Forty million citizens, or 13% of the entire U.S. population, are foreign born.[[1]](#footnote-0) The United States has become a melting pot: bringing millions of people from the most remote corners of the world with different ethnic backgrounds, cultures, societal norms, and traditions together. While the formal immigration system is flawed, and the high volume influx of immigrants can be problematic at times, especially in terms of the role immigration plays in spurring party politics, immigration produces diversity, and with it, enrichment of the the nation’s economy as well as culture. Since it’s conception, the regulation of immigration has been primarily a power of the federal government. However, in the 19th and 20th centuries, state governments had some control over immigration policy.[[2]](#footnote-1) Currently, immigration policy is returning to it’s roots. Border states such as Arizona have recently taken actions to exercise more control over immigration affairs. The recent rampart influx of illegal immigrants from Central and South America, as well as the failure of the federal government to deal with this problem, has led to serious questions of states rights to regulate immigration and border policy.

The issue of immigration first became a matter in need of governmental regulation when “the United States Congress passed the Quota Act in 1921, which reduced the number of immigrants permitted into the country to 360,000 per year.”[[3]](#footnote-2) The federal government was able to justify its actions by citing article 1, section 8, clauses 3&4, which gave Congress the power to regulate U.S. interactions with foreign entities, and also gave Congress the power to regulate immigration and naturalization laws. Three years later Congress introduced another called the “national origins” system which limited the number of immigrants from specific countries to the proportion that had been admitted to the United States in 1910.[[4]](#footnote-3) Illegal immigration was not a serious problem at that time because anyone could enter the United States with exceptions to criminals, the sick, and those unable to support themselves. Also, illegal immigration of migrant workers to the U.S. increased after the cancellation of the Bracero program in 1964, which allowed Mexicans to work in the fields of California and Texas for short periods of time.[[5]](#footnote-4) In an attempt to control illegal immigration, Congress passed the 1986 Immigration Reform and Control Act. However, the legislation was a policy failure , “most experts agree, however that IRCA has had little effect in reducing illegal immigration to the United States.”[[6]](#footnote-5)

The current immigration policy, The Immigration and Naturalization Act (INA), provides for an annual worldwide limit of 675,000 permanent immigrants, with certain exceptions for close family members.[[7]](#footnote-6) According to the American Immigration Council, “ Immigration to the United States is based upon the following principles: the reunification of families, admitting immigrants with skills that are valuable to the U.S. economy, protecting refugees, and promoting diversity.”[[8]](#footnote-7) However, the current quota is inadequate in meeting the needs of the millions of foreigners within or outside the United States attempting to become lawful members of society.

Recently, there has been a high increase in the number of people, specifically children, from Central and South America, attempting to cross the U.S. Mexico border in hopes of living in the United States. According to Sonia Nazario, “these people, like the majority of immigrants today, come to America in search of, “economic reasons as well as safety concerns.”[[9]](#footnote-8) The question of what these people have to offer to the general welfare is one of intense debate. This situation is eerily similar to the immigration crisis caused by millions of Irish and German people to the U.S. in the middle half of the 19th century. Irish and German immigrants came to the U.S. in order to escape the tumultuous events in Europe, but even with the absence of the quota system, these immigrants faced many challenges toward the path of the citizenship such as discrimination and poverty. [[10]](#footnote-9)

Popular perception depicts U.S. immigrants, specifically bodies of color, as a detriment and burden to American society. Immigrants are portrayed as people forcing Americans out of their jobs. Opponents of immigration point to statistics such as “21% percent of immigrants receive subsidies from American taxpayers,” as well as the fact that “ Supplementary Security Income, originally intended to financially assist elderly and disabled Americans, has become a retirement pension for 30% of elderly noncitizen immigrants,” to provide reasoning as to why immigration is an overall burden to the general welfare of the U.S. populus.[[11]](#footnote-10) However, these statistics are outweighed by the positive benefits that immigrants contribute to the United States, especially towards the economy. According to Julian L Simon, “immigration does not exacerbate unemployment…Immigrants not only take jobs but create them as well. Their purchases increase the demand for labor, leading to new hires roughly equal in number to the immigrant workers.”[[12]](#footnote-11) Further more, according to the National Foundation for American Policy, immigrants will add a net of $611 billion to the Social Security system over the next 75 years.[[13]](#footnote-12) Other studies, such as a 2011 study by the Institute for Taxation and Economic Policy found that undocumented immigrants paid $11.2 billion in state and local taxes in 2010 alone, adding a significant amount of money to help state and local finances.[[14]](#footnote-13) Research by UCLA Professor Raúl Hinojosa-Ojeda shows that legalizing our nation’s undocumented immigrant population and reforming our legal immigration system would add a cumulative $1.5 trillion to U.S. GDP over a decade.[[15]](#footnote-14)

