“e pluribus unum”: The Study of Immigrants, Illegal and Legal, in the United States and Reform Policies

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For well over two centuries, people have flocked under this nation's protective wings as opportunists, sojourners, missionaries, refugees, and even illegal aliens. With the Statue of Liberty greeting Europeans entering Ellis Island, and The Golden Gate Bridge greeting Chinese and other Asians into San Francisco, the United States has long since been a refuge of the world, with opportunities abound and freedom for all. Over time, millions around the world have found emigrating to the U.S. as the only alternative to starvation, death, or a life full of hardship and suffering. With thousands from nations spanning the globe, America has become a mosaic of people, culture, and hope.¹ In 2009, the Obama Biden administration and the American people have made immigration reform a hot button issue on their political agenda. With concerns heightening during these tough economic times, each person's position can either labeled as pro-immigration or anti-immigration.² Some individuals live in fear of this topic while others see the positive impact of immigration on the United States. As a country, we can be seen as a nation of immigrants deriving from the motto "e pluribus unum", which means from many one.³ We all share this common bond with immigrants, as our forefathers left one country to begin new in another country.⁴ A better understanding of the facts will help establish a commonality between U.S. citizens and their immigrant, legal or illegal, brethren. The following will establish the positives and negatives of being an immigrant, legally and illegally, in the U.S. as well as what helps them maintain or prevents them from a successful lifestyle. Finally, a balance will be established between legal and

³ Id. at 2.
⁴ Id. at 2.
illegal immigrants and how developing a stronger immigration reform policy for the future will help each party and the United States.

**ILLEGAL IMMIGRANTS- Arriving and Surviving in the United States:**

Currently, illegal immigrants are exceeding in amount legal immigrants in the United States. Forty one hundred illegal immigrants enter the United States every day.\(^5\) Some of them enter legally and remain in the United States once their status has expired, while others enter illegally by using false documents or by eluding border patrols immigration policy.\(^6\) Around 75% have legal permanent (immigrant) visas; of the 25% that are undocumented, 40% overstayed temporary (non-immigrant visas).\(^7\)

First, it is important to exam the causes of illegal immigration. Commonly, individuals are trying to escape or leave their home country for religious, political or economic reasons. Religious reasons can include the fear of persecution based on a belief that does not assimilate with the country's population. Political reasons can include a country may be civil war torn or at war with another country and fleeing is necessary in order for safety and more importantly survival. Economic reasons can include little to no employment, a lack of education to support employment or no financial opportunity to support self and family. Also encompassed in economic reasons is overpopulation which can lead to drought, pollution and poverty.

\(^5\) *Id.* at 2.
\(^6\) *Id.* at 2.
ILLEGAL IMMIGRANTS- What is the downside?

While the causes of illegal immigration may be legitimate, the negative effects of illegal immigration can be troubling for U.S. citizens and the immigrants themselves.

Illegal immigrants are often exploited by U.S. citizen employers and seen as cheap labor. Illegals have little or no access to health care, government benefits and are often paid grossly under minimum wage.

One of the most impactful cases in illegal immigration is the case of the United States District Court, D. New Jersey and Plaintiffs v. Wal Mart Stores, Inc., Defendant. This class action suit was filed in 2003 against Wal Mart Stores for federal racketeering and cheating immigrant janitors out of wages. In the suit, Wal-Mart and its contractors are accused of failing to make required workers' compensation and Social Security payments and failing to withhold federal payroll taxes. Wal-Mart and its contractors are also accused of mail fraud, wire fraud, bringing in and harboring illegal immigrants and engaging in a "pattern of racketeering activity" to prevent officials from enforcing wage and immigration laws. “This case is about the most powerful and richest company in the world taking obscene advantage of the poorest and most vulnerable people in the world,” said the lawyer filing the suit, James L. Linsey. Additionally, immigrants were also working sixty hours a week for not much more than $325, if this was received at all.

