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S U M M A R Y

President Bush has called for a new immigration policy for the nation and has made immigration reform legislation a high priority for his second term. This is a critical time, therefore, to think carefully about what immigration policies best promote the nation's interests. The Migration Policy Institute (MPI) has convened a bipartisan task force of distinguished leaders and policy experts from key sectors of society to develop information, analysis, and proposals to contribute to broader immigration debates.

The Independent Task Force on Immigration and America's Future will work during the coming year to address these policy challenges: the unauthorized population, immigration enforcement and national security, labor markets and the legal immigration system, and immigrant integration. Background for each topic and the key policy questions the task force will address are outlined in the Roadmap. Partner institutions in the project with MPI are Manhattan Institute and the Woodrow Wilson International Center for Scholars (WWIC).

Independent Task Force on Immigration and America's Future: The Roadmap

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The international movement of people is a force that is changing not only the United States, but also more countries than at any time in history. While the United States, with its immigration heritage, has long been a world leader in welcoming and integrating newcomers, there is a growing gap today between our official immigration policies and realities on the ground.

In January 2004, President Bush called for a new immigration policy, and he has made immigration a high priority for his second term. Legislation proposing wide-ranging changes in the immigration system has been introduced in Congress and additional bills may follow. This is a critical time, therefore, to think carefully about what immigration policies promote the nation's interests and to propose sound, knowledge-based reforms that advance them.

To that end, the Migration Policy Institute (MPI) has convened a bipartisan task force of leaders and experts from key sectors concerned with and affected by immigration. The task force is being co-chaired by Spencer Abraham, Distinguished Visiting Fellow, the Hoover Institution, and Lee Hamilton, President and Director of the Woodrow Wilson International Center for Scholars (WWIC).

Mr. Abraham served as Secretary of Energy during President Bush's first term. As a United States senator from

Michigan, he chaired the Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship. Mr. Hamilton served most recently as vice chair of the 9/11 Commission. He is a former member of Congress and chairman of the House Committee on Foreign Affairs.

Immigration issues are complex, with wide-ranging consequences that span individual rights, the rule of law, the way our cities and labor markets operate, American competitiveness, national security, and the unique character of the United States in the world.

Immigration issues are also controversial and little consensus exists on key policy questions. Part of the explanation for this controversy and political division owes to the fact that immigration policy debates are often poorly informed, polarized and narrow. The ambition of this task force is to inform and broaden those debates.

The task force will focus on four key areas of United States national interest where today's immigration policy and practices are faltering: (1) upholding the rule of law; (2) developing policies that meet immigration and national security needs; (3) managing immigration in ways that increase the nation's economic competitiveness; and (4) promoting the economic and social integration of newcomers. Within each of these broad thematic areas, the task force will examine the key policy challenges that must be addressed to achieve meaningful reform.

MPI's partner institutions in the project are Manhattan Institute and the WWIC.

¹ We use the term "unauthorized" because "unauthorized migrant" is the term used by the United States Census Bureau. This population is also referred to as undocumented immigrants, illegal immigrants, illegal aliens, undocumented aliens, and undocumented migrants.

I. Upholding the Rule of Law

The current way we apply immigration policy undermines the fundamental democratic tenet of the rule of law. For more than a decade, nearly one out of every three new immigrants settling in the United States has been unauthorized. High undocumented flows fuel deep resentment of our immigration policies in general, and create widespread skepticism about the capacity of the government to administer these policies in a way that promotes the nation's security and its economic and social interests.

The Policy Challenge

- ***The unauthorized population.***¹ There is a large and growing population of illegal immigrants in the United States. Of approximately 34 million foreign born in the country, approximately 10 million (about 30 percent) are unauthorized. The rest are roughly split between citizens and lawful permanent residents. The number grows by 400,000 to 500,000 annually. Thus, one-third of all newcomers to the United States who intend to stay do so outside the bounds of the law. (Mexicans account for as much as three-fifths of all unauthorized immigrants, and as many as three-quarters of all new illegal entrants.) The system is broken and a widespread lack of public confidence in it reflects this state of disrepair.
- ***Investments in border enforcement.*** A decade of unprecedented levels of new investment in border enforcement has been

unable to slow the flow. Instead, it has contributed to people remaining in the United States for longer periods and arranging, often through smugglers or other forms of subterfuge, for family members to join them. Sometimes described as “locking people in,” the phenomenon is in sharp contrast to the circularity that characterized unauthorized immigration from the region in the past, or preceded permanent settlement in the United States for a significant period. These changes in flows have coincided with sharp increases in the employment of unauthorized workers in permanent rather than seasonal jobs in a growing array of economic sectors and labor markets. Taken together, the impact of these unauthorized newcomers on the economy and in many communities has been profound. While many private goods and services are being produced and made available more cheaply, demands on some public services provided at state and local levels – especially education – have increased community fiscal pressures.