Federal law also prohibits immigrants from receiving welfare payments or public assistance for the first three to five years of residence. According to Jaclyn Fierman, “74% of adult male immigrants hold jobs.”[[16]](#footnote-15) Also, the number of jobs they have grows with industrial activity.[[17]](#footnote-16) Despite receiving 1.1 billion dollars in cash welfare payments each year, immigrants contribute a net annual of 4 billion dollars to the U.S. for a net gain of 4 billion dollars. [[18]](#footnote-17)Furthermore, in a study of the four hundred largest U.S. counties, Maria Enchautegui, an economist at the Urban Institute found that for every one hundred person increase in the population of adult immigrants, the number of new jobs rose by forty-six.[[19]](#footnote-18) In comparison, for every one hundred new native-born Americans, the number of jobs rose by just twenty-five. [[20]](#footnote-19)

Not only does immigration bring economic benefits to the United States, but the demographic shifts that occur as a result of immigration are vital to U.S. culture as well. America is rapidly becoming a multi-racial and white-minority country. However, immigrants are seen as a detriment to good U.S. family values and the overall homogeneity of the nation. To counter this view, Francis Fukuyama argues that, “ the strength of traditional family values is most evident specifically among immigrants from East and South Asia, where mutually supportive family structures have been long credited as the basis for their success.”[[21]](#footnote-20) Increased immigration and diversity has also increased the nation’s language capacities. The millions of languages that immigrants come to the United States with slowly become a part of the culture. The census brief of 2000 has shown that one out of five people in the United States speak a language other than English in their homes.[[22]](#footnote-21) These languages are spreading to public institutions such as schools all over the nation. For example, the Los Angeles school district in California represents more than 200 languages.[[23]](#footnote-22) Along with new people and new languages come new ideas. Immigrants bring with them practices and cultural knowledge from their homelands, and these ideas can be incorporated into the new country they call home. Diversity can strengthen a population, not just in terms of demographics, but in terms of ideas that can help the “American Dream” to continue evolving with the times. Immigration is also vital to U.S. culture. The time where America could have thrived on Classical Republicanism ideals of small homogenous communities is over. In order for the United States to remain a global force, it must adapt. Immigrants bring with them practices and cultural knowledge from their homelands that can be incorporated into the new country they call home.

There are some that argue that there is a finite amount immigrants this country can safely absorb without immigration becoming a burden on the nation’s economy as well as culture. These people are correct. The United States can only handle immigration and diversity when the laws are in place are adequate enough to facilitate this process. Currently, the law is not and millions are being harmed as a result. However, this reality needs to be changed. Our country was was built on the idea that all men are entitled to life, liberty, and property. The immigrants who are coming into the United States are coming because conditions in their homelands do not allow them the rights to life, liberty, property, and the pursuit of happiness. The U.S. is a haven that gives them hope, and therefore it is the duty of lawmakers in this country to create legislation that makes it possible for these immigrants to have the opportunity to achieve their dreams. Another issue that must be addressed in order to determine when immigration is enough, is the concept of assimilation and how it plays a role in American society. Throughout the history of the United States, many immigrants in the United States were able to assimilate into American culture and become a part of the norm. However, this transition was not always voluntary and it was only truly available to those who were white and could easily pass themselves off as white such as Irish immigrants who were able to become part of American society after decades of intense discrimination. When the society is no longer willing to accept people’s differences and forces them to adapt to their standards, that is when immigration becomes too much. Immigration is only a benefit when immigrants and the citizens of the new place they call home can coexist in harmony without immigrants being forced to give up their backgrounds and roots.

However, despite all of its benefits, immigration reform, as described accurately by many scholars, is a “political minefield.” Immigration touches every rung of American politics, from security issues like border control and terrorist profiling to domestic affairs like education and health care. American cultural issues like race, class and language also are in play. And every level of government, from federal agencies to town councils, is trying to deal with immigration issues. Politicians are often caught in the struggle, and end up choosing partisan politics over working together to form a feasible solution to the immigration problem. No one knows just how challenging the topic of immigration can be better than former House majority leader Eric Cantor who lost his congressional district in re-elections to an unknown challenger by the name of David Bratt because his political views on immigration did not match those of his constituents.[[24]](#footnote-23) With matters only becoming more complicated, the issue of immigration is sure to lose many officials their offices in coming elections if they are not careful.