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8 United States District Court, D. New Jersey, Victor Zavala; Eunice Gomez; Antonio Flores; Octavio Denisio; Hipolito Palacios; Carlos Alberto Tello; Maximiliano Mendez; Arturo Zavala; Filipe Condado; Luis Gutierrez; Daniel Antonio Cruz; Petr Zednek; Teresa Jaros; Jiri Pfauser; Hana Pflauserove; Pavel Kunc; and Martin Macak v. Wal-Mart Stores, Inc., 447 F.Supp.2d 379, (2006).
10 Wal-Mart, 447 F.Supp.2d at 5.
as most wages were back logged. Eventually this case was settled in 2007 when Wal-Mart agreed to pay eleven million dollars.\(^{12}\) The federal settlement also directed Wal-Mart to train all current and future store managers to prevent employing, hiring or recruiting illegal immigrants and to comply with ongoing investigations of cleaning contractors previously used by the company.\(^{13}\) This is only one case where at least 245 immigrants were taken advantage of from a nationally known money maker, Wal-Mart. If a large corporation can be capable of this, a small employer can as well and may have a greater advantage of slipping through the cracks of immigration labor law and standards.

Further, illegal immigrants can be taken advantage of and used in the business of human trafficking. Human trafficking.org quotes, "There is a great deal of this going on in these states. As we get better, I think you will see more of these cases brought." The human trafficking trade can be as sophisticated and lucrative as the drug trafficking business.\(^{14}\) For example in 2007, an illegal immigrant prostitution ring was broken up in South Carolina. "The people selling the women must smuggle them into the U.S., help them live and take them from place to place to work as well as round up customers," Lloyd said.\(^{15}\)

Trafficking of illegal immigrants can also mean big profits. In a 2005 case in Myrtle Beach, Jose Hernandez-Becerra, who was in charge of a brothel, told authorities he made $700 in one night from one illegal immigrant prostitute, according to court

\(^{13}\) Id.  
\(^{15}\) Id.
documents obtained by local newspaper in Columbia.\textsuperscript{16} In 2007 in Houston Texas, Olga Mondragon, a naturalized US Citizen, plead guilty to thirteen counts of forced labor of illegal immigrants.\textsuperscript{17} She smuggled young women and girls into the United States and placed them in a condition of involuntary servitude as bar girls.\textsuperscript{18} "Human traffickers pervert the American dream and use it as a ruse to lure vulnerable persons into terrible conditions of victimization," said Wan J. Kim, Assistant Attorney General for the Civil Rights Division.\textsuperscript{19} In 2008, the Department of Homeland Security removed 97,100 criminal aliens from the US.\textsuperscript{20} The above cases only represent three states out of fifty where these issues do occur and could occur.

Finally, illegal immigrants affect the U.S. and each other is through the risk of spreading foreign diseases. According to Rand study, "undocumented immigrants are younger and healthier, and they use the health-care system less often. The study estimates that undocumented immigrants ages eighteen to sixty-four cost the health system about $6.5 billion a year in 2000 dollars. The cost to taxpayers is about one billion dollars in 2000, or eleven dollars per household."\textsuperscript{21} Thus, illegal immigration has been shown to cause some medical consequences including importation of diseases such as polio, plague, dengue fever, drug-resistant tuberculosis, the chagas disease, and others, which

\textsuperscript{16} Id.
\textsuperscript{18} Id.
\textsuperscript{19} Id.
are often described to be serious.\textsuperscript{22} Illegal immigrants can spread new medical dangers unknown to the U.S. and their current healthcare system.

**ILLEGAL IMMIGRANTS- What is the upside?**

With the negative aspects of illegal immigration laid out, it is important to examine how illegals contribute positively to the U.S. while being "off the books."

Illegal immigrants are new consumers that drive up economic surplus without taking advantage of government benefits intended for legal immigrants or U.S. citizens. Strictly speaking, they only add to the U.S. economy. Moreover, the ratio between immigrant use of public benefits and the amount of taxes they pay is consistently favorable to the U.S. In one estimate, immigrants earn about $240 billion a year, pay about $90 billion a year in taxes, and use about $5 billion in public benefits. In another cut of the data, immigrant tax payments total $20 to $30 billion more than the amount of government services they use.\textsuperscript{23} Undocumented immigrants have become a new source of economic growth as giant U.S. consumer companies like banks, insurers, mortgage lenders, credit-card outfits, phone carriers, and others aggressively market to over eleven million undocumented customers.\textsuperscript{24} 84\% of undocumented immigrants are eighteen to forty-four year-olds, in their prime spending years, vs. 60\% of legal residents.\textsuperscript{25} Undocumented add at least $22 billion, in total, to the economy each year, and legalizing their status would

\textsuperscript{22} *Id.*
\textsuperscript{23} *Supra* note 7.
\textsuperscript{25} *Id.*
increase that amount.\textsuperscript{26} Undocumented immigrants add 600,000 to 700,000 new consumers to the economy every year.\textsuperscript{27}