- **“Mixed” families and undocumented children.** Many members of unauthorized families live in mixed households, i.e., households where some members have legal status and others do not. One or both parents of about three million children who are US citizens are undocumented. Another 1.6 million children, like their parents, are themselves undocumented. To be effective, immigration reform must take into account these complex social realities.
- **Remittances.** It is estimated that more than \$40 billion annually is sent by immigrants to families and communities in their native countries. A large proportion of the senders are unauthorized. Remittances represent a source of foreign exchange for growing numbers of nations that far exceeds foreign aid

and rivals foreign direct investment. Remittances to Mexico, for example, are projected to be in the \$17 billion range this year and are Mexico’s second largest flow of hard currency next to oil. The importance of remittances is even greater for smaller countries, such as El Salvador. United States immigration policies and practices thus affect household survival worldwide, and have significant foreign policy implications.

The Policy Questions

- Who makes up the unauthorized population? What policy solutions are available to reduce their numbers?
- What are the lessons from the legalization experience of the 1986 Immigration Reform and Control Act (IRCA)? What are the experiences of other nations with legalization?
- Should the implications of illegal migration for sending countries be factored into United States policymaking and how?

2. Meeting Immigration Enforcement and National Security Imperatives

The rule of law depends on many things. Two are paramount: law enforcement that is perceived to be in the public interest, and widespread cooperation and participation by civil society actors and institutions in furthering law enforcement goals.

Until 9/11, immigration enforcement had focused almost entirely on control of the land border between the United States and Mexico, where resources grew dramatically and strong enforcement enjoys broad bipartisan support. But since 9/11, the new national security imperatives have placed immigration law

enforcement within a broader context and under increased scrutiny. Greater attention is now being paid to strengthening visa issuance processes as well as screening visitors and other non-immigrants at air and land ports-of-entry.

Strengthened border enforcement has not been equal to the task of curbing unauthorized immigration. Although getting into the country has become increasingly difficult and dangerous, once here, jobs are plentiful and there is little likelihood that prohibitions on hiring unauthorized workers will be enforced with great enough vigor to change behavior. Our enforcement policies, then, essentially invite people to take great personal risk to defeat border controls in return for the payoff of ready access to the labor market. As long as this situation persists, border enforcement will be unable to override the economic laws of supply and demand that fuel unauthorized immigration.

The Policy Challenge

- ***Interior enforcement.*** The nation's poor record on interior enforcement has many sources. The 1986 law prohibiting the employment of unauthorized workers is based on the view that jobs are the magnet for illegal immigration. But the law prohibiting hiring illegal workers is weak, resource levels for its enforcement have been flat since it was enacted, and employment of authorized workers has not become a labor standard analogous to those setting minimum wage and hour standards, as well as occupational safety standards. The weakness of employer sanctions owes to the lack of a reliable system that permits employers to verify work eligibility or documents and the fact that fraudulent documents are readily available. In addition, communities

frequently resist enforcement that concentrates on minority or ethnic groups, and many employers have incentives to procure cheap labor that outweigh the perceived threat of penalties.

The failure to control flows of unauthorized immigrants through employer penalties has led to initiatives to cut access to social and public services for people in the country illegally. Most of these initiatives gathered support in the mid-1990s. More recent expressions of this philosophy are Proposition 200 in Arizona and legislation restricting eligibility for drivers licenses. Another emerging trend has been the devolution of what had been exclusive federal immigration enforcement authority to state and local officials. With improved databases and information-sharing, local law enforcement authorities increasingly have access to information that allows them to identify aliens with criminal records or outstanding orders of deportation and to hold them for federal officials.

