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THE IMPACT OF UNDOCUMENTED IMMIGRATION ON UNFUNDED
MANDATES AND GOVERNMENT EFFECTIVENESS

A Thesis

Submitted to the McAnulty College and Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of
the requirements for the degree of Masters of Arts

By

Mary Mendolia

May 2013

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Mary Mendolia

2013

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MANDATES AND GOVERNMENT EFFECTIVENESS

By

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Approved March 27, 2013

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ABSTRACT

THE IMPACT OF UNDOCUMENTED IMMIGRATION ON UNFUNDED MANDATES AND GOVERNMENT EFFECTIVENESS

By

Mary Mendolia

May 2013

Thesis supervised by Assistant Professor John Sawicki

The purpose of this study is to assess the impact of undocumented immigration on the United States, specifically the economic implications they may carry and the government effectiveness in managing this population. Utilizing the method of qualitative content analysis, this study examined the various aspects of the U.S. economy affected by this population and the nation's past and current immigration policies. The research found the undocumented population to be an expense on the host economy through their use of social and public services, with expenses even higher in the *Southwest Border States*. It is important to note, however, that there are benefits to providing these services. In addition amnesty-type policies were shown to be ineffective at managing the population due to various deficiencies. The nation's past experience with the Immigration Reform and Control Act of 1986 (IRCA) is a strong example.

DEDICATION

I would like to dedicate this work to my family. Thank you for all of your support.
I could not have completed this research paper without your constant encouragement.

ACKNOWLEDGEMENT

I would like to thank my supervisor Fr. John Sawicki for his dedication to the completion of this thesis. In addition, I would like to thank my second reader Dr. Jennie Schulze for providing further support throughout the process. Without their academic support and guidance this completed documented would not have been achieved.

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LIST OF ABBREVIATIONS

ANCIR – American Council for Immigration Reform

CBO – Congressional Budget Office

CIS – Center for Immigration Studies

CRS – Congressional Research Office

DHS – U.S. Department of Homeland Security

FAIR – Federation for American Immigration Reform

GAO – U.S. Government Accountability Office

ICE – U.S. Immigration and Customs Enforcement

INS – U.S. Immigration and Naturalization Service

SCAAP – State Criminal Alien Assistance Program

USCIS – U.S. Citizen and Immigration Services

CHAPTER I

INTRODUCTION

A 2012 study by The Department of Homeland Security researching the undocumented immigrant population found the population to be an estimated 11.5 million in 2011 (2012a, p. 1). In 2010 the United States population was about 307 million allowing us to estimate that undocumented immigrants represented nearly 4% of the country's population (U.S. Census Bureau, 2011, p. 1). A high population of undocumented immigrants can often have its costs on Federal, state, and local budgets. J.D. Hayworth (2006) identifies the total cost of undocumented immigrants noting "(T)he social expenses of health care, retirement funding, education, and law enforcement are potentially accruing at \$30 billion per year" (p. 18).

An estimated two-thirds of the undocumented population pays income taxes to the Federal government, but studies have found that this amount does not offset the costs imposed on the host economy (Knowles & Kochanowski, 2009, p. 30). The Center for Immigration Studies, a non-partisan organization, concluded that every undocumented household imposes a net deficit of \$2,736 per year, or a total of \$10.4 billion when including the total population (Camarota, 2004, p. 27). This cost only references expenses on the Federal government; this does not include the financial burden that state and local budgets experience from unauthorized immigration.

Undocumented immigrants have been found to not only impact economic areas as a result of Federal mandates, but have also been found to affect administrative procedures. The purpose of this study, therefore, is to assess the impact of undocumented immigration on unfunded mandates and government effectiveness in meeting them. This

study will examine the effects of undocumented immigrants in the United States from years 1970-2012. Illegal entry across United States borders has been a policy challenge to the country for decades, and recent American policies have been criticized for not being strict enough to arrest the growing problem (Camarota, 2013).

Recently President Obama announced the implementation of the Deferred Action Policy for Childhood Arrivals – a form of amnesty – asserting that “certain people who came to the United States as children and meet several key guidelines may request consideration of Deferred Action for a period of two years, subject to renewal, and would then be eligible for work authorization” (USCIS, 2013a, para. 1).¹ United States Citizenship and Immigration Services (USCIS), the government immigration agency that will be handling applications for Deferred Action cases, documents the limits for the policy noting that “Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status” (2013a, para. 1). Previous policies for immigration agencies authorized the arrest and deportation of undocumented immigrants. The Department of Homeland Security (DHS), however, has adjusted its policies to say “DHS continues to focus its enforcement resources on the removal of individuals who pose a national security or public safety risk, including immigrants convicted of crimes, violent criminals, felons, and repeat immigration law offenders” (2012b, para. 3).

Interest in the topic was piqued when the Obama Administration sought to implement the Deferred Action Policy (Cratty, 2012). Deferred Action is not the first attempt using an amnesty-type policy for battling unauthorized immigration. Past

¹ Amnesty is understood as a policy that “overlooks the alien’s illegal entry and ongoing illegal presence and creates a new legal status that allows the recipient to live and work in the country” (ANCIR, p. 1).

presidents have attempted to solve the nation's problem through immigration amnesty policies, but they demonstrated little success (Constable, 2007, para. 11). President Reagan implemented an amnesty policy in 1986, President Clinton utilized amnesty from 1994 until 1998, and President George W. Bush extended Clinton's amnesty from 2000 until 2001.²

Given that the duties and responsibilities of Federal immigration agencies have been centered on undocumented border entry, the idea of such a profound change in policy quickly catches one's attention. The investigator must wonder whether another immigration amnesty-type policy, in this case Deferred Action, is the appropriate solution to the issue of undocumented immigration. Given the country's past experience with amnesty, as well as the possible expenses from the studied population, the researcher finds it imperative to investigate undocumented immigration and the use of immigration amnesty as a solution.

DHS components. Before embarking upon this study, it would be useful to establish the fundamental players involved in immigration in the United States, especially the top divisions of the Department of Homeland Security. The agency in charge of handling immigration law enforcement duties, including detention and removal, intelligence and investigation is understood as Immigration and Customs Enforcement.

² In 1986 the Immigration Reform and Control Act (IRCA) was passed by congress "to control and deter illegal immigration to the United States" (USCIS, n.d., para. 1). The U.S. Citizenship and Immigration Services defines the areas of concern for the IRCA to "stipulate legalization of undocumented aliens who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders" (USCIS, n.d., para. 1). President Clinton implemented amnesty under The Immigration and Naturalization Act section 245(i). Under this act, illegal aliens were "permitted to apply for adjustment of status from within the US by paying an additional fee but without other penalties" (U.S. Citizenship.info, n.d., para. 5). 245(i) was re-opened on December 21, 2000 under President George W. Bush under a new name entitled The Legal Immigration Family Equity (LIFE) Act Amendments ("Life Act and Adjustment of Status Under 245 (I)," n.d., p. 1).

Another agency is Customs and Border Protection (CBP), which patrols all United States borders and conducts inspections (DHS, 2013a). Lastly, there is U.S. Citizenship and Immigration Services (USCIS) that oversees lawful immigration in the United States, including administrative tasks involved in applications for Deferred Action and visa applications (USCIS, 2009).

Study Parameters and Research Questions

This study will research the effects of illegal immigration in the United States by analyzing the three most affected non-funded areas: education, healthcare, and law-enforcement as a focused, comparative case study. The study will also consult past amnesty policies to identify evidence of their performance effectiveness. Qualitative content analysis will be used to analyze secondary data relative to the study's areas of concern. If the research presents evidence of a troubling effect from undocumented immigration in the United States regarding the affected areas adjustments to current immigration policy will be suggested.

A possible outcome, after all questions have been answered, may be that the investigator is able to indicate whether strain is being placed on certain economic variables, as well as internal administrative areas. After identifying the key issues to undocumented immigration, two research questions have been designed for the present study. The first question asks *how do amnesty policies, economically and politically, influence the United States?* The study will attempt to lend support to the assumption that allowing undocumented immigrants to receive amnesty, as a means to remain in the United States, will place undue strain on the United States' policies and the economy. The study's findings may refute or support the given assumption.

The second research question asks *why have amnesty policies been ineffective?* This question holds a connection to the current amnesty-type policy, Deferred Action for Childhood Arrivals, by examining past amnesty policies of other presidents. The study holds the belief that amnesty policies have failed because of their administrative and program vulnerabilities.

LITERATURE REVIEW

How do amnesty policies, economically and politically, influence the United States?

Social and public services. Authors assessing the phenomenon of undocumented immigration find the population to be a significant expense to the United States in several ways. High costs from undocumented immigrants have been compared by J.D. Hayworth (2006) to the United States' expenses from rebuilding after a natural disaster (pp. 15-26). The comparison demonstrates the severity of the financial burden from undocumented immigrants. Contrary to the beliefs of opponents to undocumented immigration, supporters find this population to provide an excess of more than \$150 billion in Social Security tax payments (Lipman, 2011, p. 97). David Brotherton and Philip Kretsedemas (2008) investigate the expenses further when they question whether taxes paid by this population provide enough income for the host economy not to be burdened by such costs. More importantly, Brotherton & Kretsedemas ultimately found the costs to cause a deficit for host economies rather than a source of revenue (2008, pp. 321-325).

Medical care. According to Portes et al. (2009) and Green and Martin (2004) uncompensated medical care costs from treating undocumented immigrants is the contributing factor of the financial crises that hospitals have experienced. The studies by Portes et al. (2009) and Green and Martin (2004) are significant because their research

solely concentrates on the expenditures made by hospitals for undocumented immigrants. This issue persists, as found by Dubard and Massing (2007), and Hayworth (2006), because affected hospitals are unable to avoid costs such as Federal mandates that individuals be treated through Emergency Medicaid. Portes et al. (2009) and Hayworth (2006) draw the conclusion that state and local hospitals are, therefore, treating this population because of a moral and Federal obligation and not on account of an abundance of resources. The study by Dubard and Massing (2007) is more valuable in making this argument because the authors view all aspects involved in Emergency Medicaid, such as treatment options and diagnoses, whereas Hayworth (2006) only focuses on total costs. The main source of expenses from treating this population were uncovered by O.L. Graham (2004) and Dubard and Massing (2007). The authors agreed that hospitals were found to accrue substantial yearly uncompensated medical bills from having to treat undocumented immigrants for various illnesses that qualify for emergency care under the Federal mandate.

Patrick Buchanan (2006), a writer with a strong viewpoint on unauthorized immigration, similarly identified costs from treating certain illnesses, but specifically from treating citizens with diseases possibly contracted from unauthorized immigrants who entered the country ill (p. 30). Authors critical toward this judgment believe that hospitals have an inherent responsibility to treat this population, as a means of compensation for undocumented workers laborious duties performed for the American people (Young et al., 2004). Young et al. (2006) is unique in this study as very few authors analyze support for hospitals serving this population. Dubard and Massey (2007) support Buchanan's (2006) viewpoint since the authors explain that chronic diseases

were found to represent a large percentage of illnesses needing to be treated among undocumented immigrants at local hospitals. Cosmon (2005) attributes the reason for these diseases being treated at the U.S. expense because illegal immigrants do not go through the same medical checks as authorized immigrants do. Unauthorized immigrants, as Cosmon (2005) concluded, can enter the U.S. with serious illnesses to seek treatment from American sources. Cosmon (2005) serves as a significant source for this study because the author lends focus to any costly treatments conducted for the uninsured. Theories of cost-benefit analysis, questioning whether the costs are cancelled out with the economic benefits provided by the undocumented immigrants, were utilized by O.L. Graham (2004) to identify whether states were financially strained from this expense (p. 181). This source is valuable because the study examines whether undocumented immigrants are actually a burden on the American economy. O.L. Graham (2004) concludes that lax immigration policies are hurting the American economy rather than providing growth.

The literature indicated that reasons vary for undocumented immigrants' medical bills being especially high. First, not all treatments are the same price. Portes et al. (2009) and Susan Okie (2007) observed that costs of treatment can escalate when unauthorized immigrants are reluctant to seek help for fear of deportation. The study by Okie (2007) provides meaningful research for this study given the author's ability to present first-hand experience of the possible issue from serving as a volunteer in a hospital. Additionally Portes et al. (2009) and Okie (2007) found that once the injured individual finally arrives at the emergency room their status requires more costly measures than had they been checked immediately after they showed signs of an injury or illness (Portes, Light, &

Fernandez-Kelly, 2009; Okie, 2007). Portes et al. (2009) uncovered that hospitals have begun to find ways to process unauthorized immigrants because some cases incur high medical costs. Some hospitals simply find ways to avoid treating this population to escape further debt (Portes, Light, & Fernandez-Kelly, 2009, p. 501).

Looking more geographically at this issue, Green and Martin (2004), and Okie (2007), investigated the Southwest Border States hospitals. The authors found these hospitals were being impacted severely by undocumented immigrants who were in need of emergency care (Green & Martin, 2004; Okie, 2007). Several counties in this region were forced to use their own income from tax dollars as a means to fund medical costs from treating undocumented immigrants, with little help from the Federal Government (Green & Martin, 2004, p. 232). Although the literature lacked definitive results due to limitations in identifying undocumented immigrants, several findings on the costs of Emergency Medicaid concluded that host economies were experiencing a financial burden from such costs (Graham, 2004, Hayworth, 2006; Dubard & Massing, 2007).

Primary and secondary education. In addition to the literature on medical costs, authors have also explored the potential financial burden of having to provide education to children of undocumented parents. Legal jurisprudence is also important in this study. United States case *Plyler v. Doe* (1982) ruled that states must educate all children for grades K-12, regardless of citizenship (457 U.S. 202). Brotherton and Kretsedemas (2008) suggest because schools have had to educate this population, some have had to implement additional programs to accommodate for any language barriers. The study by Brotherton and Kretsedemas (2008) is not as informative on the subject as other sources.

The study does reference, however, the main points to the argument and is useful as a primer.

