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**The Impact of Immigrants in Maryland**

**Final Report**

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**Commission to Study the Impact of Immigrants in Maryland**

**February 8, 2012**

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## Commission Background and Activities

Immigration policy is increasingly becoming a topic of interest for many people in Maryland and throughout the nation. With comprehensive immigration reform stalled at the federal level, state and local officials are being asked to address various issues relating to immigration and, in particular, the issues surrounding unauthorized immigration. To gain a broader understanding of the economic and fiscal issues surrounding immigration, the General Assembly passed HB 1602 (The Act) in June 2008 authorizing the Commission to Study the Impact of Immigrants in Maryland (the Commission) (Chapter 553, Acts of 2008).

### *History*

Given that the Commission to Study the Impact of Immigrants in Maryland (the Commission) was authorized in 2008, but only formed in 2010, it requested an extension to continue its deliberations through 2011. The extension was granted by approval of SB 15 and HB 34 (Chapters 174 and 175, Acts of 2011). These acts stipulated that the final report be delivered on or before January 1, 2012. This is the Final Report of the Commission.

### *Membership*

The membership of the Commission is shown on Table 1. The Commission members donated substantial time and effort. The University of Maryland College Park and the Maryland Department of Legislative Services donated personnel time and logistical resources to staff the Commission.

### *Mission*

The Commission's primary mission is to provide fact-based and objective information concerning immigration to Maryland State Delegates and Senators. As outlined in its authorizing act, the Commission was also asked to provide policy analysis and recommendations to the General Assembly. The subject areas originally outlined in the legislation included the demographic, economic and fiscal impacts of *immigration*. There is substantial data documentation and a large literature of analysis concerning the presence and role of immigrants in the United States and Maryland.

As part of the discussion, the Commission was asked to consider the benefits and costs of *unauthorized immigration*, including the impacts on income distribution, crime, education, and health care. However, the available data for evaluating the effects of unauthorized immigration is much sparser, and it is therefore much more difficult to provide a reliably accurate assessment. Of related importance, the various measures used to reduce the number of unauthorized immigrants also have economic, fiscal and social implications. The Commission believes its report would not be complete if it did not explicitly address these issues, especially the need for factual evidence.

**Table 1: Commission to Study the Impact of Immigrants in Maryland  
Commission Membership as of January 2012**

<b>Members</b>	<b>Affiliation</b>	<b>Commission Slot</b>
<b>Commission Chair</b>		
1 Larry Shinagawa Ph.D.	Professor, University of Maryland	Education expert
<b>Appointed by President of Senate</b>		
2 Joan Carter Conway*	Senator	Senator
3 Richard Madaleno	Senator	Senator
<b>Appointed by Speaker of the House</b>		
4 James E. Malone	House of Delegates Member	Delegate
5 Susan L.M. Aumann	House of Delegates Member	Delegate
<b>Ex Officio</b>		
6 Peter Franchot*	Comptroller of Maryland	Comptroller
7 Alexander Sanchez	Secretary of Labor, Licensing and Regulation	Secty, DLLR
Ellen Flowers-Fields	Deputy Assistant Secretary	Representative
8 Richard Hall	Secretary of Maryland Department of Planning	Secty, MDP
Mark Goldstein	Economist	Representative
9 Christian S. Johansson	Secretary of Business & Economic Development	Secty, DBED
Nancy McCrea	Research and Information Director	Representative
10 Joshua M. Sharfstein*	Secretary of Health & Mental Hygiene	Secty, DHMH
11 Theodore (Ted) Dallas	Secretary of Human Resources	Secty, HR
Martin Ford	Associate Director	Representative
<b>Appointed by Maryland State Bar Association</b>		
12 Mark Shmueli	Immigration Attorney	Immigration Law
<b>Appointed by the Governor</b>		
13 J. Henry Montes	Consultant, JHM Consultation	Education expert
14 Kien S. Lee	Community Psychologist, Community Science	Community expert
15 Michael C.Lin, Ph.D.	Volunteer, Organization of Chinese Americans	Education expert
16 Naima Said, Esq.	Attorney, Naima Said & Associates, PC	Immigration expert
17 Sylvia Ontaneda-Bernaes*	Attorney, Law Office of Ontaneda-Bernaes	Immigration expert
18 Theresa Alfaro Daytner*	President, Daytner Corporation	Business community
19 Margaret Lebherz*	Owner, Lebherz Oil & Vinegar Emporium	Business community
<b>Staff</b>		
Hiram Burch	Manager, Department of Legislative Services	
Xinqian Qiu	Research Assistant, Asian American Studies/UMCP	
John Olderman	Senator Richard Madaleno's Office	
Jim Palma	Department of Business & Economic Development	
Rodrigue Vital	New American Workforce Coordinator, DLLR	
Jeffrey Werling	Executive Director, Inforum / UMCP	

\* Commissioner resigned or was inactive.

### *Commission Meetings*

The Commission began its deliberations in May 2010 and since then has held almost monthly meetings through December 2011. The minutes for each of these meetings are provided in the Commission's Supplemental Report (see below). In several meetings, the Commission hosted experts who discussed various issues concerning immigration in Maryland. Typically, the guest opened the discussion with a prepared statement or presentation and then fielded questions and comments from the Commission members and staff. Table 2 provides a list of these discussants with the topics of discussion.

In summary, the Commission has analyzed the demographic and socioeconomic profile of the Maryland's foreign-born community. It has also examined the economic and fiscal impacts of immigration on the state, including the significance for workforce expansion and development. The Commission investigated the implementation and effects of local law enforcement of federal immigration laws and Maryland's compliance efforts with the federal REAL ID. It researched another measure designed to reduce unauthorized immigration, the E-Verify program. Finally, considerable attention was given to assessing the challenges from and the opportunities of immigrant children within the Maryland education system and the integration of children and youth from immigrant families into society.

This Final Report consists of the Commission's basic findings, conclusions and recommendations. The Commission has also issued a Supplemental Report providing background information and evidence for several of the findings in this report. In particular, it contains more comprehensive and technical details concerning the demographic, economic and fiscal impacts of immigration in general and on the state of Maryland in particular. It contains the Commission meeting minutes and an inventory of research reports and publications relating to immigrants at the national and State level. The Final Report, the Supplemental Report, and all of the Commission's materials can be found on the website: [www.inforum.umd.edu/mdimmigration](http://www.inforum.umd.edu/mdimmigration) .

For further information concerning this document contact:

Jeffrey F. Werling, PhD  
Executive Director  
Inforum/Department of Economics  
University of Maryland College Park  
College Park, MD 20742  
(301) 405-4607

**Table 2: Listing of Commission Expert Discussants**

**October 11, 2010**

**Local Law Enforcement of Federal Immigration Laws**

Thomas Manger  
Chief, Montgomery County Police Department

**November 8, 2010**

**Changes to Maryland's Drivers License system to cope with Real ID Act**

John T. Kuo  
Administrator, Maryland Motor Vehicle Administration

**January 10, 2011**

**Impact of Immigrants on Maryland Economy**

Donald Mooers  
Founder & Managing Partner  
Mooers Immigration

Jamie Contreras  
Capital Area Director, SEIU

Jayesh Rathod  
Director, Immigrant Justice Clinic  
American University

Fred Ganjon  
President, IIC Technologies

Jack Brooks  
President, Chesapeake Bay Seafood  
Industries Association

Michael L. Kabik  
Attorney  
Shulman, Rogers, Gandal, Pordy & Ecker

**February 14, 2011**

**General Economic and Fiscal Impact of Immigrants**

Randy Capps  
Senior Policy Analyst, Migration Policy Institute

Steven A. Camarota  
Director of Research, Center for Immigration Studies

Stuart Anderson  
Executive Director, National Foundation of American Policy

**Local Law Enforcement of Federal Immigration Laws**

Charles Jenkins  
Sheriff, Frederick County, MD

Michael Cutler  
Retired, Immigration and Naturalization Service

Paromita Shah  
Associate Director of the National Immigration Project

**Table 2 (continued): Listing of Commission Expert Discussants**

**March 14, 2011**

**The Impact of Immigrants on the Maryland Education System**

**Maryland State Department of Education**

Susan Spinnato  
Director of Instructional Programs  
Cathy Nelson  
English Learning Specialist,  
Ilhye Yoon  
English Learning Specialist

**Frederick County Public School System**

Kathy Hartsock  
Supervisor for Student Services  
Larry Steinly  
English Language Learner Coordinator

**Montgomery County Public School System**

Dr. Karen C. Woodson  
Director, EAOL/Bilingual Programs  
Mrs. Teresa Wright  
ESOL Parent Resource Teacher

**Prince George's County Public School System**

Alison Hanks-Sloan  
Supervisor, ESOL Program  
Dianne Yohe  
ESOL Enrollment Specialist  
Beverly Pariser-Foster  
Student Counseling Specialist  
Patricia Chiancone  
ISCO Outreach Counselor

**U.S. Government Accountability Office Assessment of the E-Verify Program**

Evi Rezmovic, Ph.D.  
Assistant Director, Homeland Security and Justice

Sara Margraf  
Senior Analyst, Homeland Security and Justice

**May 9, 2011**

**Integration of Young Immigrants in Society**

Candace Kattar  
Executive Director, Identity

Priya Murthy  
Policy Director  
South Asian Americans Leading Together

Lily Qi  
Liaison, Office of Community Partnerships  
Montgomery County

**June 20, 2011**

**Unauthorized Immigration in the State of Maryland**

Lisa Marquardt  
Attorney  
Maryland Office of Public Defender

Patrick McDonough  
Delegate  
Maryland House of Delegates

## Commission Findings

### Demographic Situation and Impact

- In 2010, there were almost 40 million foreign-born persons, or 12.9 percent of the population, in the United States. Also in 2010, Maryland was home to almost 804 thousand foreign-born, 13.9 percent of its population (Table 3).
- The Pew Hispanic Center provides the most widely-quoted estimates of the number of unauthorized immigrants. The Center's estimate for unauthorized persons in the United States in 2010 is 11.2 million, or 28.0 percent of all foreign-born persons and 3.6 percent of the total population. For Maryland in 2010, the Pew Center estimates that about 275 thousand foreign-born persons, or just over one third of the foreign-born total and 4.8 percent of the population, were not authorized to live in the United States.<sup>1</sup>
- Maryland's 13.9 percent foreign-born population share is substantially lower than New York, New Jersey, Florida and California. It is just below the Texas share and just above those of Arizona and Virginia.
- International immigration accounted for 58.3 percent of Maryland's total population growth between 2000 and 2010 (Table 4). This compares with 31.7 percent nationally, and it is well above most other states, with the notable exceptions of New York and New Jersey. According to the Pew Center, unauthorized immigrants are estimated to account for 31.7 percent of Maryland's population growth.
- Maryland's foreign-born population is concentrated in Montgomery and Prince George's counties, accounting for nearly 61 percent (39.2 + 21.7) of the statewide foreign population (Table 5). Baltimore City, Baltimore County, Howard and Anne Arundel account for almost another 29.0 percent of Maryland's foreign-born.