The result has been interior enforcement strategies that are fragmented, largely ineffective, and politically divisive. The absence of a political consensus and coherent national strategy to complement border controls is a fundamental failing of the current system.

- ***National security imperatives.*** Immigration enforcement is an increasingly important element of national security policy in the post-9/11 era. Initiatives such as the US-VISIT program to track the entry and exit of all foreign visitors, as well as the incorporation of biometric information in immigration documents, have become politically possible and are winning increased public support. At the same time, treatment of the foreign born and the need for evenhandedness in immigration enforcement

raise difficult challenges in balancing security and civil liberties interests. These challenges were dramatically illustrated in the immediate aftermath of 9/11, when the government targeted particular nationality groups with stepped-up immigration enforcement in the name of anti-terrorism measures. The demands of security must also be balanced with the need to remain an open society in order to protect key national economic and political interests – interests that are enhanced by international business travel and foreign student education, for example.

The Policy Questions

- What verification system should be established to provide employers with a reliable, efficient system to determine the work authorization of prospective employees?
- Would changes in immigration policy, such as establishing a temporary worker program, be likely to lead to more effective immigration control?
- What role should immigration measures and control play in combating terrorism?

3. Enhancing Economic Prosperity and Social Well-Being

Immigration has been a cornerstone of the United States' success in nation-building, economic growth, and securing a competitive advantage in the global marketplace. Today, about one million persons become legal permanent residents (i.e., green card holders) each year. The total number of legal entries can fluctuate widely by year as a result of processing and other administrative delays. The distribution among entry categories also fluctuates, but less so.

The criteria for admitting most of these legal immigrants have remained the same since the mid-1960s. However, today's economy is vastly different than 40 years ago, and tomorrow's economy will resemble that of the mid-20th century even less. Using immigration effectively will be key to America's long-term economic prosperity and competitiveness. And it will likely require some fundamental changes in existing immigration criteria.

The social goal of family reunification has driven most (about three-quarters) of permanent immigration. Increasingly, however, the promise of unification for all but the nuclear family of United States citizens (the smallest group in the family visa categories) means waiting in line for many years until a permanent visa becomes available. Beyond family, most of the remaining visas are allocated among (a) refugees/asylum seekers, (b) persons who enter because of a combination of employment-related factors, such as meeting a labor market need or the prospective immigrant's education and skills, and (c) winners of a lottery that provides visas to persons from countries whose nationals are underrepresented among immigrant groups.

The Policy Challenge

- **Unmet goals.** Many families remain apart for long periods of time, sometimes for as long as a decade or more, even though family reunification is championed as a central principle of immigration policy. These protracted separations in turn provide an incentive for illegal immigration. At the same time, sharp declines in refugee admissions over the past three years indicate that the nation's historic commitment to the human rights-based policy of refugee protection may be eroding. Further, the immigration system does not appear to be

meeting employers' needs. Despite years of complaints and reports, many employers still have to jump through apparently meaningless hoops to get the workers from abroad that they need – hoops that do not give the government a way to more effectively manage labor market-based immigration. As a result, there is broad agreement that the permanent immigration system does not serve the economic growth or competitiveness interests of American firms particularly well.

- **Workaround systems.** As a result of the inadequacies of the permanent legal immigration system, two parallel systems have exploded in importance: (a) the temporary immigration system, (known as the non-immigrant system); and (b) illegal immigration. Temporary immigration has grown primarily through a series of ad hoc laws that broaden access for high-skilled immigration. Illegal immigration has flourished in large part because of a broad unwillingness to acknowledge the low-wage economy's increasing reliance on foreign workers. The growth of these systems stems from the inability or refusal of policymakers to respond to the central role immigration is playing and should play in meeting the nation's economic and social interests.

The Policy Questions

- How can access to the best and most appropriate foreign workers – temporary and permanent – be accomplished?
- How can the interests of American workers be preserved and advanced in the face of job competition from immigrant workers and the downward pressure on wages that their presence can exert?
- What is the right balance between tempo-

rary and permanent immigration and between high and low-skilled immigration for meeting labor market needs?

- How should the tradition of family reunification be upheld?

