

# *No Easy Answers*

## A Guide to the Complexities Of Illegal Immigration

A ThinkAZ Special Report



An illegal immigrant walks through the borderlands (Border Film Project (BFP), photo taken by an illegal immigrant).

Arizona is clearly at the forefront of today's debate over illegal immigration. The state shares 370 miles of border with Mexico and is the site of most of the illegal crossings along the nearly 2000-mile long southern international border. Approximately 450,000 illegal immigrants lived in Arizona in 2004, representing about 5% of the illegal immigration population in the U.S. and over 10% of the Arizona workforce. At 9.7% of the population, Arizona has the highest concentration of illegal immigrants in the nation. Arizona also has one of the highest proportions of illegal immigrants originating in Mexico, at 92%.<sup>1</sup> The numbers tell only part of the immigration story; the real challenge lies in navigating the maze of policy issues that stem from it.

Illegal immigration is one of the most important and most divisive issues in the country today. The complexity of crafting a public policy that adequately addresses the nuances of the issue has created a virtual deadlock in Congress and dominates the political scene in Arizona. ThinkAZ and *The Arizona Republic* took on this critical issue in October 2005, sponsoring a forum to bring expert knowledge from respected researchers from think tanks and academia, law enforcement officials, and other professionals on the frontlines of the illegal immigration debate to the voters and decision makers of Arizona. Arizona Conversations on Immigration aimed to provide a comprehensive picture of illegal immigration, nationally as well as locally. The nonpartisan nature of the forum provided an opportunity to explore various aspects of each issue without promoting or defending any single view at the expense of losing sight of the whole picture.

The forum included many general areas of agreement in which speakers acknowledged similar factual bases but approached them from different perspectives and interpretations. The speakers addressed a wide variety of topics, problems, benefits, consequences, complications, and potential solutions. The issues fit into three broad categories: national security and

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<sup>1</sup> Figures from Jeffrey Passel's presentation at the Arizona Conversations on Immigration Forum, [www.thinkaz.org/presentations.php](http://www.thinkaz.org/presentations.php)

law enforcement issues, economic and labor issues, and social and humanitarian issues. The interplay of issues within and among the categories reveals the difficult and complex nature of illegal immigration. Furthermore, one must keep in mind that all attempts to solve the quagmire of illegal immigration must by nature be political, adding the crossfire of political polemic.

This report distills the issues discussed at the forum and provides a sense for why addressing illegal immigration defies simple solutions. For more information on Arizona Conversations on Immigration, please visit [www.thinkaz.org/immigration\\_forum.php](http://www.thinkaz.org/immigration_forum.php). There you can download the full report on the forum, which includes summaries of what each panelist and presenter said and brief editorials in their own words, as well as coverage of the debate between Dan Griswold of the Cato Institute and Steve Camarota of the Center for Immigration Studies. The website also includes editorials by Mr. Griswold and Mr. Camarota, PowerPoint presentations from the forum, and videos shown at the forum of the Arizona Congressional delegates' views on illegal immigration.

The pictures in this document come from the Border Film Project [www.borderfilmproject.com](http://www.borderfilmproject.com), which distributed disposable cameras to migrants illegally crossing the border and to Minutemen. An exhibition of these provocative photographs will take place at the Scottsdale Museum of Contemporary Art from September 16, 2006 through January 28, 2007. Dan Griswold and Steve Camarota will also be reprising their exchange at the Museum on October 18, 2006. The year between their debates has been tumultuous for immigration policy. Please read on to explore some of the many considerations enmeshed in the issue of illegal immigration.



A Customs and Border Protection helicopter, as seen from the ground (BFP, taken by an illegal immigrant).

## National Security and Law Enforcement

*National Security* Many of the speakers conceded that national security was an overarching issue of illegal immigration. The attacks of September 11, 2001 revealed the U.S.'s vulnerability to terrorism, raising concerns about the current lack of control over the borders. Due to the permeability of our southern border, exacerbated by spans of the Sonoran Desert so harsh that they cannot be patrolled by humans, security is a major concern. Furthermore, the law enforcement officials speaking at the forum expressed concern that resources that could be directed toward increasing national security are instead being used to apprehend and process illegal immigrants. More specifically, they expressed the concern that time and money that could be spent fighting terrorism are now tied up with the U.S. Immigration and Customs Enforcement Agency (ICE) preventing illegal border crossers from coming into the U.S. to work.

