

Mass illegal immigration violations reveals flaws in the law

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Anyone who cares about the rule of law has to acknowledge that illegal immigration has serious social costs that cannot be casually dismissed, says immigration law expert Stephen Legomsky, JD, DPhil, the John S. Lehmann University Professor at Washington University in St. Louis School of Law.

Too often, however, those costs are caricatured, undocumented [immigrants](#) demonized, and the human realities ignored,” he says.

Legomsky says there is no credible evidence that undocumented immigrants take more jobs than they create, or that they constitute a net national fiscal drain — although they can adversely affect the budgets of selected states. Nor is there any evidence that they increase the national crime rate.

“It’s true,” he adds, “that when millions of individuals violate any law — whether it’s immigration, taxes or exceeding the posted speed limit — the rule of law takes a hit. But sometimes, mass violations reveal flaws in the law itself.

“At any rate, the rule of law also means that the penalties should not be disproportionate to the wrongdoing.”

Legomsky is the author of Immigration and Refugee Law and Policy, which has been adopted as the required text for immigration courses at 175 U.S. law schools since its initial publication in 1992.

He has testified before Congress on several occasions and has been a consultant to President Clinton's transition team, President Obama's transition team, the first President Bush's Commissioner of Immigration, the Administrative Conference of the United States, the UN High Commissioner for Refugees, and several foreign governments on migration, refugee and citizenship issues.

'Crucial step'

On the enforcement side, Legomsky believes that employer sanctions could be effective if Congress is willing to invest the resources needed to make the national database, known as E-Verify, reliable and keep it up to date.

"The current high error rate is unacceptable and makes optimum use of employer sanctions nearly impossible," he says.

To further reduce the incentive for [illegal immigration](#), Legomsky believes the U.S. government should expand the opportunities for legal immigration by family members of U.S. citizens and lawful permanent residents and by those whose occupational skills benefit the U.S. economy.

"A generous legalization program for most of the approximately 11 million undocumented immigrants already present seems unlikely in the current political climate. But it too is a crucial step if we want to integrate a population that is here to stay, enable these hard-working individuals to contribute more fully, and open life opportunities for their children," he says.

"At the very least, Congress should pass the DREAM Act, which would enable young people whose parents brought them to the United States at an early age, and who want to attend college or join the U.S. armed

forces, to come out of the shadows and function productively as lawful permanent residents,” Legomsky says.

“Whatever one’s views of the parents’ actions — and despite popular perceptions, the parents do pay taxes like anyone else — their children are morally innocent by any standard.

“To crush their educational dreams because their parents broke a [law](#) crosses the line that separates ‘tough’ from ‘cruel.’”

Provided by Washington University in St. Louis

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