Before the midterm election President Obama announced that he would, “postpone action on his promise to remake federal immigration policies through executive authority until after the midterm elections in November.”[[25]](#footnote-24) A White House official, who was not officially authorized to speak on the record, added clarity to the situation by stating, “the reality the president has had to weigh, is that we’re in the midst of the political season, and because of the Republicans’ extreme politicization of this issue, the president believes it would be harmful to the policy itself and to the long-term prospects for comprehensive immigration reform to announce administrative action before the elections.”[[26]](#footnote-25) Despite president Obama’s efforts, many Democrats in both the House and the Senate lost their offices and Republicans were able to take control of Congress. During that time, the president was said to have been considering large-scale proposals that would potentially defer the deportations of millions of undocumented immigrants and grant more green cards to foreign workers.[[27]](#footnote-26) After the midterm elections were over, President Obama put plans to action by announcing an executive action that would grant amnesty to four million illegal immigrants and provide temporary reprieve from deportation.[[28]](#footnote-27) However, this action has added more fuel to the fire and incited the wrath of many Republicans who vowed to stop what they saw as unlawful actions by the president.

The recent spike in the number of immigrants crossing the U.S. Mexico border, as well as the actions that the president has taken to pacify the situation, especially housing these immigrants in communities all over the United States has incited anger from many citizens and lawmakers, making comprehensive immigration reform a more infeasible policy action.[[29]](#footnote-28) Many of these communities have actively rejected housing these children and much political blame for the situation has been delegated to President Obama and his administration.

However, by holding off on efforts to push comprehensive immigration reform, President Obama has alienated some immigrant rights groups, specifically a large population of the Latino community in the United States. The Washington Post recently published an article about this conflict and in it they found that, “immigrant rights groups had said they blamed Republicans for Congress’s failure to produce a bill and would seek to mobilize turnout in the fall elections to punish the GOP.”[[30]](#footnote-29) President Obama’s decision could harm their effort as more and more members of those groups turn their anger on the White House and Democrats.[[31]](#footnote-30) “On average, more than 1,000 immigrants a day have been deported during Obama’s presidency, according to federal statistics, and advocates have grown increasingly frustrated waiting for the president to act on the issue.”[[32]](#footnote-31) This development is particularly troublesome for the Democrats nationwide because support from the Latino community has been a determining factor in past elections.

The 2012 elections were a powerful demonstration of the growing electoral influence of Latinos. Hispanic voters comprise a large percentage of the total voting population; making them a decisive factor in electoral outcomes across the nation, and helping to create a mandate for congressional action on immigration reform. “Latinos voted for President Barack Obama over Republican Mitt Romney by 71% to 27%,” according to an analysis of exit polls by the Pew Hispanic Center, a Project of the Pew Research Center.[[33]](#footnote-32) With a growing presence and increased voter numbers, the Latino community is not a support base that the Democrats can afford to alienate.

Also, the actions that states like Arizona have taken to regulate immigration have caused political strife in the United States. When the Arizona state legislature first introduced legislation meant to regulate immigration, “protests against the law erupted overnight, and the political battle lines were quickly drawn.”[[34]](#footnote-33) Conservatives applauded the measure as necessary to stop a flow of illegal immigrants from Mexico while liberals decried it as a threat to civil rights.[[35]](#footnote-34) With the midterm elections coming in November, immigration will ultimately become one of the defining factors of the election. Each political party’s stance on the issue alienates some percentage of the voting population. What is left to be determined is which group of voters is more important to adhere to.

Even though immigration is very beneficial to the U.S., the current formal immigration process is flawed, and in need of major upheaval. A special report issued by the Immigration Policy Center accurately magnifies these structural flaws. While there is a plethora of systematic failures of the immigration process, the special report highlights occurrences such as, the number of insufficient visas made available to bring in either high‐skilled or less‐skilled workers at the levels needed to meet the changing needs of the U.S. economy and labor market.[[36]](#footnote-35) Also, arbitrary visa caps have created long backlogs of family members who must wait up to 20 years to be reunited with family living in the United States, and most of all, wage and workplace violations by unscrupulous employers who exploit immigrant workers are undercutting honest businesses and harming all workers.[[37]](#footnote-36) Inadequate government infrastructure is delaying the integration of immigrants who want to become U.S. citizens.