Moreover, illegal immigrants make up a majority of the labor force in the United States. In 2005, illegal migrants accounted for about 5\% of the civilian labor force, or 7.2 million workers out of a labor force of 148 million.\textsuperscript{28} Approximately 19\% of illegal workers were employed in construction jobs, 15\% in production, installation and repair, and 4\% in farming. Illegal immigrants comprise 24\% of all workers in farming, 17\% in cleaning, 14\% in construction and 12\% in food preparation. Within those categories, unauthorized migrants tend to be concentrated in specific jobs: They represent 36\% of all insulation workers, 29\% of all roofers and drywall installers, and 27\% of all butchers and other food-processing workers.\textsuperscript{29} These are a majority of jobs in some regions that Americans simply would not do for the wage offered, thereforeillegal immigrants are playing a large part in sustaining these industries.

**LEGAL IMMIGRANTS-Arriving to and Thriving in the United States:**

The U.S. has allowed around one million legal immigrants to enter every year since 2000. Legal immigrants can enter the country and maintain legal status in the country on a variety of non-immigrant and immigrant visa types. Non-immigrant visas are for individuals who are in the U.S. for a temporary period of a specific purpose.\textsuperscript{30}

\textsuperscript{26} Id.
\textsuperscript{27} Id.
\textsuperscript{28} Id.
Some categories permit employment and others do not.\textsuperscript{31} Types of non-immigrant visas include a student visa, specialty occupation visa, extraordinary ability visa, religious worker, exchange visitor visa, business visitor visa, medical visa, or an intra-company transferee visa. Types of immigrant visas include the employment based or the family based green card process.

Permanent residents or green card holders are admitted to work and live in the U.S. for as long as the intent to remain in the U.S. is maintained.\textsuperscript{32} An employment based green card is sponsored by a United States employer and can fall into five categories: priority workers, advanced degree professionals, skilled workers, non-skilled workers, or investors creating U.S. employment.\textsuperscript{33}

A quota system controls the number of foreign nationals who may enter the U.S. each year. Some categories require that the employer first establish that there is no U.S. worker available to fill the position.\textsuperscript{34} The first quotas were established in 1921, and have varied up until 1978. Currently, employment based green cards are 140,000 per year and family based green cards are 226,000 a year.\textsuperscript{35} Spouses, parents, and children of U.S. citizens are currently unlimited. Temporary worker non-immigrant visas allow for 65,000 visas per year.

A family based green card is sponsored by a U.S. citizen or a legal permanent resident. United States citizens or legal permanent residents may sponsor spouses, minor children, unmarried or married children who are over twenty-one years of age,

\textsuperscript{31} Id.
\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{35} Id.
parents, or siblings. A majority of the above mentioned processes are expensive, time consuming and require patience on behalf of the legal immigrant and often times their sponsor. The root reason for legal immigration is similar to that of illegal immigration. Legal immigrants seek to better themselves by obtaining a U.S. education or U.S. employment in order to provide for their family, in the U.S. or in their home country, or themselves. Also, much like their illegal brethren, legal immigrants may be seeking to leave their country for similar reasons, such as religious, political or economic difficulties.

**LEGAL IMMIGRANTS- What makes the positive impact?**

However, legal immigration has positive and negative aspects and effects on the U.S. as well. First, immigration can lead to an exchange of values, knowledge, expertise and perspectives. Because of immigration, people are exposed to diverse languages and cultures vastly different from their own, adding to the richness of any given society. Second, most immigrants are coming to the U.S. seeking further education or for employment. Most immigrants represent a hardworking, driven, intelligent group employed in the U.S. in the science, medical, or technology field. Their employment in these fields enriched the knowledge and progress for the United States. Some believe by allowing legal immigration to operate as a steady flow, this deters illegal immigration by

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36 Id.
38 Id.
39 Id.
making it more and more uncommon. Further, 1.5 million businesses are immigrant owned contributing grossly to the US economy. They account for 11.6% of all U.S. business income. Legal immigrants add greatly to the US economy and community.

**LEGAL IMMIGRANTS- What makes it tough?**

For many legal immigrants, the American dream is becoming harder and harder to accomplish. "I wanted to make a better life in America," says Sanchez, 63, "My dream was bringing my family here and working together." To begin, the economy is down and there are very few job offers. Sponsors of non-immigrant work visas do not want to invest a few thousand dollars on a visa case that is questionable or not guaranteed acceptance or approval. Fewer immigrants are receiving job offers to come to the U.S. Even if a visa does get accepted, U.S. consulates abroad are becoming much stricter and denying entry into this country more and more often. Finally, even if a non-immigrant visa is approved, green cards are backlogged which limits the immigrants time in the U.S. to actually obtain a green card. In essence, they could be waiting for over a decade, paying thousands of dollars, and never obtain a green card. In 2009, 384,000 cases have been brought before the Immigration Court. This burden of pending cases is taking its toll on the system, and the immigrants and families whose lives are on trial. These

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40 Id.
42 Id.
43 Supra note 30.
burdensome cases prevent accurate rulings and the time each case needs to be reviewed properly.\textsuperscript{45}

Further, even if an immigrant obtains employment through a U.S. sponsor, there are a number of dangers with legitimate employment for a work visa. Some employment recruiters take advantage of immigrants by demanding exorbitant fees in exchange for sponsorship.\textsuperscript{46} These fees can be as high as $15,000 and are illegal.\textsuperscript{47} Immigrants can be taken advantage of simply because they do not know better and only see a future in the United States. Further, sponsor companies pressure employees to inflate their education or job experience on their resumes.\textsuperscript{48} This makes it easier for the immigrant to get a visa which is reserved for a high skilled worker and it also allows employers to charge clients higher fees for the immigrant's services. Additionally, employers may "bench" an employee, which is illegal.\textsuperscript{49} Benching is where a non-immigrant on a temporary work visa is not performing work and therefore is in a nonproductive status because of lack of assigned work, lack of a permit or license, or some other employment-related reason. The employer is required by law to continue to pay this individual. Workers on the "bench" are often forced to hunt for assignments themselves and live off their savings.\textsuperscript{50}

Finally, many immigrants desire to be among their support system of friends and family in their home countries. Also, luxuries are much more affordable in their home countries. There are also better career opportunities in their home countries. About 10% \textsuperscript{45} Id.

\textsuperscript{46} Steve Hamm and Moira Herbst, America's High-Tech Sweatshops, Business Week, Oct. 12, 2009, at 36, 37.

\textsuperscript{47} Id.

\textsuperscript{48} Id.

\textsuperscript{49} Id.

\textsuperscript{50} Id.
of managers in India are returnees, as the country’s government entices some skilled workers with incentives such as financial assistance and housing. Like the U.S., China is also in great need of employees in fields such as finance and information technology.\textsuperscript{51}

The U.S. may no longer be the only land of opportunity. If we don't want the immigrants who have fueled our innovation and economic growth, they now have options elsewhere. Immigrants are returning home in greater numbers. And new research shows they are returning to enjoy a better quality of life, better career prospects, and the comfort of being close to family and friends.

\textbf{IMMIGRATION REFORM- What is the priority?}

"To characterize illegal immigrants as queue-jumping, law breaking scum is seriously unjust. The motives of illegal immigrants ... are identical to those of legal immigrants. In fact, they are largely identical to the motives of our own parents, grandparents and great-grandparents when they immigrated. ... Ask yourself, of these three groups -- today's legal and illegal immigrants and the immigrants of generations ago -- which one has proven most dramatically its appreciation of our country? Which one has shown the most gumption, the most willingness to risk all to get to the U.S. and the most willingness to work hard once here? ... Who loves the U.S. most? On average, probably, the winners of this American-values contest would be the illegals, doing our dirty work under constant fear of eviction, getting thrown out and returning again and again," says Time Magazine write, Michael Kinesly.\textsuperscript{52}

With both positive and negative effects on our country, themselves, and each other, it is nearly impossible to have one of these without the other. One cannot have illegal immigrants without legal immigrants and vice versa. Reducing illegal immigration is hard, but increasing legal immigration would be easy.\(^5\) A pro-immigration stance is the most effective view for the United States. As a country, we need to figure out how to regulate illegal immigrants and maintain legal immigrants. The United States has tended to have explicit policies regarding immigration but a laissez-faire attitude regarding immigrants.\(^5\) There are many issues that highlight the U.S. debate on immigration. The suggestions that follow will attempt to reform the issues of economic integration, English language acquisition, naturalization, and immigration integration and assistance programs.

First, United States education programs should allow and encourage bilingual education.\(^5\) While some see this as a handicap because immigrants, especially children, may not learn English as fast or well, we need to adapt to the melting pot country we live in. Do not discriminate based on language but promote education. Within ten years of arrival, more than 75% of immigrants speak English well; moreover, demand for English classes at the adult level far exceeds supply.\(^5\) If immigrants do not feel forced out of their native language; they will feel more comfortable learning English.

