

AMNESTY TO ILLEGAL ALIENS

Abstract

What makes the topic of illegal immigration particularly sensitive is the fact that the United States was basically founded by immigrants from other countries. It is a nation that best exemplifies the term “melting pot”, drawing from all these immigrant cultures, dreams and aspirations, a singular vision, ethic, work code, values, imagination and spirit that has made America truly unique. But a solution is needed now and the solution is not amnesty. The consensus even among groups who have concerns about the welfare of illegal immigrants is NO. An amnesty whether in the guise of an ill-conceived temporary guest worker program or even the possibility that Congress will grant some form of it, constitutes an incentive that will lure in more illegal immigrants.

What makes the topic of illegal immigration particularly sensitive is the fact that the United States was basically founded by immigrants from other countries. It is a nation that best exemplifies the term “melting pot”, drawing from all these immigrant cultures, dreams and aspirations, a singular vision, ethic, work code, values, imagination and spirit that has made America truly unique.

But times have changed and today, immigration can either be of only two things- legal and illegal. What makes the issue more difficult is that subjective sentiment has obscured the different aspects and consequences of illegal immigration; disturbing facts and figures that should provide a more balanced perspective of the problem.

Race is one of the problems biggest concerns as almost half the total of illegal immigrants are Hispanic, coming in usually from Mexico as a result of the country’s socio-economic situation.

According to the Pew Hispanic Center, of the undocumented illegal alien population estimate of between 11 to 12 million individuals, almost half of these are Mexican, with the remainder divided among Central Americans, South Americans, Asians, Europeans and other nationalities (2006)

Despite controversy on conflicting viewpoints as to what the actual impact of illegal immigration has on the United States, the consensus is that it has substantially affected the nation’s economy, environment, racial issues, jobs and moral concerns.

Effects on Racial Issues and Crime

It has been observed that there has been a significant rise in racial tension among racial groups. One can cite notorious incidents in the recent past involving blacks and Korean immigrants, or between blacks and Hispanics. Racial violence has also increased between

Caucasians or whites and Hispanics or even between blacks from Africa and from America (Economist, 2007)

In terms of crimes, most crimes committed near or at the border may have been committed against those trying to get in, or in cases related to drug smuggling across the borders. One study suggests though that most illegal aliens would choose and make an effort not to be involved in any crime so as not to be detected.

Another study points out that this effort to maintain a low profile may have even led a substantial number to believe that illegal immigration is a "victimless crime" and therefore, not worth reporting to the authorities. There is reason to believe that illegal immigrants may often choose to be quiet about family related crime or violence and would not report such incidents and other cases even within their family or community circle. There is the fact too that too often; the authorities rarely make any distinction between crimes committed by illegal immigrants from those committed by legal citizens.

But personal crimes notwithstanding, organized crimes such as drug smuggling has always integrated illegal immigrants as a vital component in their operations.

In 1997, a report by the House Judiciary Subcommittee on Immigration and Claims said that drug cartels in Mexico have routinely violated immigration laws to penetrate the US, fostering and subsidizing illegal immigration and alien smuggling which are important to its operations. With the rising tide of illegal aliens trying to evade the authorities and seeking ways to hide their identity, identity theft has become a serious criminal operation (1997)

Identity theft is the fastest growing white collar crime in the United States today. It is committed often to circumvent the provisions of the immigration laws that make it a

crime for employers knowingly to hire illegal aliens. It is not a victimless crime as anyone who has had this happen to them would certainly attest (1997)

As described by Edwin Rubenstein in *Criminal Alien Nation*, the influx of criminal illegal aliens has become a burden to our justice system. Only about 27 years ago, statistics placed the number of criminal aliens held in Federal and state facilities at around 9,000, but by the end of 2003, more than 267,000 are incarcerated in American correctional facilities (2005).

Of these prisoners, 27% are criminal illegal aliens with the majority being Mexican citizens. In terms of costs, the burden on the taxpayer is astounding- almost \$5.6 billion in 2004 alone. In that year, the Federal government spent \$1.4 billion to incarcerate criminal aliens which included almost \$280 million worth of reimbursements made to state and local governments acting or authorized under the State Criminal Alien Assistance Program which covers less than 25% of the full cost of incarcerating criminal aliens and leaving the balance of 75% to be picked up by local jurisdiction (Rubenstein, 2005).

If the costs are astronomical for crime, the effects on the economy are even more substantial.

Effects on the Economy

The basis on computing the economic impact of illegal immigrants in the United States is on whether illegal aliens are paying sufficient taxes to cover for the services that they use as well as adding of course their own economic input and other costs like health care costs. There is general disagreement on those who believe that the impact is actually positive from those who believe that it may be negative. Of course, simply put, those who believe in the negative point out the difference in taxes paid as being insufficient while those who believe that it is positive, stress on the bonus points of productivity and lowered consumer costs for goods and services.

There are some economists who say that illegal immigration is good for the economy with the caveat that its benefits are selective. It would seem that according to Samuelson, richer Americans get more benefit from the boost provided by illegal immigrants as opposed to poorer Americans. According to a research made at Harvard University, the average American's wealth saw a less than 1% increase by illegal immigration which was also the same for middle-class individuals. But among poor Americans, a reduction of their wages by as much as 4.8% happened as a result of illegal immigration in the decade leading up to the 90s (Borjas, 2006)

What is clear here is that illegal immigrants have disproportionately affected certain groups of American citizens such as black and Hispanic poor with whom they compete for jobs and this has led some groups such as the Illegal Employers.org to lobby against the implication of this among the working class as well as businesses.