*Public Safety* The violence that is increasingly associated with illegal immigration also arose as a major concern, especially from a law enforcement and public safety point of view. Law enforcement agencies, from the Border Patrol to the legal system that deals with apprehended illegal immigrants, are badly overstretched, suffering from too few resources and too many duties. Given the vast numbers of immigrants currently being processed by the U.S. immigration system, federal prosecutors must prioritize which cases to pursue. They dedicate their resources to those illegal immigrants who present a public safety threat and who have criminal records, declining to investigate those detainees who are considered less harmful. Alarming, the Border Patrol states that 40,000 of the 500,000 people apprehended attempting to cross the Mexico-U.S. border in 2004 had prior arrests and convictions.

Drug smuggling is a major border problem associated with illegal immigration that thrives on many of the same vulnerabilities. As illegal immigration and smuggling continue to grow into big business, smugglers are becoming more aggressive and more willing to use violence against U.S. law enforcement officials and local police.

Organized crime is growing along the Southwestern border and is even glorified in *narcocorridos*, Mexican folk songs romanticizing smugglers.

**Rule of Law** Related to national security concerns are the social issues that arise when the rule of law is not enforced. The vast majorities of illegal immigrants come in search of jobs and obey the law, but their illegal status makes their presence troubling on many levels. Several speakers at the forum mentioned the social erosion constant illegal immigration causes, remarking that this repeated law-breaking damages respect for the law among both illegal and legal immigrants, and even law-abiding citizens who see the law ignored with such impunity. Several members of Arizona’s congressional delegation expressed their concerns over the decline in respect for the rule of law being dangerous to our democratic form of government. Political resistance to any kind of amnesty for illegal immigrants or any kind of eventual legalization is the policy manifestation of refusing to reward lawbreakers. Of similar concern was what several speakers saw as government complicity in the problem, such as its failure to enforce existing laws that punish employers who hire illegal immigrants and accepting or ignoring clearly false Social Security numbers without taking action against those who presented them.

### Economic and Labor Issues

**Labor** The next major facet of illegal immigration has to do with its impact on domestic employment opportunities and wages. The vast differences in public opinion about these issues again reflect the complicated nature of illegal immigration. Supporters of a guest-worker program say that there are many jobs that U.S. citizens are unwilling to take and that can be, and currently are, filled by undocumented workers, while their opponents insist that illegal immigrants are taking jobs away from willing legal workers.



Illegal immigrants work on a fence (BFP, taken by an illegal immigrant).



Almost all illegal immigrant men (92%) work, usually in low-skilled and low-paying jobs. The labor of illegal immigrants is important to the U.S. economy; in Arizona, for example, 10.4% of the labor force consists of illegal immigrants. Workers living “in the shadows” do not enjoy the full protection of state and federal employment laws and thus, can be exploited. Many of them are paid low wages and have no insurance, and some live in very poor or even dangerous conditions. Many people come here to work due to a lack of jobs in Mexico and the faltering Mexican economy; a proposed solution to this economic push is to improve the Mexican economy, something that is beyond U.S. authority. Many of these workers send money home to Mexico, making up a significant percentage of the Mexican Gross Domestic Product.

Some people argue that penalties on employers who hire illegal immigrants are not enforced as they must be to curb illegal immigration, while others contend that, without a biometric national identification card, employers have no foolproof way to ensure the legal status of their workers. To compound this debate, some supporters of a guest-worker program maintain an emphasis on workers’ temporary status and are not willing to offer eventual legalization. Opponents of a guest-worker program argue that such a program offers no incentive to abide by the rules without hope of legal residency and point out that many people currently in the U.S. illegally did not come across the border illegally but instead overstayed valid visas.

*Public Costs* There are debates over the costs that illegal immigrants and illegal immigration incur. Many are without health insurance, meaning that if an illegal immigrant goes to the emergency room and does not pay for the services received, the hospital or the government must absorb the costs. Illegal immigrants with children take advantage of another public benefit, the public school system, because federal law guarantees every child an education regardless of the child’s citizenship or the citizenship of his or her parents. Regarding taxes, while some illegal immigrants are paid “off the books” and pay no taxes, others pay social security taxes, federal and state income taxes that they are unlikely to be able to claim, and all pay sales tax, making the calculation of their net tax contribution

or drain on the economy difficult to determine. Finally, combating illegal immigration is expensive for the government, requiring resources for border patrol and law enforcement agencies. However, such costs might not decrease and could actually rise with any solution, depending on how it is implemented.

### Social and Humanitarian Concerns

*Crossing the Desert* Another broad category of illegal immigration issues concerns social and humanitarian complications, many of which overlap with the issues raised above. The Sonoran Desert of southern Arizona is the most dangerous region of the U.S.-Mexican border. Increased border security and other efforts to stop illegal immigration in California and Texas have funneled would-be illegal immigrants to the vast, harsh desert of southern Arizona. Dozens of people die in this desert every year. Other people attempting to reach the United States put themselves in the hands of *coyotes*, or human smugglers, who appear to have little regard for the safety of their charges. The *coyotes*, who often exploit migrants and sometimes even use them as drug mules, have been known to abandon them in the desert or to law enforcement when threatened.