To deal with this problem, the federal government has implemented “ a range of lopsided, enforcement‐only initiatives that have cost the country billions of dollars, while doing little to impede the flow of unauthorized immigrants.”[[38]](#footnote-37) Measures such as, increased border security and enforcement have failed to produce any remedies to the current situation. The situation is only getting worse. As stated earlier, this past summer saw an influx of immigrants from the global south try to cross the border. According to the Department of Health and Human Services’ Administration for Children and Families, “24,668 unaccompanied minors were apprehended at the U.S.-Mexican border in fiscal 2013. Officials expect the annual number will jump to nearly 60,000 by the end of fiscal 2014.”[[39]](#footnote-38) To combat this influx, the federal government has decided to house many of these immigrants in communities all over the United States. However, this plan has failed to truly remedy the situation and has only incited anger from many of these communities.

Another, major problem is continual wage and workplace violations by unscrupulous employers who exploit immigrant workers. Immigrants are often forced into silence because the law is not on their side. Immigrants need ways to speak out and take action against unjust conditions. As shown in *Plyler v. Doe (1982)*, there are certain rights that must be expanded to all people on U.S. soil. To aid in this process, President Obama recently issued an executive action which gave temporary legal status to nearly 4 million immigrants and provided indefinite reprieve from deportation. While a step in the right direction, this act is still not enough to solve major structural issues and as a result, many problems immigrants face on a daily basis still persist.

The failure of the federal government to provide solutions to these problems has led some border states, most notably Arizona, to take matters of border regulation into their own hands. In April 2010, Arizona enacted two laws addressing immigration, SB 1070 and HB 2162. These laws added new state requirements, crimes and penalties related to enforcement of immigration laws and were to become effective on July 29, 2010.[[40]](#footnote-39) Arizona's law ordered immigrants to carry their registration documents at all times and the law required police to question people if there's reason to suspect they're in the United States illegally. It also targeted those who hire illegal immigrant laborers or knowingly transport them.

Many other states took similar initiatives. “ By November 10, 2010, similar bills had been introduced in six state legislatures: South Carolina, Pennsylvania, Minnesota, Rhode Island, Michigan, and Illinois. South Carolina HB 4919 was introduced by Representative Eric Bedingfield on April 29 and SB 1446 by Senator Grooms on May 13. Pennsylvania HB 2479 was introduced by Representative Daryl Metcalfe on May 5. Minnesota HB 3830 was introduced by Representative Steve Drazkowski on May 6. Rhode Island HB 8142 was introduced by Rep. Palumbo on May 18. Michigan H 6256 was introduced by Representative Meltzer on June 10; S1388 was introduced by Senators McManus, Cropsey, Allen and Brown on June 15; and HB 6366 was introduced by Representative Agema on August 11. Illinois HB 6937 was introduced by Representative Ramey on November 3, 2010.”[[41]](#footnote-40) South Carolina’s HB 4919 and SB 1446 were drafted to provide procedures for verification of a person’s immigration status under certain circumstances, as well as lay down guidelines for detainment of illegal citizens. Pennsylvania’s HB 2479 would allow similar verification procedures and allowed officers of the law power to patrol neighborhoods in search of illegal immigrants. Minnesota HB 3830 was meant to establish eligibility criteria for federal and state public benefits, as well as require possession of alien identification cards for immigrants. The bill also prohibited illegal immigrants from working or soliciting work in the state and it prohibited the employment of illegal aliens. Rhode Island HB 8142 had very similar measures meant to enforce federal laws in the state. Michigan’s HB 6366 and HB 6256 were drafted to provide for the determination of the immigration status of persons present in this state under certain circumstances; to allow for the enforcement of immigration laws in this state and the detaining and transportation of persons unlawfully present in the United States; to allow for certain civil actions; and to provide for certain civil fines and criminal penalties. Finally, Illinois HB 6937 was drafted by its State legislature to provide for the enforcement of federal immigration laws to no less than the full extent permitted by federal law. Unlike Arizona’s bills, the majority of these bills were drafted to enforce already existing federal laws and not create new laws. As a result, they became law with the exception of Minnesota’s bill because the states were carrying out their lawful duties and not interfering with the powers to regulate given to Congress by Article 1 Section 8 of the Constitution.