### Economic Impact

- Economic theory and the preponderance of empirical evidence show that, in general, immigration leads to higher economic growth and greater levels of income per capita not only for the immigrants themselves, but, on average, for the U.S.-born persons as well. Given the dynamic nature of the U.S. market economy, each foreign-born worker creates at least one job (their own). The economic contribution of immigrant labor to the economy is proportional to their skill level and to the extent that it complements (rather than substitutes for) U.S.-born labor.

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<sup>1</sup> The Pew Hispanic center compiles the most widely cited statistics for unauthorized immigrant populations and the Commission used these figures throughout its work. Nevertheless, there is a large degree of uncertainty associated with the estimates of the unauthorized immigrant populations, especially concerning the numbers by state. See Passel, Jeffrey S. and D'Vera Cohn. *Unauthorized Immigrant Population: National and State Trends, 2010*. (Washington, DC: Pew Research Center, February 2011). <http://pewhispanic.org/files/reports/133.pdf>

**Table 3: U.S.-Born and Foreign-Born Population in the United States,  
Maryland and Selected States in 2010**

2010	Population			Foreign-Born			Unauthorized*		
	Total	Native	Foreign Born	as % of total	Naturalized Citizen	Not a U.S. Citizen	Total	as % of total	as % of f.b.
U.S.	309,349,689	269,393,835	39,955,854	12.9	17,476,082	22,479,772	11,200,000	3.6	28.0
<b>Maryland</b>	<b>5,785,982</b>	<b>4,982,287</b>	<b>803,695</b>	<b>13.9</b>	<b>360,932</b>	<b>442,763</b>	<b>275,000</b>	<b>4.8</b>	<b>34.2</b>
Virginia	8,024,617	7,113,498	911,119	11.4	414,714	496,405	210,000	2.6	23.0
District of Columbia	604,453	522,719	81,734	13.5	32,412	49,322	25,000	4.1	30.6
Pennsylvania	12,709,630	11,970,562	739,068	5.8	366,119	372,949	160,000	1.3	21.6
New York	19,392,283	15,094,671	4,297,612	22.2	2,223,576	2,074,036	625,000	3.2	14.5
New Jersey	8,801,624	6,957,043	1,844,581	21.0	919,882	924,699	550,000	6.2	29.8
North Carolina	9,561,558	8,842,421	719,137	7.5	217,183	501,954	325,000	3.4	45.2
Georgia	9,712,587	8,769,628	942,959	9.7	8,769,628	942,959	425,000	4.4	45.1
California	37,349,363	27,198,934	10,150,429	27.2	4,633,509	5,516,920	2,550,000	6.8	25.1
Nevada	2,704,642	2,196,184	508,458	18.8	212,409	296,049	190,000	7.0	37.4
Arizona	6,413,737	5,557,074	856,663	13.4	310,835	545,828	400,000	6.2	46.7
Alabama	4,785,298	4,616,702	168,596	3.5	48,099	120,497	120,000	2.5	71.2
Florida	18,843,326	15,185,283	3,658,043	19.4	1,773,148	1,884,895	825,000	4.4	22.6
Texas	25,257,114	21,115,083	4,142,031	16.4	1,325,501	2,816,530	1,650,000	6.5	39.8

Sources: U.S. Census Bureau, American Community Survey (2010 data) and Pew Hispanic Center for all data on unauthorized immigrants.

\* Very large 90 % confidence intervals are associated with the estimates of the unauthorized immigrant populations.

See <http://pewhispanic.org/files/reports/133.pdf>

**Table 4: Population Growth Figures for United States,  
Maryland and Selected States, 2000-2010**

	Year	Total population	Foreign born	Foreign born as a share of total (%)	Un - authorized*	Contribution to population growth (%)	
						Un - authorized as a share of total foreign born (%)	Foreign born authorized
<b>United States</b>	2000	281,421,906	31,107,889	11.1	8,375,000	26.9	
	2010	309,349,689	39,955,854	12.9	11,200,000	28.0	
	Change:	27,927,783	8,847,965		2,825,000	31.9	31.7 10.1
<b>Maryland</b>	2000	5,296,486	518,315	9.8	120,000	23.2	
	2010	5,785,982	803,695	13.9	275,000	34.2	
	Change:	489,496	285,380		155,000	54.3	58.3 31.7
<b>New York</b>	2000	18,976,457	3,868,133	20.4	725,000	18.7	
	2010	19,392,283	4,297,612	22.2	625,000	14.5	
	Change:	415,826	429,479		-100,000	-23.3	103.3 -24.0
<b>New Jersey</b>	2000	8,414,350	1,476,327	17.5	325,000	22.0	
	2010	8,801,624	1,844,581	21.0	550,000	29.8	
	Change:	387,274	368,254		225,000	61.1	95.1 58.1
<b>Virginia</b>	2000	7,078,515	570,279	8.1	150,000	26.3	
	2010	8,024,617	911,119	11.4	210,000	23.0	
	Change:	946,102	340,840		60,000	17.6	36.0 6.3
<b>Arizona</b>	2000	5,130,632	656,183	12.8	300,000	45.7	
	2010	6,413,737	856,663	13.4	400,000	46.7	
	Change:	1,283,105	200,480		100,000	49.9	15.6 7.8
<b>Florida</b>	2000	15,982,378	2,670,828	16.7	575,000	21.5	
	2010	18,843,326	3,658,043	19.4	825,000	22.6	
	Change:	2,860,948	987,215		250,000	25.3	34.5 8.7
<b>California</b>	2000	33,871,648	8,864,255	26.2	2,300,000	25.9	
	2010	37,349,363	10,150,429	27.2	2,550,000	25.1	
	Change:	3,477,715	1,286,174		250,000	19.4	37.0 7.2
<b>Texas</b>	2000	20,851,820	2,899,642	13.9	1,100,000	37.9	
	2010	25,257,114	4,142,031	16.4	1,650,000	39.8	
	Change:	4,405,294	1,242,389		550,000	44.3	28.2 12.5

Sources: U.S. Census Bureau, American Community Survey (2010 data) and Census (2000)

\* Pew Hispanic Center for all data on unauthorized immigrants. Very large 90 % confidence intervals are associated with the estimates of the unauthorized immigrant populations.

**Table 5: Total and Foreign-born Population in Maryland  
2008-2010**

	<b>Total</b>	<b>Foreign-Born</b>	<b>Percent Foreign Born</b>	<b>State Ranking</b>	<b>Percent of State Total</b>	<b>State Ranking</b>
Montgomery	959,321	304,525	31.7	1	39.2	1
Prince George's	857,200	168,204	19.6	2	21.7	2
Baltimore	802,056	86,107	10.7	4	11.1	3
Howard	283,281	49,114	17.3	3	6.3	4
Baltimore City	620,425	44,771	7.2	7	5.8	5
Anne Arundel	532,299	43,129	8.1	6	5.6	6
Frederick	231,450	21,264	9.2	5	2.7	7
Harford	243,880	11,973	4.9	10	1.5	8
Charles	145,224	7,876	5.4	9	1.0	9
Wicomico	98,008	6,674	6.8	8	0.9	10
Washington	147,062	5,888	4.0	15	0.8	11
Carroll	167,234	5,676	3.4	19	0.7	12
St. Mary's	103,660	3,456	3.3	20	0.4	13
Calvert	88,323	3,216	3.6	16	0.4	14
Cecil	100,749	2,992	3.0	22	0.4	15
Worcester	51,313	2,422	4.7	11	0.3	16
Talbot	37,546	1,736	4.6	12	0.2	17
Queen Anne's	47,498	1,654	3.5	18	0.2	18
Allegany	74,920	1,352	1.8	23	0.2	19
Caroline	33,030	1,323	4.0	14	0.2	20
Somerset	26,460	1,169	4.4	13	0.2	21
Dorchester	32,529	1,022	3.1	21	0.1	22
Kent	20,168	729	3.6	17	0.1	23
Garrett	30,143	249	0.8	24	0.0	24
Maryland	5,733,779	776,521	13.5		100.0	

Source: U.S. Census Bureau, 2008-2010 American Community Survey

- A recent paper for the Migration Policy Institute by Giovanni Peri of the University of California at Davis provides a useful overview of recent studies on these issues.<sup>2</sup> Research findings support the propositions that foreign-born workers: 1) have skills that are mostly complementary to those of U.S.-born workers,<sup>3</sup> 2) decreases the costs for industries where they are concentrated,<sup>4</sup> 3) contribute to entrepreneurship and innovation,<sup>5</sup> and 4) through competition and growth, spur efficiency and investment gains.<sup>6</sup>

<sup>2</sup> Giovanni Peri, *The Impact of Immigrants in Recession and Economic Expansion* (Washington, D.C.: Migration Policy Institute, June 2010).

<sup>3</sup> See, for example, Gianmarco Ottaviano and Giovanni Peri, "Immigration and National Wages: Clarifying the Theory and the Empirics" (National Bureau of Economic Research Working Paper No. 14188, July 2008).

<sup>4</sup> Patricia Cortes, "The Effect of Low-Skilled Immigration on U.S. Prices: Evidence from CPI Data," *Journal of Political Economy* 116, no. 3 (2008): 381-422.

<sup>5</sup> William R. Kerr and William F. Lincoln, "The Supply Side of Innovation: H-1B Visa Reforms and U.S. Ethnic Invention," *Journal of Labor Economics* (forthcoming), [www.people.hbs.edu/wkerr/Kerr\\_Lincoln\\_JOLE3\\_H1B](http://www.people.hbs.edu/wkerr/Kerr_Lincoln_JOLE3_H1B).

