2005 2014).

Real ID Act also defines what “engaging in terrorist activity” is. The first is to cause/planning to cause harm/injury to a person during a terrorist activity or gathering information and planning a terrorist activity such as planning to blow up a bridge. The next is to gather money to fund such activities as listed above and to actually try and recruit someone to carry out the terrorist activity. The last is to gather material such as weapons, bomb making material to help carry out the activity (NCSL: Real ID Act of 2005 2014).

The fourth point deals with immigration and asylum seekers. Before the Real ID Act became enforced previous laws had placed a limit on the number of green cards that could be issued every year. The number was set to not exceed 10,000 which did not meet the actually number of cards that were been requested. Many individuals waiting for visas/green cards would wait years
before they would be able to receive one. The Real ID Act changed many of the rules that dealt with asylum seekers (NCSL: Real ID Act of 2005 2014).

First, the Real ID Act did away with 10,000 green card/visa per year. The first two years (2005 and 2006) that the Act was made into law over 100,000 individuals were allowed to receive their green card/visas. The individuals that received cards had to already qualified for a card in the past through an immigration court. This section was created to allow more individuals to get a green card and clear the backlog of individuals want a card in the United States Immigration System (NCSL: Real ID Act of 2005 2014).

The second part of the Real ID Act allowed visas from previous years. These types of visas were not included in the green card/visa but were instead employment based visas. The employment visas mentioned in the Act were from the year 2003. The number of individuals applying for those types of visas in 2003 did not meet the maximum number allowed into the country (NCSL: Real ID Act of 2005 2014).

The third part was the new requirements when individuals applied for asylum in the United States. In an immigration court, the judge could ask the individual seeking asylum to provide evidence to the court that they are in of relief. The Act also stated that the government could also request the same type of evidence in immigration cases. The only way that evidence would not be required is if the individual was able to persuade the judge that the evidence could not be found (NCSL: Real ID Act of 2005 2014).

This Act before it was passed and after was under protest by various organizations and individuals. One of the main arguments against the Act was how it would affect asylum seekers trying to gain entry into the United States due to the section on providing evidence in an immigration court. The example that is given by most advocates is the child soldiers of Africa
and the Middle East. These children are forced to fight in armed conflicts by extremist groups. The child possibly fleeing with family members would to provide testimony about the child been forced to the fight. The judge may ask questions the motivation behind the group which the child may or may know. The judge could deny the family asylum based on the family members knowing the motivation of the ones trying to force a child to fight (NCSL: Real ID Act of 2005 2014; Quick 2005).

The protests against what the Real ID Act was doing to the immigration system of the United States made politicians aware that a more comprehensive immigration reform law was needed especially among the Border States where officials say that, “smuggling and (human) trafficking have contributed to lawlessness and a real sense of crisis along the border” (WP Opinion 2005).

Senators John McCain and Ted Kennedy worked to create a bipartisan immigration reform bill. One unnamed sourced spoke to news sources stating that the Senators had, “struggled, with one another and with widely varying advocates, to find compromise answers to some of the more difficult immigration issues” (WP Opinion 2005). The bill that they created would be seen as going back to the core CIR principals of immigration of immigration enforcement, legalization and changes to the visa system. The bipartisan bill created would be called Secure America and Orderly Immigration Act (S.1033) or the McCain-Kennedy Act of 2005 (Patterson 2005).

The McCain-Kennedy Act had several main points. The first of which was the creation of a new type of visa for foreign workers with little to no job skill. These workers would be able to come into the country to work and then would have to leave to return to their home country. The law would also require countries (including the United States) to encourage temporary workers to return to their home countries and not stay past their temporary visa expiration date. Farmers
in states such as California and Florida supported this because migrant workers were usually hired to help harvest crops (Patterson 2005).

The next point was a partially reworking of the visa system. Immediate family members were not to be counted against annual cap numbers already established and the number of green card issued the limit was to be raised. The proposed law also made it possible for an illegal immigrant who has been in the country working to be able to apply for a visa. This can only occur if they can show that they have been working in the country. Temporary visas could also be granted if they family members who are legal permanent residents (Patterson 2005).

While the proposed bill did have support among Republicans and Democrats, a large portion of the senators did not agree with the bill. Senator John Coryn called the bill an amnesty bill for the provision that would allow illegal immigrants to stay. “We already have laws in place that allow people to apply for legal permanent residence and American citizenship, so I think that’s going to be a subject of some debate and perhaps disagreement in the Senate and in the House” stated Senator Coryn to news sources. He was also disappointed that the bill did not include tougher provisions for boarder security. Many Republicans and a number of Democrats pointed out that they would not vote on a bill that would not have a tougher boarder security provision (McCain-Kennedy bill opens citizenship path 2005).

The bill was never brought to the Senate floor for a final vote. After the bill was brought to the floor for its first reading it was then sent to the Judiciary Committee. The Committee would review the bill to see if was legal under the Constitution and United States law. It was brought back to the Senate floor for another reading and then sent back to the same Committee. The bill would later in 2005 die in Committee (S.1033).
In 2013 a new bill that is considered to be the most comprehensive in 25 years and would completely redo the immigration system was brought to the Senate of the United States Congress. The bill was entitled, “Border Security, Economic Opportunity, and Immigration Modernization Act of 2013” or S.744. The Act focused on two major areas of immigration reform boarder security and the immigration visa system registered provisional immigrant (RPI) status (NILC: S.744 2013; Stanley 2013; Bord 2013).

The Act states that 46.3 billion dollars would be devoted to the U.S.-Mexico border for the creation of more fencing so that the total will be at 700 miles. Increasing the number of border patrol agents to 38, 405 and to increase the use of electronic surveillance systems such as radar and camera surveillance. Besides the use of electronic surveillance located at the border, the Act called for the creation of a monitoring system that would be able to track/identify individuals who are entering/exiting the country (NILC: S.744 2013; Stanley 2013; Bord 2013).

The system would use tier 1 biometric data which is a facial image, iris scan and fingerprints to identify a person entering the country. The individual when leaving would have to have the same bio data to leave or renter the country. If an individual entering or exiting the country did not match the data that on governmental databases then according to the proposed law that person would be detained for questioning or facing possible incarceration (Kephart 2013).

An entry/exit system would be a large step in border control. One of the problems that is currently being faced is that documents such as visas can be falsified so that an illegal immigrant could enter the country illegally. A biometric system would allow government agencies to control who enters/exports the country. Another provision in McCain-Kennedy Act is that employees must use the federal E-Verify system. This system is the same system that has been described in previous immigration acts in which employers must check on the immigration status.
of employees. The E-Verify System is an internet based created by the United States federal government. The system was established for business to check the immigration status of their workers to find if they were in the country legal or illegal. (NILC:S.744 2013; Stanley 2013; Bord 2013; Kephart 2013; Demirjian 2011).

In regards to the immigration visa system it would create a new category which would be called registered provisional immigrant (RPI). This type of visa would be granted to a person who has been physically in the United States since on/before December 31, 2011. The person applying must also been in the country until the application has been processed, paid any type of tax for when the individual was in the country illegal and passed a background check. There is a time frame before a person can apply for a green card. Six years after first applying for RPI the same person has to reapply to renew it and after 10 years that person can apply for a green card or LPR. An additional 3 years are required to apply for citizenship (NILC:S.744 2013; Stanley 2013; Bord 2013).

The Act was introduced by Senator Charles Schumer of New York and co-sponsored by the Gang of Eight (Senators Michael Bennet, Richard J. Durbin, Jeff Flake, Lindsey Graham, John McCain, Bob Menendez, Marco Rubio, Chuck Schumer). The bill was brought to the Senate floor after been in several different committees. On June 27, 2013 that bill was passed with 68 votes in favor with 32 against. The bill was then sent to the House of Representatives where it has stalled. Many members in the House do not favor one comprehensive bill but instead several different smaller bills. This was done so that when the smaller bills were voted in the House it would be easier to vote against the smaller bills. This way instead of focusing on a larger bill that stood a chance of passing, the smaller bills would take longer to get through the House and could/would eventually lead to all the bills be denied. Due to this standstill it has been suggest
by different representatives that the bill will die in the House (NILC:S.744 2013; Stanley 2013; Bord 2013).

The bill received general support from both parties. While both parties thought that the bill contained many positive provisions there were certain parts of the bill that the parties together and separately thought should not be include. In some cases that certain provisions should be reworked. So Democrats and Republicans supported parts of the bill while disagreeing on other sections. There were three main criticism aimed at the bill. The first was the initial cost of the bill if passed. It was estimated that it would cost 6.3 billion dollars to get the programs started that the bill mentioned and for several years for initial startup. However the Congressional Budget Office found that over a 10 year period that the bill would save the government 175 billion dollars (NILC: S.744 2013; Stanley 2013; Bord 2013).

The next criticism came from liberals of both parties and was about the E-Verify system. The American Civil Liberties Union (ACLU) came up with a point that the system makes it appear that you need the government’s permission to work. The ACLU means that you are basically asking the government to have its okay/permission to work. In a paper released the ACLU stated that E-Verify would, “force everyone to obtain affirmative permission from government bureaucracies before engaging in the core life functions of working and earning a living. That (it) not only inverts the relationship between the individual and government…. (it) makes the individual dependent on the federal government to gain access to work” (NILC:S.744 2013; Stanley 2013; Bord 2013).

While these objections were real the true reason for the bill been stalled in the House of Representatives was that many Republicans and a few Democratic conservatives refuse to vote on it. The reason been that it offered away for citizenship to many of the illegal immigrants that
are present in the United States. Republicans usually vote against offering any type of migration reform that offers citizenship (Demirjian 2011; United States Visas 2014).

The history of immigration reform in the United States has been a long one. The laws that controlled immigration for the country have been varied ranging from ones that limited the number of people to ones that increased security on the boarders of the country. Since more illegal immigrants have been coming into the country the laws that have been passed or proposed on a state or federal level have led to discussions on the officials focusing on certain aspects of immigration reform.

**Chapter 2**

**Section 1: Illegal Immigration Growing**

Immigration has been and continues to be a major issue of discussion in the United States government and the country in general. It has been estimated by the Pew Research Center that every year since 2005 that almost 700,000 individual enter the country illegally. Politicians have in the past decade since the 9/11 Terrorist Attacks passed or proposed legislation that has focused more on immigration enforcement and restructuring of the visa system. The legislation that has focused on legalization of illegal immigrants if passed would have put the burden of supporting it on the states alone. States have even started to pass immigration laws which have been under purview the federal government believing that the government is not doing enough to improve immigration reform.