4. Promoting the Economic and Social Integration of Immigrants

As a nation of immigrants, Americans have traditionally been bound by a shared commitment to democratic principles and a common civic culture and language. The national interest in ensuring that this shared commitment remains firmly in place during this period of high immigration is an issue that is compelling, but often ignored.

The Policy Challenge

- **Mismatches and fiscal inequity.** There is a deep mismatch between the nation's immigration and its immigrant integration policies. Through immigration policies, about one million immigrants are admitted and on track for citizenship each year. At the same time, the nation's immigrant integration policies are ad hoc, fragmentary, poorly funded and fall largely to state and local governments. This mismatch raises difficult issues of intergovernmental fiscal equity. Studies show that immigrants represent a net fiscal surplus for the federal government but a fiscal cost to state and local governments.

At one level, one might ask: Why worry about immigrant integration at all? The United States is a nation of immigrants and the nation's strength is based in part on the generational progress of waves of immigrants. Overall, there are still gains from the

first to the second generation in incomes, English language ability, and education levels. But the size of those gains differs across groups, with the progress of Hispanics generally lagging behind that of others. Moreover, there are reasons to think that history may not be a perfect guide to the future and that a less *laissez-faire* approach to integration may be needed.

- **Scale of flows.** One reason for concern is the scale of recent flows. Since 1990, annual flows have been higher in absolute numbers than at any point in the nation's history. High flows have led to a trebling of the immigrant population within a generation. Today, one in nine United States residents is an immigrant. One in five children is the child of an immigrant. Looking to the labor market, one in seven workers is foreign-born, and one in five low-wage workers in the country is foreign-born. Half of all new entrants to the labor market in the 1990s were immigrants.
- **Dispersal.** Recent flows are distinguished not only by their size, but also by their spatial dispersal. Over the past decade the states with the fastest-growing immigrant populations have been a group of "new growth states" in the Southeast, the Midwest, and the Rocky Mountains. These states often have less developed infrastructures for settling newcomers than traditional receiving states and many have comparatively skeletal social safety nets. Moreover, the labor-driven flows to these states tend to be composed of younger, less educated immigrants who have limited English skills and are more likely to be undocumented than immigrants in traditional receiving states.
- **Human capital.** While a large share of the nation's newcomer population holds at least a college degree, many immigrants have limited educations and English language skills. A recent Urban Institute study found that almost half of adult immigrants in New York and Los Angeles were limited English proficient (LEP). The same study found a higher correlation between limited English skills and hardship than between hardship and being undocumented. Despite the fact that immigrants are roughly 11 percent of the total population, they represent 40 percent of all United States workers with less than a high school degree, and 75 percent of workers with less than a ninth grade education.
- **Child poverty; language segregation.** Low human capital levels are highly correlated with child and family poverty. In 1970 poverty levels for children of immigrants approximated the low levels of non-Hispanic whites. But by 2003 children of immigrants were three times more likely to be low-income than whites, with their rates rivaling those of African-American children. Indeed, over half of all children of immigrants are low-income. Perhaps an equally troubling development is the surprisingly high level of linguistic segregation of children of immigrants: almost half of LEP students attend schools where a third or more of their fellow students are similarly classified.
- **Weakening of historic integrating institutions.** These demographic trends are taking place alongside a number of broader social and institutional trends that also suggest that the past integration patterns may not automatically reproduce themselves. One has been the weakening of the nation's public schools – particular-

ly its urban schools – as springboards for mobility and integration. Another is the restructuring of the labor market, with a decline in manufacturing jobs, a weakening of the bargaining power of workers, and the shrinking of sectors that once offered a bridge from low-wage work to the middle class.

- **Limited access to the safety net.** Policy developments may also make integration less certain. Following the enactment of the 1996 welfare and illegal immigration reform laws, social rights, including access to the social safety net, have increasingly been based on citizenship rather than legal presence. Immigrants arriving after 1996 – now almost half of the total legal immigrant population – are subject to the most severe restrictions. The impacts of these curbs have been felt not only by legal immigrant adults, but also by citizen children in “mixed status” families. (Seventy-five percent of the children of immigrants live in families where one or more children is a citizen and one or more adults is a non-citizen.) Children of immigrants experience higher levels of hardship and poor health than children of natives. Nonetheless, they are much less likely to receive benefits than the children of natives and are twice as likely to be uninsured. At the same time, the nation’s antipoverty policies, which have been driven by the goals of promoting marriage and work and reducing benefit use, have been an imperfect policy fit for immigrant families – families that, when compared to low-income, native-born families, have high marriage and work rates and low levels of benefit use.