- From 2000 to 2010 economic growth in the United States in general, and in Maryland in particular, was very dependent on the influx of foreign-born labor. While Maryland's Gross State Product (GSP) grew by 26 percent over the decade, its work force grew by 15.2 percent (Table 6). The foreign-born accounted for well over half, or 57.1 percent, of work force expansion. In the United States as a whole, GDP grew by 16.7 percent while the work force grew by 13.1 percent. For the nation as a whole, 45.3 percent of labor force growth came through immigration.
- In Maryland, immigrants tend to be clustered among high-income earners and low-income earners. Thus, they are highly complementary to the existing labor force and therefore contribute substantially to the economy. In particular, immigrants have made considerable contributions to Maryland's leading industries in the information, science, and medical fields. They disproportionately fill work in highly skilled occupations such as doctors, nurses, teachers, computer specialists, and researchers. In 2006, 27 percent of Maryland's scientists, 21 percent of health care practitioners, and 19 percent of mathematicians and computer specialists were foreign-born.<sup>7</sup>
- However, economic expansion requires workers across the skill-spectrum and across industries. Over the past decade Maryland's growth in construction, travel, retail, transportation, farming and fishing sectors was greatly supported through immigration. Without the influx of foreign-born workers, expansion in these labor-intensive industries would have been choked off, increasing prices and discouraging growth across the economy. It is doubtful that without immigration, the State could have lured enough U.S.-born workers from slower growing parts of the country to fill these positions.
- On the other hand, immigration might reduce job opportunities and wages for workers who compete for their jobs. Economists have studied this possibility intensely, and they have come up with mixed conclusions. In particular, the evidence suggests that when the economy is growing briskly even low-skilled U.S.-born workers benefit from immigration, albeit marginally. During a cyclical downturn, however, competition from new immigrants may lead to lower wages and contribute to unemployment among lower-skilled workers. Notably, when it occurs, the negative effects of new immigration are most concentrated on the wage and employment opportunities of previous low-skilled immigrants.<sup>8</sup> There is not currently a specific study that demonstrates the extent of such effects within Maryland.

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[Paper.pdf](#) ; Robert W. Fairlie, "Kauffman Index of Entrepreneurial Activity, National Report 1996-2005" (Ewing Marion Kauffman Foundation, 2006.)

<sup>6</sup> Giovanni Peri and Chad Sparbar, "Task Specialization, Immigration and Wages," *American Economic Journal: Applied Economics* 1 no 3 (2009): 135-169.

<sup>7</sup> Randy Capps and Karina Fortuny. August 2008. *The Integration of Immigrants and Their Families in Maryland: The Contributions of Immigrant Workers to the Economy*. Baltimore, MD: The Urban Institute for the Annie E. Casey Foundation. <http://www.urban.org/publications/411751.html>.

<sup>8</sup> Peri, June 2010, *ibid*.

**Table 6: Labor Force Growth in Maryland and the United States, 2000-2010**

	2000		2010		2000-2010		
	Persons	Share of Labor Force (%)	Persons	Share of Labor Force (%)	Persons	Change (%)	Share of Total Change (%)
<b>Maryland</b>							
Total Labor Force	2,772,431	100.0	3,193,408	100.0	420,977	15.2	100.0
Native	2,440,623	88.0	2,621,116	82.1	180,493	7.4	42.9
Foreign Born	331,808	12.0	572,292	17.9	240,484	72.5	57.1
Unauthorized	82,909	3.0	190,000	5.9	107,091	129.2	25.4
<b>United States</b>							
Total Labor Force	138,831,348	100.0	156,966,769	100.0	18,135,421	13.1	100.0
Native	121,519,616	87.5	131,443,264	83.7	9,923,648	8.2	54.7
Foreign Born	17,311,732	12.5	25,523,505	16.3	8,211,773	47.4	45.3
Unauthorized	5,500,000	4.0	8,000,000	5.1	2,500,000	45.5	13.8
<b>Gross Domestic Product (billions of 2005\$)</b>							
Maryland GSP	209.7		264.9		26.3		
United States GDP	11216.4		13088.0		16.7		

Source: U.S. Census Bureau, Census 2000 and 2010 American Community Survey; Pew Hispanic Trust; and the U.S. Bureau of Economic Analysis.

- The economic impacts of foreign-born workers, positive and negative, are not dependent on their status. To the extent that unauthorized workers tend to be low-skilled, however, they can exacerbate the problems for existing low-skilled workers, especially in periods of high unemployment.
- In any case, it is evident that the wages and welfare of all relatively low-skilled workers, native and immigrant alike, can be enhanced with more accessible and better-targeted education and employment training programs.<sup>9</sup> In Maryland, there is much potential for improving such programs.<sup>10</sup>

<sup>9</sup> Holzer, Harry J., *Immigration Policy and Less-skilled Workers in the United States: Reflections on Future Directions for Reform* (Washington, DC: Migration Policy Institute (MPI), January 2011). <http://www.migrationpolicy.org/pubs/Holzer-January2011.pdf>.

<sup>10</sup> Lagdameo, Angela and Adam Ortiz, *A Fresh Start: Renewing Immigrant Integration For A Stronger Maryland, The Report Of The Maryland Council For New Americans*. Report submitted to Governor Martin O'Malley. (Baltimore, MD: Maryland Department of Labor, Licensing, and Regulation, August 2009). <http://www.newamericans.maryland.gov/documentsNA/2009Report.pdf>.

## Fiscal Impact

- To the extent that foreign-born workers contribute to economic growth, the enhanced income largely supplies the tax and other resources needed to cope with the larger population that immigration produces. In other words, the so-called public fiscal burden of most immigrants is very similar to the net fiscal balance for citizens at the same income level. Since taxes in the United States are relatively progressive, over the long run, high-income persons tend to pay more in taxes than the value of the government benefits they receive. The balance is generally the opposite for lower-income persons.
- According to the seminal National Research Council (NRC) Studies of 1997 and 1998, the most appropriate way to evaluate the net fiscal impacts of immigrants is through long-term dynamic analyses which account for the life term earnings, taxes paid and government benefits received across various immigrant cohorts.<sup>11</sup> Surveying the literature 10 years later, a 2007 Congressional Budget Office (CBO) report concluded that, in aggregate and over the long term, immigrants pay more in taxes (federal, state, and local) than they use in government services.<sup>12</sup> Moreover, to the extent that immigration increases overall population, labor force, and economic growth of the nation, it will also facilitate the long term financing of Social Security and Medicare.
- At least 50 percent of unauthorized immigrants have income and payroll taxes withheld from their pay. However, they do not obtain refunds for excessive withholding, and they are not entitled to most federally funded benefits such as Social Security and Medicare. Therefore, it is possible that unauthorized immigrants produce a net surplus at the federal level.
- At the state and local level, however, a large influx of low-skilled immigrants does present substantive resource challenges across services, especially for education and health care. In its 2007 study, the CBO found that many estimates show the cost of providing state and local services to unauthorized immigrants exceeded what that population paid in state and local taxes.
- In one study for the state of Maryland, Paul Martin of the Federation for American Immigration Reform (FAIR) found that the net fiscal cost of unauthorized immigrants to state and local governments was \$1.2 billion in 2008, which is between 2 and 3 percent of total state and local government spending in Maryland (Table 7).<sup>13</sup> Like any similar analysis, this report had to make several rough estimates concerning factors such as the number of school-children of unauthorized workers, the proportion of unauthorized workers that do not pay taxes, and their average income. Nevertheless, it is illustrative of the issues and relative sums involved.

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<sup>11</sup> See Ronald D. Lee and Timothy W. Miller, "The Current Fiscal Impact of Immigrants and Their Descendants: Beyond the Immigrant Household," in James P. Smith and Barry Edmonston, eds., *The Immigration Debate: Studies on the Economic, Demographic, and Fiscal Effects of Immigration* (Washington, D.C.: National Academies Press, 1998); James P. Smith and Barry Edmonston, eds., *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (Washington, D.C.: National Academies Press, 1997)

<sup>12</sup> Congressional Budget Office, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments* (Washington, D.C.: December 2007).

<sup>13</sup> Martin, Jack. *The Costs of Illegal Immigration To Marylanders*. (Washington, D.C.: Federation for American Immigration Reform, November 2009) [http://www.fairus.org/site/DocServer/md\\_costs.pdf?docID=4001](http://www.fairus.org/site/DocServer/md_costs.pdf?docID=4001).

**Table 7: Total Net Fiscal Effect of Unauthorized Immigrants on Maryland State and Local Governments, 2008**

Expenditures (million \$)	FAIR		
	Expenditure on Unauthorized Population	Total State and Local Expenditure	Percent of total budget
K-12 Education	1,215.3	12,625.9	9.6
Foreign-Born	264.3		2.1
U.S.-Born Citizens	702.1		5.6
English Instruction (ELL/LEP)	248.9		2.0
Uncompensated Medical Care	167.2	4,864.5	3.4
Incarceration	28.9	1,693.6	1.7
<b>Total Outlays</b>	<b>1,411.4</b>	<b>51,195.2</b>	<b>2.8</b>
Receipts (million\$)	FAIR		
	Receipts from Unauthorized Population	Total State and Local Revenues	Percent of total budget
Sales Tax	77.0	6,813.2	1.1
Property Tax	66.0	6,158.5	1.1
Income Tax	60.5	11,186.1	0.5
<b>Total Receipts (incl. federal grants)</b>	<b>203.5</b>	<b>44,555.1</b>	<b>0.5</b>
<b>Net Fiscal Effect</b>	<b>1,207.9</b>	<b>51,195.2</b>	<b>2.4</b>

Source: Martin, Jack. November 2009. *The Costs of Illegal Immigration to Marylanders*. Federation for American Immigration Reform. [http://www.fairus.org/site/DocServer/md\\_costs.pdf?docID=4001](http://www.fairus.org/site/DocServer/md_costs.pdf?docID=4001)

- The FAIR study found that the overwhelming amount of the fiscal cost, or \$1,215 million, was due to the primary and secondary education of the children of unauthorized immigrants. This amount is about 9.6 percent of the total Maryland 2008 K-12 education spending, which is, according to the study, about the same share as the children of unauthorized immigrants in the total population. Non-education expenditures in the study which include uncompensated medical care and incarceration costs reportedly total about \$200 million, or about 0.5 percent of total non-education state and local government spending in Maryland.
- The FAIR report can be challenged on its basic premise that these net fiscal costs could be eliminated if only unauthorized immigrants were suddenly removed from society. For example, as noted above, the lion's share of the cost of unauthorized immigration found by the study, over \$900 million, is devoted to the education of the citizen-children of unauthorized immigrants who, like all U.S. citizens, are entitled to free K-12 public education. Moreover, even if it were legally possible to deport or otherwise exclude American children from basic education, it is an action that would have dire consequences for economic growth and the future fiscal base of the state. In addition, eliminating unauthorized persons would also entail a fiscal cost that could be quite large (see below).