The group which is a network of law firms, labor organizations, immigration reform advocates aims to assist business harmed as a result of unfair competition and to locate, investigate and prosecute employers of illegal aliens. What the organization targets are the illegal actions of employers who exploit illegal immigrants willing to work for less than standard wages and working conditions, which in turn, actually affects and depresses the wages of American workers.

Another illegal aspect of this practice serves the selfish interests of businesses who hire illegal immigrants in order to avoid paying minimum wage, payroll taxes, worker's compensation insurance, overtime and other legally mandatory employee benefits and all at the expense of the economy, the American taxpayer and of honest business owners. It is the group's belief that illegal employers may be one of the major causes of why illegal immigrants flock to the US despite stringent immigration efforts.

The organization and other such groups would like to emphasize though that they are not anti-immigration, recognizing that indeed, immigration was what created America. However its efforts are focused on enforcing the law and protecting citizens who are entitled to such protection under the law.

Another problem seen with the influx of illegal immigrants is health concerns and risks.

Impact on Health

The immediate concern for health risks is based on the fact that legal immigrants and even tourists are required to undergo medical screening, and as such, avoid what could be potential health hazards that could one day reach the level of the SARS epidemic that hit countries where immigration was not prepared. With illegal immigrants, there is no screening involved and the potential for the entry of infectious diseases is heightened.

A CDC official warns that "Unless Americans are willing to adopt strict and seemingly draconian immigration policies, the likelihood is that TB will again become an epidemic in the US, in the same way that HIV moved from Africa to take root throughout the world.

A lead investigator for Atlanta's Center For Disease Control (CDC) reported in the Journal of the American Medical Association:

"Evidence of it has surfaced in 38 of 61 California health jurisdictions, and it could 'threaten the efficacy of TB control efforts,' Granich said. The infected were said to be four times as likely to die from the disease and twice as likely to transmit the disease to others ... Reluctant to label the infected as 'illegal' or even 'undocumented' aliens, the report notes that of the 407 known cases of MDR-TB, 84% were 'foreign-born' patients (Granich)

But what could potentially be the greatest danger that illegal immigration may pose yet is on national security concerns.

Impact on National Security and the Threat of Terrorism

According to a Homeland Security report, at least 850 people labeled from countries as “special interest” were nabbed while trying to cross the southern border with a still unknown number who had already crossed over undetected.

Kenneth Timmerman notes that about “45,008 aliens from countries which are on the country’s list of state-sponsors of terror or from countries that sheltered or supported terrorist organizations and their members, were actually released into the general public between the years 2001 and 2005, even as American immigration officers couldn't confirm their identity” (2006).

After the 9/11 bombings, it was discovered that three of the terrorists had expired American visas and that even two of them were even erroneously given extensions on their visas after their deaths. The report which was prepared by the National Commission on Terrorist Attacks upon the United States discovered that immigration lacked the necessary resources and systems to monitor people with expired student or tourist visas.

"out of the 48 al-Qaeda operatives who committed crimes here between 1993 and 2001, 12 of them were illegal aliens when they committed their crimes, seven of them were visa overstayers, including two of the conspirators in the first World Trade Center attack, one of the figures from the New York subway bomb plot, and four of the 9/11 terrorists" (Timmerman, 2006)

The impact on the environment is best described by numbers; it is estimated that about 200,000 to 400,000 illegal aliens make a long 15 to 30 mile hike through wilderness to reach the

United States. When you compute that, it translates to roughly the size of a small city but without “a sewage system, without garbage collection, without a grid of dedicated roads or sidewalks and utilizing their own feet or vehicles such as ATVs, motorcycles and bikes.” (Marshall, 2004).

The Solution: Amnesty?

With all these in consideration, the question is, should amnesty be granted as an effective and long term solution?

The consensus even among groups who have concerns about the welfare of illegal immigrants is NO. The convincing argument for this is that present measures to control illegal immigration are already adequate and simply need strengthening on several key points.

The fundamental basis for saying that granting amnesty will not work is on the grounds that it's legally wrong; to grant amnesty would be to reinforce what is basically a wrong act. Amnesty will seem more like a reward when the appropriate response is punishment for breaking American laws.

We simply cannot compromise on the legality of the issue and as such, we should prevent any legislation that mocks this law by giving such protection to illegal aliens.

Another important point is that an amnesty is unfair to the long list of legal immigrants who have endured and are continuing to endure the stringent immigration process to get into the United States. To simply grant a visa to an illegal immigrant is to say that we are a nation who flouts our own laws at the expense of others who are doing their best to comply with it.

The best solutions therefore are not in any amnesty programs, selective or otherwise as proposed in some quarters, but in tightening already existing measures.

The fact indeed is that if we can't grant amnesty, we also can't the deport millions of illegal immigrants; the costs and logistics of that is impossible and ridiculous. Our best option

therefore is to know what to do with those already in the country. While it may be harsh, we are simply following the rule of law by ensuring that all the factors that encourage them to stay or for the others to keep coming in will be controlled.

It has been cited over and over again, but we can't emphasize enough the importance of securing the border which has proven time and time again to be easily breached with no pending form solution to address the problem.

And then there's a more wholistic approach that makes it necessary for a full range of enforcement strategies that go beyond the border; procedural reforms, improvements and reforms in INS detention and deportation procedures, and greatly improved communication as well as strengthened state/federal cooperation. Again, the objective of these would be to make it difficult for illegal immigrants to obtain employment, benefits, education, housing, or other taxpayer-funded benefits without being detected by the authorities.

Another deterrent would be stricter punishment for those caught rather than deportation which brings the possibility of another attempt to re-enter the country.

The thing is, illegal aliens will continue to come if they have enough reason to do so; an amnesty whether in the guise of an ill-conceived temporary guest worker program or even the possibility that Congress will grant some form of it, constitutes an incentive that will lure in more illegal immigrants.

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