*Family* Legal issues can become humanitarian issues, such as the value of the family in the face of immigration laws: is a mixed-status family broken up to deport those who do not have legal status? What happens when spouses or children of illegal immigrants are detained trying to cross the border illegally to join family members in the U.S.? Many immigrants establish themselves in their adopted communities and start families or continue to grow their families. Children born in the U.S. automatically become U.S. citizens, leading to many mixed-status families in which the parents are illegal immigrants but some or all of their children are U.S. citizens. One of the presenters at the forum illustrated this point by offering the following statistics: there are currently 450,000-500,000 illegal immigrants in Arizona, but 650,000 people in families headed by illegal immigrants. The gap in these numbers is the 70% of children in illegal immigrant families who are U.S. citizens.



An illegal immigrant hydrates on the trek through the inhospitable desert (BFP, taken by an illegal immigrant).



*Environment* Just as the desert is hazardous to the people who attempt to cross it, the traffic of the illegal immigrants is environmentally damaging to the desert. Litter and other human impacts in stretches of the Sonoran Desert alarm environmentalists. Ranchers and other property owners complain of litter, theft, and feelings of danger from immigrant traffic across their land. Even the U.S. military has experienced problems such as restricting the operation of the Goldwater Gunnery Range in southern Arizona due to the danger of hitting immigrants illegally crossing the range.

### Political Complications

*Jurisdiction* Due largely to the extremely complicated nature of the issue and the variety of public opinions regarding it, there are significant political consequences associated with any attempt to address illegal immigration. Even the arena for a political solution is controversial: the border states feel that they bear a disproportionate share of the cost of illegal immigration, while the federal government, which is responsible for immigration policy, ignores or exacerbates the problem while receiving any federal taxes illegal immigrants pay.

*Earned Legalization* One of the first political barriers is the visceral reaction many politicians and citizens have to offering legalization to those who have broken the law. However, as the speakers at the forum pointed out, any guest-worker proposal must take into account that workers are not simply cheap labor, but human beings, who will have an interest in staying where they have lived and worked for years. Moreover, it is estimated that there are more than 11 million people in the United States illegally, some of whom have been working in the U.S. for decades; many with citizen children and who own homes and businesses. What will become of these people with the enactment of a new policy? Approaches range from attempting to deport all currently illegal immigrants to punishing but ultimately legalizing them; guest-worker proposals also vary in whether or not legal permanent residency is included at the end of the process. The concept of “earned legalization”

A member of the Minuteman Project monitors a stretch of desert (BFP, taken by a Minuteman).



and whether or not to offer it to currently illegal immigrants or future guest workers is one of the most divisive issues in the immigration debate.

*Administrative Limits* Political hurdles arise at every turn. Enforcement requires a great deal of resources and political will, and may not be effective without a tandem guest-worker program. Furthermore, many people currently in the country illegally did not cross the border illegally, but overstayed visas, revealing a corresponding need for an on-going monitoring program to enforce any guest-worker program that requires workers to leave after a specified period of time. How will the bureaucracy administer a comprehensive guest-worker program, complete with monitoring, when it already suffers a backlog of years for those who wish to enter the United States legally? What kind of compromise can be reached politically between the widely diverging factions on the issue? As long as there are better jobs in the U.S. than in Mexico and elsewhere, how can the flow of people looking for a better life be halted? Each proposed solution comes with problems: biometric national identification cards concern civil rights groups; fences across the expansive southern border would be massively expensive and symbolically awkward. Finally, basic ideological issues clash in the arena of the modern illegal immigration debate, including the image of the United States as a nation built by immigrants and fostering the American Dream.

### Conclusion

The issues considered at Arizona Conversations on Immigration offer a microcosm of the national debate on illegal immigration. The breadth of the issues and the conflicts between them can be overwhelming. The forum attempted to offer a venue in which these varying facets could be discussed calmly and rationally. ThinkAZ hopes that the information in this report helps readers to find their bearings in the maze of illegal immigration issues, even as finding the way out continues to be a challenge. For further information and the full report on Arizona Conversations on Immigration, please visit [www.thinkaz.org/immigration\\_forum.php](http://www.thinkaz.org/immigration_forum.php).

ThinkAZ is an independent, nonpartisan research institute dedicated to providing thorough, accurate, and impartial information about key public policy issues in Arizona.



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