## Immigration Law Enforcement

- Over the past several years, the federal government has greatly intensified border enforcement by ramping up expenditures for personnel, technology and facility construction. The number of U.S. Border Patrol agents has more than doubled from 10,000 in 2004 to 20,500 in 2010. Almost 700 miles of fencing have been built along the U.S.-Mexican border and a “virtual fence” of electronic surveillance systems and airborne drones monitor much of the rest of the border. The Customs and Border Patrol (CBP) annual budget now exceeds \$11 billion.<sup>14</sup>
- The detention and removal of unauthorized immigrants has also increased dramatically over the past few years. According to the Department of Homeland Security’s (DHS) Yearbook of Immigration Statistics, the number of removals (forced deportations) rose from 30,039 in 1990 and 188,467 in 2000 to record highs of 395,165 in 2009 and 387,242 in 2010.<sup>15</sup> The U.S. Immigration and Customs Enforcement (ICE) budget now tops \$5.8 billion per year.<sup>16</sup>
- DHS estimates that it would require a minimum federal expenditure of \$135 billion to remove 11 million unauthorized persons.<sup>17</sup> Other cost estimates for such deportation over five years run to over \$200 billion.<sup>18</sup> Given ICE’s current budget, it can deport only 400,000 persons per year. At this rate, deporting 11 million immigrants would take 28 years.
- Included in the federal efforts to remove unauthorized immigrants are two programs that enroll local law enforcement agencies (LEAs) to assist with the enforcement of federal immigration law: Secure Communities and 287(g). Under Secure Communities, fingerprints of any individual arrested for a violation of a criminal offense that a LEA sends to the FBI are automatically forwarded to DHS to determine whether the individual is subject to deportation. ICE can then issue a “detainer,” which requests that the LEA retain custody of the individual for up to 48 hours after they would normally be released. The extended detention provides ICE the opportunity to take custody of deportable persons that fall into its priority list. ICE can also engage in other enforcement actions such as arrest, interrogation, or detention. Through this program, local law enforcement is “passively” engaged in the enforcement of immigration law. In some cases, the locality absorbs the cost of extra detention.
- The 287(g) program provides a much more active role for local authorities. It creates a partnership between ICE and a state or local LEA under a joint Memorandum of Agreement (MOA). A 287(g) program grants state and local LEAs authority for immigration enforcement, including immigration screenings, pursuant to their adherence to the MOA. Local law officers are trained and deputized to enforce federal immigration law. As of

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<sup>14</sup> U.S. Department of Homeland Security, *FY 2012 Budget-in-Brief: Homeland Security*, (Washington D.C.: 2011). <http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf>

<sup>15</sup> U.S. Department of Homeland Security, *2010 Yearbook of Immigration Statistics*, Washington D.C.: Office of Immigration Statistics) p. 94. <http://www.dhs.gov/files/statistics/immigration.shtm>

<sup>16</sup> U.S. Department of Homeland Security, *ibid*, 2011.

<sup>17</sup> Letter to John Cornyn, Judiciary Committee of the United States Senate from Nelson Peacock, Assistant Secretary for Legislative Affairs, Department of Homeland Security (December 3,2010).

<sup>18</sup> Marshall Fitz, Gebe Martinez, and Madura Wijewardena. *The Costs of Mass Deportation Impractical, Expensive, and Ineffective* ( Washington: Center for American Progress, March 2010).

September 2011, the Frederick County Sheriff's Office was the only Maryland jurisdiction enrolled in the program.

- Greater inflows of immigrants, including unauthorized immigrants, do not tend to be correlated with increased crime rates. Over the past two decades, violent crime rates throughout the United States have fallen at the same time that immigration increased significantly. Indeed, immigrants are less likely to commit violent crime than U.S.-born persons, and immigrant communities tend to have lower crime rates than average.<sup>19</sup>

### **Education and Integration**

- A person's level of education largely determines their employability, income, health and happiness. In turn, the education level of a person is highly correlated with their contribution to a state's economic competitiveness. Immigrants who are educated obtain more security in employment and income. In turn they become integrated within the community and more productive within the economy. Those who have less education and less job security are less integrated and less productive.
- Fundamental within U.S. society is the right for all its residents to have access to and participate in a public system of education between grades K-12. This right was interpreted by the Supreme Court as a Constitutional guarantee for all residents including immigrants, regardless of status. Every child deserves the opportunity to learn how to read or write.
- Of course, the reason that K-12 education is mostly paid with public funds is that the spillovers from an educated population benefits everyone. Most of foreign-born young people in Maryland, regardless of status, will make up a substantial part of the productive, tax-paying work force in a few short years. We will also depend on them to be informed voters and capable leaders so we can maintain strong and dynamic communities throughout the state of Maryland.
- A high performance education experience is a self-reinforcing dynamic. Positive experiences, especially starting from the early years of a child, will lead to higher levels of participation later in life and vice versa. Unfortunately, many children of immigrants never seem to get into this positive cycle of academic enrichment, and many withdraw before finishing secondary school.
- Children of immigrants have parents/guardians who may not have facility with the English language and the use of the information systems. Parent involvement during the child's early learning years can have cumulative effects that enable the child to become competitive in his/her later years in school and even beyond.<sup>20,21</sup> This is the reason why there are policies

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<sup>19</sup> Robert J. Sampson. "Rethinking crime and immigration." *Contexts.org*. (American Sociological Association, Winter 2008).

<sup>20</sup> Zigler, Edward, and Susan Muenchow, *Head Start: The Inside Story of America's Most Successful Educational Experiment* (New York: Basic Books: 1994).

<sup>21</sup> Crosnoe, R., *Two-Generation Strategies and Involving Immigrant Parents in Children's Education* (Washington , DC: Urban Institute, 2010)

intended to promote parental involvement in education, including provisions in the No Child Left Behind Act and the Head Start program.<sup>22,23</sup> National studies have shown that Latin American immigrant parents are less likely than other parents, including Asian immigrant parents, to engage in their children's schooling, because of the following reasons: parents' lower education attainment, language barriers, and cultural differences about the role of school and teachers.<sup>24</sup>

- The education of children of immigrant parents provides many challenges to public school systems, including the necessity of developing and maintaining programs for limited English proficiency (LEP) students. The Commission heard testimony of successful efforts in Maryland schools, but also of substantial challenges especially for counties coping with new flows of LEP children.
- Some immigrant youth, particularly those who are economically disadvantaged, who face language and other social barriers, and who do not have resources to pursue higher education, have been found to feel a sense of isolation from their communities and pessimism surrounding their futures. A recent survey of Latino youth in Montgomery County found that over 70 percent were not engaged in extra-curricular activities, such as teams and clubs within the school system and other opportunities within the community.<sup>25</sup>
- A post-secondary education greatly enhances a person's opportunities to succeed and to contribute to the United States and to Maryland. Because of such substantial positive externalities, the Maryland government supports investment in higher education through several different channels, including a vibrant network of community colleges and world class universities. Research has shown that diversity distinguishes and benefits such institutions because it leads to better problem solving and solutions, and immigration contributes to the diversity of these institutions.<sup>26,27</sup> Immigrant children, teachers, and parents bring cognitive diversity to our education system and their perspectives and experiences improve and enrich thinking, discussion, and solutions so long as their diverse perspectives are appropriately managed and leveraged.<sup>28</sup> Assuming immigrants' preparation for postsecondary education experiences produce the same or better results than mainstream student populations, universities and community colleges do not appear to be well prepared for recruitment measures that reach out to immigrants as students and faculty members.

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<sup>22</sup> Epstein, Joyce L., "Attainable Goals? The Spirit and Letter of the No Child Left Behind Act on Parental Involvement." *Sociology of Education* 78 (2005):179–82.

<sup>23</sup> Zigler, *ibid.*

<sup>24</sup> Crosnoe, *ibid.*

<sup>25</sup> Latino Youth Collaborative. *Report of the Latino Youth Collaborative Steering Committee Montgomery County, Maryland: A Generation of Youth Hanging in the Balance.* (Maryland: December 2010). [http://www.montgomerycountymd.gov/content/home/pdf/lyc\\_report.pdf](http://www.montgomerycountymd.gov/content/home/pdf/lyc_report.pdf).

<sup>26</sup> Page, S. *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Communities.* Princeton (NJ: Princeton University Press, 2007).

<sup>27</sup> Thomas, D. & Ely, R. "Making differences matter: A new paradigm for managing diversity." *Harvard Business Review*, 74 (5), 79-90 (1996).

<sup>28</sup> Nemeth, C., "Differential contributions of majority and minority influence" *Psychological Review*, 93 (19): 23-32.

## Conclusions and Recommendations

Just as American society has benefited from immigration in the past, so it will benefit from the immigration of the present and of the future. Maryland must remain welcoming to immigrants, and the state and its local jurisdictions should further strengthen its efforts to integrate immigrants into the economy and the community. Several important recommendations were proposed by *A Fresh Start, Renewing Immigrant Integration for a Stronger Maryland*, a report of the Maryland Council for New Americans released in August 2009. This effort is among many which describe how Maryland can leverage global energy and talent to continue as a diverse, prosperous, and dynamic society.

More specifically, the Commission to Study the Impact of Immigrants on Maryland offers the following conclusions and recommendations which are derived from its research and discussions.

### **A systematic and bipartisan approach to federal immigration reform is essential for a healthy nation and for Maryland.**

The Commission recognizes that the current federal immigration system creates tremendous problems for state and local governments and for local communities. On one side, immigrants provide tremendous contributions to the economy and promote community diversity. Because of the uncertainties surrounding their status, however, unauthorized immigrants are unable to realize their full potential within the economy. Even authorized immigrants face substantial ambiguity as to whether they will ultimately be able to stay permanently in the United States.

There are many aspects that should be resolved in the context of federal immigration reform including: 1) a determination of the level and demographics of future immigration, 2) a resolution of the status of the current pool of unauthorized immigrants, and 3) a specification of the scope and nature of immigration law and enforcement going forward.

**Recommendation:** Given the complexities of these issues, and given the diverse parties on which they will impact, effective changes to the status quo will require honest and sincere discussion and compromise. The State of Maryland can facilitate this process through encouragement and cooperation with federal authorities, other state governments, and civil society to enact comprehensive immigration policy reform.

### **A healthy and growing economy needs immigrants of all types.**

A robust and growing U.S. economy has always generated a strong demand for immigrant labor, not least through the years of 1990 to 2008. The Great Recession and the subsequent anemic recovery have no doubt dampened that demand. But the U.S. economy still employs 22.5 million foreign-born persons, and approximately 33 percent of them are unauthorized to work here.

