

Line in the Sand

By: Jay Brady | Government Editor

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Florida International University law professor Ediberto Román testified to the Florida Senate immigration committee Jan. 10.

REVIEW SUMMARY

Related Headlines:

What. Immigration reform.

Issue. Is more legal immigration the answer?

Impact. A quarter trillion dollar net benefit with guest workers?

The Obama Administration may have opposed Arizona's immigration law, but many other states are looking to enact something similar, including Florida.

They must. Because most everyone at the state level knows that the current U.S. immigration system is busted and the federal government won't do anything. So even non-border states such as South Carolina, Michigan, Rhode Island and Minnesota are pushing their own immigration legislation similar to Arizona's.

The Florida Legislature begins to draw its own line in the sand with the introduction of Senate Bill 136, sponsored by state Senate President Pro-tempore Mike Bennett, R-Bradenton. A bill from Sen. Anita Flores, R-Miami, or Rep. Will Snyder, R-Stuart, however, could later replace his bill.

"At the end of the day," says Bennett, "I think we will have a bill to push illegal people out of the country, secure the borders and not have racial profiling to harass good American citizens or those who are here legally." Bennett also wants to be sure foreign tourists with legitimate passports don't encounter problems with law enforcement.

While Bennett's bill has attributes of the Arizona legislation, it also has some significant differences, which may give it a fighting chance in court.

State Attorney General Pam Bondi's spokesperson, Jennifer Davis, says Bondi will review bills in hopes of avoiding constitutional issues down the road.

Some of the Arizona law's key provisions were struck down by an Arizona federal district court when it issued a preliminary injunction last year, but that case has been appealed to the U.S. Court of Appeals for the 9th Circuit.

The court heard the case in November, but has yet to issue a ruling. That could come by this spring according to one immigration law expert.

Cost is billions annually

The desire for legislation in Florida stems from an alignment of stars pointing squarely at the federal government's failure to control the border, more concern with border security in the wake of 9/11 and the state's own budget problems. The projected budget deficit for next year has grown to \$3.6 billion with declining revenue estimates.

As of January 2009, it's estimated by the U.S. Department of Homeland Security that there were 720,000 illegal immigrants in Florida, or 3.9% of the state's 2009 population of 18.5 million. That makes Florida the third leading state for the number of illegal immigrants ranking behind California (2.6 million) and Texas (1.7 million).

Florida's count of the so-called "unauthorized immigrant population" peaked at 970,000 in 2005 when it was 5.5% of the state population. With the decline in the economy from 2007 to 2009 the numbers dropped 25% from 960,000 to 720,000. Illegals looking for work went home when the work ran out.

In the U.S., Homeland Security estimates there are 10.8 million illegal immigrants as of January 2009, down from 11.8 million in 2007. Of those living in the U.S. in 2009, 63% entered before 2000 and 62% came from Mexico.

What that illegal population costs or benefits the state and its local governments is not completely clear. The last fairly comprehensive study of the issue in Florida dates back to a 1993-94 study to identify costs incurred by the state and local governments and other organizations since 1980.

That study assumed that Florida's non-U.S. citizen residents — euphemistically referred to in the study as "Newcomers" — use or benefit from local government services at the same rate as the U.S. citizen population.

That assumption was made because, as the study observes, "With few exceptions, local governments and other local organizations had little idea of the number of Newcomers that utilized their respective programs and services, nor the type of services and programs that Newcomers were likely to access."

The study concludes that local government costs for non-U.S. citizens were \$1.6 billion in the 1992 fiscal year and \$7.32 billion over the five fiscal years ending in 1992.

Costs to the state were estimated at \$751 million for fiscal year 1993. Of that total, \$75.9 million were documented costs for Medicaid, Aid to Families with Dependent Children, food stamps administration, and corrections. State and local school district costs added up to another \$517.6 million, and \$157.6 million went to county health units, state courts, law enforcement, transportation and other public infrastructure.

In a presentation to a Senate immigration committee on Jan. 10, Jason Welty, of the Florida department of corrections, testified that there is a “confirmed alien population” of 5,641 in the state prison system, 5.6% of the inmates. Roughly 60% are there for violent crimes. About one-third are Cubans, who for the most part cannot be deported, and about 20% are Mexican.