Immigration reform can only be accomplished by creating legalization that follows the principles of immigration reform that most immigration advocates agree need to been included in any immigration reform legislation. The principles of immigration reform follow three core ideas: 1. immigration enforcement; 2. legalization; and 3. changes to the visa system. Immigration enforcement is a county’s ability to enforce laws that deal with the control of individuals.
entering and leaving the country (legal/illegal). Legalization in simple terms is when a person who has been in the country again legal/illegal is granted citizenship to that country. The third principal is changes to the visa system. As explained in Chapter 1 this system is/was designed to allow individuals to be placed in created categories. These categories would then be used to make a decision on what type of legal entry type that individual would have.

Any type of immigration reform needs also to be supported by both the federal and state government. The arguments will be justified by presenting information on two notable pieces of immigration reform legalization: The Dream Act (the original version to the 2012 version including President Obama’s DECA Program) and Arizona 1070. These two pieces of legislation (one federal and other state) each focus on only one core principal of the immigration reform. That to create an immigration reform law that will work needs to have the support of the state and federal government (including financial) and have all immigration principles represented in the legislation.

There has been a connection between immigration laws/reform and the United States culture society at the time such as the laws that limited the number of Asians especially the Chinese from immigrating to the United States as stated in the Immigration Act of 1924. As explained in Chapter 1, since the year 1990 there has been a rise in the number of immigrants (both legal and illegal) into the United States and since that the year 2000 that number has increased even more. The chart in Figure 3 shows how the immigration number has increased to its current number of 14 million with 2 million been illegal in the United States-see Chapter 1.

These illegal immigrants, as discussed in Chapter 1, come from many different countries however the largest and fastest growing populations of illegal immigrants are in the Hispanic community. Figure 8 shows how the population of the United States Hispanic community has
grown (legal and illegal). As of 2013 the United States Hispanic population is around 53 million men, woman and children. Based on the information provided by the United States Census Bureau it is estimated that the Hispanic population will reach 155 million by 2050.

Figure 8: U.S. Hispanic Population and Projection 1950-2050

Source: http://napoleonlive.info/see-the-evidence/obama-affect-on-america-2/

The illegal immigrants in the United States come from various countries around the world; however there are a number of countries where more illegal immigrants come from more than others. In Figure 9 the chart shows a breakdown of where immigrant’s country origin based on the number that is reported in the United States.

Figure 9: Illegal Immigration Population Break-Down

Many illegal immigrants will come and work in the United States. One of the goals of these working immigrants is to bring their families into the United States so that the whole family can be united once again. However to bring their families over it will a lot of money which takes time. This is dangerous because the family can’t usually come into the country legally. Families entering the United States will often resort to paying smugglers to smuggle them into the country (Orrenius 2010).

When families are reunited or the whole family has moved into the United States, they will usually find a community to settle into. This leads to the children been enrolled into school districts usually through the use of illegal documentation that allowed the family to cross the border. This will also allow the adults in the family to find steadier work. The family is reunited which in turn start working and living in the community. The problem is that the individuals that make up the family are still in the country illegal (Orrenius 2010).

While it may be possible for family members to become legal residents/citizens (see Chapter 1 for more information on becoming a legal citizen/resident) under the current law they would have to leave the country and apply for citizenship to come back into the country. However, various members of Congress have tried to introduce acts/laws that would provide a form of immunity to illegal immigrants (Orrenius 2010; Dream Act 2014).

**Section 2: D.R.E.A.M. Act- History and Analysis**

One of the earliest of the proposed laws in this decade that was proposed to allow illegal immigrants to become citizens was the D.R.E.A.M Act or Development, Relief and Education for Alien Minors. The first version proposed in the year 2001 by Luis Gutiérrez, a representative of Illinois. It was known as the “Immigrant Children's Educational Advancement and Dropout Prevention Act of 2001” or H.R. 1582. This bill would have done two things. The first would
have been to protect children/students who were in the country illegally from being deported and second it would have allowed them to apply to become either a permanent resident or citizen (H.R. 1582).

To apply for residence through these Act illegal immigrant children would have to meet certain requirements. The first of these is that a person applying must be of good moral character. This simply means that a person must not have a criminal record. The second is the person must be currently enrolled or have a pending application to a college/junior college. The Act also made it acceptable to have similar enrollment in a secondary or post-secondary education program (H.R. 1582).

The third requirement is the age requirement. The Act limited to those immigrant children who had entered into the United States illegal by the age of sixteen and no older than the age of twenty-five. The final requirement is that residence requirement. This means that the person applying through the act must have resided in the United States. The time limit for this is a minimum of five years (H.R. 1582).

This legislation was very significant. The reason is that it is the first of its kind to actually target the children who are in the country illegally. The Act was a way to allow these children to remain in the country in which they have grown up in and certain cases the only country that they remember. Politicians supported the Act because it would allow continuing these children to continue their education or serve in the United States armed services. These two paths would lead to citizenship. The basic premises of the Dream Act is by following these paths a person under a certain age would be to gain citizenship which is a good idea. The idea of offering citizenship to those who serve in the armed forces is fine it is the education path that does have a few concerns that would make it not financial sound. Due to this the Dream Act while the idea
of allowing children who are in the country illegally good, the way it would be carried out is not (Dream Act 2014; Naleo 2014).

This version of the D.R.E.A.M. when it was first introduced was recommended to a Committee of Judiciary, Committee of Education and Workforce. These committees were to decide if the provisions of the bill were possible and legal according to United States law. Democrats and Republicans had specific concerns about the bill. The first concern was about the age requirement. Representatives and Senators who voted against the Act stated that their main concern was that the maximum age requirement (twenty-five) was too high. They believed that with a high maximum age requirement it would allow individuals who had not been enrolled in the United States Education System or in the Armed Service of the United States to become citizens (natural/naturalized). That illegal immigrant(s) who had only been in the country for a short time could claim that they grew up in the country and use the Act to gain citizenship when they in fact had not. The second concern was that the Act would create a type of amnesty program for illegal immigrants (Demirjian 2011; United States Visas 2014).

Amnesty is a legal term which means that a person who has committed a crime is pardoned for that crime. When an immigrant enters the country illegally or stays past the data on their visas they are committing a crime. The Dream Act focuses on individuals below a certain age with the last proposed bill that was set at the maximum of 25 years old. Individuals who came into the country while they were children if they came illegally it was still against the law. The Dream Act is given those who fit the criteria amnesty possible not in the traditional it usually associated with such as in a trial but it still fits the basic definition. These concerns were mainly coming from the Republican Party leadership/member and other politicians who follow a similar belief (Demirjian 2011; United States Visas 2014).
The Republican Party has been since the early 1990s has been against outright amnesty for illegal immigrants. They are against it for two reasons. The first is simply that the Party believes that by allowing current illegal immigrants to have any forum of amnesty it would lead to an open door policy for illegal immigrants. Anyone who was an illegal immigrant could come into the country and become a citizen. When questioned about amnesty many Republican/others quote that, “(amnesty) would be (provides an) unfair advantages to those who had broken our laws, and would be putting them on par with those who were working hard to obey the law” (Republican Views on Immigration 2015).

Congressional leaders also believed that if an individual was able to gain citizenship through the Act than that individual would sponsor his/her family members so that they too could become citizens. The objection is valid. This is due to that there is no immigration law or provision of any law that states that a person who has become a legal citizenship can’t sponsor someone else to become a citizen of the United States. However as stated in Chapter 1 the family member must be immediate or extended family member such as a child (including the spouse of said child), sibling, parent or aunt/uncle. If a person wants to sponsor a family member for citizenship or a visa it would be essentially okay because that person would have to already be established in the United States. This way that sponsor could help who they are sponsoring. The law does make a point that a person can’t be sponsored if they are in the country illegally. Overall there is some credit to the objection about a person sponsoring another person to gain entry into the country but present laws would stop illegal immigrants that are in the country from become citizens or gain access to visas (Demirjian 2011; United States Visas 2014; North 2011).

The second reason is due to the fact that Republican Party does not wanting any type of amnesty. The Democratic Party does want a program because of how immigrants who become
citizens vote in elections. An example of this can be seen in the Latino population. A study done by the Pew Research Center in 2012 states that Latino who came to the country (and became citizens) 53% will vote Democratic while 14% will vote Republican. Pew Research Center in 2014 took a second survey of the Latino population on the same question: how do they vote in elections. Since two years had passed the survey showed that Hispanic voting Democratic had grown to 64%. An 11% jump between 2012 and 2014. The reaming percentage of both surveys are composed of individuals who are members of other parties and/or who do not vote at all (Patten 2013; Krogstad 2014).

Representative Gutierrez changed the requirements of the Act to gain support so that it would pass Congress. In the new bill, the age requirement was lowered to the age of twenty-one instead of the previous higher one of twenty-five. This proposed bill gained greater support in Congress then the previous one especially among Republicans. The original bill had only thirty-six co-sponsors however with the changes that the next bill included the co-sponsors grew to sixty-five (H.R. 1918). At the same time as Student Adjustment Act was been proposed in the House of Representatives a mirror bill of the Act was introduced in the Senate. A mirror bill is a bill that is identical to another bill already in Congress at the same time as another bill. (S.1291).

While the Senate bill introduced by Hatch was the third bill in the D.R.E.A.M Act series it is the first one to actually have the title of “Development, Relief and Education for Alien Minors Act” or Dream Act. Both acts were not able to gather significant support in either the Senate or House of Representatives to progress further. A version of the DREAM Act would be introduced over the next several years by different sponsors but none of the proposed bills would gather enough support to pass (S.1291).
Between January 2009 and December 2010 during the 111th Congress, a new revised D.R.E.A.M. Act was introduced by Senators Dick Durbin, Richard Lugar, Harry Reid, Mel Martinez, Patrick Leahy, Joseph Lieberman, Ted Kennedy and Russ Feingold and U.S. Representative Howard Berman. Under this version of the Act there were five requirements for a person to meet. The first is that the person be between the ages of twelve and thirty-five when the Act is passed into law by the United States government. The second is the person must have been living in the borders of the United States before their sixteenth birthday and lived in the country for at least five consecutive years (Dream Act 2014; S.729).

The third is an education requirement in which the person applying must have either a high school diploma or a GED, General Education Diploma. The final requirement is that the person be of good moral character which means that they do not have a criminal record. If the person applying met all requirements, they were then granted a six-year temporary residence. This Act also made it possible for young adults to apply for loans from the government except for certain funds such as Pell Grants (S. 3992).