Throughout its history, Maryland has usually welcomed immigrants from all nations. From many perspectives, including an economic perspective, the state has benefited greatly from this

infusion. Over the past few decades, Maryland's economic growth was sparked through several dynamic clusters of activity including those of public administration, health sciences, and communication, information and aviation technologies. Firms in these industries depend greatly on skilled immigrants. In 2006, 27 percent of Maryland's scientists, 21 percent of health care practitioners, and 19 percent of mathematicians and computer specialists were foreign-born.<sup>29</sup>

In addition, relatively unskilled immigrants play important roles in agriculture, seafood, construction, personal services and tourism. Without the influx of foreign-born workers, expansion in these labor-intensive industries would have been choked off, increasing prices and discouraging growth across the economy. It is doubtful that without immigration, both authorized and unauthorized, the region could have lured enough U.S.-born workers from slower growing parts of the country to fill these positions.

Immigrants coming to Maryland are mainly in the younger segment of working age years. According to the 2010 American Community Survey, 43.4 percent of foreign-born persons in Maryland are between the ages of 25 to 44, compared to only 25.4 percent of the U.S.-born. Young immigrants are helping to fill a significant void between the baby-boom generation and their children. Also, many of Maryland's immigrants are bilingual and represent an important communication resource in a competitive global economy. In 2006, 40 percent of all immigrant workers in the state were bilingual.

The Commission recognizes competing foreign-born workers may contribute to downward pressure on wages and the displacement of U.S.-born workers or previously arrived immigrants, at least for occupations regularly worked by newer immigrants. Such negative effects can be especially acute if the economy is in recession or growing only slowly, such as now. Moreover, these same U.S.-born workers have been hard hit by the forces of international trade, foreign capital mobility and technological advancement. Indeed, economists have generally found that these other factors have had a much larger role in hindering opportunity and income growth for low skilled workers.

**Recommendation:** Eliminating low-skilled immigrants would have only a very limited benefit. Rather, the problems of low-skilled workers should be addressed directly through more and better education and training programs, greater accessibility to affordable health care, and where effective, wage subsidies.

The Commission's Supplemental Report contains a more comprehensive and detailed description concerning the net benefits of immigration in Maryland, including unauthorized immigration.

**There are many non-economic benefits from immigration.**

Of course, there are many other reasons to welcome foreign-born persons to Maryland. The United States is a nation built from a diverse flow of immigration throughout its history. Foreign-born persons have contributed to America's rich history and culture and its robust

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<sup>29</sup> Randy Capps and Karina Fortuny. August 2008. *The Integration of Immigrants and Their Families in Maryland: The Contributions of Immigrant Workers to the Economy*. Baltimore, MD: The Urban Institute for the Annie E. Casey Foundation. <http://www.urban.org/publications/411751.html>.

institutional foundation. They are currently making considerable and diverse contributions in sports, arts, entertainment, cuisine, religion and public administration. The presence of immigrants within our communities helps U.S. citizens develop the knowledge, familiarity, and tolerance needed to support the nation's leadership in the global community.

**The state and local fiscal cost of unauthorized immigrants is due to their low income, and most of these costs cannot be avoided.**

Ostensibly, a person's fiscal impact is the difference between the taxes they pay and the government services they receive. Such impact could be measured in any given year or across a person's lifetime. Given their contributions to labor force and economic growth, the state and local fiscal impacts of immigrants is comparable to U.S.-born persons at the same income level. Therefore, since they are overwhelmingly low-income, unauthorized immigrants who access government services – usually those with children – tend to use more in state and local services than what they contribute in taxes.

There are several evaluations across states which show a net cost of unauthorized immigrants on state and local budgets, including the FAIR study of Maryland described earlier. As with any economic evaluation of this type, one might question some of the assumptions and estimates, but given the methodology the figures illustrate some basic realities. However, the Commission feels that there are several substantial issues that are either obscured or not addressed by these studies including:

1. To the extent that unauthorized immigrants facilitate regional economic growth, they also contribute to the overall tax base which supports the benefits they might receive. For example, economic growth enhances property development and property values and therefore raises both the property tax base and the ability of the residents to pay those taxes. While it is very difficult to place figures to these effects, they appear to be very substantial in suburban Washington DC where average household income and property values rose rapidly over the same period that unauthorized immigration did. The fact that the beneficiaries of economic growth end up paying for education and health services for some of those that enabled that growth is not an argument for curtailing the growth by restricting immigration.
2. In addition, any person's net fiscal contribution to society needs to be measured in a long-term and dynamic fashion, and might even consider the fiscal balance across generations. For example, the state makes investments in primary, secondary, and tertiary education today in anticipation that greater education will enhance a person's future contribution to the economy in general and to taxes in particular. Just because the typical 18 year old is a net cost to society today, does not necessarily mean they are a net fiscal burden over their entire life.
3. Typically, studies concerning the net fiscal burden of immigrants leave the impression that such costs could be quickly avoided if unauthorized immigrants were simply removed from the community. However, the majority of the fiscal cost to state and local governments stems from educational, health, and other benefits paid for the citizen-children of unauthorized immigrants. Presumably, then, the reduction of these costs would require a

constitutional amendment that would not only eliminate birth right citizenship, but revoke retroactively the citizenship of a current population of millions of people. Such changes are not very likely.

4. A similar analysis pertains to unauthorized children. We have covered elsewhere the economic, fiscal and other costs of deporting 11 million persons, or almost 4 percent of the U.S. population. These costs make such deportation very unlikely, especially in the case of children.

**Recommendation:** Regardless of their status, it is most likely that the children of unauthorized immigrants will be part of the labor force over the coming decades. This labor force will underpin the U.S. and Maryland economies, not to mention the Social Security and Medicare benefits that current workers expect to receive. It would be foolhardy, then, for state and local communities to withhold education and other opportunities from those future workers.

The Supplemental Report of the Commission provides a more detailed description of the fiscal impacts of immigrants for Maryland.

**Programs that enroll local law agencies in enforcing immigration law can work against the interests of Maryland’s communities. Local jurisdictions should engage with these programs only under certain conditions.**

ICE currently employs 14 “access” programs in which they coordinate closely with state and local law enforcement in enforcing immigration and other federal and state laws.<sup>30</sup> The Commission looked very closely at two of these programs, receiving testimony on both Secure Communities and 287(g) programs by both local and national proponents and opponents of the policy. Unlike other states, Maryland has not enacted any state laws which govern immigration enforcement. Most Maryland counties have been activated in Secure Communities, but only Frederick County has a 287(g) program.

DHS continues to insist that Secure Communities will be deployed nationwide by the end of 2013, and 287(g) programs are expanding as well. The supporters of enhanced state and local police assistance to the DHS assert that these programs are important because:

1. Unauthorized immigrant workers harm U.S.-born workers and legal immigrants by reducing job opportunities and wages, especially for the unskilled.
2. Unauthorized immigrants cost tax payers much more than they pay in for provision of education, health care and law enforcement.
3. Unauthorized immigrants are disproportionately associated with crime.

Other parts of this report treat the first and second points and find that while they might be true, the extent of these costs is usually overstated. There does not appear to be any empirical evidence to support the third point. On the contrary, greater inflows of immigration, including

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<sup>30</sup>See <http://www.ice.gov/access/>

unauthorized immigration, do not tend to be correlated with increased crime rates. Indeed, immigrants are less likely to commit violent crime than those that are U.S. born, and concentrated immigrant communities tend to have lower crime rates than average.<sup>31</sup>

The Commission found several important problems common to the Secure Communities and 287(g) programs. The most important problem is that different participants have different stated program objectives. The Federal government states that the objectives of both programs are to reduce the presence of dangerous criminal aliens within communities. These programs were designed to provide the Department of Homeland Security (DHS) with assistance in identifying and removing their highest priority immigrants, both unauthorized and authorized. These include violent criminals, those who have been previously ordered removed, and those that present a security risk to the United States. The DHS has repeatedly stated in memoranda, congressional testimony, and on other official occasions that it does not have the resources or the mandate to arrest, detain and initiate removal proceedings against all unauthorized immigrants or those that have committed minor crimes. Nevertheless, over the past few years, an overwhelmingly majority of the persons deported under these programs were not convicted or even charged with a serious crime.<sup>32,33</sup>

Because both 287(g) and Secure Communities do not have a mechanism to discern DHS enforcement priorities, the result of their increased use has been the removal of precisely the lowest priority targets. The implementation of these two programs has essentially allowed for local law enforcement arrests to determine DHS policy. In Frederick County, Maryland for instance, traffic offenders comprised more than 60 percent of all immigration detainees in 2010.<sup>34</sup> In June 2011, DHS issued memoranda reiterating its priorities and requesting that its attorneys selectively prosecute priority cases only. However, these memoranda are not binding and it is unclear whether they will stop the overreach of the Secure Communities and 287(g) programs relative to DHS priorities.

### *The 287(g) Program*

The Commission believes the narrowly tailored goals of 287(g) are frustrated by some local law enforcement agencies that hold an ideologically strong belief against those not violating any criminal laws. Indeed, officials from several local governments hold that the objectives of these programs are to reduce the presence of all unauthorized immigrants within their communities. In Prince William County, Virginia for example, officials have cited a fall in noncitizen Hispanic residents, authorized and otherwise, as evidence of the success of these programs.<sup>35</sup> Frederick

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<sup>31</sup> Robert J. Sampson, "Rethinking Crime and Immigration," Contexts.org, American Sociological Association, Winter 2008.

<sup>32</sup> Capps, Randy, Marc R. Rosenblum, Cristina Rodriguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, January 2011). <http://www.migrationpolicy.org/pubs/287g-divergence.pdf>

<sup>33</sup> Kohli, Aarti, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process* (University of California-Berkeley: The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011). [http://www.law.berkeley.edu/files/Secure\\_Communities\\_by\\_the\\_Numbers.pdf](http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf)

<sup>34</sup> Capps, Randy, Marc R. Rosenblum, Cristina Rodriguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute (MPI) . January, 2011) p. 19. <http://www.migrationpolicy.org/pubs/287g-divergence.pdf>

<sup>35</sup> Jennifer Buske, "Study: Prince William, Va., Policy Appears to Affect Hispanic Population," (Washington Post Tuesday, November 16, 2010).

County Sheriff Jenkins told the Commission, as he has testified before the U.S. Congress that “I strongly believe I am representing the voice of America. The citizens of the United States clearly are frustrated with the problems associated with illegal immigration including the crime, national security risks, and the associated economic effects.”