Programs that assist schoolchildren with language barriers can be costly due to additional curriculum and the need for specialized teachers (Ntuli et al., 2012; Miller, 1997). Although Miller (1997) is a relatively outdated source, the study is extremely informative on difficulties educating children of undocumented immigrants. Ntuli et al. (2012) view a student's ability to understand the native language to be the difference between her or she learning independently as English-speaking children do and being educated in a special education class for children with learning disabilities.

Although these extra measures of bilingual education were found to be costly, Paul Green (2003) believes that when schools enhance the education of their undocumented students through the additional programs they are adding to the likelihood of these students benefiting the country. This source has importance for this study because Green (2003) centers his research on how educating this population could prove to be beneficial to the country. The studies on the costs to educate this population, however, fundamentally agree that education is a top expense for states. Thus adding children of another citizenship makes funding this public service problematic (Hayworth, 2006; Miller, 1997; Brimelow 1996).

Schools located in states near the U.S.-Mexico border, as Peter Brimelow (1996) found, are more exposed to the financial burden from educating undocumented children. Again, although this source is moderately outdated, the research is extremely informative on the financial implications for states when hosting undocumented immigrants.

California, a Southwest Border State, was found by several studies to have struggled at

managing the expense of educating undocumented children (Haines & Rosenblum, 1999; Brimelow 1996; Bischoff, 2002). Sources indicated that the difficulty in meeting state budgets prompted some representatives to propose anti-immigrant legislation. Henry Bischoff (2002) and David Haines and Karen Rosenblum (1999) identify Proposition 187 as an attempt by the state of California at implementing such an act that would deny undocumented immigrants the use of social and public services, thus alleviating costs imposed on state and local budgets. For the purpose of researching state responses to undocumented immigration levels Haines and Rosenblum (1999) are the stronger source on the subject because the authors focus only on state and local government actions toward managing the population.

Law enforcement. Several authors explore the potential for further financial costs from undocumented immigrants being derived from local law enforcement administering Federal immigration law. The reason for non-Federal jurisdictions participating in Federal immigration law is studied by Brotherton and Kretsedemas (2008) and Monica Versanyi (2010), who focus on state and local governments coping with the newfound responsibility. Both sources provide a thorough analysis on state responses to such legislation. The authors found post-9/11 conditions to have prompted the Federal government to request the assistance of local law enforcement through Memoranda of Understanding (MOU) for immigration related cases (Brotherton & Kretsedemas, 2008; Versanyi 2010). Legislation designed to accommodate for the Federal assistance by local law enforcement, Versanyi (2010) observed, adds additional costs to local budget in terms of resources utilized. Training costs for such reinforcement by state and local jurisdictions was found by Michael Wishnie (2004) and Versanyi (2010) to have caused

these regions to redirect resources toward immigration related cases rather than to combatting more severe criminal acts. Wishnie (2004) was significant for this study because he researches the repercussions which result for both the police officers and undocumented immigrants by having local enforcement handle immigration law.

Brimelow (1996) reviews another side of social costs involved in state and local law enforcement administering immigration law regarding the costs to incarcerate undocumented immigrants who committed crimes in a state or locality. Brimelow's (1996) work reflects a biased viewpoint of anti-immigrant sentiment and so casts some doubt regarding the author's information on the topic. Research by Haines and Rosenblum (1999) represent a more neutral viewpoint toward unauthorized immigration and provides support to Brimelow's (1996) tendentious position on the topic. The authors together found state and local governments to experience frustration from using resources to process and incarcerate undocumented immigrants who should be handled by the Federal government (Brimelow, 1996; Rosenblum, 1999).

Hayworth (2006) follows up Brimelow's argument in finding that while states may be funding the criminal prosecution of a large amount of unauthorized immigrants the Federal government is not without their financial obligations for this population. Few authors discuss the significance of the Federal government's expenses from incarcerating undocumented immigrants. Most reviewed authors solely focus on the costs incurred by state and local budgets. Hayworth (2006) notably revealed that Federal prisons incarcerate a significant portion of the non-citizen criminals with substantial yearly costs. Daniel Booth (2006) supports Hayworth (2006) using an additional expenditure for the Federal government pertaining to incarcerating this population. The author adds that the

Federal government is also responsible for state and local funding for incarcerations of unauthorized immigrants (Booth, 2006). Booth (2006) recognizes, however, that Federal reimbursements do not cover total costs accrued by state and local governments for this liability.

Why have amnesty policies been ineffective?

IRCA mistakes and recurrent challenges in immigration policy. Various studies have identified the challenges encompassed by immigration amnesty to fulfill the expectations of the Federal government. Hayworth (2006), O.L. Graham (2004), and H.D. Graham (2002) treat the Immigration Reform and Control Act of 1986 (IRCA) as an example of a feeble attempt to solve the growing issue of undocumented immigration with its paths to legalization. Instead of lowering illegal immigration levels, O.L. Graham (2004) and H.D. Graham (2002) view the policy to have brought a whole new group of immigrants to the U.S. thus increasing the total of undocumented immigrants rather than lowering the amount as intended.

Pia Orrenius and Madeline Zavodny (2012) and H.D. Graham (2002) observed the undocumented immigrant population increasing when economic factors, such as beneficial wage rates and a demand for certain workers, were present in the United States. The study by Orrenius and Zavodny (2012) is particularly important in this study with the authors' detailed examination of incentives perceived by unauthorized immigrants in the U.S. using the experience of IRCA. Thomas Espenshade (1995) similarly discusses determinants of undocumented immigration flows, however the author mainly studies economic factors. When comparing both studies, Espenshade

(1995) and Orrenius and Zavodny (2004) similarly define a beneficial wage rate as when it is a higher level than that of an unauthorized immigrants home country.

When a legalization program or policy that offers a reprieve is exercised in a country, research found undocumented immigrants to be presented with another incentive to cross the border. Thomas Espenshade (1995), Brimelow (1996), and Kenneth Jost (2012) classify this incentive as anticipation for another amnesty-type policy. Arguments made by Jost (2012) were valuable to this study because the author provides multiple perspectives on illegal immigration, and carefully tests the effectiveness of current enforcement measures in the United States. H.D. Graham (2002) and Brimelow (1996) amplify this data by viewing family reunification programs. The authors use reunification programs as an example of an immigration policy increasing the issue population rather than lowering the amount. Further evidence of this phenomenon was found by Buchanan (2006) and H.D. Graham (2002) when incarcerations increased substantially following the legalizations during IRCA.

Brotherton and Kretsedemas (2008) and Jost (2012) uniformly conclude that amnesty-type policies are ineffective at managing the undocumented immigrant population. Espenshade (1995) adds to this finding when identifying amnesty as an unsuccessful option for combatting undocumented immigration with its ability to only benefit the country temporarily. Research has attributed the short-term success of legalization to the economic incentives in the U.S. and temporary visa overstays after an immigration amnesty policy (Espenshade, 1995; H.D. Graham, 2002; Bischoff, 2002). The consensus amongst the authors is that an amnesty policy is incapable of success as long as the U.S. contains economic as well as other favorable incentives.

Counter arguments to those thus far on amnesty's ineffectiveness suggest that amnesty can prove to be successful if there is certain equilibrium between the amount of low-skilled and high-skilled workers the country attracts. For instance, Karlson and Katz (2003) found that amnesty can be successful if it is designed to attract high-skilled workers, or those who can perform higher paying duties, who will benefit the economy upon legalization. This study is significant in proposing the opportunity for immigration amnesties to reduce the amount of criticism they receive by serving as an effective measure in immigration reform. Nancy Chau (2003) adds to this argument on amnesty's potential effectiveness by finding that the policy works best when paired with employer sanctions. The study found employer sanctions alone diminish the income of employers, thus reducing their ability to remain productive in the country. Chau's (2003) study agrees, therefore, with Karlson and Katz's (2003) findings that amnesty can be a powerful tool when it has direct objectives in immigration reform.

Administrative weaknesses. Several studies recognized fraud as a principal administrative weakness in the verification process for immigration agencies. Brimelow (1996) notably provides support on this topic commenting that "an INS study found that 83 percent of illegal immigrants amnestied under IRCA had false social security numbers" (p. 149). This finding is particularly important to this study by supplying statistical information on fraud incidents, whereas many authors ignore this factor.

Haines and Rosenblum (1999) add to Brimelow's focused analysis by providing the procedures used by the administrative staff to handle fraudulent applications during IRCA. The authors found the administrative staff to have often accepted fraudulent applications as a result of immense pressure on them to verify the legitimacy of over a

million applications (Haines & Rosenblum, 1999). False documents are common among undocumented immigrants, analogous to the views of Hayworth (2006) and Haines and Rosenblum (1999). This is because they are easily accessible in the United States if the individual can provide the funds to purchase them.

Brimelow (1996) is again particularly important for this portion of the study because he uniquely notes administrative issues with IRCA, revealing that the local agencies handling amnesty cases were told to withhold from reporting cases of fraud to the Immigration and Naturalization Service (INS) (p. 149). As a means to correct the problem of false Social Security numbers, Brimelow (1996) found the INS would instead supply temporary numbers for amnesty applicants who provided false documents. Brimelow concluded the INS would then accept their application based on the temporary numbers the agency provided for such applicants, allowing this illegal act to be ignored (p. 149). Research by Hayworth (2006) and Kris Kobach (2008) scrutinizes further administrative weaknesses involved in unauthorized immigration other than those involved in amnesty-type policies. The authors investigated applications for work visas, which often displayed false identities of unauthorized immigrants from documents the individuals purchased upon arrival in the U.S. (Hayworth, 2006; Kobach, 2008).

Efforts by the Federal government to combat fraudulent activity amongst unauthorized immigrants and employers was investigated by Carol Swain (2007) and Orrenius and Zavodny (2004). The authors' research found the E-Verify program to be the Federal government's current and main effort at detecting false documentation. Research by Naomi Barrowclough (2010) and Benjamin Newman et al. (2012) recognizes the E-Verify program as the United States' strongest attempt at denying

employment opportunities to individuals that do not have legal status in the country. The study by Barrowclough (2010) is meaningful in this examination because it tests all possibilities, beneficial and detrimental, should E-Verify be enforced nationally. Swain (2007) elaborates on Barrowclough's (2010) study by acknowledging that not all states are currently required to use E-Verify when checking a potential employee's legality, and that this unenforced policy is an issue in the immigration system.

Political incentives. Authors' Haines and Rosenblum (1999) and Swain (2007) recognized political support for a policy was ever-changing when interest group identity adjusted. Conclusions drawn from Swain (2007) that pertain to this finding hold greater significance in this study than others due to the author's focus on pre-IRCA conditions. O.L. Graham (2004) additionally noticed external political influences for policy initiatives and the import they have toward a political representative's decision to enact certain legislation (pp. 103-109). Studies fundamentally found that when undocumented immigrants are in high economic demand sympathetic interest groups will support politicians they believe will produce legislation that will soften the enforcement on this immigrant group (Swain, 2007; Graham, 2004).

Robin Jacobson's (2011) study centers on the ability of interest groups to compel a leader to enforce or implement a certain policy. Jacobson's (2011) research provides useful information on this topic. The author does not discuss interest groups involved in promoting amnesty policies, however, but rather immigration in general. Giovanni Facchini, Anna Mayda, and Prachi Mishra (2011) comparatively analyze the potential for interest groups to influence immigration policies through lobbying expenditures. Findings from the study by Facchini et al. (2011) contribute considerably toward the topic of

interest groups where the authors relate lobbying expenditures to the elimination of visa quotas.

The majority of authors on the topic collectively determined that interest groups with a popular viewpoint amongst voters are able to gain significant funding to support a politician that will develop a favored policy by the group (Facchini & Steinhard, 2011; Graham, 2002; Buchanan, 2006). Giovanni Facchini and Max Steinhardt (2011) substantiate this notion by using their study to examine whether immigration policies were enforced or not enforced based on a representative's district using skilled or unskilled labor. The study concludes that a representative chooses to vote pro-immigration when their district has more skilled-labor jobs and vice versa (Facchini & Steinhardt, 2011).

CHAPTER II

METHODOLOGY

Research Design

The proposed study is intended to analyze the United States' amnesty policies from 1970-2012 using several variables to evaluate immigration policy effectiveness.

Therefore a focused, comparative research study will be conducted. The comparative research study will utilize qualitative content analysis to explain co-variation within the topic being studied (Ragan, 1994, p. 107). The researcher will employ this method using the following process: (1) research the topic of undocumented immigration, (2) review pertinent literature on the topic, and (3) attempt to generalize findings to support or refute the researcher's hypotheses. All data obtained for the study will be derived from previous studies. The intended goal of pursuing a comparative research study on the proposed topic is to produce valuable information on the appropriateness of choosing an amnesty-type policy as a method to manage unauthorized immigration in the United States. The proposed study will observe and measure the independent variables (the undocumented immigration rate and past amnesty policies) and the dependent variables (Federal and state finances and implications on administrative objectives).

The variable of the undocumented immigration rate will be measured using estimated yearly amounts of undocumented immigrants present in the United States or a specific state. Measuring the variable of past amnesty policies will entail using secondary sources that discuss the processing of this type of legislation. For the variable of Federal and state finances, measurement will require gathering Federal and state budgets for a

particular year. Such information is already published in government research papers as well as scholarly journals. Lastly, implications on administrative objectives will be evaluated using already published studies investigating the potential implications for enacting amnesty-type policies.

Population and Sample. The study will observe the population of the nation's undocumented immigrants. Samples will be made according to the particular state that the study may observe. For example, several *Border States*³ such as Arizona, Texas, New Mexico, and California will be examined during the study with particular attention to the specific state's undocumented immigrant population. Further samples may include the particular counties in a state that the study may examine.

The limitations to examining such a population, or sample, are the unofficial estimates of the nation's undocumented immigrant population. The difficulty in attaining exact numbers for such a population is articulated by the Department of Homeland Security where they admit, "(E)stimating the size of a hidden population is inherently difficult" (DHS, n.d., p. 3).