During the six-year temporary residence, it would be possible that a person could lose their residence statues. This would be due to not meeting the education requirement or committed a crime that would lead to the person having a record. Support for this version of the Act was somewhat better; however it did not gather enough support to pass in Congress. In hope to gain better support this act would be revised as the previous acts had been. These revisions would be seen the 2010 proposed act and would be considered to be one of the most reformed of the bill. There are eleven sections to the new revised Act (S. 3992).

The first section states that the there is no repeal of the ban on providing illegal immigrants access to federal government funds for higher education. Many states had passed by
the year 2010 laws that would bar illegal immigrants from gaining access to funds for higher education (NSCL Student Funding for Illegal Immigrants 2014). The second section includes an age cap of twenty-nine that had not been included in the other drafts. This means that anyone over this age would not be able to gain residency through this Act. One of the major obstacles that the Dream Act in I’s various forms has been at the age cut-off limit (H.R. 1918).

The age limit has always been a source of contestation between officials who wanted to pass the Dream Act and those who did not. Republicans and conservatives have felt that the age limit needs to be lower not higher. The bill was created to allow children of illegal immigrants who came into the country and have been raised in this country their whole lives to offer them a chance to become citizens. Those against the bill think that after a certain age it’s no longer about children that were raised here but adults who have entered the country illegally (H.R. 1918; Chishti 2014).

The next section deals with the requirements that the Act requires a person have. This section also makes a point of stressing that a person applying for residence through this Act will be on a two year probation period. During this period, the person can be denied future permanent residence/citizenship if they had not completed all subcategories in this category and provided proof. There are six subcategories in this section (S.729).

The first subsection deals with the education requirement which states that an individual must have a high school diploma or a GED. This component of the bill was included so that only illegal immigrants who are skilled (education) would be able to apply. It would also ensure that younger adults who had come to the country when they were children would be able to apply since most illegal immigrants do use the free education system in the country.
The next subsection states that the person must have good moral character from the first time that they entered into the legal boundaries of the United States as determined by the federal agencies such as the Department of Defense. This clause is necessary because this would help keep criminals from migrating to the United States. The country does not want to become a safe haven for those who have caused problems for other countries to bring those same problems to this country (S.729).

Subsection three has the stipulation that a person applying for permanent residence must supply 1st and 2nd tier biometric data to the United States Government. This data will be used to generate a physical description of that individual—See Appendix F for a full list of 2nd tier biometric requirements. This requirement was introduced to help pass an entry/exit system based on biometric data. The system has been reintroduced several times since 1996 but has not been able to gain enough support at the Executive Branch level of the federal government. By having this type of requirement bill proponents were trying to gain more support for the system and thus force the Executive Branch to support it (Kephart 2013; S.729).

The next subsection, four, is simply a series of background checks that a person must be willing to go under which is not necessary due to subsection 2. The Department of Defense would be conduction checks due to the good moral requirement. This would have to include a criminal background check so this section is not required. Subsection five is a medical checkup which is a necessary component. If a person has a medical condition that would require care beyond what an emergency room can provided there are in place certain funds provided by the federal government that could cover such medical issues. By having a medical checkup the federal government is trying to decide is the individual applying for the program is not using it to gain access to healthcare. Subsection six only applies to men over the age of sixteen who are
using the Act. The men must apply for selected service which is if the United States reissues the draft for war again then they would have to service in the United States armed services. The proposed bill would allow immigrants to become citizens if they applied to the armed forces this was put into the bill if they choice the second option of obtaining an education at a higher learning facility (S.729).

Section four sets out seven points that would limit anyone from applying for citizenship/residence through the Act. The first point is if the applicant has committed any felony or misdemeanors, second, if the person would become a public charge, third if any have engaged in voter fraud and fourth if any has committed marriage fraud in which marriage was used to gain a green card. The fifth is if the person applied for a student visa and stayed beyond the expiration date of the visa and sixth if any has engaged in persecution which means that a person is against someone based on a culture or biological trait. The final point if the person is a general health risk. This is where a person has a contagious disease that could infect the rest of the community in which they live. Section 4 is not needed. As mentioned in a previous subsection, Section 2 states that the Department of Defense will conduct a morals check for basically good behavior. This check would also turn up any of the listed points in section 4 so it is a section that is not required. (S.729).

The next two sections five/six states that a person will be given a conditional resident status after meeting the higher education or military requirement and that the applicant must also: 1) pay back taxes, 2) read/write English, 3) pass a citizenship test. The most important part of this section are the requirements for the conditional status particular the section that deals with back taxes. It never states how much back taxes will be whether it based on current or past income. One way that this could be worked out would be to pay a fee instead of back taxes. The
reason is that situation could arise where the person made more one year then the other. It could also be that the person was earning more in the past then the present which would place a burden on that individual to pay. It would be simpler to have the person applying through the proposed bill to pay a fee (S.729).

Section six limit’s the sponsorship of members by Act individuals for immigration/residence to the United States for least twelve years since the moment that they themselves gained residence through the Act. One of the arguments made by Republicans and Conservative politicians against immigration reform particular reform that would allow illegal immigrants to become citizens is that if an illegal immigrant does so then they will in turn sponsor family members or friends for citizenship. Democratic needed to accept this section so that Republicans would help support the bill (Push and pull factors 2013; North 2011; S.729).

Persons who used the Act to gain residence are specifically not allowed to use or gain access to the cost reduction or tax credit programs through the Affordable Care Act that are established in section seven-see Appendix I for summary on Affordable Care Act. This section was also included to gain support from Republicans and Conservatives who had felt that many illegal immigrants would apply to the Act program to gain access to better healthcare. These officials believed that if an illegal immigrant had an illness as discussed in subsection two of this bill that those same illegal immigrants would try to apply for citizenship if they believed it would lead to better healthcare However a comprise between political parties would allow immigrant who have applied in this program to buy private insurance but as stated above not gain access to the tax credits or cost sharing reduction (S.729).

Section eight and nine gives details on the deadline for individuals using the D.R.E.A.M. Act which is one with the start date been the date of the bill’s passage and if a person was going to be
deported if they would be able to enter the program established by the bill. Section 10 and 11 makes it clear that the application will made available for a background check. This is an interesting section because an illegal immigrant has turned into an application that states they are in the country illegal. If they do not meet the requirements for the program law enforcement agencies can use that application to find, arrest and deport that individual. It the bill would gain more support if in this section it was included that the applications would not be used this way unless there was a criminal matter involved (S.729).

Despite having a complete rewriting of many sections, the 2009 D.R.E.A.M. Act would fail in Congress. The act would become an amendment to the National Defense Authorization Act (NDA) for 2011 bill. While the NDA would pass the House of Representatives it would fail in the Senate where a filibuster led by Republicans would cause the bill to be rejected due to the bill not having a majority of the 238 votes needed to pass (National Defense Authorization Act for Fiscal Year 2011: Cloture Motion Rejection 2010).

The primary reason that the 2009 Dream Act and NDA did not pass was that within the NDA provision it stated that “don’t ask, don’t tell” would be revoked. Many Republicans and Conservatives did not want this policy repealed so the 2009 Dream Act and NDA were repelled. Republican leaders also stated that they would not a bill that contained provisions (Dream Act, “don’t ask” policy), “popular with their political base ahead of the November 2 elections” (Barrett 2010). It was a poor choice to attach the Dream Act to the NDA because due to the political atmosphere of that time there was little to no chance of getting the NDA passed through the Senate. The bills contained provisions that were popular among certain voting blocs such as the Hispanic community. Republicans feared that more in this community would vote for the Democratic Party then they have in previous years if the Dream Act was passed. President
Obama and Democratic leaders stated that they would reintroduce the D.R.E.A.M before the end of the year (Barrett 2010; S.729; Terkel 2010).

On December 8 2010 the D.R.E.A.M Act was reintroduced to the House of Representatives. It passed with 216 yeas against 198 nays. The majority that voted for the bill was primarily Democratic plus 8 Republicans while the nays were Republican with 38 Democratic voting against the bill. The bill then went to the Senate to be voted on December 18. When the bill was called to vote on the floor there was not enough votes to pass the bill onto President Obama to sign into law. It was 55 yeas to 41 nays. The bill needed 60 yeas to pass into law. The voting fell into Democratic senators voting yea while Republicans voted nay. There were only seven who voted against party lines (Amend title 28, United States Code: Roll Call 625 2010; Removal Clarification Act of 2010: Cloture Motion Rejection 2010).

After five months in May 2011 Senate Majority Leader Harry Reid reintroduced the 2011 D.R.E.A.M bill to the Senate by having Senator Richard Durbin sponsor the bill along with 32 other senators. It was also reintroduced in the House of Representatives by three Representative Howard Berman, Lleana Ros-Lehtinen, and Lucille Roybal-Allard. Senate Republicans who had traditionally supported the D.R.E.A.M bill (Senators John Cornyn, Jon Kyl, John McCain and Lindsey Graham) stated to news sources that they would not support the bill this time. The Republican senators, “object(ed) that an independent piece of amnesty-granting legislation... allowed to move without some sort of counterbalance to increase immigration enforcement, which was the original concept behind the more comprehensive approaches to immigration changes (CIR principals). Senator Reid stated that he would be willing to include an amendment to the D.R.E.A.M Act that states must use the E-Verify System. Making this system a necessary component for the United States immigration system is a positive step in immigration reform.
Already there are 20 states that use the E-Verify system. The states that do use it do not have complete coverage expect Arizona and Tennessee. Some of the states for instance such as West Virginia only use for public contractors while others (Virginia) use when a company has over a certain number of employees usually 50 to 500 expect for public sectors jobs then it is still used (Demirjian 2011; NILC: Dream Act 2011; NCSL: E-Verify).

The E-Verify System is an internet based created by the United States federal government. The system was established for business to check the immigration status of their workers to find if they were in the country legal or illegal. Republicans and Democrats have wanted to add the E-Verify to immigration bills so that it would force business to use the system. The reason a system clause would be added is because not all states had setup an E-Verify or were not using the federal one that was already in operation. By including the clause it would require all business to screen their workers instead of it been the business choice to use the system. An employment verification system is a good idea because it would allow employers to check their employees. Doing this would also save the employers time and resources because of immigration laws that punish employers that do (Demirjian 2011; NILC: Dream Act 2011).