\(^{53}\) Id.
\(^{54}\) supra note 29.
\(^{56}\) supra note 7.
Second, allow dual nationality.\textsuperscript{57} The United States does no encourage nor prevent dual nationality; however this would make for a smoother transition and perhaps a shorter, less expensive immigration process.\textsuperscript{58} Legal immigrants may wish to remain in the U.S. for a shorter period of time, and illegal immigrants may find it easier to obtain legal status in the U.S. if they are not choosing between two citizenships.

Further, the United States government should secure funds for local immigrant integration programs.\textsuperscript{59} This will maximize the immigrant's social and economic contributions.\textsuperscript{60} It will also ensure an easier path for illegal immigrants to begin to and obtain a legal status. This will also ease the tension in certain communities with illegal and legal immigrants.\textsuperscript{61}

Next, the government should create and reevaluate the White House task force on immigration.\textsuperscript{62} The United States should review the recommendations and consider launching a follow on interagency effort to implement and reevaluate some of the proposed actions.\textsuperscript{63} Next, allow easier access to government benefits for legal immigrants, while only placing certain restrictions for illegal immigrants. Illegal immigration assistance programs should be provided with cost effective assistance that will not hinder the non-profits mission or harm legal immigrants or U.S. citizens using

\textsuperscript{57} Supra note 30.  
\textsuperscript{58} Supra note 30.  
\textsuperscript{59} Supra note 44.  
\textsuperscript{60} Supra note 55.  
\textsuperscript{61} Supra note 55.  
\textsuperscript{62} Supra note 55.  
\textsuperscript{63} Supra note 55.
the same assistance programs as illegal immigrants. Further, children or women should be treated as special cases.\footnote{Supra note 55.}

Next, the requirements for obtaining a driver's license vary by state. Some states are proposing legislation to prohibit the issuance of state issued identification to individuals who are unable to prove legal immigration status. Conversely, in other states it is possible for an illegal immigrant to obtain a driver's license, as no proof of legal immigration status is required. By only issuing driver's licenses or state identification to those individual who can prove a legal status will reduce the number of illegals and encourage them to start and maintain a legal status. This will also lesser their ability to create and maintain a long term life in the United States.

Next, ensure immigrants receive health care.\footnote{Supra note 55.} Hospitals and medical programs should ensure access to linguistically and culturally appropriate care that eliminates disparities. State policy-makers may want to consider a number of options for increasing immigrants’ access to healthcare and ensuring that immigrants receive linguistically and appropriate health care services. Policy makers should create incentives for employers to provide health insurance benefits and expand access to public health programs. They should encourage or mandate access to medical translation and interpretation services; and promote foreign language skills and cultural competency in college health care curricula and professional education programs.

Finally, the U.S. government should promote naturalization. Each district should create a naturalization committee that meets regularly to discuss customer service issues

\footnote{Supra note 55.}
and other challenges to applications moving forward. Currently, the major complications in naturalization are the Federal Bureau of Investigation, FBI, name check process, rising filing fees, and changing the U.S. citizenship exam. These are all issues which have led to the backlog in cases. The U.S. should push for each unit to develop a troubleshooting committee which works only with these cases in order to move the process along. This committee can be responsible for a thorough review of the FBI name check process which is long overdue. Also, they will be responsible for streamlining those individuals who are fee exempt. There should be a clearer more formal assessment for fee waivers which the applicant can determine on their own. Finally, this committee should share exam statistics with the public making it known which sections provided the most amount of issues for individuals taking the exam. Promoting naturalization offers the Administration an opportunity to highlight the contributions that immigrants are making to our nation’s civic life, their choice to become “new Americans,” and their commitment to exercising the rights and responsibilities of U.S. citizenship.

CONCLUSION

Most importantly, we, the American people, cannot imply that immigration is an all or nothing scenario. There is a balance between anti-immigration, no immigrants, and pro-immigration, no borders. The above suggestions should empower citizens and U.S. government to see that change is possible in small increments with the possibility of outstanding conclusions. Immigrants should be welcomed and integrated into an

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66 Supra note 55.
67 Supra note 55.
68 Supra note 55.
69 Supra note 55.
70 Supra note 55.
American culture and society that they have longed for as to become from one nation, many people, and “e pluribus unum.” This result will strengthen our country and our economy as well as promote patriotism. Immigrants are good for American and American is good for immigrants.