Given that the proposed study will be evaluating the nation's undocumented immigrant population entirely, as well as specific states, the investigator believes the ability to induce the study's findings is necessary. Many of the population estimates will be coming from reliable sources. An issue will remain, however, where the estimates are never exact, casting some doubt towards the given estimates. Another population to be observed in the study will be the amount of fraudulent identities from past amnesty

³ The New Mexico State University elaborates on the description of the *Border States*, noting, "(T)he United States-Mexico border region is defined as the area of land that is 100 kilometers (62.5 miles) north and south of the international boundary (La Paz Agreement). It stretches approximately 2,000 miles from the southern tip of Texas to California" (NMSU, n.d., p. 1).

policies. The study will seek a national total on this issue. Samples will be drawn according to a specific state's reporting of fraudulent activity. This type of population and sample will also hold constraints by data on the topic containing estimates and not exact amounts of fraudulent reports.

Data Collection and Analysis. Throughout the study, all data will be mined from a synthesis of existing research efforts. For the purpose of this study, a large quantity of data will be gathered from government documents, such as yearly reports pertaining to this topic. Several government agencies that provide nonpartisan publications which will be used in this study include: the Government Accountability Office (GAO), Congressional Budget Office (CBO), Congressional Research Service (CRS), Department of Homeland Security, and U.S. Citizenship and Immigration Services (USCIS). Publications provided by these agencies will be utilized throughout the study, given their ability to provide valuable statistics on the financial and political aspects of undocumented immigration. Further data deemed necessary to generate support for the investigator's work will be made using publications by scholarly authors.

To analyze this study's data the researcher will employ qualitative content analysis. The use of qualitative content analysis has been chosen as the method of review for the study's secondary data given that "(I)t allows researchers to understand reality in a social but scientific manner" (Zhang & Wildemuth, 2009, p. 1). Furthermore, this method of analysis for evaluating secondary data holds another benefit to this study because "samples for qualitative content analysis usually consist of purposively selected texts which can inform the research questions being investigated" (Zhang & Wildemuth, 2009, p. 2). Since the researcher will be conducting qualitative research using content analysis,

an inductive approach will be taken. By utilizing an inductive approach during content analysis the researcher is able to separate the pertinent data within the literature into groups to describe the different aspects of the topic (Elo & Kyngas, 2008). Once all evidence has been grouped, the researcher will assess the data's implication for general ideas on the topic (Ragin, 1994, p. 15).

CHAPTER III

RESULTS

This chapter discusses the results from researching the study's two questions. The chapter has been divided into two sections, with each section encompassing their own subsections. The first section explains how amnesty policies economically and politically influence the United States. The second section examines the ineffectiveness within previous amnesty policies.

Economic Costs from Mandates for Undocumented Immigrants in the United States

Undocumented immigrants have been criticized for several decades for their potential impact on Federal, state, and local budgets. Criticism on the issue has revolved around the idea that undocumented immigrants consume more in social and public services than they pay in taxes. This controversy has engendered national concern that unauthorized immigrants are contributing to an economic deficit rather than providing revenue to the host economy (Bischoff, 2002, p. 269). According to DHS (2012), in the year 2000 the national population of undocumented immigrants was approximately 8.5 million. This amount represented 3% of the country's population in 2000 (Infoplease, 2013). As of 2011, the undocumented population increased to an estimated 11.5 million (DHS, 2012, p. 5).

Expenses are often incurred by all affected governments because of the low income rates among the undocumented population. The low income earned by this population is often due to lower levels of education and poor English skills (Orrenius & Zavodny, n.d., p. 6). The average income of an undocumented immigrant family of four

is \$31,200 (FAIR, 2011, p. 73). After financing the essentials for everyday life it is suggested that undocumented immigrants, making the average income, would be left with only \$3,000 for other taxable items (FAIR, 2011, p. 74). This population's low income and everyday life financial responsibilities support the argument that the unauthorized population is likely to use the social and public services available to them from prior mandates. A change of status for the unauthorized population will not eliminate the financial strain they place on the U.S. taxpayers. Rather, the combination of their change of status and low income will increase the financial burden (Hanson, 2010, p. 30).⁴

Several states located on the U.S.-Mexico border have experienced a significant financial loss from providing social and public services to undocumented immigrants. California, which is losing about \$3.6 billion a year to the expense, would be an important case in point (Bischoff, 2002, p. 284). Should an amnesty policy be implemented, certain members of the undocumented immigrant population would be permitted to remain in the U.S., and continue using the social and public services provided by state, local, and Federal governments. The following section reviews the various social and public service costs associated with the undocumented immigrant population. Rarely in this section are dollar or population amounts exact.

Funding primary and secondary education. Estimates for this subsection include the costs of providing education to those schoolchildren who are either U.S.-born with undocumented parents or those who are undocumented themselves. In 1982 legislation was enacted to prevent school officials from requesting a student's

⁴ Unauthorized immigrants will be unable to pay enough in taxes to offset the costs from providing them Federal benefits, which they will qualify for after their change of status.

immigration status. Therefore, studies have utilized their own methods of estimating costs.⁵ A Congressional Budget Office (hereafter referred to as CBO) study in 2007 determined that education is the largest expense for state and local governments (2007, p. 7). Reimbursements to the affected state and local governments can be costly for the Federal budget, nearly \$2 billion a year (FAIR, 2011, p. 3).

As of 2006, the U.S. population of undocumented school children was an estimated 2 million out of a 53.3 million total school age population (CBO, 2007, p. 8). This amount represents almost 4 % of the total school age population and is said to place added pressure on states with the larger undocumented populations (CBO, 2007, p. 8). In 2006 the national average cost per pupil was \$9,679, allowing one to estimate an expense of \$19.3 billion for that year (National Center for Education Statistics, 2012). Since state and local governments are required to provide education to children of undocumented immigrants host economies must adjust their budget for these additional expenses.⁶ Unfortunately, states are often forced to raise taxes to fund this education mandate (Carabelli, 2009, p. 117).

As of 2007, approximately 2 million schoolchildren were undocumented. Furthermore, an additional 3 million were U.S. born children to undocumented parents (CBO, 2007, p. 7). The estimate of children of undocumented immigrants represented approximately 9% of the total school-age population at the time (CBO, 2007, pp. 7-8).

⁵ According to GAO (2004), Pennsylvania estimated their costs using “DHS’s estimate for the resident illegal immigrant population in their state and (2) assuming that schoolchildren represent 10 to 18% of this population. The staff then multiplied the upper and lower bounds of the range by average per pupil expenditures – and also specified an estimate of additional expenditures for supplemental services such as ELL programs” (p. 13).

⁶ As of 1982, Federal legislation has mandated that state and local government provide education to all children, regardless of their immigration status (CBO, 2007, p. 7).

Taking the total of all children of undocumented immigrants with an average cost per pupil of \$10,298, one can estimate the national expense at \$51.5 billion in 2007 (National Center for Education Statistics, 2012). Cost per pupil estimates can vary amongst states. Some states will end up paying more if they have the highest cost-per-pupil or if they have a larger undocumented immigrant population. Altogether, the organization known as FAIR found education for undocumented immigration to cost taxpayers a yearly amount of \$52 billion (2011, p. 1). *The New American* estimates this yearly expense slightly lower than that given by FAIR at \$49 billion per year (Kirkwood, 2012). *The Atlanta Journal-Constitution* provided the lowest estimate for this expense at \$44.5 billion (Izumi, 2010).

The highest cost of education per pupil given by the Government Accountability Office (GAO) for the academic year of 1999-2000 was \$10,000 for the state of New York, and the lowest was \$4,000 for the state of Utah (2004, pp. 7-8).⁷ Several states have been able to estimate their individual yearly cost to educate their population of undocumented schoolchildren. The state of Utah conducted an audit in 2006 on their state's undocumented immigrant education costs. The state estimated their total undocumented schoolchildren population as between 1/6 and 1/7 of their total undocumented immigrant population. The total population, as of 2005, was an estimated 75,000 to 100,000 undocumented immigrants. The study was then able to estimate that the amount of undocumented school children in 2006 was 10,714 to 16,667 (Osterstock, Coleman, & Bowen, 2007, p. 10). In 2006 Utah estimated their cost per pupil to near an

⁷ Other state costs per pupil include: \$10,000 in New Jersey; \$8,000 in Michigan and Wisconsin; \$7,000 in Illinois, Indiana, and Virginia; \$6,000 in California, Florida, Georgia, Nevada, and North Carolina; \$5,000 in Arizona and Arkansas (GAO, 2004, pp. 7-8).

amount between \$4,900 and \$5,500 (Osterstock, Coleman, & Bowen, 2007, pp. i-ii).

Ultimately, in 2006 Utah found it was spending between \$54.9 million and \$85.4 million in education for undocumented immigrants (Osterstock, Coleman, & Bowen, 2007, p. 4).

The most recent report on Utah's education expenditures for children of undocumented immigrants was \$239.2 million for fiscal year 2010 (FAIR, 2011, p. 71).

In 2004, the state of Mississippi estimated their yearly cost for educating the undocumented children at \$23.7 million (CRS, 2005, p. 5). The state anticipated that as the undocumented population grows those costs will rise (Bryant, 2006, p. 5). Mississippi found that additional costs may need to be factored with "special language classes, meal programs, and potential overcrowded classrooms" (Bryant, 2006, p. 5). The state of Mississippi found that they ranked 48th in top education expenditures for undocumented immigrants (Bryant, 2006, pp. 6-7). Nonetheless, even though they ranked low in state expenditures the costs still signify the expense of this population. In addition, the state concluded that the revenue provided by undocumented immigrants was not enough to fund the cost incurred from educating their children (Bryant, 2006, p. iv).⁸

During the 2003-2004 school year the state of Minnesota was educating an estimated 9,400 to 14,000 unauthorized school children (CBO, 2007, p. 8). The state's Department of Administration found Minnesota to have spent an approximate amount between \$79 million and \$118 million to educate this population for the 2003 to 2004 academic year. The previous figure does not include the additional \$39 million for those schoolchildren who were U.S. born with undocumented parents (CBO, 2007, p. 8). For

⁸ Undocumented immigrants produced a revenue for the state of Mississippi estimated at \$44 million, but their use of social and public services produce a fiscal cost of approximately \$69 million leaving the state to fund an estimated \$25 million (Bryant, 2006, p. iv).

fiscal year 2005, Minnesota incurred yearly costs of \$146 to \$158 million from educating the undocumented children (CRS, 2005, p. 6). The state of Pennsylvania was found to have spent between \$50 million to \$87.5 million to educate their population's undocumented schoolchildren (GAO, 2004, p. 13).

The cost to educate children of undocumented immigrants becomes more costly when additional programs are needed to ensure they receive a proper education. These additional programs can require a supplemental \$290 to \$890 per student, costs varying to account for the class size (Bryant, 2006, p. 7). One study estimates the national cost of educating undocumented schoolchildren to be \$4.5 billion (Miller, 1997, p. 50). The additional cost for special programs needed for these individuals, however, amounts to an extra \$891 million per year. Additionally, the final total for the national yearly cost of education for undocumented schoolchildren, after factoring in special programs, is approximately \$8.4 billion (Miller, 1997, p. 50). Further financial costs can be accumulated when schools must employ teachers who can provide these special programs, such as bilingual classes. These types of teachers will often request higher salaries plus bonuses (Miller, 1997, p. 53).

Southwest Border States and education K-12. Certain states are experiencing a more severe financial impact from having to educate undocumented schoolchildren. These states are often known as the Southwest Border States.⁹ The GAO estimated Texas to have paid approximately \$932 million to \$1.04 billion per year educating undocumented schoolchildren (2004, p. 13). As of 2005, the average cost per student in

⁹ The Southwest Border States are: Texas, New Mexico, Arizona and California (Salant et al., 2003, p. 1).

Texas schools was \$7,085. With an estimated population of 135,000 undocumented schoolchildren, the total cost of educating this population for the state of Texas in 2005 was approximately \$957 million (Strayhorn, 2006, p. 4). As of 2010, spending on education for this population of schoolchildren increased to \$5 billion (FAIR, 2011, p. 71). The CBO estimates costs pertaining to the border state of New Mexico. The agency found that for the 2003-2004 academic year, the state spent approximately \$3 billion to educate 9,200 children of unauthorized immigrants (2007, p. 8). For fiscal year 2010 New Mexico spent an amount near \$345 million educating 25,000 schoolchildren of unauthorized immigrants (FAIR, 2011, p. 71).

California, paying a yearly estimated amount of \$7.7 billion, appeared to be the border state being impacted the most from education costs for children of undocumented immigrants (Yeager, 2008, pp. 18-19). This amount was attributed to an undocumented schoolchildren population estimated to be between 445,900 and 545,700 students per year (Yeager, 2008, pp. 18-19). This accounted for both U.S.-born children with undocumented parents as well as undocumented children (Hayworth, 2006, p. 20). As of 2011, California still hosts the highest undocumented immigrant population which is estimated at 2.8 million (DHS, 2012, p. 5). With the cost per pupil for education in California estimated at \$6,000 one can begin to understand the financial burden this expense can place on a state (GAO, 2004, p. 8). In 2010 the state was spending near \$9 billion educating 861,000 unauthorized schoolchildren in primary and secondary education (FAIR, 2011, p. 70).

Often local budgets can be affected just as negatively as state budgets. For instance the city of San Jose, California performed their own population estimate of

undocumented schoolchildren for their region, which they found to be approximately 20,000. Given California's average cost per pupil of about \$6,000, the researcher estimates the cost per year for these students to be about \$120 million for the city of San Jose.

Federal assistance. A further financial issue remains with providing undocumented schoolchildren education in the United States. States and local regions are told to provide education to these children. They receive very little Federal aid, however, to help fund this mandate. In 1982, the Supreme Court in *Plyler v. Doe* ruled that schools must admit students regardless of their citizenship (Hayworth, 2006, p. 19). This law, in effect, mandated that states and local regions fund the populations education needs. Current Federal assistance is not as generous as it should be to help offset these costs. The CBO studied this matter and found that every year the Federal government provides aid to states worth approximately 10 percent of total spending for undocumented students in grades K-12 (2007, p. 7). Thus, one can extrapolate that states must assume 90% of undocumented school children's education costs.

