

# Focusing on the undocumented hurts immigration debate

January 16 2014, by Lori Sonken

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U.S. House Speaker John Boehner recently signaled that the House may follow the Senate's lead and move immigration legislation. But many policymakers are falling into the "illegality trap" – a phrase coined by Michael Jones-Correa, professor of government, to describe when the debate centers on what to do with undocumented migrants.

In "The Illegality Trap: The Politics of Immigration and the Lens of Illegality," published in the summer 2013 in *Daedalus*, the Journal of the American Academy of Arts and Sciences, Jones-Correa warns that the emphasis on undocumented or illegal migrants leads to more enforcement, legislative gridlock and constitutional conflicts between federal, state and local laws without providing mechanisms to encourage immigrant integration into U.S. society.

"The focus on illegality ignores much of our history. Until the 1980s, illegality was a changeable concept. People may have entered the U.S. without documents, but they were able to regularize their status," says Jones-Correa, who co-wrote the article with Els de Graauw of Baruch College.

There are approximately 11.1 million undocumented people in the United States – about 25 percent of the foreign-born resident population. Usually they have overstayed visas for tourism, study or temporary work, or they entered the country clandestinely. Most come from Mexico (59 percent) or other Latin American countries.

The 1965 Immigration and Nationality Act ended the Bracero program that allowed Mexico and Caribbean nations to send millions of temporary farm workers to the United States. The 1965 statute also place a 20,000-person cap per country on immigration no matter where immigrants came from. Mexico was given the same cap as, say, Albania.

The article explains, "In a few short years, visa availability for migrants from Mexico plummeted from 450,000 annual guest worker visas and an unlimited number of residence visas to just 20,000 visas for permanent residents, with no legal guest worker program."

Jones-Correa supports earned legalization that enables migrants to acquire residency by meeting criteria, such as number of years in the country, having a stable job, paying taxes and not having a criminal record.

"Earned legalization is not completely absent from our system," Jones-Correa says, noting that those who are in the military can gain citizenship. Pending legislation, such as the DREAM Act, provides a path to legal residency for immigrants who came to the U.S. before they were 16, have lived in the U.S. for the past five years, and have completed two years of college or military service.

Jones-Correa predicts that there will be efforts to create paths to citizenship for those who came to the U.S. as youths and for highly skilled workers that the U.S. business community supports. There also may be provisions to allow agricultural workers to stay in the United States temporarily.

"The unresolved question is what happens to everyone else," he says, noting that the DREAM Act would affect, at most, about 2.1 million people. His work suggests a regular process to allow qualified unauthorized residents to gain access to permanent residency is needed.

Born in Venezuela, Jones-Correa's mother is Ecuadorean and his father is a Foreign Service officer. The author of several books and dozens of book chapters and articles, he was the team leader for Cornell's Institute for the Social Sciences' theme project, Immigration: Settlement, Integration and Membership 2010-13.

Jones-Correa – who has spent his life asking how people become citizens in a democracy and how we make decisions about who belongs and who doesn't – is enjoying his ringside seat watching the immigration debate.

"As a social scientist, I get to see this process unfolding as it is happening," he says.

Provided by Cornell University

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