More important, there is substantial evidence that these programs change the civil environment and law enforcement dynamics across neighborhoods, especially for immigrant-dense communities. The Commission cites the October 2011 position of the Major Cities Police Chiefs Association providing five key concerns with active local police enforcement of federal immigration law.<sup>36</sup> These concerns are:

1. It undermines the trust and cooperation with immigrant communities which are essential elements of community oriented policing.
2. Local agencies do not possess adequate resources to enforce these laws in addition to the added responsibility of homeland security.
3. Immigration laws are very complex and the training required to understand them significantly detracts from the core mission of local police to create safe communities.
4. Local police do not possess clear authority to enforce the civil aspects of these laws. If given the authority, the federal government does not have the capacity to handle the volume of immigration violations that currently exist.
5. The lack of clear authority increases the risk of civil liability for local police and government.

#### *Secure Communities*

On November 4, 2009, the Maryland Department of Public Safety and Correctional Services (DPSCS) entered into a Secure Communities Memorandum of Agreement (MOA) with DHS. The agreement stated that the goals of Secure Communities was to engage the state in identifying to the DHS individuals who had been arrested for or convicted of “serious crimes” and who were subject to removal. In 2011, DHS rescinded this and every other MOA nationwide because it no longer views them as required for Secure Communities operation.

DHS authorized a subcommittee of the Homeland Security Advisory Council (HSAC) to specifically study Secure Communities. This Task Force issued its report and recommendations on September 16, 2011.<sup>37</sup> By consensus it found many problems with Secure Communities, including the confusing way the program had been presented both to state and local police departments and the public at large. The Task Force cited the variant statements of DHS that

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<sup>36</sup> Major Cities Chiefs Association, “Revised Immigration Position October 2011,” [http://www.majorcitieschiefs.org/pdf/news/immigration\\_position102311.pdf](http://www.majorcitieschiefs.org/pdf/news/immigration_position102311.pdf). The Police Chiefs statement goes on to express their support for reducing unauthorized immigration through better border security and enforcement of current federal laws by federal authorities, in better consultation with local authorities.

<sup>37</sup> Homeland Security Advisory Council, Task Force on Secure Communities, *Findings and Recommendations* (September 2011) <http://www.dhs.gov/xlibrary/assets/hsac-task-force-on-secure-communities-findings-and-recommendations-report.pdf>

Secure Communities along with the other programs were designed to remove “the worst of the worst” or in order of priority, those who pose a danger to national security or are a risk to safety. Lesser priorities include recently-arrived unauthorized immigrants, and those who were fugitives from an order of removal.

The Task Force issued many recommendations for DHS to both clarify the role and goals of all of these programs in conjunction with the report. The Task Force recognized that the extremely disproportionate rate of those arrested for minor offenses overloaded the DHS system and impeded its ability to remove its priority targets. In addition, and combined with the concurrent and sometimes confusing implementation of other programs such as 287(g) and the Criminal Alien Program (CAP), they concluded that Secure Communities did adversely affect relations between police, immigrant communities, and the public at large.

Other problems with the Secure Communities program include the extensive and sometimes illegal custody of nonviolent offenders, poor conditions at detention sites, and excessive costs of detention.<sup>38,39</sup> Also, the inability of DHS to assume physical custody of individuals held locally under detainers has led to a growing number of lawsuits filed against states and localities. Aside from the costs of litigation, these lawsuits have resulted in fines imposed on the states, including \$145,000 against the state of New York in 2009, \$35,000 against Washington State in 2010, and \$90,000 in Colorado in 2011.<sup>40</sup>

As a result of these problems, a number of localities around the nation have announced that they will honor detainer requests only under certain conditions such as when the detainee has a criminal record, outstanding charges elsewhere, a warrant or final order of removal from an immigration court, or is on the terrorism watch list. These conditions help avoid the detention and deportation of persons who do not fit within DHS’s priority classifications. Many communities are also demanding ICE reimbursement of for detention costs.

DHS needs to better demonstrate that it can enroll local authorities in enforcing its priorities without creating hardship within communities and distrust between residents and police. It must at a minimum pursue the recommendations of its own Task Force. Such recommendations include better communication of, training for, and adherence to the stated objectives of Secure Communities. Over the past year, DHS has instituted a policy to better focus removal efforts to comply with its priorities. At this stage it has not issued any formal changes in Secure Communities, and it has not directed its agents to specifically decline to issue detainers on those charged with misdemeanors and minor infractions such as traffic violations. However, in August, 2011 DHS initiated a review of the current deportation caseload to clear out low-priority cases. It also announced that ICE agents and prosecutors should use discretion to keep such cases out of the deportation caseload in the first place. On the other hand, the National ICE

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<sup>38</sup> Dora Schriro, “Immigration Detention Overview and Recommendations” (Washington D.C.: Department of Homeland Security, Immigration and Customs Enforcement October 6, 2009). [www.ice.gov/doclib/091005\\_ice\\_detention\\_report-final.pdf](http://www.ice.gov/doclib/091005_ice_detention_report-final.pdf)

<sup>39</sup> National Immigration Forum, “Immigrants Behind Bars: How, Why, and How Much?” (March 2011) [http://www.immigrationforum.org/images/uploads/2011/Immigrants\\_in\\_Local\\_Jails.pdf](http://www.immigrationforum.org/images/uploads/2011/Immigrants_in_Local_Jails.pdf)

<sup>40</sup> National Immigration Forum, “Community and Courtroom Responses to Immigration Detainers” (January 2012) [http://www.immigrationforum.org/images/uploads/2012/Detainers\\_Bonds\\_Litigation.pdf](http://www.immigrationforum.org/images/uploads/2012/Detainers_Bonds_Litigation.pdf)

council, an association of ICE agents, vigorously opposes the use of prosecutorial discretion instead advocating that DHS simply remove all individuals brought to ICE's attention.

Meanwhile, unauthorized immigrants, together with their families, live under a cloud of uncertainty which ultimately erodes their potential to contribute back to society. This tragic loss of human capital is most acute for the youngest ages, including citizen-children. One estimate is that there are 5,100 children presently in foster care whose parents have been detained or deported.<sup>41</sup> In many cases, American courts have terminated the parental rights of persons who could not assert their rights because they were detained or deported. The breakup of families through detainment and deportation place tremendous burden on local communities and with greater enforcement it threatens to become a national crisis.

While the Commission recognizes the need for state and local LEAs to continue to support ICE in combating non-U.S. citizen criminals, it believes that this mission is best done through already established programs such as the CAP and Operation Community Shield, which targets transnational gang activity. Concerning Secure Communities and 287(g), the Commission recommends that the Maryland government and LEAs should understand ICE's enforcement priorities and assist the agency according to those priorities. The state and its localities should consider the following recommendations in their relationship with the DHS:

**Recommendation A:** State and local law enforcement should honor an ICE detainer when the arrestee has a record of conviction for at least one felony or two misdemeanors, the legal standard under which the DHS is required to reimburse state and local governments for the extended detention.<sup>42</sup> Detainers should also be honored for individuals with final administrative orders of removal from an immigration court. Finally, state and local detention facilities should comply with federal law and release detainees after the forty-eight hours following receipt of the detainer if ICE officers have not picked up the inmate.

**Recommendation B:** Maryland state and local LEAs should establish a policy to ensure that incarcerated youth and adults are not made available for immigration interviews in-person, over the phone, or by video without a court order. The policy shall include a mandatory disclosure to the detainee that all information provided to federal agents can be used against them in their criminal, immigration, deportation, or other collateral cases. The disclosure shall be in writing, shall be signed by the inmate, and shall comply with applicable standards of Title VI of the 1964 Civil Rights Act. This policy shall prioritize juveniles and victims of violent offenses.

**Recommendation C:** Local communities should avoid participation in the 287(g) program. Since it specifically enrolls local personnel in immigration enforcement, it can consume substantial local resources for oversight, training, and work hours. Since it often identifies individuals whom the DHS has specifically labeled low priority for removal, the resources used to implement it outweighs the benefits. More important, the 287(g) program has displayed a

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<sup>41</sup> Shattered Families Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System Applied Research Center (2011) p.23 <http://arc.org/shatteredfamilies>

<sup>42</sup> 8 U.S. Code §1231(i).

much greater propensity to undermine the relationship between law enforcement and the local immigrant community.

**Recommendation D:** Maryland should create systems to acquire data that will measure the impacts of these programs on State and local budgets, the immigrant community, and law enforcement, and local fiscal costs.

**While the E-Verify program has some promise in restricting unauthorized immigration, its ultimate effectiveness will be largely influenced by the design of the overall immigration policy regime.**

An important objective of any national reform would be the reduction and eventual elimination of the employment of unauthorized workers. One way to accomplish this goal is to place the onus of validating employment eligibility on employers. Indeed, under the Immigration Reform and Control Act of 1986 (IRCA) employers are currently required to verify the identity and eligibility of all workers by examining one of several identification documents and completing a Form I-9 within three days of employment. However, this system is often ineffective, mostly because it is difficult for employers to detect bogus documents produced by unauthorized workers. It is hoped that electronic verification could improve the effectiveness of the employer-based system by providing a more reliable way to authenticate an employee's identity.

A new, voluntary, electronic system was originally authorized by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIA) of 1996. It is now known as E-Verify. Its goals are to create a system that is effective in minimizing the employment of unauthorized workers while being nondiscriminatory, protective of privacy, and non-burdensome for employers. It establishes an internet-based data base system to verify the information on I-9 forms. E-Verify is set up and managed by the U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) using information from various databases including the U.S. Social Security Administration (SSA) data base. Since 2009, E-Verify use is mandatory for certain federal government contractors and subcontractors. Nineteen states had adopted some type of mandatory E-Verify law, but two states have since repealed mandatory laws after a couple of years, leaving it to the individual employer to elect the program voluntarily.

Three reports provide relatively recent important evaluations of the evolution, effectiveness, and implications of the E-Verify system. In December 2009, the Westat Corporation produced *Findings of the E-Verify Program Evaluation: Report Submitted to U.S. Department of Homeland Security*.<sup>43</sup> In December 2010, the United States Government Accountability Office (GAO) issued a report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives called *Federal Agencies Have Taken Steps to Improve E-Verify, but*

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<sup>43</sup> Department of Homeland Security, USCIS. January 2010. Westat Evaluation of the E-Verify Program: USCIS Synopsis of Key Findings and Program Implications. Washington, DC: USCIS. <http://www.uscis.gov/USCIS/Native%20Docs/Westat%20Evaluation%20of%20the%20E-Verify%20Program.pdf>

*Significant Challenges Remain.*<sup>44</sup> In February 2011, the Migration Policy Institute released *E-Verify: Strengths, Weaknesses and Proposal for Reform.*<sup>45</sup> The description provided below includes important highlights from these reports.

#### *What is E-Verify?*

An employer uses the E-Verify system to verify the employment eligibility status of new hires by querying the database through the Internet with the person's name, date of birth, and Social Security number (or I-94 number for aliens). The system returns either a confirmation of employment eligibility or a "tentative non-confirmation" (TNC). There are several reasons a TNC could be issued including a discrepancy between the data base and the employee's information, or because the person is an alien not entitled to work in the United States. In any case, any employee can contest a TNC within 8 days. The federal government must respond to the contestation within 10 working days. If the TNC is not contested or if the contestation fails, the employer receives a final non-confirmation and the worker must be terminated subject to financial penalties.

#### *The Cost of Inaccuracy*

An "erroneous TNC" is a TNC issued for someone who is actually eligible to work. These are costly for both employers and employees. While federal law prohibits the use of E-Verify to discriminate against or to pre-screen job applicants, research and surveys have shown employers sometimes simply do not offer the job to qualified candidates after receiving a TNC, and others do not inform the job applicants of their right to contest a TNC. Thus, legal workers lose job opportunities for which they are entitled, and they are denied the opportunity to change their information.

Even when workers are notified of a TNC, the GAO found that many legal workers face "formidable challenges" in correcting the information, especially if they lack the paper trail needed to establish their identity. TNCs required an average of 7.6 to 12.5 days to resolve in 2009, a process which often requires employees to miss work and expend out of pocket costs for documentation, transportation, assistance, etc. In addition, some employers were found to curtail training time, suspending assignments, or even reducing pay for employees during the time it takes to contest a TNC.

E-Verify can appear discriminatory because inaccuracies tend to plague foreign-born and minority persons disproportionately. Erroneous TNCs occur, in part, because of inconsistent personal information across authorizing documents. Since such inconsistencies most often affect persons with Hispanic, Arab and Asian names, these persons receive relative a high rate of erroneous TNCs and, therefore, bear a disproportionate cost of inaccuracy. Even native-born citizens who get married or legally change their name may eventually need to deal with a TNC.

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<sup>44</sup> Government Accountability Office (GAO), *Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain* GAO-11-146 (Washington, DC: GAO December 2010). <http://www.gao.gov/new.items/d11146.pdf>

<sup>45</sup> Rosenblum, Marc R., *E-Verify: Strengths, Weaknesses, and Proposals for Reform* (Washington, DC: Migration Policy Institute (MPI) February 2011). <http://www.migrationpolicy.org/pubs/E-Verify-Insight.pdf>

Fortunately, quality control, records synchronization and the incorporation of new data bases and biometric data such as passport photos have helped to increase accuracy. USCIS data shows that in fiscal year 2009, 97.4 percent of almost 8.2 million submissions were immediately confirmed as work authorized. This compares with only a 92 percent confirmation rate from June 2004 through March 2007. Of the remaining 2.6 percent of queries in 2009, 0.3 percent was found to be authorized to work after challenging TNCs. It is not known what proportion of the remaining 2.3 percent, or about 189,000 persons, were actually eligible to work. However, the evaluation for USCIS by Westat estimated that perhaps around 22 percent of these TNCs were erroneous. That is, they computed that around 42,000 legal workers may have been denied employment.

### *Identity Fraud Remains a Problem*

It is so far difficult to judge how effective the system is in reducing unauthorized employment. The I-9 process is most commonly undermined by unauthorized workers who work for honest employers on legitimate payrolls (i.e., “above the table”) based on stolen, borrowed, or counterfeited identification documents. E-Verify successfully detects such identity fraud only when the information on the documents is inconsistent with its data bases. When the information entered into the system is consistent with its underlying data, E-Verify will confirm eligibility to work. In other words, the basic weakness of the I-9 system is that the detection of false documentation still rests mostly on the employer, and E-Verify does not alter this circumstance.

Complicating employers’ task and adding to their costs are intricate regulations and strict time frames for I-9 and E-Verify compliance. Employers point out that authenticating identity requires the development of procedures and specific training for responsible personnel. Large employers with multiple hiring sites and centralized human resources (HR) departments find identity authentication especially problematic because worker hiring and use of E-Verify may occur at different locations.

E-Verify is also ineffective when employers deliberately conspire with employees to commit fraud. The Commission heard testimony from the GAO that some employers accept obvious false identification (e.g., when photos do not match the applicant), use the same social security number for multiple hires, and otherwise assist employees on methods to beat the system. It is not known how many incorrect confirmations occur through such fraud, but using 2008 data Westat’s model estimated that E-Verify confirmed as eligible to work as many as 54 percent of unauthorized workers submitted to the system.

USCIS has taken steps to reduce identity fraud. An important recent improvement is the addition of photo screening tools and associated data bases. For example, for immigrant workers E-Verify will send employers the photo recorded on work visas to compare with the photo on the documentation produced by the worker. Because these tools currently apply only to certain workers and certain documents, they require additional employer training. Westat found that in its startup that the photo screening tool itself is not tamper-proof or counterfeit resistant. Some employers instructed workers not to use the document types that were most likely to trigger non-confirmations. Nonetheless, USCIS sees increased use of photo data (from passport and state driver’s license data, for instance) and other biometric tools as potentially substantial improvements to the system.

### *Resources for Compliance Assistance and Enforcement are Limited*

Also important will be greater efforts to reduce employer non-compliance of E-Verify procedures and to detect illegal employment through identity fraud, whether assisted by the employer or not. However, the GAO report found that resources for both activities are currently limited. USCIS has minimal ability to investigate and remedy employer misuse of the system such as prescreening employees or selectively checking on employees. Moreover, while USCIS is currently beefing up its compliance branch to detect such misuse, it has no authority to impose penalties on employers beyond terminating their access to E-Verify. If it detects a violation of immigration laws, USCIS must rely on ICE to investigate, sanction, and prosecute employers.

According to the GAO report, ICE reports that it has only limited resources for investigating and prosecuting employers that knowingly hire unauthorized workers. In fiscal year 2009, ICE spent only 5.2 percent of its 10.4 million workload hours on worksite enforcement.<sup>46</sup> It issued 52 fines from I-9 audits and made 444 criminal and 1,654 administrative worksite arrests. There may be other reasons why work place enforcement is not high on the agenda on authorities. Nonetheless, as with the I-9 system in general, the effectiveness of E-Verify to reduce the employment of unauthorized workers is tied closely to the extent that the enforcement of worksite rules is intensified.

In the meantime, increasing the accuracy of employment verification with E-Verify might simply push unauthorized workers to employers who do not check identification carefully, who do not use E-verify, or who simply hire such workers “under the table.” Increases in informal employment might even result in a loss of tax revenue previously collected from those same workers. In addition, employers who hire workers informally may be more likely to violate environmental, wage, and safety regulations to the detriment of all citizens.

In the final analysis, the effectiveness of work place verification in reducing unauthorized immigration depends on the incentives facing the employers. If they are able to obtain sufficient U.S.-born and authorized foreign-born workers at wages consistent with a reasonable investment return, they will comply happily with immigration regulations. If they face worker and/or skill shortages that threaten their profitability within a competitive environment, then they will be more likely to violate those laws through collusion with identity fraud or through underground employment. Altering these calculations, of course, is the probability of getting caught and the expected sanctions.

### *State Laws Concerning E-Verify*

All Maryland employers may voluntarily participate in the E-Verify Program in addition to completing a mandatory I-9 form to verify authorized employment. Since many Maryland employers are federal contractors, they are presumably using it now. It is likely that Maryland and its local governments might contemplate greater participation in the E-Verify program.

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<sup>46</sup> In addition to the enforcement of immigration law, ICE is responsible for enforcing a wide range of federal laws, such as international drug smuggling, illegal import and export of drugs and weapons, alien smuggling, intellectual property violations, and money laundering.

Currently, seventeen states have enacted some form of E-Verify law in different forms with various requirements, sanctions and exemptions. An Arizona law that required electronic verification of employment eligibility through an E-Verify system was upheld by the U.S. Supreme Court. Georgia implemented the law in phases. South Carolina requires that all employers use the federal database to verify employment instead of verification by a driver's license. Tennessee requires a photocopy of one document from the list of acceptable I-9 documents in addition to fulfilling the I-9 requirements. Colorado and Minnesota E-Verify laws are mandatory for state contractors only, while the Virginia law also applies to agencies.

On the other hand, two states have specifically rejected mandatory E-Verify as an ineffective tool for immigration purposes. In September 2011, California passed a law barring any government agency from making E-Verify mandatory. It viewed various city and county ordinances enacted around the state as an inappropriate response to the failure of the federal immigration reform and as an impediment to the job creation in the midst of economic recession. In 2008, Rhode Island made E-Verify a requirement, but three years later it rescinded the law. Instead of improving the state's fiscal or unemployment problems, the law had become a cause of divisiveness, incivility, and distrust among the state's citizens.

#### *Can E-Verify be Effective on a Much Larger Scale?*

The above described strengths and weaknesses of an employer-based system of immigration enforcement should be considered in current discussions of scaling up E-Verify to a non-voluntary national program. CIS has done an impressive job of reducing error rates and rapidly expanding the numbers of employers who have voluntarily enrolled in the system. Data base improvements also promise to reduce both false confirmations and false non-confirmations. Still, the system's reliance on employers to manage the confirmation process means that better enforcement of identity fraud will be needed.

Clearly, universal E-Verify regulations would impose non-trivial costs on employees, employers and tax payers. The GAO report states that USCIS and SSA estimated that about 60 million annual E-Verify queries would be generated if the program were made mandatory for new hires nationwide, and at current error rates hundreds of thousands of hires could be disrupted each year. Obviously these numbers would be initially much larger if E-Verify were required for existing employees. (There are over 150 million jobs in the economy.)

Costs estimates of universal E-Verify for the private sector are very rough. Some costs might be especially onerous over the initial period of implementation. For example, in essence E-Verify would require government-sanctioned photo identification for anyone interested in working. Those now lacking such identification might have to obtain and pay for new copies of various documents such as birth certificates and marriage licenses. Employers would have to develop new HR procedures and training programs, but even larger costs might be imposed as honest employers work with employees to reconcile TNCs and other issues. Finally, employers who do not follow the rules, insisting on a particular document after a worker produces acceptable I-9 documents for example, faces a risk of being accused of unemployment discrimination with potentially large financial penalties.

On the government ledger, the GAO report concluded that SSA and CIS have not yet developed reliable government costs estimates of a mandatory E-Verify Program. Between USCIS and SSA, the current system costs between \$100 and \$200 million per year. The largest cost estimate for a national mandatory electronic system comes from the Congressional Budget Office (CBO). It reported that the universal system might cost between \$500 million to \$1 billion per year. This estimate, of course, does not include the more substantial need for greater enforcement of existing rules by ICE and USCIS. Without a much greater resource commitment to hold employers to their obligation under immigration law, an E-Verify enhanced validation system will only marginally improve the existing, and ineffective, I-9 system.