At a net cost of roughly \$48 per day, the 5,641 illegal immigrants cost the state nearly \$99 million a year. The federal government reimburses the state just over \$5 a day, or only about 10% of the total cost to house them. Reimbursements have declined every year since 2006.

As a percentage of the 720,000 aliens in the state, those 5,641 are 0.8% of that population. That’s only slightly higher than the 0.6% of the state’s white males in state prisons, and much better than the 3.3% of the state’s black males that make up the state prison population.

Another study completed in November 2001 by University of Florida and University of Miami population experts, “... concluded that foreign-born Florida residents are generally learning English at the same pace as immigrants early in the 20th century, are paying their fair share of state and local taxes, are becoming citizens and intermarrying with U.S. natives and are catching up to average American income levels within 15 years of arriving.”

Published by UF’s Bureau of Economic and Business Research, the study was “... designed to answer key questions raised in Florida’s debate over immigration, including how immigrants compare to the U.S.-born in terms of income, education, and other measures.”

\$260 billion question

With such old data on the subject, Congress in gridlock, and the Arizona law under appeal and likely to go to the U.S. Supreme Court there is continued uncertainty over states’ ability to enforce immigration laws for another year or two.

But a more recent study from the libertarian Cato Institute concludes that with a temporary visa program there’s a huge net economic net benefit to immigration.

The authors project more than a quarter trillion dollar increase in gross domestic product from legalization of low-skilled immigrant workers versus a policy that reduces the number of low-skilled immigrant workers with border and workplace enforcement.

The study looks at proposed policy responses ranging from more restrictive borders and workplace enforcement to legalization of workers who are already here to the admission of new workers through a temporary visa program.

Such a guest worker program was advocated at the state Senate immigration committee meeting by Ediberto Román, an immigration law expert and professor at Florida International University invited to testify. “Guest worker programs could benefit us and push our workforce to mobilize in sectors to make us more competitive with other countries,” says Román.

The study concludes that increased enforcement and reduction of low-skilled immigrant workers would reduce U.S. household welfare about 0.5%, which equates to \$80 billion.

In comparison, a guest worker program policy with an optimal visa tax pegged at 14% would have a positive impact for U.S. households of 1.27% of GDP, or \$180 billion, according to the study. That translates to a net benefit to the economy of \$260 billion in current dollars compared to a policy of enforcement.

That study contrasts with the May 2007 House immigration subcommittee testimony of Robert Rector, senior research fellow of The Heritage Foundation. Rector testified that the 4.5 million low skilled immigrant workers in 2004 — 40% of whom were illegal immigrants — produced an average net fiscal deficit of \$19,588 per household, and a total annual fiscal deficit for all of these households together equaled \$89.1 billion.

Yet Rector’s colleague at The Heritage Foundation, Jena Baker McNeill, a policy analyst for homeland security issues, lent support recently to emphasizing legal immigration.

McNeill wrote in a Dec. 21 paper, that the strategy for immigration should include incremental reforms to secure the border, enforce immigration laws and emphasize legal immigration. “The U.S. should pilot truly temporary worker programs that allow for a market-driven source of legal labor.”

Rector recommended that, “U.S. immigration policy should encourage high-skill immigration and strictly limit low-skill immigration. In general, government policy should limit immigration to those who will be net fiscal contributors, avoiding those who will increase poverty and impose new costs on overburdened U.S. taxpayers.”

Even Román, who argues the Arizona law is unconstitutional, says, “We need to have something more consistent with our economic and security interests than an open border policy that doesn’t address the security concerns.”

The way it is

The Immigration and Nationality Act sets immigration policy in the United States on the basis of four general objectives:

- To facilitate the reunification of families by admitting people who already have a family member living in the United States,
- To attract workers to fill positions in certain occupations for which there are shortages,
- To increase diversity by admitting people from countries with historically low rates of immigration to the United States, and
- To provide a refuge for people who face the risk of racial, religious, or political persecution in their home country.

Source: Congressional Budget Office