Immigration advocates argue against the whole country using the E-Verify system because based on reports released that the system is not ready for wide-spread mandatory use. The United States government tested the system using Westat and MPI analysis. The analysis found that there was almost a 4 percent error in the verifications made by the system was made in error. The analysis found that the system made errors because, “-Verify cannot detect identity fraud — the use of legitimate (work-authorized) name and ID data by someone other than their true owner” (Hoyt 2011). The error is not in the system but the documents. As stated many times throughout this paper illegal immigrants will sometimes use false documents (visas) to prove that
they are in the country legally. E-Verify can’t distinguish between real and counterfeit documents so document protection needs to be enhanced not the system. It must be mentioned again that E-Verify is a good system to find out if employers are hiring illegal immigrants. The problems (false document be presented) that affect the system are outside of it. The E-Verify System was added to the D.R.E.A.M. Act (S.729; Dream Act 2014; NILC: Dream Act 2011).

The 2011 D.R.E.A.M Act was never brought to a vote. The bill for the Act was brought to floor where it was introduced to the senate and then it was referred to the Committee for Judiciary on Immigration, Refugees and Boarder Security. The Committee sent the bill back to the Senate without a recommendation; however the Senate sent it back to the Committee (S.729; Dream Act 2014).

In 2012, the 2011 D.R.E.A.M. bill was still in Committee and was becoming apparent that with no action taken it would die there. Disappointed at the legislation not passing, President Obama wanted to allow illegal immigrant children and young adults to be allowed to stay in the country. His administration created the Deferred Action for Childhood Arrivals (DACA). This Program was similar to the original D.R.E.A.M. bill with similar requirements and procedures that first introduced into the United States Congress before it was defeated and rewritten (Demirjian 2010; Dream Act Immigration 2011).

While there have already been thousands of applicants through the DACA policy, many states (with large populations of illegal immigrants) support for this policy has been negative with many actually passing laws to block portions of the policy such as in the case of Arizona. The state decide to not allow any immigrant who became legal through this policy by not be able to apply for such items as driver license (Demirjian 2011; Dream Act Immigration 2011).
There has been much debate in Congress and the United States in general about the Dream Act or versions of it passing. Many of the opponents have specific concurs. The first of these is the effect of the legalization of so many children/young adults will have on the education system of the United States particularly the higher education system (colleges and universities) (Camarota 2010).

If the Act passed then there would be suddenly over a million individuals would be able to apply for the colleges and push out American individuals who would also be applying. This is a problem for the Dream Act because universities and colleges can only accept so many students per year and semester. It is likely that an American citizen applying for college after the passing of the Act would not be accepted (Camarota 2010).

While the concern over the number of students admitted to a college/university may seem as pure fantasy it is however a true concern. Community colleges and most public universities have in place what is called open enrollment. This means that as long as the potential student has a high school diploma then that student can apply to a higher education institution. The potential for at the minimum of 1 million applying for colleges and universities would lead to some potential students not being accepted due to their not being enough classroom space or professors to teach classes. A university/college can have only have so many students based on how many classes that a professor can teach. At first glance this would not seem to be a problem because people see universities and colleges as these huge institutions that can house thousands of students. The fact is there is a limit to the number of students that can attend an institution granted it is high but there is still a limit (Camarota 2010; Chopra 2013).

Another problem would be that colleges/universities would also have to raise tuition. The reason been that the higher tuition would cover more expenses from the increase in the number
of students. Expenses such as paying professors more to teach more classes or possibly even expand the current facilities to handle the number of students (Camarota 2010; Chopra 2013).

A second concern is the amount of money that the new students under the Dream Act would need to be able to attend those same colleges and universities. It has been estimated by the research organization Center for Immigration Studies that, “each illegal immigrant who attends a public institution will receive a tuition subsidy from taxpayers of nearly $6,000 for each year he or she attends” (Camarota 2010). Figure 10 charts shows a comparison of states with estimated high illegal immigrant populations and the effect that the education clause of the Dream Act would have on the individuals who would pay taxes (Camarota 2010).

Figure 10: Estimated Tuition Subsidy for Illegal Immigrants under Dream Act

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>$17,159</td>
<td>$4,176</td>
<td>24%</td>
<td>$6,773</td>
</tr>
<tr>
<td>Texas</td>
<td>$10,465</td>
<td>$1,596</td>
<td>16%</td>
<td>$3,370</td>
</tr>
<tr>
<td>Florida</td>
<td>$20,140</td>
<td>$3,508</td>
<td>7%</td>
<td>$6,834</td>
</tr>
<tr>
<td>New York</td>
<td>$6,410</td>
<td>$3,080</td>
<td>5%</td>
<td>$4,146</td>
</tr>
<tr>
<td>Illinois</td>
<td>$14,142</td>
<td>$3,528</td>
<td>5%</td>
<td>$5,651</td>
</tr>
<tr>
<td>Georgia</td>
<td>$18,310</td>
<td>$5,472</td>
<td>4%</td>
<td>$8,020</td>
</tr>
<tr>
<td>Arizona</td>
<td>$16,358</td>
<td>$5,784</td>
<td>4%</td>
<td>$7,899</td>
</tr>
<tr>
<td>North Carolina</td>
<td>$14,730</td>
<td>$4,608</td>
<td>3%</td>
<td>$6,632</td>
</tr>
<tr>
<td>New Jersey</td>
<td>$11,756</td>
<td>$3,408</td>
<td>3%</td>
<td>$5,078</td>
</tr>
<tr>
<td>Nevada</td>
<td>$13,290</td>
<td>$3,864</td>
<td>2%</td>
<td>$7,349</td>
</tr>
<tr>
<td>All Others</td>
<td>$14,466</td>
<td>$4,102</td>
<td>25%</td>
<td>$6,175</td>
</tr>
</tbody>
</table>

Source: http://cis.org/dream-act-cost

The amount for each year would total to be around 6.2 billion per year. This amount is the estimated tuition for an individual to attend a higher education institute and does not include any additional financial aid that the same individual many need (Camarota 2010).

At current estimates the total college student debt for the United States is over $1 trillion dollars. If the Dream Act was to pass the debt of those individuals seeking to become U.S. citizens would be added to the current United Stated student debt. In this comparison (current
student loan debt vs Dream Act debt) the debt created by the Dream Act is too much for the already overburdened student debt to bear which could create a debt bubble burst. This would mean that more loans could be given out by the United States Federal Government to cover student loan debt (Camarota 2010).

Figure 11 shows the time breakdown of how long certain types of degrees will take to receive, however this is an estimate. When a student starts their degree it will most of the time takes longer for a student to get their degrees then the years provided for in Figure 11. The extra time is usually anywhere from one extra semester to another year. It could possible take longer (Camarota 2010).

<table>
<thead>
<tr>
<th>Degree Type</th>
<th>Time to Complete Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associates Degree</td>
<td>Two Years</td>
</tr>
<tr>
<td>Bachelor Degree</td>
<td>Four Years</td>
</tr>
<tr>
<td>Masters Degree</td>
<td>Two-Four Years</td>
</tr>
<tr>
<td>Doctorial Degree</td>
<td>Four Years</td>
</tr>
<tr>
<td>Juris Doctor</td>
<td>Four-Six Years</td>
</tr>
<tr>
<td>Medical Degree</td>
<td>Eight-Twelve Years</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Education, National Center for Education Statistics

If a student starts the associates degree for example it would take 6,000 paid by taxpayers for that student to attend one year, however most associates degree take at least two years. This means that it will take 12 thousand dollars for one student to complete a 2 year degree. As stated above this amount does not including any additional financial aid that an individual may require (Camarota 2010). There is also the concern that the students who start degrees would not necessarily finish the degrees (Camarota 2010; Waldron 2012).

According to a study done by Harvard University, nearly 44% percent of college students who have entered into a four year degree program will dropout before completing their degree. As for two year programs, there is an 81% percent dropout rate. Many students drop out for a
variety of reasons. These reasons include not having access to enough financial aid to finish their degree or simply because they no longer want to peruse the degree that they started. Opponents of the Dream Act argue that the Act only, “requires only... two years of college be completed; no degree, not even an associate’s, is necessary to gain permanent legal status” (Camarota 2010). As stated above, “given the number of eligible recipients and their distribution across states, the likely costs to tax payers would be $6.2 billion a year” or 12.4 billion every two years for two years of college education in which the person(s) may/not finish their degree (Camarota 2010; Waldron 2012).

Another concern of opponents of the Dream Act is the job market. The concern with the job market is what would happen to the market if millions of individuals were suddenly able to apply for legal jobs. These opponents feel that American citizens would lose out on available jobs if there were suddenly millions of people who could apply for jobs. Opponents believe that the job market would become overcrowded and could actually increase unemployment make it higher than it already it. This could cause a type of domino effect where companies see such a high employment rate would cut back on hiring new workers or expanding. “Compliance with labor regulations, from minimum wage laws to health and safety regulations, is likely to increase (due to the increased number of workers). However, employers will likely hire fewer workers or cut workers' hours since labor costs will raise” (Zavodny 2012).

Supporters of the Dream Act have countered with what opponents of the Act believe will happen. The first is the education system enrollment. While supporters agree that some American citizens applying to higher education institutions maybe “squeezed out” by the larger number of people applying, they counter that this already does occur in a normal education environment and that there are no guarantied of admittance to a college or university anyway.
The number of students admitted under the Dream Act in fact may actually increase the number of students admitted to colleges and universities. The reasons is that with new students applying to these institutions may actually allow these places to increase the number of students that are admitted due to the new revenue generated by students been accepted into their programs which in turn would allow colleges/university to expand. This expansion could come in the form of more facilities been built for classrooms and the hiring of more teachers (Camarota 2010; Dream Act: Economic Opportunities 2010).

The second concern mentioned by opponents is the amount of money that will be requirement to attend colleges would have to come from taxpayers which could have the effect of increasing taxes. However, supporters countered by stating with that, “A RAND study from 1999 shows that raising the college graduation rate of Hispanics to that of non-Hispanic whites would increase spending on public education by 10% nationwide, but the costs would be more than offset by savings in public health and benefits, as well as by increased tax revenues resulting from higher incomes” (Dream Act: Economic Opportunities 2010).

When students attend college/universities a large percentage of students still work part time at jobs outside of the education institution or through a work study with the university/college. This has the added benefit of creating extra revue for the community to help offset the money that taxpayers will have to pay through taxes that will go to education (Camarota 2010; Dream Act: Economic Opportunities 2010).

Opponents mentioned that students would drop out after two years because under the Dream Act that is all that is required not a full degree. Supporters counter that immigrants who do use the bill will finish their degrees because of the benefits that it brings. The first benefit is four studies by different organizations found that an individual with a college degree. The first of
these was done in 2010 by UCLA, “North American Integration and Development Center estimates that the total earnings of DREAM Act beneficiaries over the course of their working lives would be between $1.4 trillion and $3.6 trillion” (Dream Act: Creating Economic Opportunities 2010).

The second survey done in 2008 by the Arizona State University stated that an individual with a college degree would earn $750,000 more than a person who only had a high school diploma or GED. The third survey done by the College Board Organization in 2007 found that, “the average college graduate earns in excess of 60% more than a high-school graduate, and workers with advanced degrees earn two to three times as much as high-school graduates” (Dream Act: Creating Economic Opportunities 2010).

A general survey done in 2006 found that, “workers without a high-school diploma earned only $419 per week and had an unemployment rate of 6.8 percent. In comparison, workers with a bachelor’s degree earned $962 per week and had an unemployment rate of 2.3 percent, while workers with a doctoral degree earned $1,441 per week and had an unemployment rate of 1.4 percent” (Dream Act: Creating Economic Opportunities 2010). These studies prove that a degree from a higher education institution will allow a person to receive a better wage than without one (Dream Act: Creating Economic Opportunities 2010). These surveys lend credit to what supporters of the DREAM Act have stated. “The DREAM Act allows the U.S. to benefit from the economic and social contributions of immigrant youth. The benefits would extend to our economy through a larger tax base resulting from a better educated and more productive population” (Naleo 2014).

The last concern is the job market. The three countries (Mexico, El Salvador, Guatemala) above in Figure 9 have the largest source of illegal immigrants entering the United States have
(respectively) unemployment rates of 4.9, 6.1, and 4.1. If compared to the United States unemployment rate of 6.7, the other countries’ rates are low. The question then becomes why are immigrants still coming to the country from the various countries including the largest three? The answer is that these immigrants take employment positions that many United States citizens will not take. Figure 12 gives a breakdown of the jobs that most illegal immigrants take when they come to the United States—see Appendix H for a complete list of jobs that illegal immigrants work.

Figure 12: Top 10 Occupations with High Shares of Immigrants in the United States Illegally

<table>
<thead>
<tr>
<th>Top 20 Occupations 2008</th>
<th>% of Immigrants in the US Illegally in Total Work Force</th>
<th># of Immigrant Workers in the US Illegally</th>
<th>Total # of All Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Brick masons, block masons and stonemasons</td>
<td>40%</td>
<td>131,000</td>
<td>325,000</td>
</tr>
<tr>
<td>2. Drywall installers, ceiling tile installers and tapers</td>
<td>37%</td>
<td>94,000</td>
<td>255,000</td>
</tr>
<tr>
<td>3. Roofers</td>
<td>31%</td>
<td>76,000</td>
<td>246,000</td>
</tr>
<tr>
<td>4. Miscellaneous agricultural workers</td>
<td>30%</td>
<td>269,000</td>
<td>910,000</td>
</tr>
<tr>
<td>5. Helpers, construction trades</td>
<td>28%</td>
<td>52,000</td>
<td>184,000</td>
</tr>
<tr>
<td>6. Dishwashers</td>
<td>28%</td>
<td>101,000</td>
<td>364,000</td>
</tr>
<tr>
<td>7. Construction laborers</td>
<td>27%</td>
<td>556,000</td>
<td>2,055,000</td>
</tr>
<tr>
<td>8. Maids and housekeeping cleaners</td>
<td>27%</td>
<td>417,000</td>
<td>1,555,000</td>
</tr>
<tr>
<td>9. Cement masons, concrete finishers and terrazzo workers</td>
<td>27%</td>
<td>29,000</td>
<td>109,000</td>
</tr>
<tr>
<td>10. Packaging and filling machine operators and tenders</td>
<td>26%</td>
<td>96,000</td>
<td>369,000</td>
</tr>
</tbody>
</table>


As the chart shows most illegal immigrants work in the field of construction, agriculture (seasonal producer harvesters) and as domestic workers (maids/housekeeping). The immigrants...
that take these types of jobs are paid more than the jobs that they could find in their home
country. If the Dream Act passed, it is conceivable that immigrants would still work at these jobs
while they start/work on their degrees. The types of jobs that these illegal immigrants take are
jobs that most Americans do not apply for or want for that matter. The reason was that they feel
as if the jobs are beneath them. These types of jobs are seasonal at best which means that more
people are hired during certain times of the year. The best example is that of construction
workers. During the spring, summer and part of the fall more workers are hired to work in
construction then they are let go as winter starts. These types of jobs also offer, “… low pay and
no benefits (such as healthcare or retirement plans) (Dwoskin 2011). Americans want jobs that
offer better pay, hours and benefits (Dwoskin 2011). If illegal immigrants were to suddenly have
the ability to take jobs without fear of been deported they would ask for better salaries.

A more practical reason for the passing of the Dream Act is that of the cost of continuing the
current practice. Dr. Hinojosa-Ojeda, author of “The Economic Benefits of Comprehensive
Immigration Reform,” gave a more practical reason for change in reform: money. It costs every
year over a billion dollars to house and prosecute those who are illegal in this country. Do to the
court system been overworked and with few judges than an illegal immigrant who is in the
system will take longer to get through which in turn causes more money from taxpayers to be
spent on housing the individuals as they wait for trial. Besides discussing the economic benefits
of redoing the immigrating policy, Dr. Hinojosa-Ojeda writes about the cost of maintaining the
current polices (budget of the border patrol, and the maintain the enforcement of the Mexican-
US boarder) ( Hinojosa-Ojeda 2012).

The D.R.E.A.M. Act/bill in its basic form (children of illegal immigrants going to college or
enlisting in the armed service for citizenship) is a good plan however as shown in the previous
pages there are problems or concerns with it. The amount of money/resources that is required would place a heavy burden on community colleges, universities who will accept these young adults (Dwoskin 2011).

As stated above it would cost less to use the proposed Act than to continue to the current policy of prosecution and deportations which costs more by at least 40 billion dollars. This amount only reflects a part of illegal immigration. There are certain individuals who would benefit from the DREAM Act such as teenagers or young adult who came into the country when they were children. Other who do not fit into this category would still have to go through the Immigration Court system which would still lead to a higher price for deporting individuals because more would fit into this grouping then into the DREAM Act (Dwoskin 2011).

These institutions may not have the structure in place to accept the amount of students who will apply. The second burden would be on taxpayers who would have to handle higher taxes to support the new students. The D.R.E.A.M. is still a possible bill for allowing young adults who are in the country illegal to become citizens however instead of the state providing all the support in the form of money/resources the federal government would have to provide some of the support to help take the financial pressure off the states (Republican Views on Immigration 2015; Doherty 2013).

There is an additional argument against the D.R.E.A.M. Act. One of the arguments that many have on both sides (supporting and against the Act) is if the children are granted a way to gain access to citizenship should the parents of those same children be granted the same path? The majority on both sides of Congress agree that this should not be the case. An amendment was proposed by the Republican Party that would eventually allow those parents and other adult
illegal immigrants to become legalized but not citizens (Republican Views on Immigration 2015; Doherty 2013).

It stated that to become legalized that the person would have to have a waiting period that would be between 2 to 5 years. During that time individuals would be expected to pay in the form of back taxes. These taxes would be created on what an individual makes so that it would not create a financial burden included in these taxes would be a penalty fine for living in the country illegal. The third requirement would be to pass a criminal background check and for the individual applying to learn the English language. Passing these requirements would allow illegal immigrants to become legal aliens and work in the country and eventually apply to have citizenship (Republican Views on Immigration 2015; Doherty 2013).

Section 3: Arizona SB 1070-History and Analysis

In the United States Constitution there is a clause called the Supremacy Clause. This clause is about how any state law that interferes with any federal law/regulation becomes invalid (Price 2007). The federal government has since founding of the United States has created laws that dealt with immigration. The United States in the case of Hines v. Davidowitz stated that, “the regulation of aliens is so intimately blended and intertwined with responsibilities of the national government that where it acts, and the state also acts on the same subject, the act of Congress or treaty is supreme; and the law of the state, though enacted in the exercise of powers not controverted, must yield to it” (Price 2007). However in recent years states have started to take a more active role in immigration reform (Ginn 2014).

One of the reasons for states passing immigration reforms laws/bills is that states feel that the government is not passing immigration reform laws that will help with the large illegal immigration populations that are in many states and continuing to rise (Ginn 2014). Arizona
Representative Russ Jones stated to news sources that, “the federal government hasn’t done enough to secure the country’s borders, (government) needs to improve the speed and efficiency of the current entry points (such as the visa and asylum system), and should look at how to make the existing immigration law… (better) (Ginn 2014).

Arizona along with the states of California, New Mexico and Texas are along the United States-Mexico border which is over 1,954 miles. Each year it is estimated that between 700,000 and 800,000 individuals cross the border into one these four states. Boarder security has become a major concern due to the number of illegal immigrants coming into the country through these areas since the mid-1900s. Immigration laws that been passed in the United States for the past few decades have usually included some form of boarder security enhancement. This comes in the form of more agents who are tasked with patrolling the United States-Mexican border or building of a physical or electronic prevention measures. While many of the illegal immigrants will eventually move to other states there are still growing communities of illegal immigrants in these states. Though the federal government has increased the number of boarder agents to over 18,000 and the creation of a physical/electronic barrier between the two countries, Arizonians (government officials and citizens) feel that it is still not enough to counter the number of illegal immigrants entering the United States (Isaicson 2014; Taylor 2013; Border in Miles).

While illegal immigration into the state of Arizona is one reason for immigration reform another reason is the cost to the states. The cost comes in the form of education for children of illegal immigrants and illegal immigrants themselves. It’s comes through in the cost from healthcare. Everyone in the United States is allowed emergency medical care as a matter of law; however the treatment still costs money. This price of then paid by citizen of the country through
taxes when the individual who received could not pay (Isaicson 2014; Taylor 2013; Border in Miles).

Illegal immigrants through the law are allowed to receive emergency medical care, but many can’t pay for it. Another is the price for detaining illegal immigrants. The state in which the illegal immigrants are been detained pay the price for the court case, investigation, and deportation. The federal government will pay for some of the price of the incarcerated illegal immigrant but only if the federal government is involved in removing the individual from the country. Figure 13 shows a breakdown of the price/cost of illegal immigrants for Arizona in the year 2004 (Martin 2010).