Benefits to educating this population. Although educating this population may be costly there may be benefits to investing towards such an expense. If non-English speaking students receive a proper bilingual education they would be able to reach native-speaking performance levels in 4-7 years. If these children are denied the teachers and programs that fulfill a proper bilingual education, they can take up to 7-10 years to reach comparable performance to English speaking students (Green, 2003, p. 65). If non-English speaking children are unable to receive a bilingual education because a school lacks the resources, allowing immigrant children to remain as students still advances

them further in life than had they not received any type of education. A study on bilingual education that began in 1998 on a class of kindergarteners until they approached fifth grade found the math and reading scores of the non-English speaking students to have increased as the students were further educated. This includes an education with and without bilingual programs (Han, 2012).

Ultimately the benefit to providing education to this population in the U.S., according to Peter Brimelow, is that they end up providing skills that allow them to better the nation's economy. After being educated, children of undocumented immigrants have the potential to reimburse the U.S. for their education expenses (Brimelow, 1996, p. 153). *The Washington Post* reported that unauthorized immigrants who never finish high school use \$89,000 more in social and public services than they are able to pay in taxes, whereas an undocumented immigrant who made it to college contributes \$105,000 more in taxes than he or she receives in services (Schumacher-Matos, 2010, para 13).

Funding emergency medical care. Section 1867 of the Social Security Act currently mandates hospitals to treat any individual with an illness or injury regardless of their financial or legal status (U.S. Social Security Administration, 2013). More specifically, an individual must be treated regardless of their ability to pay, possession of insurance or lack thereof, or legal status (Green & Martin, 2004, p. 226).¹⁰ A projection has been made that 68 percent of the nation's undocumented immigrant population is without any form of health insurance (Bryant, 2006, p. 8). The CATO institute

¹⁰ Emergency services eligible to be treated under Emergency Medicaid include: "labor and delivery or treatment after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in: (A) placing the patient's health in serious jeopardy; (B) serious impairment to bodily functions; or (C) serious dysfunction of any bodily organ or part" (Dubard & Massing, 2007, p. 1086).

furthermore found that when the Patient Protection and Affordable Care Act of 2010 is implemented states will incur more costs from Medicaid spending. Federal financial support for this Act is projected to decline a decade after implementation, thus adding additional monetary obligations to state budgets (Gokhale, 2011).

In 2003 legislation was enacted for the purpose of sparing state and local governments the burden of funding all Emergency Medicaid costs associated with undocumented immigrants.¹¹ This legislation allotted \$250 million in Federal funds to be divvied up amongst states who incur costs from undocumented immigrants' use of emergency services (Bryant, 2006, p. 8).

Undocumented immigrants can receive emergency medical care and be compensated for injuries, giving birth, death, autopsies and burials at the local government's expense (Salant et al., 2001, p. 1). Additionally, an individual without legal status does not qualify for Federal health insurance programs which increase an undocumented immigrant's use of such emergency care services (Portes et al., 2009, p. 498). Expenses become more severe when unauthorized immigrants are reluctant to visit hospitals for fear of deportation. The result of such fear is a costly visit to the emergency room when their condition worsens (Green & Martin, 2004, p. 228). In 2001, lack of insurance for the undocumented population caused an expense of \$34 to \$38 billion in uncompensated medical care to be paid with taxpayer dollars (Green & Martin, 2004, p. 228). Even when the state of New York provided health insurance to 167,000 unauthorized immigrants, the state still experienced a financial loss of \$1.7 billion in

¹¹ This legislation was entitled Medicare Prescription Drug, Improvement and Modernization Act of 2003. This fund was to be used during the period of 2005 to 2008 (Bryant, 2006, p. 8).

uncompensated emergency care, which they attributed to the undocumented population (Green & Martin, 2004, p. 234).

The state of Mississippi spent an estimated \$35 million in 2004 on uncompensated emergency care for undocumented immigrants out of an estimated \$504 million for all uncompensated care (Bryant, 2006, p. 8). For fiscal year 2005, the state only received a total of \$190,775 in reimbursements from the Federal government (Bryant, 2006, p. 8). One study examined spending by the state of North Carolina for Emergency Medicaid on undocumented immigrants. For the period of 2001 to 2004 the study found Emergency Medicaid spending in North Carolina to increase from \$41.3 million to \$52.9 million (Dubard & Massing, 2007, p. 1087). The state was receiving limited Federal funding for uncompensated medical care. This caused it to require additional state resources to cover all expenses from treating federally mandated undocumented immigrants (Dubard & Massing, 2007, p. 1089). As of 2010 North Carolina was spending an annual \$190 million on emergency medical care for unauthorized immigrants (FAIR, 2011, p. 61).

According to a study conducted by The Department of Justice (DOJ), counties with uncompensated medical care bills often depend on their county's property tax, taking away funding from other programs (Salant et al., 2001, p. 3). States may even face the decision to remove legal citizens from its Medicaid programs as a means to fund Emergency Medicaid.¹² Thus, it is not hard to see why controversy remains.

¹² Researchers found that Tennessee had to remove 208,000 individuals, which included adults and children, from its Medicaid program to budget for uncompensated care costs from undocumented immigrants. Connecticut took away Medicaid benefits from 23,000 adults and 7,000 children, also due to rising costs (Green and Martin, 2004, p. 234).

Southwest Border States and emergency medical care. Arizona, California, New Mexico and Texas have been at the forefront of concerns over undocumented immigrants' utilization of emergency medical care. In areas of these Southwest Border States local hospitals reported losses of approximately \$190 million from treating unauthorized immigrants (Green & Martin, 2004, p. 228).

For fiscal year 1999 Arizona's local hospitals in border counties suffered a loss of approximately \$4 million as a result of providing emergency medical care to unauthorized immigrants (Salant et al., 2001, p. 43). The state again experienced a loss of \$1 million in 2002 from providing treatment to unauthorized immigrants in the city of Phoenix (Green & Martin, 2004, p. 229). For fiscal year 2004, several of Arizona's counties suffered from uncompensated medical care expenses, totaling an estimated loss of \$1 billion (Green & Martin, 2004, pp. 229-230). In 2010 the state was still losing nearly \$260 million from the use of Emergency Medicaid by unauthorized immigrants (FAIR, 2011, p. 61).

In California the cost of emergency medical care for the undocumented immigrants led some major cities to provide and pay for a form of health insurance (Green and Martin, 2004, p. 231). Green and Martin further noted that the financial loss that California has experienced from the costs of uncompensated medical care has led 60 emergency rooms to close, while another 209 emergency rooms were barely able to meet their obligations (2004, p. 231). *The Los Angeles Times* found ten hospitals in Los Angeles County to have closed between 2002 and 2007 due to emergency room treatments for uninsured illegal immigrants (Engel, 2007). During the period of 1994 to 2003, pressure on California to provide emergency medical care to the unauthorized

immigrant population led the state to shut down 84 of their hospitals (Buchanan, 2006, p. 31).

For fiscal year 1999 California's border counties spent an estimated \$12 million treating emergency cases for its undocumented immigrants (Salant et al., 2001, p. 43). In 2000 it was estimated that California's border counties provided emergency medical care for undocumented immigrants worth approximately \$79 million, which accounted for 42% of all costs incurred by southwest border counties (MGT of America Inc., 2002, p. 30). Fiscal year 2010 for California saw a loss approaching \$2.5 billion from Emergency Medicaid for unauthorized immigrants (FAIR, 2011, p. 61).

During fiscal year 1999 border counties in the state of Texas saw a loss of approximately \$941,000, which was the lowest loss experienced by southwest border counties in that year (Salant et al., 2001, p. 43). Texas hospitals, in total, experienced a loss of \$393 million from treating unauthorized immigrants for fiscal year 2002. In one Texas County, an estimated \$330 million was spent on treating undocumented immigrants, with only 31 percent reimbursed by the Federal government. The remaining costs were left to be paid by taxpayer dollars (Green & Martin, 2004, pp. 231-232). In 2005, Texas incurred a bill estimated at \$96.9 million from treating undocumented immigrants in need of emergency medical care. Only 60 percent of total costs were covered by the Federal government, which left the state to pay approximately \$38.7 million (Strayhorn, 2006, p. 6). By 2010 total costs from uncompensated care for unauthorized immigrants were approaching \$1.4 billion (FAIR, 2011, p. 61). *The Los Angeles Times* estimated total costs of medically treating illegal immigrants in 2007 at \$1.1 billion, representing a lower amount than that given by FAIR for 2010 (Engel,

2007). In total, an estimated \$189.6 million was paid by Southwest Border state hospitals in 2004 for uncompensated medical care from treating undocumented immigrants (GPO, 2006, pp. 117-118). More recently, a study estimates total costs for this region in 2010 to be \$3.7 billion (FAIR, 2011).

Funding Law enforcement. Immigration law has been understood as a Federal responsibility. Following 9/11 the Federal government, however, has begun requesting the help of state and local law enforcement in keeping American borders secure.¹³ Nineteen states are currently involved in programs that educate participating officers on performing duties pertaining to immigration law (ICE, 2012). Several concerns have been raised over state and local law enforcement enforcing immigration law. Concerns cover areas regarding formal training, limitation of resources, potential civil rights violations, and the impact such enforcement would have on a regions community (CRS, 2004).

In order to responsibly enforce immigration law select local law enforcement officers are required to complete certain training. For example, Florida's Department of Law Enforcement and DOJ worked together¹⁴ on a pilot program intended to equip thirty five officers from state and local law enforcement to enforce duties similar to those of DHS (CRS, 2004, p. 16). Although the training is held by DHS instructors the state must pay the trainee their normal salaries and benefits plus housing costs and meals during training (CRS, 2004, p. 16).

¹³ Section 287(g) of the Immigration and Nationality Act (2006) allows participating states to enter certain state and local officers into a training program with the Department of Homeland Security (DHS) to become educated on and capable of enforcing immigration law (8 U.S.C. 1357).

¹⁴ The working relationship between the two law enforcement agencies is under a Memorandum of Understanding (MOU), which refers to the agreed limits of authority for enforcing immigration law between the two agencies (CRS, pp. 16-17).

Incarceration. Funding is also insufficient for states and local law enforcement with the State Criminal Alien Assistance Program (SCAAP).¹⁵ This program was intended to supply “payment assistance to states and localities for the costs incurred for incarcerating undocumented aliens being held as a result of state and local charges” (CRS, 2004, p. 27). In 2002 SCAAP reimbursements were nearing \$600 million, but as of 2008 they have dropped significantly to \$400 million (FAIR, 2011, p. 19). Additional assistance was given through the Violent Crime Control and Law Enforcement Act of 1994. The act was intended to support state and local jurisdictions with \$1.8 billion dollars in aid for enforcement costs associated with undocumented immigration (Strayhorn, 2006, p. 12). Although deporting the undocumented inmates may seem appropriate to solve financial issues, the Federal government does not deport an individual until they have completed their sentence in the state or local jurisdiction (Strayhorn, 2006, p. 12).

Federal reimbursement for state and local expenses of incarcerating undocumented immigrants comes from SCAAP. Texas received \$18.6 million from the program in 2006, which fractionally offset the costs (Strayhorn, 2006, p. 13). The cost of incarcerating undocumented immigrants in 2006 is unknown. In 2002, however it is estimated that Texas spent \$130 million housing unauthorized inmates and received only \$15 million in reimbursement from the Federal government (Strayhorn, 2006, p. 14). A greater understanding of the financial loss faced by states incarcerating undocumented immigrants was uncovered in a study conducted by the GAO in 2011. The study found

¹⁵ SCAAP funding is intended to cover costs relating to “correctional officers, the number of “eligible” undocumented immigrant offenders and the number of inmate days involved” (Strayhorn, 2006, p. 12).

the estimated cost per inmate in 2009 for state prisons amounted to \$12,500 with only \$2,200 per inmate being reimbursed through SCAAP (GAO, 2011, p. 39).

The state of Mississippi projects their cost per day for each inmate is \$36.54. The cost does not include the medical care that inmates may receive (Bryant, 2006, p. 11). The state estimated their fiscal year 2005 costs, after factoring in SCAAP reimbursements, from incarcerating unauthorized immigrants to be \$237,360 (Bryant, 2006, p. 11). This figure represents a lower amount as compared to other states housing undocumented immigrants in their state and local prisons.

Not only is the Federal government responsible for funding SCAAP, but it must also provide the means to house unauthorized immigrants in Federal prisons. According to the GAO in 2010 Federal prisons housed 55,000 unauthorized inmates, which was an additional 4,000 inmates from the study's last count in 2005 (2011, p. 7). The most recent data reporting the amount paid by the Federal government for housing undocumented inmates in Federal prisons was estimated at \$1.3 billion in 2009 (GAO, 2011, p. 35). These Federal costs are due to the 54,718 aliens who were incarcerated in Federal prisons during fiscal year 2010 (GAO, 2011, p. 7). Population amounts for aliens in Federal prisons remained relatively consistent from 2005 to 2010, which allows the researcher to infer that the current inmate population is about the same. In 2009 the total estimated costs paid by the Federal government for incarcerating undocumented immigrants, in terms of SCAAP reimbursements plus Federal prison costs, for FY 2009 amounted to \$1.6 billion (GAO, 2011, p. 35). FAIR found the Federal government to have paid an annual \$7.8 billion on all justice services for undocumented immigrants, while states spent \$8.7 billion (2012, para. 3). *The Cybercast News Service (CNS News)* reported that

in 2010 the Federal government was spending \$18.6 million per day on incarceration costs for between 300,000 and 450,000 unauthorized immigrants (Mora, 2010). Furthermore, *USA Today* reported that the Federal government has over 32,800 beds for illegal aliens in their detention facilities, costing an average of \$164 each per day (Curnutte, 2013).

