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POLICY BRIEF

Immigration Scare Tactics: Exaggerated Estimates of New Immigration Under S. 2611

The debate over S. 2611, the Comprehensive Immigration Reform Act, has been clouded by grossly exaggerated estimates of the likely scale of future immigration under the bill.

Doom and gloom predictions that immigration will bring about the demise of U.S. culture and society are as old as the United States itself. For instance, Benjamin Franklin famously warned that German immigrants to the United States “are usually the most stupid of their nation” and that, unless they were turned away, “they will soon outnumber us so that we will not be able to save our language or our government.”¹ Although these sorts of predictions invariably have proven to be unfounded, opponents of immigration still find it politically expedient to advance their cause by suggesting that native-born Americans soon will become strangers in their own land in the face of mass immigration. This sort of fear mongering was on prominent display over the past two weeks as the Senate debated the fate of S. 2611, the Comprehensive Immigration Reform Act. Some critics of the bill have succeeded in amending it by arguing that the original version of the legislation would prompt a massive wave of new immigration to the United States. With passage of the bill by the Senate and the contentious conference with the House of Representatives that is sure to follow, these kinds of political scare tactics likely will continue to cloud the debate.

S. 2611 would, among other things, allow some undocumented immigrants already

in the United States to apply for legal status and would create a new temporary worker program. Although serious efforts to estimate the impact of the bill on immigration rates are an essential part of the legislative process, some of the bill’s critics are using dubious statistics and unfounded assumptions to grossly exaggerate the likely scale of future immigration under the bill. The errors and fallacies contained within the most commonly cited of these projections are cumulative in nature. For example, an overestimate of how many undocumented immigrants or temporary workers become U.S. citizens under the bill results in an overestimate of how many family members will join new immigrants in the United States. These projections inflate the numbers of potential immigrants under S.2611 in many ways, but three stand out in particular:

- Counting several categories of immigrants more than once.
- Incorrectly assuming that all temporary workers will settle permanently in the United States with their families rather than returning home.
- Incorrectly assuming that all undocumented immigrants and new temporary workers will eventually become U.S. citizens and bring their parents and other relatives to the United States.

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Common Sense

Some critics of S. 2611 have claimed that the bill would unleash a veritable flood of anywhere from 66 million to 217 million new immigrants into the United States over the next 20 years.² The absurdity of these projections is evident in the fact that the estimate of 217 million is 70 million more than the combined populations of Mexico, Belize, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama. Estimates such as these are as unfounded as they are outlandish. For instance, some of the most commonly cited projections of new immigrants under S. 2611 include many who can enter the country under current law, plus the millions of undocumented immigrants already in the country who would not be new immigrants but would simply acquire legal status under the bill.

In contrast to the dire predictions of some of the bill's opponents, the Congressional Budget Office (CBO) estimates that the U.S. population would grow by about 7.8 million over the next 10 years under S. 2611. This total takes into consideration undocumented immigrants who acquire legal status, guest workers, other immigrants who enter the country through family-based or employment-based channels, and any children born to immigrants after they arrive.³

Cumulative Errors

One problem with the projections offered by some critics of S. 2611 is that they unrealistically assume that nearly all undocumented immigrants will apply for and receive LPR status under the bill. A widely cited Heritage Foundation report assumes that 85 percent of currently undocumented immigrants would become LPRs if the bill were passed.⁴ However, about 10 percent of undocumented immigrants are not even eligible for legal status under the bill because they have been in the country for less than two years. And, as the CBO report makes clear, it is highly unlikely that all of the remaining 90 percent will apply and qualify for permanent residence under the bill's requirements. The

CBO estimates that roughly two-thirds of undocumented immigrants who have been in the United States for five years or more will ultimately acquire permanent residence under the bill, while only half of those who have been here 2-5 years will do so.⁵

Because the Heritage report inflates these numbers, it also inflates projections of how many family members will eventually join newly legalized immigrants in the United States. According to estimates by the Pew Hispanic Center, which are used in most projections of the bill's impact, 66 percent of the adults among the 11 million undocumented immigrants in the United States already live with their families.⁶ As a result, projections that 6 to 12 million spouses and children will join beneficiaries of a new legalization program are highly unlikely given that many of these family members are already here.

Double Counting

Projections of future immigration under S. 2611 have been embellished in part by double counting several categories of immigrants. To begin with, new temporary workers are counted more than once. The Heritage report claims that "there are no numeric limits on the number of guest workers who could receive LPR status" under the Senate bill.⁷ This is incorrect. The Senate bill would create a temporary work visa, the H-2C, that is valid for 3 years and can be renewed once for an additional 3 years. Workers who enter the United States on an H-2C will be able to apply for LPR status (a "green card") through either a qualifying employer or a qualifying family member, but will have to do so through normal channels, subject to the same numerical limits as all other immigrants. That is, the number of H-2C workers granted LPR status in any particular year would be subtracted from the total number of available employment-based and family-based green cards for that year. Yet the Heritage report simply adds the number of new H-2C workers to the ceiling on employment- and family-based green cards. This double-counting amounts to about 20 percent of the

increase in the immigrant population that the report predicts.

The same double counting occurs with the estimated 2.4 million undocumented immigrants who have been in the country 2-5 years. Under the Senate bill, these immigrants would be eligible for a temporary legal status called Deferred Mandatory Departure (DMD) that is valid for three years. Recipients of DMD status who meet strict requirements will have the option of applying for a permanent status. However, applications for permanent status by these immigrants are subject to the same numerical caps as other immigrants and therefore cannot be counted separately. The Heritage report treats DMD applications as if they were exempt from numerical caps.

