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Prospects for Comprehensive Immigration Reform in 2012-2013: Accounting for Trends in Immigration Public Opinion

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Immigration is undeniably one of the most important forces shaping America. Since 2000 the United States has absorbed almost 14 million immigrants, bringing the total of all documented and undocumented immigrants currently in the nation to over 40 million (Fortuny and Chaudry 2011). The rapid growth of the Latino population has allowed Latinos to displace African Americans as the nation's largest racial and ethnic group. Asian Americans, once an inconsequential share of the national population are now the fastest growing racial and ethnic group. These changing demographics have made the issue of immigration an important issue for politicians, policymakers, and voters. Of particular concern are the estimated 10.2 million immigrants who are residing in the U.S. without legal status (Taylor, et al 2011). Their presence, and how to deal with their presence, is often the most contentious aspect of the immigration debate. One solution is to provide amnesty to these immigrants; others, such as 2012 Republican Presidential candidate Mitt Romney, advocated for such immigrants to engage in self-deportation. Amnesty has only been offered on one occasion under the provisions of the 1986 Immigration Relief and Control Act (IRCA). Subsequent attempts at amnesty have been met with staunch opposition, particularly since the hope that amnesty would reduce the undocumented population did not materialize.

In both his 2008 and 2012 campaigns, President Obama promised to make immigration reform a priority in his first 100 days of office. While such efforts never came to fruition in his first term, renewed hope exists that his second term will address the situation of millions of immigrants currently living in the US without legal status. Obama recently took one step to remedy this situation by enacting an executive order, known as the Deferred Action for Childhood Arrivals (DACA). According to estimates from the Pew Hispanic Center, approximately 1.7 million individuals would be eligible for the program (Passel and Lopez 2012). In effect since August 15, 2012, DACA enables the children of undocumented immigrants who are either pursuing higher education or military to legally reside in the United States. However, it does not address the plight of all undocumented immigrants currently residing in the US. Another shortcoming of DACA is that it offers no pathway to citizenship for immigrant youth. While DACA contains some of the provisions outlined in the Development, Relief and Education for Minors (DREAM) Act, it fails to provide a pathway to citizenship, which is the central difference between DACA and the DREAM Act.



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The current political environment, a Democratic president but a divided Congress, where Democrats control the Senate and Republicans enjoy the majority in the House, makes the passage of the DREAM Act uncertain. Republicans have offered an alternative to the DREAM Act, which they coin as the ACHIEVE Act. This Republican version provides only temporary renewable work visas to immigrant youth who pursue higher education or military service, but no pathway to citizenship. Without a pathway to citizenship, millions of immigrant youth will not be fully incorporated into

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American political, cultural and economic life. They will therefore be excluded from being able to participate in the electoral process, along with a whole host of benefits that are afforded to citizens.

Along with the increased polarization between the two political parties that has made compromise difficult (McCarty et al 2006), members of Congress will also have to consider the preferences of their constituents.

Public opinion plays a critical role in the policymaking process (Stimson et al 1995) and therefore, public concerns over issues has a profound influence on the behavior of Congress members.

Since the advent of modern-day polling, Americans have generally approached immigration with a large degree of ambivalence (Alexander and Simon 1993). And over the past six decades, Americans have been anything but welcoming towards immigrants. In my analysis of public opinion data towards immigration from 1955-2009, the general trend is that most Americans favor a decrease in levels of immigration to the US.¹ Although the US is a country comprised of immigrants, public views towards immigrants have not really reflected this heritage. Over the time period that I examine, variations do exist in the levels of opposition towards immigrants. From 1965-1981, a sudden surge in opposition to immigration emerged. In 1981, for example, over 65 percent of the American public believed that immigration should be decreased. This sudden surge in anti-immigration sentiment could be contributed to the influx of refugees from Cuba and Haiti. As the 1980s progressed there was a decline in opposition to immigration; below 50 percent of the American public believed immigration should be decreased. Between 1992 and 1993 an upward trend in opposition to immigration emerges. During this time about 65 percent of Americans believed that there should be a decrease in immigration. And from 1996 and 2001, the percentage of those who supported a decrease in immigration is somewhat on par with those in favor of status quo levels. Towards the end of 2001, a sudden surge against immigration once again reappears; nearly two-thirds of the American public favored a reduction in immigration levels. This sudden change

¹ I analyze data from Roper and Gallup public opinion polls where there is question that asks respondents whether immigration levels in the U.S. should be increased, decreased or stay the same.



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in public opinion could be attributed to the events surrounding 9/11. From 2006 onwards, an upward trend is evident in the percentage of Americans who support decreases in immigration --close to 70 percent. It is likely that these opinions are in response to the controversy surrounding HR 4437, which sought harsher penalties on undocumented immigrants. Taken altogether, the analysis reveals a public that is largely opposed to any sort of expansionist immigration policy. It may be the case that such sentiments would dissipate once other known factors such as socioeconomic status, age, race or ethnicity, are accounted for (Hainmueller and Hiscox 2010; Branton 2007; Hood et al 1997).

But, I find little variation in immigration attitudes. As such, no matter how one slices up the immigration public opinion data, the main finding is that most Americans are opposed to immigration. Given historical and current attitudes towards immigration, the prospects of enacting any sort of expansive immigration policies is highly unlikely. If these sentiments are translated into support for a pathway to citizenship, it seems likely that many members of Congress will be pressured from their constituents to oppose such a measure. The fact that a pathway to citizenship can be linked to amnesty, a policy proposal broadly rejected by the American public (Davila et al 1998), does not bode well for

Policy Recommendations:

- President Obama must lead on this issue; he must exert his influence by “going public” as a way of garnering support directly from Americans (Kernell 2006).
- President Obama needs to make more speeches and public appearances regarding a pathway to citizenship. By doing so, he can subtly and effectively address his intended audience-- Congress.
- Immigration reform also needs to be broadened to address the situation of undocumented immigrants who are not covered by DACA.
- Any sort of comprehensive immigration reform must include a pathway to citizenship for the millions of immigrant youth who are making meaningful contributions to every aspect of American society.

Our European neighbors, in contrast, have used amnesty more regularly to resolve the issue of legal status. Although Republicans have realized that the policy of self-deportation is an unrealistic and problematic solution, their alternative of only offering temporary work visas is equally unfeasible. Going down this particular policy path would result in two American publics—one where individuals have all the rights afforded to them as citizens and another that are marginalized for their (lack of) citizenship status. The promise of a democratic society to fully represent the voices of all its constituents would be lost unless citizenship is granted to the millions of immigrant youth.



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