Law enforcement in the Southwest Border States. According to a study documenting the costs associated with law enforcement for undocumented immigrants, “(C)ounty governments have a state responsibility to process anyone apprehended on state felony or multiple misdemeanor charges” (Salant et al., 2001, p. 10). Any actions performed by the local jurisdictions after the apprehension is at the expense of the county. For year 1999 the Texas sheriffs incurred a cost of nearly \$13 million from services provided to undocumented immigrants. Time and services used by other departments for prosecuting undocumented immigrants placed an additional \$11.7 million on the state’s budget (Salant et al., 2001, p. 17).

SCAAP allotted Texas only \$2.2 million for fiscal year 1999, amounting to only 9 percent of total expenditures (Salant et al., 2001, p. 17). A decade later in 2009, the financial burden from utilizing similar services for undocumented immigrants cost the state of Texas approximately \$144 million. An estimated \$54 million from the total costs was eligible to be reimbursed through SCAAP, but only \$16 million was received from the Federal government (GAO, 2011, p. 42). Salant and Weeks estimate that lawful citizens who live in Texas border counties pay an additional \$33.47 a year as a means to fund law enforcement related services (2007, p. 66).

The state of New Mexico accrued significant costs in fiscal year 1999 because of the state's U.S.-Mexico border county's law enforcement agencies provided services for undocumented immigrants. These services involved the sheriff's office, adult detention, judicial system, and juvenile detention. Total costs incurred from the state's use of such services to approximately \$4 million (Salant et al., 2001, p. 26). Reimbursement through SCAAP provided the state an estimated 8 percent of its total law enforcement expenditures in 1999, or roughly \$397,000 (Salant et al., 2001, pp. 25-26). In 2007 New Mexico's border counties were spending nearly \$7 million on law enforcement for undocumented immigrants, costing those counties lawful citizens an addition \$33 a year to fund the expense (Salant & Weeks, 2007, p. 53).

In 1999 southwest border counties in the state of Arizona also faced the financial burden from criminal justice proceedings for undocumented immigrants. The states border counties paid an estimated total of \$19.2 million for criminal justice related services, but were only reimbursed 5 percent through SCAAP to cover a portion of costs spent to incarcerate undocumented immigrants (Salant et al., 2001, p. 32). In 2009 Arizona paid an estimated \$98 million to house undocumented immigrants in state prisons, of which \$33 million was eligible to be reimbursed through SCAAP. The state only received an estimated \$10 million in aid from SCAAP for FY 2009 (GAO, 2011, p. 42).

The year 1999 proved most difficult for border counties in California because of the expenses involved in law enforcement services for undocumented immigrants. These counties spent approximately \$43.6 million for handling charges on unauthorized immigrants (Salant et al., 2001, p. 38). The state's counties were reimbursed only 15

percent of the total costs spent to incarcerate unauthorized immigrants (Salant et al., 2001, p. 38). In 2007 California's two border counties paid nearly \$83 million on law enforcement for undocumented immigrants, ultimately costing the counties lawful citizens an additional yearly \$26 each (Salant & Weeks, 2007, p. 15). A few years later in 2009, California as a whole paid approximately \$1.1 billion for expenses involved in incarcerating undocumented immigrants. Of the \$1.1 billion total, \$298 million qualified for SCAAP but the state only received \$88 million in reimbursements (GAO, 2011, p. 42). Proponents of current immigration law may argue that the taxes paid by undocumented immigrants to state and local governments provide the necessary revenue to keep them from being an expense. That may not be the case. The CBO (2007) found that taxes paid by the undocumented population partially offset their costs incurred from use of social and public services in general (p. 3).

Historic costs of Federal mandates. According to CBO (1997), the definition of a mandate is “any provision in legislation, statute, or regulation that would impose an enforceable duty on state, local, or tribal governments or the private sector, or that would reduce or eliminate the amount of federal funding authorized to be appropriate to cover the costs of existing mandates” (p. vi). The Unfunded Mandates Reform Act of 1995 (UMRA) was an initiative by the Federal government to ensure Congress considered the potential costs a mandate may have on those state, local and tribal governments (CBO, 1997, p. 1). UMRA sets the maximum amount to which a mandate may place on those intergovernmental areas as \$50 million (1997, p. 2).¹⁶ After reviewing the social and

¹⁶ Intergovernmental refers to state, local, or tribal governments (CBO, 1997, p. 2).

public service costs imposed on states from undocumented immigrants it is clear that the threshold has been crossed.

A 2012 study by CRS examines the argument that some mandates should be, but are not, considered unfunded because the aid they receive is extremely low. Although the Federal government provides a form of reimbursement, the CRS study noted that “in the absence of sufficient compensatory funding, grant conditions should be considered unfunded federal intergovernmental mandates, even though the grants themselves are voluntary” (2012, p. 9). A democratic representative in Ohio elaborates on this argument by stating “(P)rograms like Medicaid are voluntary in theory only. A state cannot unilaterally opt out of Medicaid...without having to obtain a Federal waiver or face certain lawsuits” (CRS, 2012, p. 9).

The problem of unfunded mandates generally. It is apparent that state and local governments are left with little options other than to comply with the mandates, unfunded or partially funded. CRS generates support for this argument by noting “The federal mandate is considered unfunded unless estimated costs are fully funded” (2012, p. 13). Thus far, this study has been unable to identify a state or local government that has been fully reimbursed for its social and public service costs.

Shortly after implementing UMRA thresholds of \$50 million were being crossed. Congress specifically attempted to protect certain programs from excess exposed costs. In 2002 these were “(A) preemption of state premium taxes and disclosure regulations that affect health plans, (A) prohibition on displaying Social Security numbers on certain public documents, and (A)n increase in the minimum wage” (CBO, 2003, p. 3). In

addition to the preceding mandates, the CBO (2002) investigated many other laws that required mandates on intergovernmental areas but were unable to develop cost estimates. In total, the agency found that from 1996 to 2002 there were 42 intergovernmental mandates which exceeded the threshold and 29 mandates were unable to be estimated (CBO, 2002, p. 19). From 2003 to March of 2012, 54 intergovernmental mandates had exceeded the \$50 million threshold (CRS, 2012, p. 15).¹⁷

A familiar Federal mandate that has been arguably the most contentious for its predicted effects on the intergovernmental sector is the recent health care reform legislation from the Obama Administration. This bill, the Full Patient Protection and Affordable Care Act of 2010 provides “zero additional federal financial support for new enrollees among those eligible for Medicaid under the old laws” (Gokhale, 2011, p. 1). Coincidentally, costs are expected to be significantly higher for two Southwest Border States, California and Texas, due to their “rising populations across many Medicaid eligibility and enrollment groups by age and gender” (Gokahle, 2011, p. 1). Just as states are able to estimate their costs per undocumented immigrant for certain social and public services, they are now estimating their costs per enrollee under this legislation. The state of New York is estimated to pay approximately \$6,000 per enrollee and the Southwest Border States, California and Texas, are projected to pay an estimated \$3,000 (Gokhale, 2011, p. 3). Altogether, the study estimates that Medicaid expenditures for the states anticipated to be the most affected will nearly double (Gokhale, 2011, p. 7).

¹⁷ The Federal mandates have involved a reduction in funding for food stamp programs, changes in health insurance coverage, changes in premiums for prescription drug coverage, and requiring schools to provide certain school lunches (CRS, 2012, pp. 22-23).

As this study has demonstrated, the Unfunded Mandates Reform Act has existed since 1995 with the objective of disallowing Federal mandates of bring severe financial implications on the affected budgets. This legislation, however, has been unable to correct the problem since its implementation casting some doubt on the amount of attention to be paid to border enforcement during amnesty-type policies.

The Ineffectiveness within Previous Amnesty Policies

Since 1970 three significant amnesty policies have been passed by prior presidents. In 1986 Congress passed the Immigration Reform and Control Act. In 1994 Congress passed section 245(i) of the Immigration and Naturalization Act to grant amnesty between 1995-1998 to those who illegally entered the U.S. or those with expired visas. The 1994 amnesty was reinstated in 2000 as the LIFE Act (Legal Immigration Family Equity Act) to continue legalization until 2002 (Baldwin-Edwards & Kraler, 2009, pp. 506-507). Of the four policies, however, only one gained significant attention from the media and researchers. That policy, the Immigration Reform and Control Act of 1986 (hereafter referred to as IRCA), was passed by Congress during the Reagan Administration (Cooper & O'Neil, 2005). The IRCA was passed in an effort to combat unauthorized immigration with comprehensive immigration reform utilizing legalization as well as tougher enforcement measures (Cooper & O'Neil, 2005, p. 1).

This section will review the aspects of IRCA which limited its effectiveness as a policy. Ineffective measures are defined for the study as any unintended consequences that facilitated a negative outcome rather than positive. An example of a positive outcome would be a lowered unauthorized immigrant population for at least a decade after the laws passing. A negative outcome might be an increase in fraudulent identities used in

applications for amnesty receiving approval by administrative workers. In addition, this section will consult the use of immigration amnesty by other countries and the outcomes from their use of the policy. The immediate intent of this section is to identify whether approaching another amnesty policy should be done with caution or with optimism.

Background of the IRCA. IRCA affected three areas involved with unauthorized immigration; employment, enforcement and service, and status (IRCA Pub. L 99-603). IRCA's three main provisions are defined more clearly by Orrenius and Zavodny. The authors define the three provisions as granting amnesty to undocumented immigrants who met certain requirements, commanding employers to use verifying systems to test an employee's ability to work legally in the U.S., and lastly investing additional funding toward border enforcement (Orrenius & Zavodny, 2003, p. 437). IRCA's amnesty provision legalized nearly 2.7 million unauthorized immigrants using its two legalization programs. These programs were termed the Legally Authorized Workers (LAW) and the Special Agricultural Workers (SAW) (Orrenius & Zavodny, 2003, p. 438). Estimates indicate that 1.6 million were granted general amnesty under LAW and 1.1 million were granted amnesty under SAW (Baldwin-Edwards & Kraler, 2009, p. 506). IRCA continues to be the U.S.'s largest amnesty program to date (Cooper & O'Neil, 2005, p. 3).

Under the LAW program, unauthorized immigrants were able to apply if they arrived in the U.S. before January 1, 1982 (IRCA Pub. L 99-603).¹⁸ In addition to proving residence unauthorized immigrants were expected to have some knowledge of the

¹⁸ To demonstrate residence since 1982, unauthorized immigrants were allowed to use their driver's license, a gas receipt, a monthly bill such as electric or telephone, a bank statement, etc. (Baldwin-Edwards, Kraler, 2009, p. 506).

English language and American history (Orrenius & Zavodny, 2003, p. 439). To qualify under the SAW program, applicants were expected to have “worked for at least 90 days as agricultural workers during the past three years” (Baldwin-Edwards & Kraler, 2009, p. 506). Each program allowed successful applicants to receive temporary legal status until a period of time has passed, usually 1 to 2 years later (Orrenius & Zavodny, 2003, p. 439). The program experienced success in that it saw a decrease in the undocumented Mexican population in the U.S., given that more than 2 million of the 2.7 million legalized were Mexican nationals (Haines & Rosenblum, 1999, p. 35). The policy debate leading to the passing of IRCA and the post-legalization process is where its ineffectiveness become clear.

Fraudulent identity use in IRCA and recurrent challenges. A 2008 study examined speculation from proponents of amnesty policies arguing amnesty would “remove the incentive to commit fraud” (Lander, Barker, & Michaud, 2008, p. 23). Lander et al. counter this assertion of disincentive to commit fraud by noting “any guest worker or amnesty program would lead to fraud on a scale unheard of in American history” (2008, p. 23). Likewise, IRCA was suggested to have involved a substantial amount of fraudulent cases from its amnesty applicants. For example the SAW program reportedly approved 1 million applicants, but was only projected to have 300,000 individuals qualify for the program (Orrenius & Zavodny, 2003, p. 439). Fraudulent activity for the LAW program was estimated to have represented 73% of applications (Orrenius & Zavodny, 2003, p. 439). Fraudulent documents submitted by unauthorized immigrants often lead to types of criminal activity, such as identity theft and attempting illegal entry into the U.S. (GAO, 2002, p. 1).

The most common format used for fraudulent identities is the I-9 form.¹⁹ This particular form is completed by prospective employees to apply for job positions in the United States (Mortensen, 2012). Unauthorized immigrants wrongly identify themselves by giving a false “Social Security number, date of birth, and mother’s maiden name” (GAO, 2002, p. 1). During IRCA’s lifetime U.S. citizens would have been punished for committing fraud, facing a fine of nearly \$250,000 and potentially 5 years in prison (Hayworth, 2006, p. 145). Surprisingly, those unauthorized immigrants alleged to have submitted fraudulent documents for legalization were pardoned (Hayworth, 2006, p. 145).

One study identifies the cause of fraudulent activity in benefit programs citing two specific reasons: “the reward for filing the application is significant to the rewardee and the definitions of eligibility are such that some are eligible and some are not” (North, 2013, p. 7). These reasons were involved in the cause of fraudulent activity in IRCA, especially the SAW program, and this could be the case for the U.S.’s current amnesty policy (North, 2013, pp. 7-8). During the legalization process the INS, currently referred to as USCIS, had very limited investigative authority. This restriction left them with very few options other than to approve potentially falsified applications (Cooper & O’Neil, 2005, pp. 6-7). This type of illegal activity can be avoided if the legalization programs are more demanding, often requiring applicants to show multiple pieces of evidence to make a claim for legalization (North, 2013, p. 8).

Internal blame for accepting fraudulent applications during IRCA may be placed on the part of Immigration and Naturalization Service (INS) – the later USCIS – given

¹⁹ This form is also known as the Employment Eligibility Form (GAO, 1999, p. 2).

their “lax verification of documents” (Orrenius & Zavodny, 2004, p. 20). During the IRCA the reviewing agency did not have systems like E-Verify to check for falsity of documentation. The E-Verify software was not created until 1997, more than a decade after IRCA (GAO, 2010, p. 1). The amount of fraud present in IRCA applications suggests that unauthorized immigrants crossed the border into the U.S. after 1982 and obtained false documentation (Orrenius & Zavodny, 2003, p. 239). The GAO suggested that false documents were being accepted because of the immense paperwork required from the applicants during IRCA’s process (1999, p. 3).

Employers were experiencing confusion due to the numerous documents they were to review with little knowledge for what they were seeking (GAO, 1999, p. 3). During IRCA legalizations, employers were to review any of 29 documents presented by a prospective employee (GAO, 2005, p. 16). Employers having to differentiate between various forms of paperwork left them uncertain on how to comply with immigration law (GAO, 2005). Immigration and Naturalization Service (INS), the former agency of USCIS, adjusted their procedures to help bring clarity to the process for employers but their efforts did not bring an end to the use of fraudulent documents (GAO, 1999, p. 4).

Fraud is still an issue for present day immigration workers. The GAO presents the nation’s current cause for fraud cases by undocumented immigrants noting “fraud most commonly involves applicants for temporary visits to the United States who submit false documentation to overcome the assumption that they intend to illegally immigrate” (2012). The Center for Immigration Studies identified the predominant motivation for fraud as a result of employment opportunities in the U.S. (Mortensen, 2009, p. 1).

Further cause for concern over fraud may be raised when applicants who use fraudulent documents are able to overcome security measures by the immigration services (GAO, 2012).²⁰ Kris Kobach estimates that every year over half a million unauthorized aliens are approved to work in the U.S. using the Social Security number 000-00-0000 (2008, p. 157). Moreover, such fraudulent affect the nation's youth. Stolen Social Security numbers are often the identities of new born babies and young children (Mortensen, 2012, p. 2). Given that fraudulent documents were still being submitted as of 2012, and capable of outsmarting current fraud detection technology, one can foresee such illegal activity occurring in the recent application process for Deferred Action.

The established identity detection software, E-Verify, has been touted as an effective program for detecting fraudulent employee documents for employers. Kobach highlights the importance of verification programs noting "(W)hen employers are compelled to verify every new employee's immigration status with the federal government, it becomes extremely difficult to violate the law" (2008, p. 157). Although verification programs have the potential to be effective not all states have required employers to use the software (Mortensen, 2012, p. 6). According to CRS, fraud investigations declined from 1992 to 2003 due to budget cuts (2007, p. 6). CRS reported that in 2006, however, that investigations were shown to have increased by the number of prosecutions made by DHS (2007, p. 7). According to FAIR, an organization that takes a hardline approach on undocumented immigration, DHS's current approach to handling this issue is that they will not be employing fraud prevention technology that requires

²⁰ Examples of current security measures by immigration services involve fraud prevention technologies as well as task forces such as the Fraud Prevention Units who conduct work overseas (GAO, 2012).

costly measures, prolonged procedures, or excessively impacts the functions of USCIS (Mehlman, 2012, para. 3). Although the U.S. is currently able to detect fraud using E-Verify, relying on it may prove to be questionable due to GAO finding in 2010 that “E-Verify remains vulnerable to identity theft and employer fraud” (2010).

Incentives to cross the border illegally. The IRCA has been said to have lowered the undocumented population in the short run, but to have been unsuccessful several years after legalizations (Orrenius & Zavodny, 2003, p. 438). Proponents of this claim found IRCA, and amnesty in general, to encourage unauthorized immigrants to have crossed the border either during the program or after (Orrenius & Zavodny, 2003, p. 438). Support of this claim is generated through estimates of apprehensions and detentions of illegal immigrants in 1986, during IRCA’s active period, holding at 1,615,844 then in 1989 lowering to 852,506 (DHS, n.d., p.4). Apprehensions of illegal immigrants declined for a few years after the passage of IRCA. A near decade later in 1998, however, that number increased to 1,551,680 (DHS, n.d., p. 4). By 2007 the unauthorized population reached nearly 12 million, demonstrating one absent long term benefit of legalization (Kerwin, 2010, p. 8). There are several reasons behind this paradox, but the majority of explanations involve some sort of incentive perceived by those seeking to benefit in the U.S.

One possible beneficial incentive to blame for illegal border crossing during and after amnesty programs is the anticipation of another amnesty policy in the future (Orrenius & Zavodny, 2003, p. 448). A survey conducted by the Center for Immigration Studies in 2009 targeted public opinion in Mexico. The survey found that 56% of Mexico’s citizens believe implementing an amnesty program in the U.S. would increase

the likelihood of people they know migrating to the country (Camarota, 2009, p. 1).

Legally migrating can be a lengthy process. Undocumented immigrants seeking a green card can often be required to wait years due to quotas, but amnesty policies offer an expedited route to legal status (Orrenius & Zavodny, 2004, p. 5).

According to USCIS, individuals who have applied for temporary or permanent citizenship in the U.S. can wait for a response in as little as five months to as long as two years (“USCIS Process”). The current policy of Deferred Action requests Federal and local authorities not to pursue non-threatening illegal aliens, giving these individuals immediate reprieve until their applications are approved or denied (Olivas, 2002, p. 19). The estimated processing time for Deferred Action applications is between four and six months, a wait period that is much shorter than that of regular visa and citizenship applications (E4FC, 2012). The option to not pursue an unauthorized immigrant under Deferred Action, however, is ultimately at the discretion of Federal immigration agencies (Olivas, 2012, p. 19).²¹

As of 2009 the U.S. set a cap of 675,000 possible visas capable of being approved for those foreign individuals applying to enter the country legally (Hanson, 2009, p. 6). Deferred Action was activated in August of 2012 with 36,601 accepted for review. As of January 17, 2013, only a mere 6 months after activation, a total of 394,533 applications were accepted for review (USCIS, 2013b, p. 1). Looking back at past policies, IRCA legalizations averaged 600,000 per year or slightly less than the 675,000 law-complying

²¹ Federal immigration agencies include: Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizens and Immigration Services (USCIS).

foreign individuals currently capable of being approved for a visa in the U.S. (North, 2013, p. 4).

In addition, those who had or have family members who qualify for amnesty may have felt convinced that they too could receive a reprieve once they crossed the border (Orrenius & Zavodny, 2004, p. 6). The Center for Immigration Studies support this appealing aspect of amnesty finding that 65% of Mexico's citizens would migrate to the U.S. illegally if they had family residing there during a legalization program (Camarota, 2009, p. 1). One study conducted post-IRCA explains that the U.S.'s Mexican unauthorized immigrant population appeared to be relatively symmetrical to the population amount prior to the policy implementation. The study found IRCA to have encouraged Mexican residents to reunite with family members in the U.S., thus causing the population to remain a constant amount (Levinson, 2005, p. 4).

A final key incentive for unauthorized immigrants to cross the border is financial opportunities (Orrenius & Zavodny, 2004). Job prospects in the U.S. can be a key determinant to an unauthorized immigrant's decision to cross the border. This phenomenon can be explained using the notion of push-pull factors. Push and pull factors are described as when there is an incentive for a foreign national to leave their country in pursuit of a country with more opportunities (Gibney & Hansen, 2005, p. 488). As of 2005 over 90% of undocumented male immigrants held employment (Cooper & Neil, 2005, p. 8). Orrenius and Zavodny found that when Mexico was experiencing higher wage rates by as much as 10 %, U.S. apprehensions of illegal immigrants declined by 3.3 % (2004, p. 11). More specifically, when the value of the Mexican peso depreciates

versus the U.S. dollar, migration increases because U.S. wages represent a greater purchasing power in Mexico (Orrenius and Zavodny, 2004, p. 12).

Mexican citizens surveyed by the Center for Immigration Studies were asked about what hindered them from migrating illegally to the U.S. The responses to the survey on this question reported that when the U.S. is experiencing economic troubles Mexican citizens do not seek illegal residence in the U.S. (Camarota, 2009, p. 1). Issues in employers hiring unauthorized immigrants may still exist given that USCIS's current technology may be susceptible to fraud. The current E-Verify software, used by employers is not fully capable of confirming an individual's legal or illegal status (Joint Legislative Audit & Review Commission [JLARC], 2011, p. 10)

Political incentives for IRCA. Immigration, legal and illegal, is often supported by individuals or groups who have interests in this labor pool. For instance, Gordon Hanson found that business organizations who favor foreign labor will support immigration through interest groups (2010, p. 11). The authors study found the businesses who invested the most money into lobbying their immigration stance experienced the most success in persuading the government to implement certain policies (Hanson, 2010, p. 11). This study has questioned amnesty policies on many aspects. Placating interest groups is one way to understand interest group behavior.

In the 1980's when IRCA was being discussed interest groups were seeking the legalization of many unauthorized immigrants, specifically those working in agriculture (Swain, 2007, p. 22). Such groups include those in support of unauthorized immigration due to its perceived benefit on the U.S. economy or even groups involved in electoral

contests. One study found the candidates will support immigration policies that garner more votes. For example, proposed policies that seek to sanction certain employers for hiring unauthorized immigrants may cause the supporting politician to lose that population's votes (Milner & Tingley, 2011, p. 6). These groups find it vital to have increased immigration as a means to ensure economic and political stability in the United States, especially in those more populated states (Swain, 2007, p. 22). It is believed that the supporters of immigration holding these viewpoints were the driving force behind implementing IRCA (Swain, 2007, p. 22).

According to one study newly elected officials will favor an immigration policy "if it increases his/her constituency's voters' well being" (Facchini & Steinhardt, 2011, p. 734). For example, CNN reported on the importance for President Obama to hold the support of the Latino population in the 2012 election. Political objectives during this process targeted Latino votes (Rodriguez, 2012). Ultimately, politicians will choose to support immigration policies should they facilitate positive outcomes for their district, regardless of their economic or political impact nationally (Facchini & Steinhardt, 2011). Hanson's study identifies political support for unauthorized immigration based on economic reasons. The author found border enforcement to be less strict when unauthorized immigrant workers were in high demand (Hanson, 2010, p. 12).²² In addition, a study by Helen Milner and Dustin Tingley (2011) examine the predictive relationship between the economics of immigration and potential for restrictive policies in immigration reform. The authors found that "if immigration is seen as economically

²² More specifically, the author found immigration policies to support economic benefits given "an increase in the relative price of goods for an immigrant-intensive industry today is associated with a decrease in border enforcement six to ten months in the future" (Hanson, 2010, p. 12).

beneficial, or in some way fulfilling a desirable set of goals...then left wing legislators may favor less restrictive immigration policies” (Milner & Tingley, 2011, p. 12).

In Facchini and Steinhardt’s study, the incentives for the politicians were economic in that they would declare themselves pro-immigration if it meant unskilled labor would be brought to their predominantly skilled labor district (Facchini & Steinhardt, 2011). J.D. Hayworth found Republicans felt sympathetic towards Democratic views on immigration. The author notes that the legal Hispanic population makes up 14% of voters, and vote predominantly Democrat (Hayworth, 2006, p. 159). The significant amount of legal Hispanic voters, therefore, requires Republicans to do whatever is necessary gain their backing, even if that means supporting amnesty (Hayworth, 2006, p. 159).

Supporters of undocumented immigration are often of the Democratic Party (Buchanan, 2006, p. 81). Pro-immigration beliefs are often held by Catholic organizations who seek to lend help to those in need, including undocumented immigrants (Buchanan, 2006, p. 82). These groups will support amnesty for undocumented immigrants because they view the policy as the humane option for that population, thereby providing them life’s necessities in the U.S. (Buchanan, 2006, p. 81).

A California Republican representative serves as a strong example of one who supports undocumented immigration to gain political power. In the early 90’s Republican governor Pete Wilson endorsed Proposition 187, an anti-illegal immigration law, to gain Republican endorsements to support his run for reelection (Graham, 2002, pp. 124-

125).²³ The majority of voters supported the legislation and, therefore, supported Wilson (Dyck, Johnson, & Wasson, 2011, p. 456). Once reelected the governor adjusted his viewpoint to say he was in strong support of IRCA's legalization program for agricultural workers when majority votes shifted to Democratic viewpoints (Graham, 2002, pp. 124-125).

Another example of this effect is when a pro-immigration organization in the 1960's, the Mexican American Legal Defense and Educational Fund, went to the Ford Foundation for funding during its startup period (Buchanan, 2006, p. 82). The Ford Foundation supported the group's view of lobbying for unauthorized immigrants and Mexico's interest. With Ford's financial backing totaling a near \$30 million as of 2006 the group was able to become the most powerful lobbyist for pro-immigration views (Buchanan, 2006, p. 82).

Money and constituents appear to play a very large role for politicians and representatives when it comes to what side they will take on an immigration policy. Facchini et al. found in 2011 that interest groups are able to "legally influence the policy formation process by offering campaign finance contributions or by carrying out lobbying activities" (2011, p. 117). Prior to the Lobbying Disclosure Act of 1995 lobbying organizations were able to withhold information on their expenditures, allowing them to devote large sums of money to a politician's campaign (Facchini et al., 2011, p. 117). This uncovering, therefore, leads the researcher to infer that immigration policies may be chosen for reasons other than national well-being.

²³ Proposition 187 was a conservative initiative intended to deny most social services to illegal immigrants, including medical care and k-12 education (Dyck, Johnson, & Wasson, 2011, p. 456).

International experiences with amnesty programs. European countries have recently and in the past demonstrated reliance on amnesty-type policies (Maas, 2005; Sabater & Domingo, 2012).²⁴ This subsection will review several southern European countries which have implemented amnesty programs in their state and the outcomes they have experienced. These southern European states include Spain, Greece, and Italy. In addition, the experience of France in managing undocumented immigration as a northern European country will be examined given their recent staunch refusal to grant an immigration amnesty (Mayr, Minter, & Krieger, 2012). The importance in researching the three southern European countries is supported by the amount of regularization policies they have implemented during the last few decades.²⁵ The reliance on such a policy for this region is discussed by Maurizio Ambrosini. The author found southern European states to view amnesty programs as “the principal tool of migration policy” (Ambrosini, 2008, p. 567).