The Policy Questions

- What should the federal government’s fiscal obligation be to state and local governments that provide services and benefits to immigrants admitted under federal immigration law?
- Does the nation need a more coherent language policy – one that embraces both the issue of English language acquisition on the part of the immigrant and the access that public institutions should offer to non-English speakers?
- To what degree should the country actively promote naturalization and citizenship?
- Should federal means-tested public benefits and work supports – like Medicaid, the State Child Health Insurance Program, TANF and Food Stamps – continue to be essentially conditioned on citizenship?
- Are schools responding to state and federal policies promoting standards-based instruction, especially the requirements of the No Child Left Behind Act, in ways that strengthen their capacity to teach newcomer and LEP children?

Conclusion

Immigration is becoming of increasingly greater economic, political, and social importance to America’s future. The reform process must lead to an overall mix and balance of immigration provisions that will allow immigration to continue to make critical contributions to America’s success as a nation, while meeting the higher standards of security and service that the American public is demanding.

List of Members As of May 3, 2005

Co-Chairs:

Spencer Abraham, Distinguished Visiting Fellow, Hoover Institution, former Secretary of Energy and Senator (R) from Michigan

Lee Hamilton, President and Director, Woodrow Wilson International Center for Scholars. Former Vice Chair, 9/11 Commission and Member of Congress (D) from Indiana

Director:

Doris Meissner, Senior Fellow, Migration Policy Institute, former Commissioner, United States Immigration and Naturalization Service (INS)

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T. Alexander Aleinikoff, Dean of the Law Center and Executive Vice President for Law Center Affairs, Georgetown University; former General Counsel, United States Immigration and Naturalization Service (INS)

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Jeanne Butterfield, Executive Director, American Immigration Lawyers Association (AILA)

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Fernando Garcia, Executive Director, Border Network for Human Rights

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Tamar Jacoby, Senior Fellow, Manhattan Institute

Juliette Kayyem, Lecturer in Public Policy at the John F. Kennedy School of Government at Harvard University; former member of the National Commission on Terrorism

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Robert Reischauer, President, Urban Institute; former Director, Congressional Budget Office (CBO)

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Debra W. Stewart, President of the Council of Graduate Schools; former Vice Chancellor and Dean of the Graduate School at North Carolina State University

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About the Authors



Michael Fix

Michael Fix is Vice President and Director of Studies at MPI. His work focuses on immigrant integration, citizenship policy, immigrant children and families, the education of immigrant students, the effect of welfare reform on immigrants, and the impact of immigrants on the US labor force.

Mr. Fix, who is an attorney, previously served as a Principal Research Associate at the Urban Institute, where he directed the Immigration Studies Program from 1998 through 2004. Throughout the course of his career at the Urban Institute, his research focused on immigrants and integration, regulatory reform, federalism, race, and the measurement of discrimination.

Mr. Fix is a member of the National Academy of Sciences' panel on the redesign of the US citizenship test. He served as a member of the Immigration Task Force of the Chicago Council on Foreign Relations, and on the Committee on the Health and Adjustment of Immigrant Children of the National Research Council. Mr. Fix also chaired the Working Group on Social Rights and Citizenship of the Migration Policy Institute's Comparative Citizenship Project. Between 1986 and 1988, Mr. Fix was a consultant to the Rockefeller Foundation's Equal Opportunity Program.

His recent publications include *A Profile of the Low Wage Immigrant Labor Force*; as well as *Overlooked and Underserved: Immigrant Students in US Secondary Schools*; and *All Under One Roof: Mixed Status Families in an Age of Reform*. His past research explored the implementation of employer sanctions and other reforms introduced by the 1986 Immigration Reform and Control Act.

Mr. Fix received a JD from the University of Virginia and a BA from Princeton University. He did additional graduate work at the London School of Economics.



Doris Meissner

Doris Meissner is a Senior Fellow at the Migration Policy Institute and the former commissioner of the US Immigration and Naturalization Service (INS). She contributes to MPI's project on national security and immigration and conducts policy research on international migration and development, and immigration policymaking in an era of globalization.