Similarly, the Heritage report double counts undocumented immigrants who are likely to gain legal status under current law regardless of whether or not S. 2611 becomes law. Recent estimates are that approximately 1.5 million currently undocumented immigrants are already “in the pipeline” for legal status.⁸ Since many of these immigrants will become legal under current law, they should not be included in estimates of the number of new immigrants allowed into the United States under the bill. The CBO report takes this into account by subtracting from the 11 million undocumented immigrants currently in the country an estimated 1 million who likely will become LPRs through existing employment-based or family-based immigration channels. But some opponents of the bill, such as the Heritage Foundation, count these immigrants as beneficiaries of legalization under the bill who are not subtracted from numerical caps on employment- and family-based immigration.

Ignoring Circular Migration

Projections of population growth under S. 2611 commonly, and incorrectly, assume that every worker who comes to the United States under a new temporary worker program will apply for permanent residence and bring family members with them. In the Heritage report, this “family multiplier” accounts for about 40 percent of the

projected growth in the immigrant population. However, if the recent history of immigration to the United States is any indication, it is far more likely that expanding legal channels of temporary immigration would motivate *fewer* immigrants to settle here permanently with families in tow.

Historically, a large share of migration to the United States, particularly from Mexico, has involved lone immigrants (usually men) who work here for a few years and then return home to their families after saving enough money to buy a house, start a business, etc. For instance, from 1965 to 1986, about 28 million undocumented Mexicans entered the country, yet the vast majority – 23 million – eventually returned home. With the advent of heightened border enforcement beginning in the mid-1980s, though, more and more undocumented immigrants settled permanently in the United States and brought their families with them rather than risk repeated border crossings. In the early 1980s, between 25 percent and 30 percent of undocumented immigrants in the United States returned home each year, but this figure had fallen to 6 percent by 1998.⁹ However, the share of immigrants who return home would likely increase again if a new temporary worker program allowed immigrants to legally enter – and leave – the country in response to actual labor demand. Moreover, migrants who come to the United States for brief stays are less likely to bring family members with them, and those that do are more likely to take their families with them when they return home.

Misleading Projections on Naturalization

Some critics of S. 2611 also assume that nearly all undocumented immigrants who become LPRs under the bill will then become U.S. citizens and petition for their parents to come to the United States as well. However, this, too, is highly unlikely. For instance, by 2001, some 10 years after immigrants were eligible for naturalization under IRCA, only one-third of those who were legalized had become citizens.¹⁰ Moreover, since the passage of

IRCA, the share of new immigrants who are the parents of U.S. citizens has averaged 7.4 percent per year. Yet the Heritage report inexplicably predicts that the parents of immigrants who are naturalized under the Senate bill will account for nearly 21 percent of new immigrants in 2020. In addition, the report predicts that the parents of newly naturalized immigrants will themselves begin to naturalize in 2015. However, as the CBO report notes, 2015 is the earliest that undocumented immigrants legalized under the bill could become LPRs. They would not even be able to apply for citizenship, and thus be able to petition for their parents, until at least 2020.

Conclusion

The immigration projections being released by some opponents of S. 2611 clearly are intended to frighten rather than to inform. Using statistics that are rife with errors and based on unrealistic assumptions, these projections play to the fears of the American public rather than contributing to an informed debate on how best to reform the U.S. immigration system. It is fanciful to think that immigration to the United States over the next two decades will be twice the total population of Mexico, which is the country from which most immigrants to the United States come. What we need now more than ever is an honest and objective analysis of the many immigration reform proposals currently under discussion, not scare tactics.

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Endnotes

¹ Benjamin Franklin, "The Support of the Poor," Letter to Peter Collinson, May 9, 1753.

² The 66 million figure is cited by the Heritage Foundation (www.heritage.org/Research/Immigration/wm1076.cfm). The 217 million figure is cited in a May 16, 2006, press release from the office of Senator Jeff Sessions (R-AL) ("U.S. Sen. Jeff Sessions Hails Passage of Lower Cap on Guest Worker Program").

³ Congressional Budget Office, *S. 2611: Comprehensive Immigration Reform Act of 2006*, May 16, 2006, p. 22.

⁴ Robert Rector, *Senate Immigration Bill Would Allow 100 Million New Legal Immigrants over the Next Twenty Years*. Washington, DC: Heritage Foundation, May 15, 2006, p. 2.

⁵ The CBO assumption that two-thirds of undocumented immigrants will become LPRs is based on the number of undocumented immigrants who applied for and were granted LPR status under the provisions of IRCA. The provisions of S.2611 are more stringent, so the CBO estimate probably is generous. See Congressional Budget Office, *S. 2611: Comprehensive Immigration Reform Act of 2006*, May 16, 2006, p. 22.

⁶ Jeffrey S. Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*. Washington, DC: Pew Hispanic Center, March 7, 2006, p. 6-7.

⁷ Robert Rector, *Senate Immigration Bill Would Allow 100 Million New Legal Immigrants over the Next Twenty Years*. Washington, DC: Heritage Foundation, May 15, 2006, p. 2.

⁸ David A. Martin, *Twilight Statuses: A Closer Examination of the Unauthorized Population*. Washington, DC: Migration Policy Institute, June 2005, p. 1.

⁹ Douglas S. Massey, Jorge Durand & Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York, NY: Russell Sage Foundation, 2002, p. 45, 131-132.

¹⁰ Nancy Rytina, *IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001*. Washington, DC: Office of Policy and Planning, U.S. Immigration and Naturalization Service, 2002, p. 3.