

THE FACTS: IMMIGRATION & NATIONAL SECURITY



PROTECTING HUMAN RIGHTS STRENGTHENS OUR FOREIGN POLICY.

Respecting the rights of all people, including immigrants, has made the United States a beacon for liberty and human rights throughout the world and has made it easier to pursue and achieve foreign policy goals. As the U.S. State Department acknowledges, valuing human rights helps “secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies, and prevent humanitarian crises.”¹

Leading foreign policy expert Joseph Nye, Jr. observes that much of U.S. power comes from our values.² Our values are viewed, in large part, by how persons within the U.S. are treated.³ When the U.S. fails to demonstrate our values of liberty, human rights, and democracy, other nations may oppose the U.S., thus decreasing our ability to achieve our foreign policy goals.⁴ With U.S. foreign policy currently under the microscope, acting consistently with our values is critically important.

INCREASING FUTURE LEGAL IMMIGRATION WILL IMPROVE NATIONAL SECURITY.

Increasing opportunities for future legal immigration is consistent with our values as a nation of immigrants, counters anti-American sentiment, and keeps us safer. Core values include civil liberties and human rights for all people and integration of new immigrants into society. Security policies must be in line with these values or they are unsustainable.⁵ If security measures offend public values, we may see a considerable decrease in public support, reduced participation by U.S. allies in sharing intelligence for counter-terrorism efforts, and a decline in foreign workers who are now an essential part of U.S. firms and the economy.⁶

Immigration makes security stronger, not weaker: “immigrants provide a bridge to world understanding, helping to counter anti-American sentiment.”⁷ For example, student exchange programs provide foreign students with a more realistic and positive appraisal of the U.S. than they could get from home.⁸ Thus, isolating ourselves, even if it were possible, might even decrease our national security.

Everyone wants legal immigration. Legal immigration is safer for the immigrants and the receiving country. Currently, legal pathways into the U.S. do not exist for most low-skilled workers. Providing legal pathways for future immigrants demanded by our economy will give us knowledge of those residing within our borders and will free up resources for other national security efforts.

LEGALIZING UNDOCUMENTED IMMIGRANTS INCREASES OUR NATIONAL SECURITY.

As mentioned above, legalizing undocumented immigrants will improve national security by facilitating integration and oversight of those within our borders while conserving resources for actual terrorist threats. National security experts recognize the connection between legalization and the nation’s safety, concluding that an immigration reform plan with a path to legalization for the undocumented is the most pressing immigration-related security need facing our nation.⁹ Legalizing undocumented immigrants already in the country would provide the opportunity to register and screen everybody.¹⁰ By contrast, policies concentrated on enforcement measures without comprehensive immigration reform will only drive immigrants further away from law enforcement.¹¹

Legalization would also free up resources for targeting actual terrorist threats, rather than apprehending immigrants who are here merely to seek a better life and provide for their families.¹² Recently, immigration has become intertwined with counter-terrorism policy, leading to a public misperception that immigrants are terrorist threats.¹³ This misperception is damaging to both immigrants and our security efforts. As a professor at the U.S. Military Academy at West Point testified before the House, “practices that fail to properly distinguish between terrorists and others ... [are] ineffective security tools that do more harm than good.”¹⁴

MILITARIZATION OF THE SOUTHERN BORDER IS COUNTERPRODUCTIVE TO SECURITY GOALS.

Current border enforcement strategies have led to a variety of human rights abuses and an increase in deaths during entry attempts, without enhancing security. As a report to the United Nations describes, militarization of the U.S.-Mexico border has increased migrant deaths and human smuggling by forcing migration through more dangerous terrain.¹⁵ In addition, civilian militia groups, several of which have ties to hate groups, have accompanied border militarization.¹⁶ Migrants have reported being “shot at, bitten by dogs, hit with flashlights, kicked, taunted, and unlawfully imprisoned.”¹⁷ The Human Rights Committee has expressed concern at the “reportedly large number of persons killed, wounded, or subject to ill-treatment.”¹⁸ As described above, such human rights abuses are inconsistent with our values and ultimately undermine the U.S. ability to enlist the help of allies in times of need.

WALLING OFF THE UNITED STATES ISN'T REALISTIC.

Policies that focus on enforcement fail to deal with the reality of the U.S. and the global economy, lead to more human rights abuses and deaths, and are inconsistent with American values. Border control efforts by themselves have led to more deaths and human smuggling, haven't deterred anyone from migrating, and have actually increased the rate of permanent settlement in the U.S.¹⁹ Enforcement policies without comprehensive immigration reform fail to account for the powerful forces that bring people to the United States and the devastating consequences such policies would have on our society and economy. Building a 700-mile physical wall on the U.S.-Mexico border would cost \$2.2 billion in taxpayer dollars²⁰ and would inflame anti-American sentiment in Latin America.²¹ Creating a metaphorical wall through mere enforcement and massive removal of undocumented immigrants would cause widespread panic, economic collapse, and would tear families apart. This is not sound public policy.