Ms. Meissner served as INS commissioner at the US Department of Justice from October 1993 to November 2000. Her impressive accomplishments included reforming the nation's asylum system; creating new strategies for managing US borders in the context of open trade; improving services for immigrants; managing migration and humanitarian crises firmly and compassionately; and strengthening cooperation and joint initiatives with Mexico, Canada, and other countries.

She first joined the Department of Justice in 1973 as a White House Fellow, serving as special assistant to the attorney general. Following that appointment, she became assistant director of the Office of Policy and Planning, then executive director of the Cabinet Committee on Illegal Aliens. In 1977 she was appointed deputy associate attorney general. She served as acting INS commissioner in 1981 and then as executive associate commissioner until 1986 when she left government service to join the Carnegie Endowment for International Peace.

In 1989, Ms. Meissner founded the Endowment's International Migration Policy Program, which evolved into the Migration Policy Institute in 2001. She left the Carnegie Endowment in 1993 when President Bill Clinton tapped her to serve as INS commissioner. After leaving government in 2000, she returned to the Carnegie Endowment as a senior associate in the Global Policy Program.

Ms. Meissner is a graduate of the University of Wisconsin, where she earned both her BA and MA degrees.



Demetrios Papademetriou

Demetrios Papademetriou is President of the Migration Policy Institute, the successor to the International Migration Policy Program of the Carnegie Endowment for International Peace.

Dr. Papademetriou's work concentrates on (1) evaluating the adequacy of US policies and administrative structures and practices in meeting important US policy objectives; (2) the migration policies and politics of most member states of the Organization for Economic Cooperation and Development (OECD); (3) borders and migration issues in North America; and (4) immigrant settlement and integration issues domestically and internationally.

Dr. Papademetriou is also the Co-Founder and Chair Emeritus of "Metropolis: An International Forum for Research and Policy on Migration and Cities." From 1991-1996, Dr. Papademetriou served as Chair of the Migration Committee of the Paris-based OECD. From 1988 to July 1992, Dr. Papademetriou was Director for Immigration Policy and Research at the US Department of Labor and Chair of the Secretary of Labor's Immigration Policy Task Force.

Dr. Papademetriou has taught at the University of Maryland, Duke University, the Graduate Faculty of the New School for Social Research (Political Science), and the American University (as a scholar-in-residence). He has published nearly 200 works on the immigration policies of the United States and other advanced industrial societies, the impact of legal and illegal immigration on the US labor market, the relationship between international migration and development, the management of international borders, the US-Mexico and US-Canada border (and migration) relationships, and immigrant integration policies.

The Migration Policy Institute (MPI) is an independent, non-partisan, non-profit think tank dedicated to the study of the movement of people worldwide. The institute provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic responses to the challenges and opportunities that migration presents in an ever more integrated world. MPI produces the Migration Information Source web site, at www.migrationinformation.org.

Upcoming MPI publications on US immigration reform include:

- *The Unauthorized Population: Data Analysis and Policy Implications*
By David A. Martin, MPI Nonresident Scholar and Warner-Booker Distinguished Professor of International Law, University of Virginia
- *Backlogs in Immigration Processing Persist: Immigration Fact Sheet*
By Kevin Jernegan, Associate Policy Analyst, Migration Policy Institute
- *Real Challenges for Virtual Borders: The Implementation of US-VISIT*
By Rey Koslowski, Associate Professor of Political Science, Rutgers University-Newark
- *One Face at the Border: Behind the Slogan*
By Deborah Waller Meyers, Policy Analyst, Migration Policy Institute
- *Secure Borders, Open Doors: Visa Procedures in a Post-September 11 Era*
By Stephen Yale-Loehr, Adjunct Professor of Law, Cornell University, Demetrios G. Papademetriou, President, Migration Policy Institute, and Betsy Cooper, Research Assistant, Migration Policy Institute

An additional report on unauthorized immigrants in the United States has been prepared by the Pew Hispanic Center for MPI's Independent Task Force on Immigration and America's Future.

Further information on these publications can be found in a special section of the MPI website at <http://www.migrationpolicy.org/ITFI/AF/index.php>. To order copies, please visit MPI's online bookstore.

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