Figure 13: ILLEGAL IMMIGRANTS 2004 OUTLAYS AND RECEIPTS FOR ARIZONA

<table>
<thead>
<tr>
<th>Category</th>
<th>Outlays</th>
<th>Receipts</th>
<th>Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illegal Aliens</td>
<td>$330,000,000</td>
<td></td>
<td>$330,000,000</td>
</tr>
<tr>
<td>Children of Illegal Aliens</td>
<td>480,000,000</td>
<td>480,000,000</td>
<td></td>
</tr>
<tr>
<td>Uncompensated Medicare Care</td>
<td>400,000,000</td>
<td></td>
<td>400,000,000</td>
</tr>
<tr>
<td>Incarceration</td>
<td>80,000,000</td>
<td></td>
<td>80,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$1,290,000,000</td>
</tr>
<tr>
<td>Tax Payments</td>
<td></td>
<td>257,000,000</td>
<td>-257,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$1,033,000,000</td>
</tr>
</tbody>
</table>


As the graph shows in Arizona $1,033,000,000 that had to be paid due to illegal immigration. Some illegal immigrants were able to pay a form of taxes such as income tax payments plus sales and property taxes. The amount of taxes by some does completely cover the amount of money that was required for all illegal immigrants in Arizona. A final reason that pushed the state to create their own immigration reform laws were/are the politicians who are in the state government. In the state of Arizona Republicans are in control including the legislature and the governorship. The Republican Party in their platform has stated that they do favor immigration
reform however the Party leans toward boarder control, and removal of illegal immigrants than any form of reform that involves some kind of amnesty (Republican Views 2014).

These factors/reasons led to the creation of Arizona SB 1070 also known as the Support Our Law Enforcement and Safe Neighborhoods Act. It was passed by the Arizona legislature and signed by Governor Jane Brewer into law on April 23 2010. Arizona 1070 has five provisions (S.B.1070).

The first of these is that immigrants have to register with the government. The law requires that the immigrant is fourteen years or older they must register with the United States Government if they plan on been in the country for more than a certain amount of time. The time frame established by the law is thirty days. The second provision is the documentation that individuals must carry to prove their citizenship (S.B. 1070).

The first part of the Act states that it is a crime for an individual to be in the United States without proper documentation who is not a natural or naturalized citizen or has approval to in the country for a specified period of time by the United States government. This documentation can be taking the forum of four things. The first is a driver’s license that is from the state of Arizona and is valid. The second document can non-operating identification license. This type of license is issued when a person needs a document similar to a driver license for identification purpose but will not be using the license to operate a vehicle. The third type of documentation is a tribal enrollment card or similar (S.B. 1070).

If a person is a member of the Native American Tribes that person will issued a card that identifies that a person as belong to a tribe from North America. A person must prove to the Tribal Council of the tribe that the person applying to the Tribe is genetically linked to the tribe
to accept into the tribe and issued an identification card. Only tribe recognized by the United States government will the identification cards be honored (S.B. 1070).

The fourth type of documentation is actually a broad category. In this broad final category any valid identification provided by any federal, state or local government agency of the United States Government will be acceptable. This form of identification could be a military issued identification card from where a person has joined the United States Armed Services or was a veteran of the same services. Another option would have an identification card if the person works for a government agency such as one the law agencies. A few examples of these would be local police department, state police, Federal Bureau of Investigation, United States Marshall Service, United States Treasury. Another form of identification that would be acceptable would be from an agency that is government sponsored such as the Internal Revues Service, or United States Treasury Department. A final form of acceptable identification would be an identification card issued by a licensing board such as the American Bar Association (S.B. 1070).

The third provision provided for the punishments if the law is broken. If the proper documentation is not provided then the immigrant who is in the country illegally will have committed a misdemeanor under Arizona law. The initial Act first time the law is broken the individual is fined a five hundred dollars while the second violation was fined a thousand dollar fine. The second violation also carried a prison sentence of up to six months (S.B. 1070).

These types of punishments were later revised under Arizona SB 2162 which made changes to Arizona SB 1070. 1070 also made it that, “any person arrested (for breaking Arizona SB 1070 could not)… be released without confirmation of the person’s legal immigration status by the federal government pursuant to 1373 of (the) Title 8 of the United States Code” (Arizona SB
This federal code states that the federal government will investigate possible illegal immigrants and will pass that information to state and local law enforcement agencies (S.B. 1070).

Arizona SB 2162 was introduced and passed by the Arizona State Government in an attempt to remove some of the concern that had arisen from the passing of Arizona SB 2162. When 1070 was in Arizona State Congress for debate, there was a public debate about the law’s passage. Many individuals felt that the law would be used to racial profile individuals and have those individuals arrested based on those findings. Racial profiling is when an individual is targeted for investigation based on culture aspects of that individual or biological signature such as race. Among these individuals were legal citizens of the state who are Hispanic, Asian, African, or Middle Eastern descendant (S.B. 1070).

Beside private individuals that were against the law, there were a number of organizations that were against the part of the law that made the use of racial profiling to make arrests. The organization was various workers unions that represented various ethnicities, and church organizations that had large memberships who were primarily Hispanic. A few of the organizations that stated in the media been against the law are: Mexican American Legal Defense and Education Fund; National Day Laborer Organizing Network; National Association for the Advancement of Colored People (NAACP) and the National Immigration Law Center (Torre 2012).

A week after the initial Act was proposed Arizona HB 2162 was rapidly passed through the Arizona State Legislature and signed by the Governor into law. This was done to help alleviate some of the pressure that the state government was under from the protests against SB 1070. The
new punishments for breaking the law was made less severe by the HB 2162 (HB 2162; Manuel 2012).

The first violation know had a one hundred dollar fine with the possibility of up to spend twenty days in prison while the second violation had a prison sentence of up to thirty days. The Act also states how police can use the Act. During the investigation of another crime, if a law enforcement official believes that there is a “reasonable suspicion” that the individual who the officials are investigating is in the country illegal, the officials can make enquiries as to whether that is true or not. Reasonable suspicion is, “A standard used in criminal procedure, more relaxed than probable cause that can justify less-intrusive searches. For example, a reasonable suspicion justifies a stop and frisk, but not a full search. A reasonable suspicion exists when a reasonable person under the circumstances would be based upon specific and… (arguably) facts, suspect that a crime has been committed” (Cornell Reasonable Suspicion 2013).

The Act included two sub-clauses that were designed to protect the interest of the Federal Government in regard to immigration laws and would help lawful citizens if they were arrested due to this law. These are considered the fourth provision. The first clause was designed to that would stop any local, or state from not enforcing any immigration law that was passed at the federal level. “The enforcement of federal immigration laws to less than the full extent permitted by federal law” (Arizona SB 1070). The second clause was created to protect individuals who were arrested due to this law. If a legal individual of the state and country can prove that they were arrested while that said same individual was here legally then the state must cover court costs and some of the attorney fees.

Sidewalk hiring is a common practice in states with large populations of illegal immigrants. Individuals who are illegal will sometimes gather at corners to look for work. A person want to
hire will come in a car or van and tell them how many individuals that they need and how much they are paying. Illegal immigrants will be paid under the table from the individuals that have hired them. Paid under the table is a term used to describe when a person pay an individual a certain amount of money without filing the tax documents with the government. This allows the person to avoid paying additional taxes, or health care prices (Arizona SB 1070).

The Act made it illegal for anyone to block traffic due to sidewalk hiring regardless of immigration statues. The Statue also fined the individual who was doing the hiring by impounding their vehicle. This clause was placed in the legislation for two purposes. The first is that by making it against the law for individuals to hire from cars, government officials are thinking that illegal immigrants will move to another state. Illegal immigrants would move to another state where they could find work easier. The second reason is that is the person who is trying to hire illegal immigrants has their vehicle impounded than they would stop hiring illegal immigrants (Arizona SB 1070).

The last clause of the Arizona Act was that if anyone was “to transport an (illegal) alien” to the state that person would be breaking the law. If this part of the law it depends on how many illegal immigrants are been trafficked. Ten or fewer illegal immigrants make it a class one violation while ten or more makes it a class six violation. A one thousand dollar fine for each illegal immigrant been trafficked is placed one who is doing the trafficking. There is an exception for government and state officials who are transporting an illegal immigrant/s (Arizona SB 1070).

Arizona 1070 will also have a price tag attached to the program. The cost of the Arizona Act can be divided into three categories (Checklist for Estimating the Costs of SB 1070-style Legislation 2011). The first of these is the cost of police arrests training.
The training portion of the cost is estimated to be at 640,000 dollars. This training includes, “training that focused heavily on the law’s requirement that officers, while enforcing other laws, question people’s immigration status if they’re believed to be in the country illegally” (Billeaud 2012). When a police officer arrests someone they have to investigate that person, use law enforcement resources to further investigate that person, and finally place that person in custody. It was estimated on a five year plan that it would cost police officials over 14,000,000 dollars to uphold the law (Billeaud 2012).

The second category would be the actually cost of jailing illegal immigrants. The cost of jailing including housing, providing food, monitoring and processing of individuals would lead to a price of between $21,195,600 dollars to $96,086,720 per year. The final category is the actually cost of court case involved with the illegal immigrant. These fees include the attorney for the illegal immigrant, the actual court costs, and any other staff fees that would be incurred during the trial. The cost per year would total estimate to be between $810,670 to $1,621,134 per year. This would lead to a total of functioning cost of (at best high estimates) of $112,346,855 dollars per year. Functioning cost is the amount needed to keep the requirements of the Act in place.

There are also several costs that are not included in this functioning cost number. These secondary costs are costs that come about indirect route. When 1070 was been considered in the Arizona state legislature, many organizations stated that they would boycott the state if the Act was passed. When the Act was signed into law, organizations turned from planning a boycott into an actually boycott. It was estimated by, “Center for American Progress said that conventions canceled after SB 1070 cost the state more than 23 million in lost tax revenue and at least 350 million in direct spending by conventions’ would-be attendees” (Kimble 2012).
Individuals, particular Hispanics, who are legal in this country, became afraid that they would be persecuted under the Arizona Act. The University of Arizona did a study on how the Act would affect Arizona economically (How much will Arizona Immigration Bill Cost 2010).

The study found that an Arizona immigrant worker in 2004 “economic output” was around forty-four billion which was the, “equal to four hundred thousand full-time jobs” (How much will Arizona Immigration Bill Cost 2010). It was estimated by the federal government that over 35 thousand Hispanics own business in Arizona which created close to forty-thousand jobs. These businesses also generated revenue of around 4.3 billion dollars. (How much will Arizona Immigration Bill Cost 2010).