From 1997-2007 the three south European states carried out 87 % of all EU regularization programs (Brick, 2011, p. 8). Outside EU states do not support such legislative action, but they also do not experience as high of immigration rates (Brick, 2011). South European states have struggled significantly with unauthorized immigration as compared to other EU states and have often turned to amnesty programs as a solution (Brick, 2011). Claims have been made on why Southern European countries tend to be targets of unauthorized immigration. One author explains this predicament by noting “(T)he mismatch between political restrictions on labour mobility and the economic

²⁴ Countries outside of the U.S. often refer to amnesty policies as regularizations. This term will be mentioned frequently throughout this section. Regularization may refer to temporary or permanent legal status for unauthorized immigrants (Brick, 2011, p. 2).

demand for manpower produces pockets of irregular migration” (Ambrosini, 2008, p. 560). The countries of concern for this subsection each have their own unintended reasons for attracting unauthorized immigrants.

Spain. This state is considered one of the bigger European immigration countries (Baldwin-Edwards & Kraler, 2009, p. 443). Spain has employed six regularization policies since 1985 (Finotelli & Arango, 2011, p.503). Regularizations for the state’s irregular immigrants began in 1985 with the Aliens Act. The Act’s legalization provision was carried out 5 times thereafter until 2005 (Miguellez & Recio, 2008, pp. 592-593). Spain’s use of regularization often was to legalize its unauthorized workers, but at times they included workers’ relatives (Finotelli & Arango, 2011, p. 503). Between 1986 and 2005 the state legalized 1.7 million unauthorized immigrants, all of which were present in the country prior to their applicable regularization (Finotelli & Arango, 2011, p. 502). In 2005 Spain executed the biggest amnesty policy of its time, granting over one million people residency (Maas, 2005, p. 2). At the time, Spain’s unauthorized population consisted of nearly 900,000 individuals (Baldwin-Edwards & Kraler, 2009, p. 445). This particular regularization was considered the state’s most successful by legalizing 578,375 unauthorized immigrants capable of contributing to Social Security (Finotelli & Arango, 2011, p. 503).

Dispute over the 2005 policy has centered on three arguments: “encouraging of future illegal immigration, the rewarding of law-breaking migrants as opposed to lawful immigrants and the lack of elaborated formal admission systems” (Sabater & Domingo, 2012, p. 192). The amnesty program was anticipated to better Spain’s economy (Maas, 2005, p. 2). The policy was expected to increase tax revenue by legalizing the mass

amounts of undocumented workers (Maas, 2005, p. 2). As of 2005, Spain's non-citizens comprised almost 7% of its total population, with its unauthorized immigrant population in reaching nearly 7.3 million (Miguel & Recio, 2008, p. 590). The state anticipated a large portion of the population would be uncovered once the amnesty policy was active (Maas, 2005, pp. 15-16). In fact, Baldwin-Edwards and Kraler assert that a great majority of unauthorized immigrants neglected to participate in the 2005 regularization (2009, p. 452). The authors suggest that lack of participation may have been due to certain unauthorized immigrants not meeting the programs requirements or their age being an issue (Baldwin-Edwards, 2009, p. 452).

Baldwin-Edwards and Kraler found incentives for unauthorized immigrants to depend on three components: "visa regulations, the attractiveness of the informal economy and the efficiency of foreign labor recruitment procedures" (2009, p. 455). Spain provided economic incentives for foreigners, similar to the U.S., in that the state held job opportunities for undocumented immigrants (Maas, 2005, p. 7). Playing a part in this incentive for unauthorized immigrants to settle in Spain are economic push and pull factors. Unauthorized immigrants have been in large supply in Spain with the country holding a strong demand for their cheap employment (Miguel & Recio, 2008, p. 604). Jobs were in large supply during the years 1986-1990 with over two million created during this period (Lopez, 2007, p. 574). One study identifies a correlation in Spain, also recognized in the U.S., between job opportunities and the flow of unauthorized immigrants. Specifically, the study found the flow of unauthorized immigrants in Spain to decrease during an economic recession and vice versa (Sabater & Domingo, 2012, p. 214).

The state was not very strict when this correlation becomes an issue. They held the mentality that unauthorized immigrants would come to work but would eventually leave. Often this assumption was false (Maas, 2005, p. 8). One author supports the limits of this thinking explaining that in 2002 Spain's undocumented immigrant population grew from 1.3 million to 1.7 million in 2005 (Lopez, 2007, p. 578). Issues in Spain from employing the undocumented began to develop when this particular population caused wage rates for certain industries to go stagnant for the country's legal citizens (Miguel & Recio, 2008, p. 604).

Greece. Located in the southeastern region of Europe Greece has long been considered vulnerable to unauthorized migration.²⁶ The state's convenient location and weak security gained it a reputation in the topic of unauthorized immigration as "a waiting room for those wishing to move northwards, or a destination in its own right" (Lazaridis & Poyago-Theotoky, 1999, p. 716). In the early 1990's Greece noticed it was beginning to have a rise in unauthorized immigrants. The noticeable issue, however, did not provoke the state to implement any type of policy because the government believed the immigrants would simply leave (Baldwin-Edwards & Kraler, 2009, p. 298).

Greece began implementing amnesty policies in the 1990's. In the late 90's Greece responded to public discontent with its unauthorized population and its negative effects on the state's economic and social stability (Kiprianos, Balias, & Passas, 2003, p. 158). The response by the government was a temporary legalization for unauthorized immigrants with the option of renewal after a certain amount of time (Kiprianos, Balias,

²⁶ Greece is located near countries known for migrants such as North Africa, the Balkans, and the Eastern Mediterranean. Furthermore, the state's geography is composed of a coastline and mountainous terrain making it difficult for the state to seal every accessible entrance (Lazaridis & Poyago-Theotoky, 1999, p. 716).

& Passas, 2003, p. 158). The legalization program was discussed in 1997 and was implemented in 1998 as an emergency policy (Baldwin-Edwards & Kraler, 2009, p. 298). Issues arose for Greece's regularization policy when only a portion of those registered in the program renewed their temporary legalization (Kiprianos, Balias, & Passas, 2003, p. 158). The issue with the programs enrollees not continuing with the process was found to be due to confusion within the guidelines of the policy (Baldwin-Edwards & Kraler, 2009, p. 306). There was confusion for both the enrollees and the bureaucratic divisions (Baldwin-Edwards & Kraler, 2009, p. 306).

The state tried to fix the lack of clarity within the policy in 2001 by creating a new regularization for unauthorized immigrants. The added policy distinguished between worker cards and residence cards in an effort to help guide those applying and renewing (Kiprianos, Balias, & Passas, 2003, p. 159). The reformatted amnesty still had its issues. Most striking were the administrative weaknesses the policy held (Kipriano, Balias, & Passas, 2003, p. 160). The 2001 policy made the bureaucratic divisions in charge of the program even more chaotic than the 1998 program (Baldwin-Edwards & Kraler, 2009, p. 310). Specifically, this involved the agencies in charge of handling the applications not having enough authorities to handle the workload. Given that administrative staff was not efficient, therefore, the government was obligated to extend the bill several times (Kipriano, Balias, & Passas, 2003, p. 160).²⁷ The Greek government employed amnesty again in 2005 and still experienced similar bureaucratic problems due to unclear provisions (Baldwin-Edwards & Kraler, 2009, p. 317).

²⁷ The legalization program was supposed to end in February of 2002, but was extended four times after until July 2004 when it finally ceased (Baldwin-Edwards & Kraler, 2009, p. 310).

Similar to Spain and the U.S., Greece's formerly prosperous economy offered financial opportunities to those migrants crossing the border illegally (Lazaridis & Poyago-Theotoky, 1999, p. 716). The study discussed Greece's economic stability and its creation of incentives for unauthorized immigrants, and found support using push-pull factors. Specifically, these factors describe undocumented immigrants being "pushed out by economic hardship, low wages, population increase, political instability, and unrest, etc., and pulled by prospects from employment and higher earnings in destination countries" (Lazaridis & Poyago-Theotoky, 1999, p. 718). Regularization policies for unauthorized immigrants seeking opportunity, however, may not have been as reachable as hoped. Employers did not always wish to participate in the legalization process for their unauthorized employees (Baldwin-Edwards & Kraler, 2009, p. 310). Employers often refused to submit the necessary documents and instead proposed to their unauthorized workers to quit or remain in their position as an illegal worker (Baldwin-Edwards & Kraler, 2009, p. 310).

Italy. From 1970-1980 Italy began to develop a large unauthorized immigrant population. The country did not have a strict immigration program during this time causing mass amounts of unauthorized immigrants to enter and seek employment (Finotelli & Arango, 2011, p. 499). From 1986-1988 the country tried utilizing regularization to control their unauthorized population but this effort failed administratively. The state regularized 105,000 individuals who were either unemployed or without proper paperwork to prove they were employed (Baldwin-Edwards & Kraler, 2009, p. 353). By the 1990's the country sought to implement various forms of

regularization to try to stabilize negative market effects from their illegal immigration rate.²⁸

The most notable example of a regularization policy in Italy was in 2005 with the Bossi-Fini law. The regularization provision of the law legalized nearly 650,000 unauthorized individuals by the programs end in 2003 (Arango et al., 2009, pp. 71-72). From 1990-2006, the Italian government employed five regularization, or amnesty, policies (Finotelli & Arango, 2011, p. 499).²⁹ In 2005 Italy's unauthorized population was comprised of 541,000 and rose to 650,000 individuals in 2007 (Baldwin, Edwards & Kraler, 2009, p. 351).

The Italian government recognized the benefit of regularization programs as the percentage of the unauthorized population that applied for legalization. The state was able to incorporate this hidden population into their national Social Security system, which was impossible prior to regularization policies (Finotelli & Arango, 2011, pp. 499-502). This short-term economic benefit of regularization was unable to protect the state from the negative effect years later. Legalizations in Italy were never a guaranteed success due to two factors – one in particular relating to incentives. The incentive is understood as “the growth of the underground economy and the benefits it generates for those who have an interest in migratory flows” (Baldwin-Edwards & Kraler, 2009, p. 355). In 2002 Italy began to experience an influx of unauthorized immigrants as a result of enticing opportunities perceived by residents of other countries (Finotelli & Arango,

²⁸ Unauthorized immigrants were working in Italy but were not contributing to taxes as other legal residents were. The state wanted these workers to become legalized so they contributed equally (Finotelli & Arango, 2011, pp. 499-500).

²⁹ The Italian government sought to legalize unauthorized immigrants present in the country during the policies enactment (Finotelli & Arango, 2011).

2011, p. 502). The increase in numbers has been attributed to the pull effect, similar to the experience of Spain, which occurred as a result of the 2002 regularization with its opportunity for legalization (Finotelli & Arango, 2011, p. 502).

After 2006 the Italian government began to legalize immigrants entering the state which was legislative action unheard of in past regularization policies (Finotelli & Arango, 2011, p. 502). The state's regularizations continued until 2009 while demonstrating little success. Italy received very few applications and legalized a very small percentage of those evaluated (Finotelli & Arango, 2011, p. 502). Rome achieved success using regularization for legalizing already present unauthorized immigrants. Regularizations became unsuccessful, however, when the state issued legalization for those unlawfully entering during the programs (Finotelli & Arango, 2011, p. 502).

France. When Spain implemented their 2005 regularization, France tried to place an EU-wide ban on such programs (Mayr, Minter, & Krieger, 2012, pp. 1-2). France found that when other EU states opened their borders with regularization programs, illegal immigration to their state would increase as other countries regularized citizens' decided to migrate (Schain, 2011). The three countries of southern Europe that this study has reviewed are considered the most vulnerable to illegal immigration. Their vulnerability, therefore, causes other surrounding states like France to feel frustration when continuously lax regularization policies are employed by nearby countries (Bruguiere, 2006). France is a participating country in the Schengen Law which allows legalized migrants to move freely through other EU countries with little interference from border officials. Other EU states constant regularization programs cause uneasiness in France towards such policies because they are often the state of choice by migrants

leaving southern European states after being regularized (Mayr, Minter, & Krieger, 2010, p. 3).

Although France has raised objections against regularization they have utilized the policy in the past. From 1973-2006 France employed six regularization programs, where a total of 282,300 persons received a change in status (Baldwin-Edwards & Kraler, 2009). Regularizations in France have been attributed to the collective action that developed in the 1990's in favor of illegal migrants (Laubenthal, 2007). Research found that groups formed around the collective action seeking regularization policies from 1970-2006 were often the driving force behind whether the policy was implemented or not. Only a few instances involved politicians choosing the policy for economic reasons rather than political motivation (Baldwin-Edwards & Kraler, 2009, pp. 248-249).

Recently, France has become well-known as a restrictive country toward immigration. The country applies this approach by giving temporary status only to those individuals with family in France and those with special work skills (Geis et al., 2011, p. 776). Restrictive policies for immigration in France emerged in 2011 as a heightened security measure following the Arab Spring when concerns arose over increased immigration from the Maghreb (Scuzzarello & Kinnvall, 2013, p. 90). Throughout the 21st century France has had to enforce stricter immigration policies because of threats of terrorist activities, similar to the U.S.'s approach to immigration policy post 9/11 (Bruguiere, 2006). In 2006 increased security in EU member states prompted limitations to be drawn up regarding the ability of southern European states to utilize regularization programs. When southern European states are stricter with their border enforcement, by not implementing regularizations as a mechanism of immigration policy, France and

other northern EU states are able to better control their illegal immigration and better secure their state from terrorist activity (Kraler, 2009).

In summation, this portion of the study discussed international trials with amnesty-type policies that faced similar challenges to that of IRCA. Amnesty-type policies were attempted multiple times by several countries reviewed, but efforts proved ineffective when the policies did little to solve the immigration issue. One can begin to understand, therefore, the need for a change in immigration reform that does not reflect the characteristics of amnesty.

