



What Both Sides Miss in the Immigration Debate

By Ilya Shapiro

As chances for immigration reform fade ahead of this year's congressional elections, the main sticking point seems to be the "pathway to citizenship" for those who are in the country illegally.

Reform opponents don't want to reward those who break our laws, while activists on the other side refuse to consider a deal that doesn't naturalize this entire population. Fixing our broken immigration system thus seems to turn on the question of what to do with the estimated 11-12 million illegal aliens living in our midst. (I'm reminded of John Candy's final movie, *Canadian Bacon*, where a propaganda bit ominously decries: "Canadians: They walk among us.")

But both sides are wrong to focus on citizenship and should instead target permanent resident status—otherwise known as green cards.

If you ask immigrants (legal or not) why they come to America, they'll tell you that it's to build a better life in a safer country. It's not to vote in elections, access welfare, or sit on juries, which are the only things citizenship gets you that a green card doesn't.

Mitt Romney took a lot of heat for his "self-deportation" remarks during the 2012 campaign, but the Great Recession of 2008-2009 saw the first net immigration *outflux* in more than four decades. It turns out that foreigners, including unauthorized immigrants, respond to economic incentives just like anybody else.

And that's what this country needs: people willing to work hard and contribute to the economy. Deport the criminals and terrorists, but welcome productive members of society.

Yet there's no easy way to apply to work here. That is, before even thinking about citizenship, immigrants have to acquire that elusive green card—and there are only a handful of ways to do that (and none at all for so-called unskilled workers).

One is to be very closely related to a current U.S. citizen, and even this path is limited for all but spouses. The second is for refugees. The third is the diversity lottery—random green cards given to people from countries that don't otherwise send many people here.

The fourth way, finally, is through employment. But these 140,000 annual spots are only available to highly skilled applicants who find an employer willing to pay up to \$35,000 in legal and government fees. And they're further limited by country—such that qualified Indians can wait for their green card for over 10 years.

I personally know something about this, having gotten my green card in 2009 after spending nearly 15 years (my entire adult life) in this country. It was easier for my family to leave the Soviet Union and immigrate to Canada than it was for me to become a U.S. permanent resident. Indeed, earning a law degree and joining the Supreme Court bar—after also interning in Congress and clerking for a federal judge—was more straightforward than getting a green card!

Now that five years have passed—it's three for those who get green cards through marriage—I've put in my naturalization papers. The process should take 6-8 months and consists of nothing more than running my fingerprints through an FBI database and testing me on rudimentary English and civics—which I hope I pass given that I write about law and politics for a living. (Indeed, like most immigrants, I do a job Americans won't: defending the Constitution.)

So you see that becoming a citizen is far easier than getting a green card—which is exactly backwards!

Shouldn't the restrictions and inquiries come at the naturalization stage? Every other immigrant-attracting country makes it relatively easy for foreigners to come to work but demands more of would-be citizens.

Of course, politics still get in the way. Democrats care more about what they see as millions of potential votes than improving the lives of the human beings who would cast them. That in turn makes Republicans suspicious of any reforms not centering on walls and guards. And President Obama poisons the well by his lawless executive actions, declining to enforce laws that are on the books and making up others out of whole cloth.

Both sides will have to give, but here good policy is also good politics: expand legal immigration, allow people who contribute to our society to come out of the shadows, and then crack down on the ne'er-do-wells who remain. Forget the citizenship pathway, just open the green-card road.