The Perryman Group did a final estimated to consider these numbers. It, “estimates that if all unauthorized immigrants were removed from Arizona, the state would lose 26.4 billion in economic activity of which, 11.7 billion in gross state product, and approximately a 140,324,000 dollars even accounting for adequate market adjustment time” (How much will Arizona Immigration Bill Cost 2010).

The total functioning cost of the Arizona Act would be 112,346,854 dollars a year however the secondary cost added brings the total up to a much higher number. Based on the reports listed above (if the organizations did continue the boycotts, business/individuals did leave) it could cost the state of Arizona up to and over 27 billion dollars (not including revenue from conventions, sporting events, and other large projects). The total cost could be much less as the years pass however, individuals/companies/organizations may choose not due business in the state which could lead to a higher cost for the state (How much will Arizona Immigration Bill Cost 2010).

The Arizona Act start-up cost will be based on how many illegal immigrants are in the state of Arizona and how they are affected by the Act. Arizona 1070 also has the cost of driving away
revenue generating individuals/organization/companies that could have gone partially to the state through taxes. In conclusion as regarded to cost, Arizona will have deal with the initial start up cost of the Arizona 1070 Act but also the loss of business, organization, individuals, companies that would have provided revenue to the state (How much will the Arizona Immigration Bill Cost 2010).

The ideas behind the Arizona Act are unique for a state level immigration act. The removal of illegal immigrants from Arizona who are using the border to gain access to the country. The law addressed a concern of the state because the same state felt that the federal government was addressing a problem. The problem been that illegal immigrants were crossing the border in large enough number that to elected officials and other citizens to them it was starting to become a problem. It also appeared that the federal government was not going to pass an immigration law that would be affective in stopping the flow of illegal immigration. The cost of the Arizona Act would not be cost effective in the long run because of the mentioned above hidden costs (tourism, companies pulling out of the state).

Section 4: Solutions

The Dream Act and Arizona Act 1070 are both examples of immigration reform that have been attempted in the United States. However each one is different and is on opposite side of the issue. Though the proposed bill (Dream Act) or passed legalization (Arizona 1070) each are actually inadequate and a more comprehensive immigration reform bill needs to be created and passed.

The Dream Act offers possible amnesty while the Arizona 1070 is on the opposite with only enforcement. However, as listed the pages previous pages each has reasons for failing as immigration laws. The Dream Act does not contain any immigration enforcement or changes to
the visa system. It centered on allowing legalization immigrants who are in the country illegal to allow them to become neutralized citizens.

The Arizona 1070 is based entirely on enforcement without any kind of legalization of illegal immigrants. It is also a legalization that is reactive rather than proactive. The Act is centered on the idea that law enforcement agencies will check the possible immigration status of individuals when the same law enforcement agents stop individuals for other crimes. Arizona 1070 does not attempt to secure Arizona boarders which while this is usually under the control of the federal government the state could do by simple increasing the number of state law enforcement agents near the national boarder. The Arizona Act does not have a good boarder security provision neither does the Dream Act. Both pieces of legislation are also lacking in any type of sustainable boarder security.

Both Acts will also have funding issues. The Dream Act will have to receive it’s funding from taxpayers from each state. Education institutes will also have to receive more funding which also means higher tuition rates. This will lead to more students borrowing more money which can then lead to more funding issues. The Arizona Act is actually in a unique situation. The Act is only a state law which means that all the funding for it will comes citizens living in Arizona or does business. In previous pages I also mentioned the hidden costs of this Act. The basic ideas that are behind these acts such as allowing illegal immigrants to become citizens and enforcement of boarder security.

A new national immigration reform law is required and needed. The new law would provide needed border security. This could come in the form of more border agents. Second would be instead of focusing on physical barriers in rural areas along the border to create and finish an electronic boarder in the form of sensors and cameras.
The next would be to reformat the visa system. The first step in this would be to hire more immigration judges and lawyers to deal with the backlog of cases. Second is to make sure that all states have the E-verify system up and running in their states. The third provision in this area would be to create a temporary worker program to allow for immigrants to come into the country. These temporary workers would work at seasonal jobs or for a certain amount of time.

The next section would deal with legalization of illegal immigrants. The first provision in this section is about children of illegal immigrants who came into the country. If the child is in the school system (including college) then that child should have a form of temporary visa that could lead to citizenship. Adults could also apply for a visa that could possible lead to citizenship as well, but only after paying a fine.

The Dream Act and the Arizona have good parts such as legislation of illegal immigrants or enforcement of border security. However, they lack other provisions that would make them better immigration reform laws. If a law was created that had all three principals of immigration reform that immigration advocates agree needed to be included in any immigration law than that law would better than these two. The Acts are a good start change the immigration system to fit the modern United States however more is needed. The current system needs a complete revamping to fit into the current immigration factors that are present in the United States.

Conclusions

The purpose of this paper has been for four reasons. First was to discuss the current immigration laws that are in place, how they are used including the visa system. The second reason was to describe and discuss the history of United States in regards to immigration policy. The reasons why these policies were passed in the first place such as what event in the United
States or world led to the passing of the Act but to also understand why the law was eventually overturned (if at all).

Next was what to describe two of the most controversial immigration polices (federal and local) the D.R.E.A.M. and Arizona 1070. These two laws are on the opposite sides of the spectrum with one providing a way to citizenship and the other is designed to enforce current law (control the number of illegal immigrant entering the country). The positives and negatives were discussed along with the possible repercussions in the future if the law is passed or not modified. Finally a discussion on what needs to be in a compressive immigration reform bill that has a chance of passing Congress and being signed into law by the president but also that will help fix the United States immigration system.

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References


# APPENDIX A

## VISA NUMBER LIMITS FOR 2012

### Family-Sponsored

<table>
<thead>
<tr>
<th>Preference</th>
<th>Foreign State</th>
<th>Worldwide</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>1,638</td>
<td>23,400</td>
</tr>
<tr>
<td>FX</td>
<td></td>
<td>65,950</td>
</tr>
<tr>
<td>F2A</td>
<td>6,151</td>
<td>21,984</td>
</tr>
<tr>
<td>F2B</td>
<td>1,838</td>
<td>26,266</td>
</tr>
<tr>
<td>F3</td>
<td>1,638</td>
<td>23,400</td>
</tr>
<tr>
<td>F4</td>
<td>4,555</td>
<td>65,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>226,000</strong></td>
</tr>
</tbody>
</table>

### Employment-Based

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<thead>
<tr>
<th>Preference</th>
<th>China</th>
<th>All Others</th>
<th>Worldwide</th>
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<td>EB1</td>
<td>2,803</td>
<td>2,803</td>
<td>40,040</td>
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<tr>
<td>EB2</td>
<td>2,803</td>
<td>2,803</td>
<td>40,040</td>
</tr>
<tr>
<td>EB3/EW</td>
<td>2,503</td>
<td>2,803</td>
<td>40,040</td>
</tr>
<tr>
<td>EB4/SR</td>
<td>691</td>
<td>696</td>
<td>9,940</td>
</tr>
<tr>
<td>EB5</td>
<td>0</td>
<td>695</td>
<td>9,940</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8800</td>
<td>9800</td>
<td>140,000</td>
</tr>
</tbody>
</table>

Source: U.S. Immigration Numerical Limits and Caps
APPENDIX B

FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Amendment XIV

Section 1.
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.
Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3.
No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.
The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.
The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Source: U.S. Constitution Amendment XIV
APPENDIX C
CIVIL RIGHTS OF 1866

April 9, 1866

An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Sec. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Sec. 3. And be it further enacted, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court, against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a Bureau for the relief of Freedmen and Refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the “Act relating to habeas corpus and regulating judicial proceedings in certain cases,” approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent
with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

Sec. 4. And be it further enacted, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen’s Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

Sec. 5. And be it further enacted, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

Sec. 6. And be it further enacted, That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other
person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the
authority herein given and declared, or shall aid, abet, or assist any person so arrested as
aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally
authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or
process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice
or knowledge of the fact that a warrant has been issued for the apprehension of such person,
shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and
imprisonment not exceeding six months, by indictment and conviction before the district court of
the United States for the district in which said offence may have been committed, or before the
proper court of criminal jurisdiction, if committed within any one of the organized Territories of
the United States.

Sec. 7. And be it further enacted, That the district attorneys, the marshals, their deputies, and the
clerks of the said district and territorial courts shall be paid for their services the like fees as may
be allowed to them for similar services in other cases; and in all cases where the proceedings are
before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each
case, inclusive of all services incident to such arrest and examination. The person or persons
authorized to execute the process to be issued by such commissioners for the arrest of offenders
against the provisions of this act shall be entitled to a fee of five dollars for each person he or
they may arrest and take before any such commissioner as aforesaid, with such other fees as may
be deemed reasonable by such commissioner for such other additional services as may be
necessarily performed by him or them, such as attending at the examination, keeping the prisoner
in custody, and providing him with food and lodging during his detention, and until the final
determination of such commissioner, and in general for performing such other duties as may be
required in the premises; such fees to be made up in conformity with the fees usually charged by
the officers of the courts of justice within the proper district or county, as near as may be
practicable, and paid out of the Treasury of the United States on the certificate of the judge of the
district within which the arrest is made, and to be recoverable from the defendant as part of the
judgment in case of conviction.

Sec. 8. And be it further enacted, That whenever the President of the United States shall have
reason to believe that offences have been or are likely to be committed against the provisions of
this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge,
marshal, and district attorney of such district to attend at such place within the district, and for
such time as he may designate, for the purpose of the more speedy arrest and trial of persons
charged with a violation of this act; and it shall be the duty of every judge or other officer, when
any such requisition shall be received by him, to attend at the place and for the time therein
designated.

Sec. 9. And be it further enacted, That it shall be lawful for the President of the United States, or
such person as he may empower for that purpose, to employ such part of the land or naval forces
of the United States, or of the militia, as shall be necessary to prevent the violation and enforce
the due execution of this act.

Sec. 10. And be it further enacted, That upon all questions of law arising in any cause under the
provisions of this act a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAK,
Speaker of the House of Representatives.

LA FAYETTE S. FOSTER,
President of the Senate, pro tempore.
In the Senate of the United States, April 6, 1866.
The President of the United States having returned to the Senate, in which it originated, the bill entitled “An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,” with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and,
Resolved, That the said bill do pass, two-thirds of the Senate agreeing to pass the same.
Attest: J. W. Forney,
Secretary of the Senate.

In the House of Representatives U.S. April 9th, 1866.
The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled “An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,” returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill:
Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.
Attest: Edward McPherson, Clerk,
by Clinton Lloyd, Chief Clerk.