CHAPTER IV

DISCUSSION

The results of this study acknowledge several important issues from having unauthorized immigrants in the U.S. as well as the potential repercussions from implementing an amnesty-type policy to manage the growing population. The results reveal that there are financial implications from hosting the unauthorized immigrant population. There is the likelihood that it will become an expense to the American taxpayers as well as Federal, state and local budgets. The results regarding past amnesty policies and their potential to solve the issue of unauthorized immigration indicate that such policies are solely capable of demonstrating short-term success rather than long-term success. Such an outcome may be considered successful, but the administrative weaknesses of the policy hold the inherent possibility of having an ineffective implementation.

The researcher's results were able to lend support to previous studies with similar findings. When the study examined the public expense of education for children (citizen or non-citizen) of undocumented parents expense costs were found to be a significant burden for the host economy. Specifically, the results indicated that states are ultimately the financial suppliers of education rather than the Federal government. This finding related to the research by Brotherton and Kretsedemas (2008), Ntuli et al. (2012) and Miller (1997) that paid specific attention to a state's responsibility of providing public education to this population, notably when the schoolchildren require addition programs such as bilingual classes. The results showed that education is a top expense for state and

local governments, with children of undocumented immigrants contributing significantly to any increased costs. Education costs for this population were found to be especially troublesome in Southwest Border States, supporting Brimelow (1996) and his finding on the state of California being affected most by this population. The results supported other various studies that found the state of California to be the top financial provider of education for undocumented schoolchildren, and this expense compelling them to propose anti-immigrant legislation (Haines & Rosenblum, 1999; Brimelow 1996; Bischoff, 2002). Federal assistance, or reimbursement, for this expense was found to be insufficient as a means to counteract the burden on the affected state and local budgets. Benefits to supplying this education were uncovered, however, supporting Green (2003) with the results indicating that additional programs can help this population to become an asset to the country and not a liability.

In addition to education costs, the results also confirmed that federally mandated medical care for undocumented immigrants is placing the affected Federal and state budgets in a financial dilemma. Treatment costs for this population were found to be quite difficult due to an immigrant's fear of approaching an official in a hospital until the condition is severe (Okie, 2007). Thus it is not hard to see why it would be beneficial to encourage undocumented immigrants to seek treatment before their condition worsens. Local hospitals were found to have insufficient resources to care for this population but were still left to pay the bill with minimal Federal assistance. The previous finding supported Portes et al. (2009) on their notion that hospitals are treating this population for mandated reasons and not because they have the financial means. The results also confirmed that states will use taxpayer dollars to pay off uncompensated medical care,

especially in highly affected areas like the Southwest Border States (Green & Martin, 2004). Furthermore, the results agreed with Portes et al. (2009) in finding that affected hospitals that were unable to budget for this increased expense often had to shut down to escape further debt.

The data on law enforcement similarly displayed significant costs to the host budgets due to undocumented immigrants. Examination of this area of concern demonstrated support for Versanyi (2010) and Brotherton and Kretsedemas (2008) when the data revealed that a Memorandum of Understanding is used between local municipalities and the Department of Homeland Security (DHS). This support was important because it demonstrated a Federal responsibility being directed at state and local authorities. Additionally, research clarified that these municipalities must also fund the majority of costs for the necessary training activities due to limited aid amounts (Versanyi, 2010). This study's research confirmed the findings of Wishnie (2004) and Haines and Varsanyi (2010) on the sacrifices made by affected jurisdictions regarding resources not allocated for more important aspects of local enforcement.

A prominent finding on this topic was the costs of incarcerating unauthorized immigrants in Federal, state and local facilities. The results revealed that criminal non-citizens must serve their sentence in the Federal or state facility rather than be deported. When a state or locality was funding the incarceration of undocumented immigrants the results confirmed Booth's (2006) analysis that Federal reimbursements do not cover total costs. Although this study paid close attention to state and local costs incurred, this portion of the results revealed that expenses can also significantly affect the Federal government. In sum, Federal expenses contributed to incarcerating undocumented

immigrants in Federal prisons as well as the partial reimbursements (SCAAP) paid to state and local municipalities for their incurred costs (Brimelow, 1996; Hayworth, 2006).

Findings on the ineffectiveness of previous amnesty policies indicated that the legalization programs' weaknesses limited any positive outcomes that they provided (O.L. Graham, 2004; H.D. Graham, 2002). Political incentives were found to be a large contributor to the ineffectiveness of immigration amnesty policies. The results supported arguments of Swain (2007) and O.L. Graham (2004) on pro-immigration policy initiatives being pursued for a proportion of the population rather than for all of the American people. In relation to the previous validation, this study confirmed the arguments of O.L. Graham (2004) and Jacobson (2011) that immigration policies are prone to favor interest group identities that guarantee the most votes for a political representative. Coinciding with Facchini et al.'s (2011) study, the results demonstrated the likelihood of elected officials favoring the immigration viewpoints of the most powerful interest groups in terms of both monetary and influential capabilities.

This study's finding on the use of fraudulent identities in past amnesty policies signified administrative weaknesses in the employed verification software (Hayworth, 2006; Kobach, 2008). The data established ongoing support for Brimelow (1996) where current immigration agencies are unable to detect all fraudulent documents submitted by undocumented immigrants. Additionally, the results acknowledged the research of Haines and Rosenblum (1999) in regards to legalization programs causing administrative workers to unknowingly approve fraudulent documents. The results upheld the research of Barrowclough (2010) and Newman et al. (2012) in evaluating the E-Verify program as

the most effective software for detection purposes. The implementation process for the program, however, proved to be problematic for employers and potential employees.

Immigration amnesty was also associated with increased immigration becoming an unintended outcome following implementation. Support for O.L. Graham (2004) was built when the data indicated that amnesty and economic prosperity in the U.S. provide an incentive for foreign nationals to cross the border undocumented. This finding related to H.D. Graham's (2002) conclusion on economic factors, such as push-pull, significantly contributing to the increased illegal immigration numbers. Evidence found on these factors argued that one can expect the undocumented immigration rate to increase when the U.S. is in demand for low-skilled workers and for these numbers to decrease in recession-type conditions.

Essentially the results confirmed that unauthorized immigration is a financial burden on the budgets of Federal, state, and local governments. Despite state and local budgets receiving forms of Federal reimbursement, a significant portion of costs were still left to be paid by state and local host economies. Past use of immigration amnesty policies by the U.S. and other nations affected by undocumented immigration were shown to have brought unsatisfactory results. The various issues that occurred during and after IRCA were found to occur in present day management of undocumented immigrants. The results suggest that amnesty-type policies should not be employed as immigration reform due to varying implications for engaging in such an approach.

Suggested Policy Options

Structural economic improvements for southern countries. The results of the study illustrate the importance of economic stability for undocumented immigrants, hence why the United States is chosen as a residence by so many. The leading nation in 2011 with the most citizens who entered the U.S. illegally in hopes of financial opportunities was Mexico (DHS, 2012a). When Mexico experiences financial instability, illegal immigration in the U.S. increases (Orrenius & Zavodny, 2004). The same concept is understood in the U.S., where undocumented immigration is often projected to decline when the state's financial opportunities are limited. The U.S. attempted to better Mexico's economy with the North American Free Trade Agreement in 1994, which did improve (CRS, 2010). CIS (1994) found that the illegal immigrant population in 1994 was about 5.1 million. A decade later *The Washington Post* reported this population rose to 10.3 million, thereby demonstrating the limitations of lowering illegal immigration levels through bettering economic means (Moreno, 2005).

Since unauthorized immigration rates can be affected by Mexico's economy the U.S. should employ a task force designed to monitor key economic indicators. Economic indicators include decline in GDP growth, a low GDP per capita, a high underemployment rate, and an increasing inflation rate (CIA, 2013). In addition, the task force must have the capability and authority to take action when deemed necessary.

The task force's designated actions would include helping Mexican banks ease their interest rates, investing appropriately in the areas of infrastructure, business, and technology, and establishing trade agreements in emerging markets (CIA, 2013). Any monetary allotments designated for the U.S.'s current amnesty-type program should be

put towards employing experts in economics for the proposed task force. If the designated task force succeeds in building the Mexican economy, the end result could be lower illegal immigration in the United States. The researcher foresees this end result occurring once push-pull factors in the U.S. are less desired by Mexican citizens. The biggest obstacle in implementing the proposed policy option will be getting the approval and undivided attention of the Mexican government.

Mandated use of E-Verify by all states. This study has already established that the E-Verify software is not employed by all states nor is its use mandated by the Federal government (GAO, 2010). In addition, this study found the E-Verify software currently to be the nation's most effective detection program (Barrowclough, 2010; Newman, 2012). Federally mandating its use by all states, therefore, would be an appropriate policy initiative. Difficulties in implementation would be encountered during this process, not least of which this could itself become an unfunded mandate. This study established that the employers who have used the software reported feeling confused when trying to check an individual's status.

To accommodate for this hindrance, the Federal government will need to queue training seminars specifically for the purpose of educating future users of E-Verify. The Department of Homeland Security currently assists employees who have difficulties with the software through online webinars and customer service representatives. Should an employer want to be educated on the software in person, the individual must submit a request to DHS's customer support staff (DHSb, 2013). The researcher's policy suggestion involves the Federal government facilitating yearly conferences on how to effectively and easily utilize the E-Verify software. The conferences should take place in

major metropolitan centers, including the highly affected cities along the southwest border.

Placement of routine clinics in highly affected regions. Federally mandated Emergency Medicaid was shown to be draining hospital resources. This study specifically found that there were high treatment expenses for undocumented immigrants because they had more severe symptoms by the time they finally sought help at emergency rooms (Green & Martin, 2004). In order to avoid such treatment costs, the United States needs to safeguard this population's status when seeking medical help. As a means to provide this population with a treatment location with which they can be comfortable, the Federal authorities will need to supply routine clinics for primary care located in regions with high undocumented populations. These locations should be kept from conducting document checks, which includes requesting social security numbers or citizenship status. Treatments should involve yearly check-ups and prenatal care, as well as medical assistance for injuries. Injuries would be treated immediately following the accident rather than when the individual's condition is at its worst, thus avoiding frequent cases of expensive treatments.

Discontinue birthright citizenship. United States Supreme Court case of *Dred Scott v. John F.A. Sanford* (1856) ruled that any individual born or naturalized in the U.S. is a citizen of the country (60 U.S. 393). The Center for Immigration Studies (CIS) reported that the United States is one of only 30 countries to still provide birthright citizenship to children born to illegal immigrants (Feere, 2010, p. 2). An estimated 300,000 to 400,000 births in the United States are babies of undocumented immigrants (Feere, 2010, p. 2). This study did not question whether birthright citizenship provides an

incentive to illegal immigration, although one should not reject the possibility. If there is a link between birthright citizenship in the United States and undocumented immigration, current U.S. law should be adjusted. The U.S. should require a stricter path to citizenship for those born in the United States rather than automatic legal status. This process would be similar to what individuals of other countries experience when applying for citizenship in America.

Marriage fraud for citizenship. According to CIS the most common path to citizenship is marriage to an American citizen (Seminara, 2008, p. 1). Despite the fact that this study did not review marriage fraud as an incentive to illegal immigration, this path to citizenship is utilized too often to be ignored. CIS found in 2007 that 25% of all green cards issued were to spouses of American citizens, which is a number that has doubled since 1985 (Seminara, 2008, p. 1). *The New York Times* cited statistics from a USCIS office in Manhattan, indicating that for two weeks in April of 2011, 93 of the 114 couples interviewed by USCIS had their marriages approved by the agency (Bernstein, 2011). The United States should strengthen this area of immigration policy by requiring all citizenship applicants to complete the same process with no alternative quicker routes. By the U.S. abolishing both birthright citizenship and marriage as expedited paths to citizenship, this will force all applicants to approach legal status in a consistent manner.

Limitations

The study held several limitations, one in particular pertaining to the undocumented immigrant population. Population numbers were unable to be reported in exact amounts, but yearly estimates were provided. Fiscal impacts of the undocumented population on host economies were also approximations. Given that exact population

amounts were incalculable the undocumented immigrant's financial impact was equally indiscernible. The researcher, therefore, utilized estimates for both population and financial amounts of relevant sources. The majority of sources were by scholarly authors and government agencies but at times the researcher consulted authors of a partisan viewpoint. These authors were primarily from the Federation for American Immigration Reform (FAIR). This organization often provided the most recent data on the study's areas of concern. Skepticism may arise over data used in the study that was generated by FAIR given the groups partisan position on immigration policy. When possible the researcher compared FAIR's findings with less partisan authors who conducted comparable research.

Attaining information on past amnesty policies also had its limitations. Specifically, policies were not widely discussed or publicized in the Clinton and Bush 43 Administrations. The researcher sought information from contemporary sources, such as newspapers or online news sites where primary sources were without the necessary information. To support claims against less-publicized policies, the researcher consulted the most promoted immigration amnesty policy by the U.S. known as IRCA. Information on this policy was abundantly supplied by Open Source assets. Immigration amnesty policies can differ in their procedures and objectives. Therefore generalizing the study's results was hindered.

Implications for Future Research

On August 15, 2012 USCIS began accepting applications for Deferred Action for Childhood Arrivals (Mayorkas, 2012). Although the policy does not grant legalization as an immigration amnesty policy normally would it still holds the potential to produce

ineffective outcomes that this study has reviewed. Several years after the policy has been implemented research should be conducted to determine its impact in relation to areas of concern for this study. Research should identify whether the policy experienced short term or long term effects in lowering the undocumented immigrant population. In addition to estimating this population, an analysis of the policy should study any administrative weaknesses such as identity fraud. Further examination of Deferred Action a decade after implementation should attempt to identify how many applicants achieved legalization following their reprieve. This information would be important given that USCIS does not refer to Deferred Action as a grant of legal status (USCIS, 2013a).

Future research should also examine the impact an immigration amnesty program has on the agencies in charge of enforcing and handling the policy. This may include either Federal immigration law enforcement officers or the employees of USCIS. Minimal research has been conducted on this aspect of immigration amnesty policies. The findings of this specific examination would bring, however, clarity to the strengths and weaknesses of the implementation process for such policies.

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