The U.S. needs immigrants. Current U.S. law admits only about two-thirds of the labor needed to keep the economy growing.²² The remaining third—400,000 to 500,000 workers – work without authorization. With aging populations, lower birthrates, and higher levels of educational attainment among the native-born in the U.S., there is a need for both skilled and unskilled labor and more people to pay into Social Security.²³ Immigration allows for growth and innovation in the economy, thus fueling our competitiveness in the future. Immigrants and their children have won 44 of the 100 Nobel prizes awarded to American researchers during 1901 to 1991, and all four American Nobel laureates of 1999 were foreign-born scholars who came to the U.S. for their education and research.²⁴

Immigration policy must reflect the realities of the world today. As New York City mayor Michael Bloomberg has testified, “[i]t's as if we expect border control agents to do what a century of communism could not: defeat the natural market forces of supply and demand... and defeat the natural human desire for freedom and opportunity. You might as well as sit in your beach chair and tell the tide not to come in.”²⁵



SOURCES FOR “IMMIGRATION AND NATIONAL SECURITY”

¹ U.S. Department of State: <http://www.state.gov/g/drl/hr/>.

² Joseph S. Nye, Jr., *Limits of American Power*, 117(4) POLITICAL SCIENCE QUARTERLY 545, 552-555 (2002-2003).

³ *Id.* at 544.

⁴ *Id.*

⁵ Donald Kerwin and Margaret Stock, *National Security and Immigration Policy: Reclaiming Terms, Measuring Success, and Setting Priorities* (2006), available at: http://www.cliniclegal.org/Publications/ArticlesbyCLINIC/National_Security_and_Immigration_Policy.pdf.

⁶ *Id.*

⁷ Laura W. Murphy, *War on Terrorism and Immigration Enforcement, FDCH Congressional Testimony*, EBSCO MegaFILE. (7 July 2006), available at: <http://search.epnet.com>.

⁸ Joseph S. Nye, Jr., *The Power We Must Not Squander*, NEW YORK TIMES (3 January 2000), available at: http://www.ksg.harvard.edu/news/opeds/2000/nye_nyt.htm.

⁹ Kerwin, *supra* note 9, at 56.

¹⁰ *Id.*

¹¹ *Id.*

¹² Interview with Stephen E. Flynn, U.S.C.G., *ret.*, Senior Fellow for National Security Studies at the Council on Foreign Relations, cited in Kerwin, *supra* note 9, at 44.

¹³ Karen Tumlin, *Suspect First: How Terrorism Policy is Reshaping Immigration Policy*, 92 CAL.L. REV. 1173, 1227-1229 (2004).

¹⁴ Margaret D. Stock, testimony before the House Committee on International Relations, Subcommittee on Oversight and Investigations (11 May 2006).

¹⁵ Border Network for Human Rights, *Behind Every Abuse is a Community: U.S./Mexico Border Report to the United Nations Human Rights Committee Regarding the United States' Compliance with the International Covenant on Civil and Political Rights*, 6-7 (2006), available at: <http://www.ohchr.org/english/bodies/hrc/docs/ngos/BNHR.pdf>; Wayne A. Cornelius, *Death at the Border: Efficacy and Unintended Consequences of U.S. Immigration Control Policy*, 27(4) POPULATION AND DEVELOPMENT REVIEW 669 (2001).

¹⁶ Border Network for Human Rights, *supra* note 23, at 8-9.

¹⁷ *Id.*

¹⁸ *Id.* at 9; Alexander G. Higgins, *U.N. Human Rights Experts Chastise U.S.*, ASSOCIATED PRESS (17 July 2006), available at: <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/17/AR2006071701035.html>.

¹⁹ Cornelius, *supra* note 23.

²⁰ National Network for Immigrant and Refugee Rights. “Immigration Proposal Comparisons: Bush, Sensenbrenner, Specter.” March, 2006. Accessed August, 2006 from: http://www.nnirr.org/projects/immigrationreform/Bush_Sensenbrenner_Specter.pdf#search=%22wall%2C%20Mexico%2C%20cost%2C%20immigration%22.

²¹ The Christian Science Monitor. “Latin Leaders Balk at US ‘Wall.’” March 27, 2006. Accessed August, 2006 at: <http://www.csmonitor.com/2006/0327/p01s02-woam.html>.

²² Tamar Jacoby, *On Immigration, Liberalize to Crack Down*, WASHINGTON POST B07 (16 July 2006).

²³ Bhagwati, *supra* note 28, at 211-212.

²⁴ Mazrui, *supra* note 28, at 87.

²⁵ Michael R. Bloomberg, testimony before the United States Committee on the Judiciary (5 July 2006), available at: http://judiciary.senate.gov/testimony.cfm?id=1983&wit_id=5493.