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Illegal Immigration Alternatives: How States Should Respond

James Jay Carafano, Ph.D.

One of the most contentious issues in the debate over immigration reform is how to deal with the estimated 12 million to 15 million people unlawfully in the United States. The legislation recently proposed in the Senate (S. 1639) presumes that legalizing these individuals must take precedence over other immigration reforms and border security initiatives. However, “State Approaches to Illegal Immigration,” a forthcoming report organized by the Texas Conservative Coalition Research Institute (TCCRI), disputes that assumption. The report argues for discouraging unlawful presence by withdrawing many of the benefits and entitlements granted by state and local governments.

The recommendations could serve as the foundation for a more fair, practical, and enduring solution to the challenges posed by dysfunctional immigration policies and broken border security. Creating disincentives for unlawful presence and encouraging legal migration is a superior alternative to the strategy of the Senate immigration bill.

State Tasks. According to TCCRI, state legislatures can undertake a number of initiatives to discourage unlawful presence. The proposals include:

- **Enhancing Local Law Enforcement and Border Security.** Section 287 [G] of the Immigration and Nationality Act provided states the means to effectively cooperate with federal Immigration and Customs Enforcement officers for addressing local criminal and public safety issues such as organized gangs, smuggling, deportation of criminal aliens, and counterterrorism investigations.

- **Implementing REAL ID.** The REAL ID Act establishes national standards for driver’s licenses and “breeder” documents (such as birth certificates) used to obtain state identity cards. States can only issue REAL ID-compliant documents to persons lawfully in the United States. By complying with REAL ID, states will help combat document fraud, identity theft, and other illegal activities conducted by unlawfully present persons to obtain government benefits and work authorization.
- **Denying Public Benefits Programs.** States should close loopholes that allow unlawfully present persons to benefit from public welfare programs. Such programs should be structured so that applicants can only be accepted after proving their citizenship via proper documentation.
- **Imposing Employer Sanctions.** States can and should sanction—through fines and withholding benefits—employers who knowingly hire unlawfully present persons.
- **Ending Bilingual Education in Schools.** Bilingual education programs are ruinously expensive, make learning English more difficult, and they slow the process of assimilation. Education ben-

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efits also provide an additional incentive for unlawfully present persons to remain in the United States for protracted periods of time.

- **Ensuring Voters Are Citizens.** The ability to vote is the defining feature of U.S. citizenship. Yet at times, non-citizens have voted in state, local, and federal elections. State governments must protect this fundamental right by requiring a valid ID for proving citizenship at the voting booth.

A Different Path. TCCRI offers a real, credible alternative to S. 1639. Changing the South–North migration patterns from illegal to legal requires steps to get the behavior of the marketplace back in sync with the rule of law. That means: (1) enforcing U.S. laws and, (2) creating a market that rewards and values lawful labor over undocumented workers. Denying amnesty is one powerful disincentive to further illegal migration. The TCCRI report offers a slew of complimentary measures: meaningful citizenship verification for receipt of public ben-

efits; practical sanctions on employers; and denial of educational benefits to unlawfully present persons. In short, civil society should take away the myriad of advantages that enable and encourage individuals to live illegally in the United States.

TCCRI's recommendations, in addition to quickly establishing significant and practical legal opportunities for migrant temporary workers, could significantly reduce the U.S. economy's addiction to illegal labor. At the same time, the measures would encourage individuals who are unlawfully present to accept responsibility for their past decisions and choose to redress their status in the future.

—James Jay Carafano, Ph.D., is Assistant Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Senior Research Fellow for National Security and Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation.