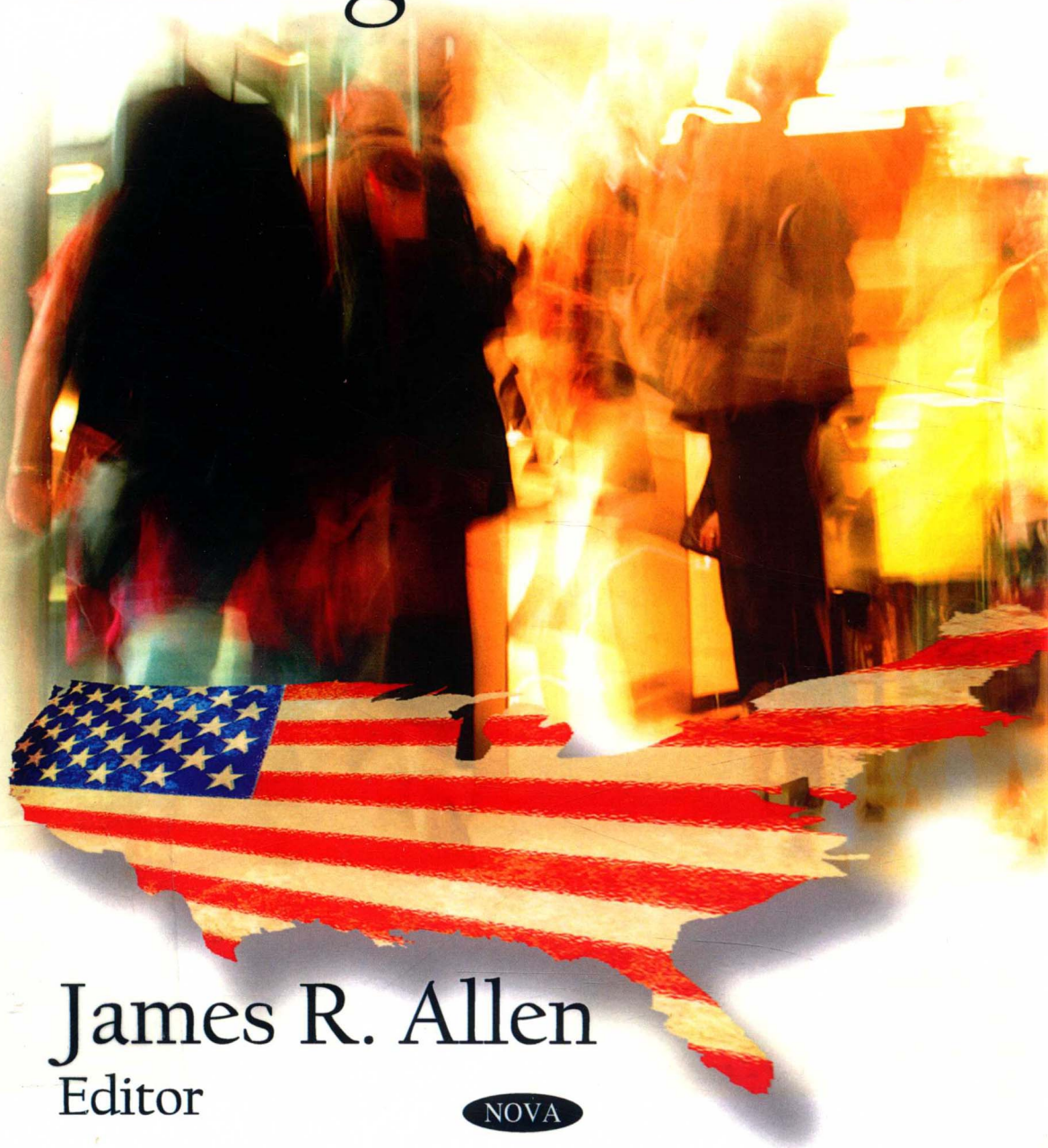


Social Issues, Justice and Status

Illegal Alien and Immigrant Issues



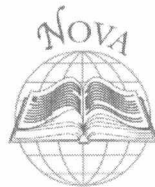
James R. Allen
Editor

NOVA

SOCIAL ISSUES, JUSTICE AND STATUS

ILLEGAL ALIEN AND IMMIGRANT ISSUES

JAMES R. ALLEN
EDITOR



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PREFACE

The unauthorized alien (illegal alien) population in the United States is a key and controversial immigration issue. In recent years, competing views on how to address this population have proved to be a major obstacle to enacting comprehensive immigration reform legislation. It is unknown, at any point in time, how many unauthorized aliens are in the United States, what countries they are from, when they came to the United States, where they are living, and what their demographic, family, and other characteristics are. This book examines the illegal alien and immigrant issues facing the United States today, with a focus on unauthorized unemployment and housing issues; immigration fraud and law; policies and issues toward alien children of illegal immigrants; the "DREAM Act" legislation; and the impact of unauthorized immigrants on the budgets of state and local governments.

Chapter 1- The unauthorized alien (illegal alien) population in the United States is a key and controversial immigration issue. In recent years, competing views on how to address this population have proved to be a major obstacle to enacting comprehensive immigration reform legislation. The unauthorized alien issue is likely to be a key challenge if, as the Senate Majority Leader and the Speaker of the House have indicated, the 111th Congress takes up immigration reform legislation this year.

It is unknown, at any point in time, how many unauthorized aliens are in the United States, what countries they are from, when they came to the United States, where they are living, and what their demographic, family, and other characteristics are. Demographers develop estimates about unauthorized aliens using available survey data on the U.S. foreign-born population. These estimates can help inform possible policy options to address the unauthorized alien population. According to recent estimates by the Department of Homeland Security (DHS), approximately 10.8 million unauthorized aliens were living in the United States in January 2009. Using different sources, the Pew Hispanic Center has estimated the March 2008 unauthorized resident population at about 11.9 million.

Chapter 2- Estimates derived from the March Supplement of the U.S. Census Bureau's Current Population Survey (CPS) indicate that the unauthorized resident alien population (commonly referred to as *illegal aliens*) rose from 3.2 million in 1986 to 11.9 million in 2008. Jeffrey Passel, a demographer with the Pew Hispanic Research Center, has been involved in making these estimations since he worked at the U.S. Bureau of the Census in the 1980s. The estimated number of unauthorized aliens had dropped to 1.9 million in 1988 following passage of a 1986 law that legalized several million unauthorized aliens. Steven Camarota and Karen Jensenius of the Center for Immigration Studies use the monthly version of the

CPS to estimate that the unauthorized resident alien population has fallen to 10.8 million in 2009. The estimates of unauthorized aliens peaked at an estimated 12.4-12.5 million in 2007. About 44% of unauthorized alien residents in 2008 were estimated to have entered the United States in 2000 or later.

Chapter 3- This chapter provides estimates of the number of unauthorized immigrants residing in the United States as of January 2009 by period of entry, region and country of origin, state of residence, age, and gender. The estimates were obtained using the “residual” methodology employed for estimates of the unauthorized population in 2008 (see Hoefer, Rytina, and Baker, 2009). The unauthorized resident population is the remainder or “residual” after estimates of the legally resident foreign-born population – legal permanent residents (LPRs), asylees, refugees, and nonimmigrants – are subtracted from estimates of the total foreign-born population. Data to estimate the legally resident population were obtained primarily from the Department of Homeland Security (DHS) while the American Community Survey (ACS) of the U.S. Census Bureau was the source for estimates of the total foreign-born population.

In summary, DHS estimates that the unauthorized immigrant population living in the United States decreased to 10.8 million in January 2009 from 11.6 million in January 2008. Between 2000 and 2009, the unauthorized population grew by 27 percent. Of all unauthorized immigrants living in the United States in 2009, 63 percent entered before 2000, and 62 percent were from Mexico.

Chapter 4- As immigration reform and the illegal alien population have gained congressional and public attention in the past several years, the issue of unauthorized employment has come to the fore. It is widely accepted that most unauthorized aliens enter and remain in the United States in order to work. Thus, eliminating employment opportunities for these aliens has been seen as key to curtailing unauthorized immigration.

The Immigration Reform and Control Act (IRCA) of 1986 amended the Immigration and Nationality Act (INA) to add provisions, sometimes referred to as *employer sanctions*, that made it unlawful for an employer to knowingly hire, recruit or refer for a fee, or continue to employ an alien who is not authorized to work. These provisions also established a paper-based employment eligibility verification system, known as the I-9 system, which requires that employers examine documents presented by new hires to verify identity and work eligibility, and complete and retain I-9 verification forms. There is general agreement that the I-9 process has been undermined by fraud. Employers violating INA prohibitions on unauthorized employment may be subject to civil or criminal penalties. The Department of Homeland Security’s Immigration and Customs Enforcement (DHS/ICE) is responsible for enforcing the INA prohibitions on unauthorized employment.

Chapter 5- An estimated 37 million foreign-born persons currently reside in the United States, almost a third of whom may be present without authorization, and in recent years the number of aliens who unlawfully reside in the United States has grown significantly. The movement of aliens (both legal and nonlegal) to “nontraditional” areas and the growth in the unauthorized alien population have led some states and localities to enact measures geared at stopping unauthorized aliens from arriving and settling within their communities. Typically, such measures have sought to (1) limit the employment and hiring of unauthorized aliens, including through the denial of permits to entities that employ such persons, as well as through the regulation of day labor centers; (2) restrict the ability of such aliens to rent or

occupy a dwelling within a state or locality's jurisdiction; and/or (3) deny such individuals access to state and local services or benefits.

Chapter 6- Since the September 11, 2001, terrorist attacks, the enforcement of our nation's immigration laws has received a significant amount of attention. Some observers contend that the federal government does not have adequate resources to enforce immigration law and that state and local law enforcement entities should be utilized. Others, however, question what role state and local law enforcement agencies should have in light of limited state and local resources and immigration expertise.

Congress defined our nation's immigration laws in the Immigration and Nationality Act (INA), which contains both *criminal* and *civil* enforcement measures. Historically, the authority for state and local law enforcement officials to enforce immigration law has been construed to be limited to certain *criminal* provisions of the INA that also fall under state and local jurisdictions; by contrast, the enforcement of the *civil* provisions, which includes apprehension and removal of deportable aliens, has strictly been viewed as a federal responsibility, with states playing an incidental supporting role. In previous Congresses, several proposals had been set forth that would appear to expand the role of state and local law enforcement agencies in the *civil* enforcement aspects of the INA.

Chapter 7- The State Criminal Alien Assistance Program (SCAAP) is a formula grant program that provides financial assistance to states and localities for correctional officer salary costs incurred for incarcerating "undocumented criminal aliens." Currently, SCAAP funds do not cover all of the costs for incarcerating immigrants or foreign nationals. The program is administered by the Office of Justice Programs' Bureau of Justice Assistance, located in the U.S. Department of Justice, in conjunction with the U.S. Department of Homeland Security. Between FY1995 and FY2009, a total of more than \$5 billion has been distributed to states in SCAAP funding.

Recent changes to SCAAP include reauthorization through FY2011 and the requirement that SCAAP reimbursements be used for correctional purposes only. Legislation introduced in the 111th Congress includes provisions that would extend the program through FY2014 and authorize appropriations at \$1 billion annually for FY2011-FY2014 (H.R. 2282); and would change SCAAP eligibility guidelines to reimburse states not only for criminal aliens convicted of two misdemeanors or a felony, but also for those charged with these crimes as well (S. 168). Funding for the program has also been included in the Commerce, Justice, Science and Related Agencies Appropriations Act of 2010 (H.R. 2847). H.R. 2847 as passed by the House on June 18, 2009, would appropriate \$300 million for SCAAP, and the Senate reported version would appropriate \$228 million for the program.

Chapter 8- I am pleased to be here today to discuss the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement's (ICE) management of the 287(g) program. Recent reports indicate that the total population of unauthorized aliens residing in the United States is about 12 million.¹ Some of these aliens have committed one or more crimes, although the exact number of aliens that have committed crimes is unknown. Some crimes are serious and pose a threat to the security and safety of communities. ICE does not have the agents or the detention space that would be required to address all criminal activity committed by unauthorized aliens. Thus, state and local law enforcement officers play a critical role in protecting our homeland because, during the course of their daily duties, they may encounter foreign-national criminals and immigration violators who pose a threat to national security or public safety. On September 30, 1996, the Illegal Immigration Reform

and Immigrant Responsibility Act was enacted and added section 287(g) to the Immigration and Nationality Act.² This section authorizes the federal government to enter into agreements with state and local law enforcement agencies, and to train selected state and local officers to perform certain functions of an immigration officer—under the supervision of ICE officers—including searching selected federal databases and conducting interviews to assist in the identification of those individuals in the country illegally.³ The first such agreement under the statute was signed in 2002, and as of February 2009, 67 state and local agencies were participating in this program.

Chapter 9- In order to enter or remain in the United States and be eligible for various immigration-related benefits, non-citizens (aliens) must comply with a number of document requirements under the Immigration and Nationality Act (INA). Attempts to circumvent these requirements are generally prohibited. Under the INA, an alien who uses, acquires, or produces fraudulent documents for immigration-related purposes may be subjected to civil penalties and denied certain immigration benefits. Additionally, certain fraudulent actions may carry criminal penalties under both the INA and the United States Criminal Code. This chapter discusses the primary civil, criminal, and immigration-related penalties associated with immigration-related document fraud. It does not discuss criminal statutes generally penalizing fraud or identity theft (other than 18 U.S.C. § 1028), though these statutes could also potentially be used to penalize immigration-related document fraud.

Immigration reform was an active issue during the 110th Congress. Some legislative proposals contained provisions modifying the scope or penalties of laws restricting immigration-related document fraud, and it is possible that proposals addressing immigration-related document fraud will be introduced in the 111th Congress.

Chapter 10- Immigration fraud is reportedly widespread, though reliable estimates of its pervasiveness are not available. Given that an estimated 12 million aliens are residing in the United States without legal authorization, it is reasonable to presume that many of these unauthorized aliens are committing document fraud. The extent to which unauthorized aliens enter with fraudulently obtained documents or acquire bogus documents after entry is not known.

Immigration fraud is generally grouped into two types — immigration-related “document fraud” and immigration “benefit fraud” (“benefit fraud” involves misrepresentation of a material fact to qualify for a specific immigration status or benefit). Some view immigration fraud as a continuum of events or overlapping crimes because people may commit document fraud en route to benefit fraud. The types of fraud investigations range in circumstances and scope. Many fraud investigations focus on facilitators (i.e., individuals who sell, distribute, or manufacture counterfeit or altered documents) and on organizations that broker large-scale illegal schemes such as sham marriage rings or bogus job offers. Investigations of immigration benefit applications are another major activity.

Chapter 11- Unaccompanied alien children (UAC) are aliens under the age of 18 who come to the United States without authorization or overstay their visa, and are without a parent or legal guardian. Most arrive at U.S. ports of entry or are apprehended along the border with Mexico. With the passage of the Homeland Security Act of 2002 (HSA), UAC tasking was split between the newly created Department of Homeland Security (DHS) and the Department of Health and Human Services Office of Refugee Removal (ORR). DHS was delegated the task of apprehension, transfer and repatriation of UAC, while ORR was tasked

to provide long-term detention and foster placement. The issue for Congress concerns whether the current system provides adequate protections for unaccompanied alien children.

Chapter 12- Over the last decade or so, concern about illegal immigration has sporadically led to a reexamination of a long-established tenet of U.S. citizenship, codified in the Fourteenth Amendment of the U.S. Constitution and §301(a) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1401(a)), that a person who is born in the United States, subject to its jurisdiction, is a citizen of the United States regardless of the race, ethnicity, or alienage of the parents. The war on terror and the case of Yaser Esam Hamdi, a U.S.-Saudi dual national captured in Afghanistan fighting with Taliban forces, further heightened attention and interest in restricting automatic birthright citizenship, after the revelation that Hamdi was a U.S. citizen by birth in Louisiana to parents who were Saudi nationals in the United States on non-immigrant work visas and arguably entitled to rights not available to foreign enemy combatants. This chapter traces the history of this principle under U.S. law and discusses some of the legislation in recent Congresses intended to alter it.

Chapter 13- Currently, federal law prohibits states from granting unauthorized aliens certain postsecondary educational benefits on the basis of state residence, unless equal benefits are made available to all U.S. citizens. This prohibition is commonly understood to apply to the granting of “in-state” residency status for tuition purposes. Legislation to amend this federal law has routinely been introduced in previous Congresses, and several similar bills have been introduced in the 111th Congress, including H.R. 1751, S. 729, and H.R. 4321. Meanwhile, some states have passed laws aimed at making unauthorized state residents eligible for in-state tuition without violating this provision. This chapter provides a legal overview of cases involving immigrant access to higher education, as well as an analysis of the legality of state laws that make in-state tuition rates available to illegal immigrants. For a policy analysis of this issue, see CRS Report RL33863, *Unauthorized Alien Students: Issues and “DREAM Act” Legislation*, by Andorra Bruno.

Chapter 14- Since the election of President Obama, supporters of comprehensive immigration reform have urged the President and Congress to pursue reform legislation. While the prospects for immigration reform in the 111th Congress are unclear, there has been speculation that there may be an effort to enact a measure, commonly referred to as the “DREAM Act,” to enable certain unauthorized alien students to legalize their status.

Unauthorized aliens in the United States are able to receive free public education through high school. They may experience difficulty obtaining higher education, however, for several reasons. Among these reasons is a provision enacted in 1996 that prohibits states from granting unauthorized aliens certain postsecondary educational benefits on the basis of state residence, unless equal benefits are made available to all U.S. citizens. This prohibition is commonly understood to apply to the granting of “in-state” residency status for tuition purposes. Unauthorized alien students also are not eligible for federal student financial aid. More broadly, as unauthorized aliens, they are not legally allowed to work and are subject to being removed from the country.

Chapter 15- A question that often arises is whether illegal aliens and other foreign nationals working in the United States are subject to U.S. taxes. The federal tax consequences for these individuals are dependent on (a) whether an individual is classified as a resident or nonresident alien and (b) whether a tax treaty or agreement exists between the United States and the individual’s home country. Resident aliens are generally taxed in the same manner as U.S. citizens. Nonresident aliens are subject to different treatment, such as generally being

taxed only on income from U.S. sources. Exceptions exist for aliens with specific types of visas or employment, and the provisions of a tax treaty or totalization agreement may reduce or eliminate taxes owed to the United States. Under H.R. 5140 (Economic Stimulus Act of 2008), which was signed into law on February 13, 2008, qualifying U.S. citizens and resident aliens may receive rebate checks so long as they provide Social Security numbers for themselves, their spouses (if filing a joint return), and any qualifying children. Other bills affecting the tax treatment of aliens include H.R. 279 and S. 43, both of which would address the unconstitutional manner in which totalization agreements are disapproved by Congress.

Chapter 16- Over the past two decades, most efforts to estimate the fiscal impact of immigration in the United States have concluded that, in aggregate and over the long term, tax revenues of all types generated by immigrants—both legal and unauthorized—exceed the cost of the services they use.^{1, 2} Generally, such estimates include revenues and spending at the federal, state, and local levels.³ However, many estimates also show that the cost of providing public services to unauthorized immigrants at the state and local levels exceeds what that population pays in state and local taxes. It is important to note, though, that currently available estimates have significant limitations; therefore, using them to determine an aggregate effect across all states would be difficult and prone to considerable error.

Chapter 17- Immigration patterns have changed substantially since 1952, when policy makers codifying the Immigration and Nationality Act (INA) assumed that most aliens becoming legal permanent residents (LPRs) of the United States would be arriving from abroad. In 1975, more than 80% of all LPRs arrived from abroad. By 2005, however, only 34% of all aliens who became LPRs had arrived from abroad; most LPRs adjust status within the United States.

This chapter summarizes the main avenues for foreign nationals currently in the United States—legally or illegally—to become LPRs. Alien legalization or “amnesty,” as well as adjustment of status and cancellation of removal options, are briefly discussed. Designed as a primer on the issues, the report provides references to other CRS products that track pertinent legislation and analyze these issues more fully.

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Chapter 1

UNAUTHORIZED ALIENS IN THE UNITED STATES

Andorra Bruno

SUMMARY

The unauthorized alien (illegal alien) population in the United States is a key and controversial immigration issue. In recent years, competing views on how to address this population have proved to be a major obstacle to enacting comprehensive immigration reform legislation. The unauthorized alien issue is likely to be a key challenge if, as the Senate Majority Leader and the Speaker of the House have indicated, the 111th Congress takes up immigration reform legislation this year.

It is unknown, at any point in time, how many unauthorized aliens are in the United States, what countries they are from, when they came to the United States, where they are living, and what their demographic, family, and other characteristics are. Demographers develop estimates about unauthorized aliens using available survey data on the U.S. foreign-born population. These estimates can help inform possible policy options to address the unauthorized alien population. According to recent estimates by the Department of Homeland Security (DHS), approximately 10.8 million unauthorized aliens were living in the United States in January 2009. Using different sources, the Pew Hispanic Center has estimated the March 2008 unauthorized resident population at about 11.9 million.

The Immigration and Nationality Act (INA) and other federal laws place various restrictions on unauthorized aliens. They have no legal right to live or work in the United States and are subject to removal from the country. At the same time, the INA provides limited avenues for certain unauthorized aliens to obtain legal permanent residence.

Over the years, a range of options has been offered for addressing the unauthorized resident alien population. In most cases, the ultimate goal is to reduce the number of aliens in the United States who lack legal status. One set of options centers on requiring or encouraging illegal aliens to depart the country. Those who support this approach argue that these aliens are in the United States in violation of the law and that their presence variously threatens social order, national security, and economic prosperity. One departure strategy is to locate and deport unauthorized aliens from the United States. Another departure strategy,

known as attrition through enforcement, seeks to significantly reduce the size of the unauthorized alien population by across-the-board enforcement of immigration laws.

One of the basic tenets of the departure approach is that unauthorized aliens in the United States should not be granted benefits. An opposing strategy would grant qualifying unauthorized aliens various benefits, including an opportunity to obtain legal status. Supporters of this type of approach do not characterize unauthorized aliens in the United States as lawbreakers, but rather as contributors to the economy and society at large. A variety of proposals have been put forth over the years to grant some type of legal status to some portion of the unauthorized population. Some of these options would use existing mechanisms under immigration law to grant legal status. Others would establish new legalization programs. Some would benefit a particular subset of the unauthorized population, such as students or agricultural workers, while others would make relief available more broadly.

INTRODUCTION

The unauthorized alien (illegal alien) population in the United States is a key and controversial immigration issue. Competing views on how to address this population proved to be a major obstacle to enacting comprehensive immigration reform legislation in the 109th and 110th Congresses. The unauthorized alien issue is likely to be a key challenge if, as the Senate Majority Leader and the Speaker of the House have indicated, the 111th Congress takes up immigration reform legislation this year.

The Department of Homeland Security (DHS) has primary responsibility for administering and enforcing the Immigration and Nationality Act (INA),¹ the basis of immigration law. Within DHS, U.S. Citizenship and Immigration Services (USCIS) is responsible for immigration and naturalization adjudications and other service functions; Immigration and Customs Enforcement (ICE) is responsible for enforcing immigration law in the interior of the United States, among other responsibilities; and Customs and Border Protection (CBP) is responsible for securing U.S. borders at and between official ports of entry.

It is unknown, at any point in time, how many unauthorized aliens are in the United States, what countries they are from, when they came to the United States, where they are living, and what their demographic, family, and other characteristics are. Demographers develop estimates about unauthorized aliens using available survey data on the U.S. foreign-born population. These estimates can help inform possible policy options to address the unauthorized alien population.²

According to recent estimates by DHS based on data from the Census Bureau's American Community Survey and other sources, the unauthorized resident alien population totaled 11.6 million in January 2008 and 10.8 million in January 2009.³ Using data from the March Current Population Survey⁴ and other sources, the Pew Hispanic Center has estimated the unauthorized resident population at 11.9 million for March 2008.⁵ In the case of both DHS and the Pew Hispanic Center, the 2008 and 2009 estimates are less than the corresponding estimates for 2007 (11.8 million by DHS and 12.4 million by Pew).⁶ These estimates have spurred analysis and speculation about whether the unauthorized resident population is, in

fact, decreasing in size and, if it is, what factors are responsible for the decline.⁷ Whether or not the unauthorized resident alien population is declining, however, this population remains sizeable.

Unauthorized aliens enter the United States in three main ways: (1) some are admitted to the United States on valid nonimmigrant (temporary) visas (e.g., as visitors or students) or on border-crossing cards and either remain in the country beyond their authorized period of stay or otherwise violate the terms of their admission; (2) some are admitted based on fraudulent documents (e.g., fake passports) that go undetected by U.S. officials; and (3) some enter the country illegally without inspection (e.g., by crossing over the Southwest or northern U.S. border).

It is unknown what percentages of the current unauthorized resident population entered the United States in these different ways. In past years, researchers have endeavored to make this type of determination. For example, in 2006, the Pew Hispanic Center estimated that about 40% to 50% of the unauthorized aliens living in the United States that year had entered the country with inspection (i.e., through [1] or [2], above) and that the remaining 50% or more had entered the country without inspection (i.e., through [3], above).⁸

DEMOGRAPHICS OF UNAUTHORIZED POPULATION

Recent reports issued by DHS's Office of Immigration Statistics and the Pew Hispanic Center analyze the U.S. unauthorized resident alien population in January 2009 and March 2008, respectively, providing useful context for a discussion of possible policy options.

Period of Arrival

Table 1 breaks down the unauthorized resident alien population in the United States in 2008 and 2009 by period of arrival based on separate data analyses by DHS and the Pew Hispanic Center. It shows that under the DHS analysis, about one quarter (28%) of the total unauthorized alien population in January 2009 entered the United States in the 2000-2004 period and about one third (36%) of the 2009 unauthorized population arrived in or after the year 2000. The Pew Hispanic Center analysis finds that about one third (31%) of the total unauthorized alien population in March 2008 entered the United States in the 2000-2004 period and that almost half (44%) of the March 2008 unauthorized population arrived in the 2000-2008 years. As discussed below, these data are important for estimating potential numbers of beneficiaries under possible legalization programs, which typically have eligibility cut-off dates.

Table 1. U.S. Unauthorized Alien Population, by Period of Arrival

Period of Arrival	Department of Homeland Security		Pew Hispanic Center	
	Number of Unauthorized Aliens (in millions)	Percentage of January 2009 Unauthorized Population	Number of Unauthorized Aliens (in millions)	Percentage of March 2008 Unauthorized Population
1980-1989	2.1	19%	1.6	13%
1990-1994	1.7	16%	2.0	16%
1995-1999	3.1	29%	3.1	26%
2000-2004	3.0	28%	3.7	31%
2005-2008	0.9	8%	1.6	13%
Total	10.8	100%	11.9	100%

Source: CRS Presentation of data analyses in U.S. Department of Homeland Security, Office of Immigration Statistics, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009*, by Michael Hoefer, Nancy Rytina, and Bryan C. Baker, January 2010; and Jeffrey S. Passel and D’Vera Cohn, *Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow*, Pew Hispanic Center, October 2, 2008.

Notes: Table contains estimates of aliens who were unauthorized in 2008 and 2009; these aliens may or may not have been unauthorized at the time of their arrival. These analyses assume that all aliens who arrived in the United States before 1980 had legal status in 2008/2009. Details may not sum to total due to rounding.

Region of Birth

Mexico has historically been the greatest source country for unauthorized migration to the United States. According to DHS, there were an estimated 6.7 million unauthorized aliens from Mexico residing in the United States in early 2009, representing 62% of the total unauthorized resident population at the time. DHS further estimates that there were 8.5 million unauthorized aliens living in the United States in 2009 from North America, which includes Mexico as well as Canada, the Caribbean, and Central America (79% of the total). According to the DHS analysis, South America accounted for 0.7 million unauthorized aliens in 2009, yielding a combined North America and South America total of 9.2 million (85% of the total unauthorized resident population). Asia accounted for an additional 1.0 million unauthorized aliens.⁹

The Pew Hispanic Center’s region of birth estimates are similar to DHS’s, although the regions used in that analysis are somewhat different. According to the Pew Hispanic Center, there were an estimated 7.0 million unauthorized aliens from Mexico residing in the United States in March 2008, representing 59% of the total unauthorized resident population at the time. In addition, the Pew Hispanic Center estimates that 1.4 million unauthorized resident aliens in 2008 were from Central America, 0.5 million were from the Caribbean, and 0.8 million were from South America, yielding an estimate of 8.9 million (75% of the total) for North America (excluding Canada) and an estimate of 9.7 million (82% of the total unauthorized resident population) for North America and South America (excluding Canada). Another 1.3 million unauthorized aliens were from South and East Asia, according to the Pew Hispanic Center.¹⁰

States of Residence

Table 2 provides state-level unauthorized alien estimates for the top nine states of residence of unauthorized aliens for January 2009 and March 2008, as respectively identified by DHS and the Pew Hispanic Center. As shown, California is home to more unauthorized aliens than any other state. DHS and the Pew Hispanic Center estimate that about one quarter of the U.S. unauthorized alien population in January 2009 and March 2008, respectively, was living in California. DHS and the Pew Hispanic Center also identify the same next three top states of residence for unauthorized aliens (in order from highest to lowest unauthorized population: Texas, Florida, and New York). Beginning with the fifth top state, the DHS and Pew Hispanic Center analyses diverge in terms of state order.

Table 2 indicates that under both the DHS and Pew Hispanic Center analyses, the top nine states housed almost three-quarters of the total unauthorized resident alien population. This distribution represents less geographic concentration than in past years, however, when the top states were home to a greater percentage of the total unauthorized population.¹¹ The Appendix contains Pew Hispanic Center unauthorized alien estimates for March 2008 for all states.

Table 2. Unauthorized Alien Population in Top Nine States of Residence

State	Department of Homeland Security			Pew Hispanic Center		
	State Ranking	Number of Aliens(in thousands)	Percentage of January 2009 Unauthorized Population	State Ranking	Number of Aliens (in thousands)	Percentage of March 2008 Unauthorized Population
California	1	2,600	24%	1	2,700	23%
Texas	2	1,680	16%	2	1,450	12%
Florida	3	720	7%	3	1,050	9%
New York	4	550	5%	4	925	8%
Illinois	5	540	5%	8	450	4%
Georgia	6	480	4%	7	475	4%
Arizona	7	460	4%	6	500	4%
North Carolina	8	370	3%	9	350	3%
New Jersey	9	360	3%	5	550	5%
Total		7,760	72%		8,450	71%

Source: CRS Presentation of data analyses in U.S. Department of Homeland Security, Office of Immigration Statistics, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009*, by Michael Hoefer, Nancy Rytina, and Bryan C. Baker, January 2010; and Jeffrey S. Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States*, Pew Hispanic Center, April 14, 2009.

Notes: Details may not sum to total due to rounding.

Demographic and Family Characteristics

DHS and Pew Hispanic Center demographers analyzed the gender and age of unauthorized aliens living in the United States in January 2009 and March 2008, respectively.¹² According to DHS, its estimated January 2009 unauthorized alien population of 10.8 million consisted of 9.4 million adults and 1.3 million children under age 18. Among the adults, 5.5 million were men and 4.0 million were women.¹³ According to the Pew Hispanic Center, its March 2008 estimate of 11.9 unauthorized residents was composed of 10.4 million unauthorized adults and 1.5 million unauthorized children. The Pew Hispanic Center estimates that men accounted for 6.3 million of the adult total and women accounted for 4.1 million.

With respect to age, the DHS analysis found that a majority of unauthorized aliens were between the ages of 25 and 44. About 61% of all unauthorized aliens living in the United States in January 2009 were in this age group, according to DHS. The Pew Hispanic Center reports that men in the 18-39 age group accounted for about one-third (35%) of the unauthorized alien population as a whole. These demographic data have implications for labor force participation, which is discussed in the next section.

The Pew Hispanic Center analyzed the living arrangements of unauthorized aliens in the United States in March 2008. It reports that 6.7 million adult unauthorized aliens in 2008 (64% of the adult total) lived with a spouse or unmarried partner. Most of these adults (4.3 million) also lived with their minor children. According to the Pew Hispanic Center, almost half of all adult unauthorized aliens in 2008 (48%) lived with their minor children.

Children of unauthorized aliens may be unauthorized aliens themselves or may have legal status. The Pew Hispanic Center estimates that there were 5.5 million children in the United States in 2008 who had at least one unauthorized alien parent. As noted above, 1.5 million of these children were unauthorized aliens. According to the Pew Hispanic Center analysis, the remaining 4.0 million children were born in the United States and, thus, were U.S. citizens.

The Pew Hispanic Center also developed estimates of “mixed-status” families (i.e., families with at least one unauthorized parent and at least one U.S-born child). It reports that there were 8.8 million people living in mixed-status families in the United States in 2008. Among these 8.8 million were 3.8 million unauthorized adults, 0.5 million unauthorized children, and 4.0 million U.S. citizen children.

These data on demographic and family characteristics of unauthorized aliens may be useful to consider in devising strategies to address the current unauthorized alien population. The data on living arrangements and mixed-status families, for example, suggest that strategies focused on unauthorized aliens as individuals (whether these strategies are aimed at removing these aliens from the United States or granting them legal status to remain in the country, as discussed below) will likely have a significant effect on other family or household members, including U.S. citizen children.

Labor Force Participation

Given the age distribution of unauthorized aliens (discussed above), among other factors, it is not surprising that the labor force participation rate of unauthorized aliens is high. The