- First Reconstruction Act of 1867
- Veto of the First Reconstruction Act, Andrew Johnson, 1867
- First Supplements to First Reconstruction Act of 1867
- Second Supplements to First Reconstruction Act of 1867

Source: Frohan 2008
APPENDIX D
IMMIGRATION LAWS OF THE UNITED STATES OF AMERICA

1790 Naturalization Act
1795 Naturalization Act
1798 Naturalization Act
1798 Alien Friends Act
1798 Alien Enemies Act
1819 Steerage Act
1847 Passenger Law
1855 Passenger Law
1862 Anti-coolie law
1864 Immigration Act
1875 Page Law
1882 Chinese Exclusion Act
1882 Immigration Act
1885 Contract Labor Law
1891 Immigration Act
1892 Geary Act
1902 Scott Act
1917 Immigration Act
1918 Wartime Measure
1921 Emergency Quota Law
1924 Immigration Act
1940 Nationality Act
1941 Wartime Measure
1943 Magnuson Act
1943 Bracero Appropriations
1945 War Brides Act
1946 Alien Fiancées and Fiancé Act
1946 Chinese War Brides Act
1948 Displaced Persons Act
1950 Act on Alien Spouses and Children
1951 Public Law 78 - Extension of the Bracero Program
1952 Immigration and Nationality Act, a.k.a. the McCarran-Walter Act
1965 Immigration and Nationality Act, a.k.a. the Hart-Cellar Act
1968 Armed Forces Naturalization Act
1975 Indochina Migration and Refugee Assistance Act
1982 Amerasian Immigration Act
1986 Immigration Reform and Control Act, a.k.a. the Simpson-Mazzoli Act
1990 Immigration and Nationality Act
1991 Armed Forces Immigration Adjustment Act
1996 Personal Responsibility and Work Opportunity Reconciliation Act
1996 Illegal Immigration Reform & Immigrant Responsibility Act
2000 Hmong Veterans’ Naturalization Act
2000 Bring Them Home Alive Act
2004 Intelligence Reform and Terrorism Prevention Act
2005 Real ID Act
2006 Secure Fence Act
Source: U.S. Immigration Law Online.
<table>
<thead>
<tr>
<th>REGION</th>
<th>PERCENTAGE OF VISA</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>50.00</td>
</tr>
<tr>
<td>ASIA</td>
<td>15.00</td>
</tr>
<tr>
<td>EUROPE</td>
<td>30.98</td>
</tr>
<tr>
<td>NORTH AMERICA</td>
<td>0.02</td>
</tr>
<tr>
<td>OCEANIA</td>
<td>2.00</td>
</tr>
<tr>
<td>SOUTH AND CENTRAL AMERICAN AND CARIBBEAN</td>
<td>2.00</td>
</tr>
</tbody>
</table>

Source: Visa Bulletin September 2013
APPENDIX F

2nd tier Biometric Requirements

Race
Age
Height
Weight
Hair and eye color
Distinguishing marks (birth marks, tattoos)
APPENDIX I
Affordable Health Care Act Executive Summary

Patient Protection and Affordable Care Act - Title I: Quality, Affordable Health Care for All Americans - Subtitle A: Immediate Improvements in Health Care Coverage for All Americans - (Sec. 1001, as modified by Sec. 10101) Amends the Public Health Service Act to prohibit a health plan ("health plan" under this subtitle excludes any "grandfathered health plan" as defined in section 1251) from establishing lifetime limits or annual limits on the dollar value of benefits for any participant or beneficiary after January 1, 2014. Permits a restricted annual limit for plan years beginning prior to January 1, 2014. Declares that a health plan shall not be prevented from placing annual or lifetime per-beneficiary limits on covered benefits that are not essential health benefits to the extent that such limits are otherwise permitted. Prohibits a health plan from rescinding coverage of an enrollee except in the case of fraud or intentional misrepresentation of material fact.

Requires health plans to provide coverage for, and to not impose any cost sharing requirements for: (1) specified preventive items or services; (2) recommended immunizations; and (3) recommended preventive care and screenings for women and children.

Requires a health plan that provides dependent coverage of children to make such coverage available for an unmarried, adult child until the child turns 26 years of age.

Requires the Secretary of Health and Human Services (HHS) to develop standards for health plans (including grandfathered health plans) to provide an accurate summary of benefits and coverage explanation. Directs each such health plan, prior to any enrollment restriction, to provide such a summary of benefits and coverage explanation to: (1) the applicant at the time of application; (2) an enrollee prior to the time of enrollment or re-enrollment; and (3) a policy or certificate holder at the time of issuance of the policy or delivery of the certificate.

Requires group health plans to comply with requirements relating to the prohibition against discrimination in favor of highly compensated individuals.

Requires the Secretary to develop reporting requirements for health plans on benefits or reimbursement structures that: (1) improve health outcomes; (2) prevent hospital readmissions; (3) improve patient safety and reduce medical errors; and (4) promote wellness and health.

Prohibits: (1) a wellness and health promotion activity implemented by a health plan or any data collection activity authorized under this Act from requiring the disclosure or collection of any information relating to the lawful use, possession, or storage of a firearm or ammunition by an individual; (2) any authority provided to the Secretary under this Act from being construed to authorize the collection of such information or the maintenance of records of individual ownership or possession of a firearm or ammunition; or (3) any health insurance premium increase, denial of coverage, or reduction of any reward for participation in a wellness program on the basis of the lawful use, possession, or storage of a firearm or ammunition.

Requires a health plan (including a grandfathered health plan) to: (1) submit to the Secretary a report concerning the ratio of the incurred loss (or incurred claims) plus the loss adjustment expense (or change in contract reserves) to earned premiums; and (2) provide an annual rebate to each enrollee if the ratio of the amount of premium revenue expended by the issuer on reimbursement for clinical services provided to enrollees and activities that improve health care
quality to the total amount of premium revenue for the plan year is less than a 85% for large group markets or 80% for small group or individual markets.
Requires each U.S. hospital to establish and make public a list of its standard charges for items and services.
Requires a health plan to implement an effective process for appeals of coverage determinations and claims.
Sets forth requirements for health plans related to: (1) designation of a primary care provider; (2) coverage of emergency services; and (3) elimination of referral requirements for obstetrical or gynecological care.
(Sec. 1002) Requires the Secretary to award grants to states for offices of health insurance consumer assistance or health insurance ombudsman programs.
(Sec. 1003, as modified by Sec. 10101) Requires the Secretary to establish a process for the annual review of unreasonable increases in premiums for health insurance coverage.
(Sec. 1004) Makes this subtitle effective for plan years beginning six months after enactment of this Act, with certain exceptions.
APPENDIX H

Top 20 Occupations with High Shares of Immigrants in the United States Illegally, 2008

<table>
<thead>
<tr>
<th>Top 20 Occupations*</th>
<th>% of Immigrants in the US Illegally in Total Work Force</th>
<th># of Immigrant Workers in the US Illegally</th>
<th>Total # of All Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Brick masons, block masons and stonemasons</td>
<td>40%</td>
<td>131,000</td>
<td>325,000</td>
</tr>
<tr>
<td>2. Drywall installers, ceiling tile installers and tapers</td>
<td>37%</td>
<td>94,000</td>
<td>255,000</td>
</tr>
<tr>
<td>3. Roofers</td>
<td>31%</td>
<td>76,000</td>
<td>246,000</td>
</tr>
<tr>
<td>4. Miscellaneous agricultural workers</td>
<td>30%</td>
<td>269,000</td>
<td>910,000</td>
</tr>
<tr>
<td>5. Helpers, construction trades</td>
<td>28%</td>
<td>52,000</td>
<td>184,000</td>
</tr>
<tr>
<td>6. Dishwashers</td>
<td>28%</td>
<td>101,000</td>
<td>364,000</td>
</tr>
<tr>
<td>7. Construction laborers</td>
<td>27%</td>
<td>556,000</td>
<td>2,055,000</td>
</tr>
<tr>
<td>8. Maids and housekeeping cleaners</td>
<td>27%</td>
<td>417,000</td>
<td>1,555,000</td>
</tr>
<tr>
<td>9. Cement masons, concrete finishers and terrazzo workers</td>
<td>27%</td>
<td>29,000</td>
<td>109,000</td>
</tr>
<tr>
<td>10. Packaging and filling machine operators and tenders</td>
<td>26%</td>
<td>96,000</td>
<td>369,000</td>
</tr>
<tr>
<td>11. Grounds maintenance workers</td>
<td>25%</td>
<td>356,000</td>
<td>1,413,000</td>
</tr>
<tr>
<td>12. Packers and packagers, hand</td>
<td>24%</td>
<td>119,000</td>
<td>504,000</td>
</tr>
<tr>
<td>13. Butchers, poultry and fish processing workers</td>
<td>23%</td>
<td>71,000</td>
<td>305,000</td>
</tr>
<tr>
<td>14. Carpet, floor, and tile installers and finishers</td>
<td>22%</td>
<td>68,000</td>
<td>306,000</td>
</tr>
<tr>
<td>15. Painters, construction and maintenance</td>
<td>22%</td>
<td>173,000</td>
<td>791,000</td>
</tr>
<tr>
<td>16. Parking lot attendants</td>
<td>21%</td>
<td>21,000</td>
<td>100,000</td>
</tr>
<tr>
<td>17. Chefs and head cooks</td>
<td>20%</td>
<td>75,000</td>
<td>377,000</td>
</tr>
<tr>
<td>18. Sewing machine operators</td>
<td>20%</td>
<td>49,000</td>
<td>248,000</td>
</tr>
<tr>
<td>19. Refuse and recyclable material collectors</td>
<td>19%</td>
<td>22,000</td>
<td>112,000</td>
</tr>
<tr>
<td>20. Cooks</td>
<td>19%</td>
<td>427,000</td>
<td>2,219,000</td>
</tr>
<tr>
<td>Other &quot;unauthorized&quot; occupations**</td>
<td>9%</td>
<td>3,120,000</td>
<td>34,979,000</td>
</tr>
<tr>
<td>All other occupations</td>
<td>2%</td>
<td>1,928,000</td>
<td>106,407,000</td>
</tr>
<tr>
<td>Total, Civilian Labor Force (with an occupation)</td>
<td>5%</td>
<td>8,258,000</td>
<td>154,135,000</td>
</tr>
</tbody>
</table>

Source: Procon.org: Demographics of Immigrants in the United States Illegally
Countries of Origin, States of Residence, Age, Gender, and Jobs Held 2000-2012