However, Arizona’s laws did not go unchallenged. “Three individuals and the Coalition of Latino Clergy filed the first challenges to the law based on equal protection, due process and preemption under the Supremacy Clause. A coalition of organizations including the American Civil Liberties Union, National Immigration Law Center, and the Mexican American Legal Defense and Education Fund, also filed a class action lawsuit against Arizona counties seeking a permanent injunction. The lawsuit stated that SB 1070 violates the Supremacy Clause, the First Amendment right to freedom of speech, the Fourth Amendment right to freedom from unreasonable searches and seizures, and the Equal Protection Clause guarantee of equal protection under the law, and Article II, Section 8 of the Arizona Constitution.”[[42]](#footnote-41) Also, on July 6, 2010, the U.S. Department of Justice filed a lawsuit in the U.S. District Court for the district of Arizona seeking a permanent injunction of SB 1070. The civil action stated that SB 1070 is preempted by federal law and by U.S. foreign policy, and violates the Supremacy Clause and the Commerce Clause of the U.S. Constitution.[[43]](#footnote-42) Despite, their ultimate failures in getting rid of the immigration laws, these cases paved the way for federal government action. On July 6, 2010, the United States sought to stop the enforcement of S.B. 1070 in federal district court before the law could take effect. The district court did not strike down the entire act, but it did strike four provisions. The court enjoined provisions that created a state-law crime for being unlawfully present in the United States, created a state-law crime for working or seeking work while not authorized to do so, required state and local officers to verify the citizenship or alien status of anyone who was lawfully arrested or detained, and authorized warrantless arrests of aliens believed to be removable from the United States.[[44]](#footnote-43) Arizona appealed the district court's decision to the U.S. Court of Appeals for the Ninth Circuit. The appellate court affirmed the district court's decision, holding that the United States had shown that federal law likely prompted: the creation of a state-crime for violation of federal registration laws, the creation of a state-crime for work by unauthorized aliens, the requirement to verify citizenship of all detained persons, and the authorization for police officers to effect warrantless arrests based on probable cause of removability from the United States.[[45]](#footnote-44) Arizona appealed the court's decision. The Supreme Court granted Arizona certiorari and the case became known as United States v. Arizona (2012).

In a 5-3 decision, the Supreme Court struck down three of the law’s four provisions because they either operated in areas solely controlled by federal policy, or they interfered with federal enforcement efforts.[[46]](#footnote-45) Struck down were sections making it a crime to be in Arizona without legal papers, making it a crime to apply for or get a job in the state, or allowing police to arrest individuals who had committed crimes that could lead to their deportation.[[47]](#footnote-46) The Court left intact, but subject to later challenges in lower courts, a provision requiring police to arrest and hold anyone they believe has committed a crime and whom they think is in the country illegally, and holding them until their immigration status could be checked with federal officials.[[48]](#footnote-47)

States should not be given the power to regulate immigration. Even if federal measures are failing, it’s still unconstitutional for the states to possess such a power. Article 1 section 8 of the Constitution specifically says that the power to regulate immigration belongs to the federal government. The Supreme Court’s decision in the case of Chy Lung v Freeman (1875) proves this point. The case revolved around a California immigration law which required foreign passengers aboard ships to be screened by state immigration officials for any supposedly undesirable persons before stepping foot in California.[[49]](#footnote-48) In its ruling, the Court decided that California’s law conflicted with the federal government’s power to control immigration. Under the Constitution, “the passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the states.” The state of California interefered with a power it did not have, and thus the law was struck down by the Supreme Court for not adhering to the Constitution.

Even if the power to regulate immigration was given to the states, that does not mean that they would better be able to solve the problems that are plaguing the system. The federal government has a lot more resources at its disposal to remedy the situation compared to state governments. The federal solutions in place might be inadequate, but the measures are a testament to the power and wealth of resources at the disposal of the federal government. Power and resources that states lack. The states should only be able to enforce existing federal measures so as to aid the process without disrupting or challenging federal power. This would allow the delicate system of federalism to continue and would also for structural problems to be dealt with

In conclusion, while immigration is a logistical problem and a political minefield in today’s society, it is very valuable because it also presents a gold mine in the form of increased diversity and strengthening of the economy. Politicians must not be afraid to tackle the issue of immigration head on. Currently, little is being done, but if the needs of millions of people was taken more seriously by lawmakers instead of politics, the immigration system could easily be amended so as to allow millions of immigrant the opportunity to find life, liberty, property, and the pursuit of happiness in America. This is a country built by immigrants whether, it’s the Irish, or the Germans, the British, or even forced migrants such as African Americans, America is supposed to be a safe haven where different people from all around the world can live in unity and form a more perfect union.

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