**Recommendation:** The efficiency and effectiveness of any given E-Verify regime can only be evaluated within the context of the overall immigration policy regime and conditions within labor markets. If more effective employer verification reduces the opportunities for unauthorized workers, then there will be less need for ever expanding border control and less need to enlist local law authorities in immigration law enforcement. Done well, work place verification and enforcement are much less costly and less socially disruptive than either of those two alternatives.<sup>47</sup> It would, however, require real resource and philosophical commitments from the federal, state and local governments and from millions of employers around the country. It is likely that such commitments will only be forthcoming under a comprehensive restructuring of the U.S. immigration system.

**To insure Maryland's continued global economic and technical leadership, the state must redouble its efforts to provide superior education at every level to all young residents, including the foreign-born, regardless of immigration status.**

Through discussion, research and panel hearings, the Commission examined the issues of education related to the impact of foreign-born in Maryland. In doing this examination, the Commission distinguished between issues that pertained to education in grades K-12 and those that were post-secondary issues. This examination considered the impact of the children of immigrants whether foreign-born or U.S.-born. Not all of the challenges to public education systems are strictly costs issues. Rather, they involve complications of dealing with different languages, different cultural experiences, and relevancy of mainstream education materials for the immigrant children.

Recently, the concept of an English-only or Official English language public policy has been considered in various states and local communities and has passed as law in several. This is an issue that has been around for centuries, beginning when German speakers began to migrate to the American colonies. The Commission feels that such laws tend to impede rather than facilitate immigrant integration into the greater community. Rather, community resources can be very effectively used to help immigrants obtain English proficiency. The benefits of boosting immigrant language skills are most important to enhance the level and quality of education.

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<sup>47</sup> For ideas on how to strengthen the system of employer verification in general and E-Verify in particular, see Doris Meissner and Marc R. Rosenblum, *The Next Generation of E-Verify Getting Employment Verification Right* (Washington, D.C.: Migration Policy Institute July 2009).

Studies have shown that parent engagement is necessary for children's educational success and this is true also for immigrant parents.<sup>48,49,50</sup> Therefore, engaging them more fully in their children's education at home, in the school, and in the community is critical. But these parents/guardians may not have facility with the English language and the everyday use of information systems such as transportation, the school systems, and other governmental and nongovernmental systems that other long term residents take for granted. National studies have shown that Latin American immigrant parents are less likely than other parents, including Asian immigrant parents, to engage in their children's schooling. Both of these two groups tend to have lower rates of parental involvement relative to white parents for the following reasons: parents' lower education attainment, language barriers, and cultural differences about the role of school and teachers.<sup>51</sup>

Programs exist to engage immigrant parents, especially Latino immigrant parents, in their children's education. Examples of these programs include: Abriendo Puertas in California; AVANCA in Texas, California, and Mexico; and Home Instruction for Parents of Preschool Youngsters, Project FLAME, and Parent Engagement Education Program in multiple states.<sup>52</sup> These programs, most of which have been evaluated to determine their effectiveness and what works and doesn't work, can serve as useful role models for Maryland's Department of Education and school districts throughout the state.

Attention to post-secondary education concerns have been widely discussed as the Maryland state government has recently passed a law that provides for in-state tuition at the college level for unauthorized young immigrants who meet certain requirements under the law. Even with the challenges facing the implementation of this law during review of it by referendum ballot, the need for post-secondary education for resident immigrants seemed to be less in question than the immigration status issue. By its nature, a post-secondary education experience requires substantial independence and an understanding of practical and technical life skills such as bill-paying, budgeting and finance, social and academic interaction with diverse groups of students and faculty, and library, technology and transportation use. Ensuring that the state higher education policies are more explicit and provide practical methods for supporting immigrants' greater participation in post-secondary education provides better assurances of having a well-informed and educated workforce and productive populations.

### *Conclusions and Recommendations for K-12 Education*

According to data from the State Department of Education, within the Maryland K-12 student population, the top five local education agencies with the largest numbers of English Language Learners (ELLs) as of October 2010 are Montgomery County (18,779); Prince George's County (14,298); Baltimore County (3,466); Anne Arundel County (2,723); and Baltimore City (2,167). The trend of ELLs over the last several school years (SY) shows an increase from 3.7 percent of the state's student population in SY 2005-06 to 5.6 percent in SY 2010-2011. The greatest

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<sup>48</sup> Smith, Sheila, *Two-Generation Programs for Families in Poverty* (Norwood, NJ: Ablex 1995).

<sup>49</sup> Suarez-Orozco, Carola, and Marcelo Suarez-Orozco. *Children of Immigration* (Cambridge, MA: Harvard University Press 2001).

<sup>50</sup> Cheadle, Jacob E., "Educational Investment, Family Context, and Children's Math and Reading Growth from Kindergarten through Third Grade." *Sociology of Education* 81 (2008): 1-31.

<sup>51</sup> Crosnoe, R, *ibid.*

<sup>52</sup> Nemeth, C., *ibid.*

growth of ELLs are in the K-5 levels where the population grew from almost 30,000 pupils in SY 2008-2009 to about 37,200 in SY 2010-2011. It should be noted that the top five countries of origin for ELLs are the United States (persons born here), El Salvador, Mexico, Guatemala, and Honduras.

The size and growth of ELLs present challenges to the state education community. If graduation rates are to continue to improve then the quality of education directed toward ELLs will be particularly important. Challenges include: the provision of state-wide professional teacher development to address the needs of ELLs; increasing access to higher education for ELLs; executing family and community outreach to ELLs in a welcoming educational system; and meeting proficiency requirements for the federal measure of adequate yearly progress (AYP). Given the growth of ELLs in the K-5 grade levels noted above, the noted challenges will grow even larger in future years without attention to the present situation. In using any social system, more “user friendly” interaction enhances the productivity and effectiveness in achieving the mission. School systems need to be better at establishing environments that are welcoming and friendly to immigrants. Policies and procedures for limited English proficient (LEP) members of our society exist at the national, state and local levels and should be understood and implemented as a regular part of schools' operations.

A high performance education experience is a self-reinforcing dynamic. Positive experiences lead to a higher level of participation and vice versa. Unfortunately, many children of immigrants never seem to get into a positive cycle of community integration, academic enrichment, and extracurricular activities. Under existing Board of Education Policy (IQD), students must maintain good academic standing in order to be eligible to participate in particular school-sponsored extracurricular activities (i.e., “standard” programs offered in each school that are operated by school staff). Immigrant and other youth who struggle with maintaining good academic standing because of language and other social barriers are therefore cut off from school-based extra-curricular activities. Consequently, they become even less motivated to improve their academic performance and more isolated from the school community.<sup>53</sup> Positive experiences among immigrant children and youth will lead to their higher level of participation later in life and vice versa.

Moreover, many immigrant students withdraw before finishing secondary school. A next step for these immigrants leaving high school becomes the possibility of earning a General Education Degree (GED) to have an equivalency of a high school diploma. In Maryland, however, a requirement exists that an individual must present State Motor Vehicle Administration (MVA) identification in order to sit for the Maryland GED test. This can be a significant impediment for immigrants in gaining the GED in Maryland and a loss to the state of these individuals as productive residents.

Studies have shown that parent engagement is effective, but not as effective as school, family, and community partnerships. The function of schools as part of the community is both important to recognize and to exercise, not only for academic success but also other lifelong habits such as

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<sup>53</sup> Ibid.

physical activity.<sup>54,55</sup> The Full-Service Community Schools Program, funded under the Federal Department of Education's Fund for the Improvement of Education (FIE), is a policy that encourages coordination of academic, social, and health services through partnerships among public elementary and secondary schools; the schools' local educational agencies; and community-based organizations, nonprofit organizations, and other public or private entities.

Concerning K-12 education and the immigrant student community, the Commission provides the following recommendations:

**Recommendation A:** Ensure that the state education system develop culturally appropriate standards for instructing immigrants in English language usage. School systems throughout Maryland should be monitored for performance in successfully using the standards. Standards should include plans to dedicate new resources as the demand for services grow.

**Recommendation B:** Effective connection to the school system requires that parents can access and navigate systems about curriculum, grades, counseling, discipline, libraries, and school activities such as sports and clubs. Within standards developed for the various school districts in the state, school systems should be required to have plans and operational schemes for ensuring that immigrant parents and guardians are recruited to seek training on using such systems. Given that much of this information is now available electronically, schools should consider making computer resources available to these parents. Existing programs should be further researched for their effectiveness and how they can be adapted by Maryland's schools.

**Recommendation C:** School systems in the state should be urged to follow proven methods and explicit activities that better meet the general needs and culturally/linguistic differences of immigrants. The integration of immigrants in the life of schools is a challenge that must be met by the careful orchestration of the schools' administrators, teachers, administrative staff and mainstream parents-groups. It requires a good knowledge of and understanding attitude toward immigrants. A planned and participatory approach will help to ensure that all the concerned parties can make a contribution to successful integration. Programs such as Communities in Schools and Caring School Community are examples of programs that should be further examined, along with other programs, for adaptation to Maryland's schools. The state education system could help by creating model plans and forums to where schools and systems can share experiences.

**Recommendation D:** At the state level there should be a reassessment of curricula and teaching methods used to address educational experiences of the children of the foreign-born. This evaluation could be accomplished by a state-wide task force that would examine the current student experience, specify preferred outcomes, and produce a plan to reconcile the two. The task force would conduct a ground-up review designed to develop a program of continuous

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<sup>54</sup> Epstein, J. & Sheldon, S. "Moving forward: Ideas for research on family, school, and community partnerships," in C. F. Conrad & R. Serlin (Eds.) *SAGE Handbook for research in education: Engaging ideas and enriching inquiry*. (Thousand Oaks, CA: Sage Publications, 2006), 117-1138.

<sup>55</sup> Centers for Disease Control and Prevention, "Guidelines for School and Community Programs to Promote Lifelong Physical Activity Among Young People." *Morbidity and Mortality Weekly Reports*, 46 (1997), 1-36.

quality improvement in serving students. Included in such an assessment is how to increase immigrant children involvement in the extracurricular activities.

### *Conclusions and Recommendations for Post-Secondary Education*

A basic tenet of this discussion of post-secondary education is that a more educated person is good for our society. They earn more money and are more engaged in the community. They are better informed workers, consumers and voters. Maryland has one of the highest rates of immigrants with post-secondary degrees in the United States, and the benefits are readily evident.

Post-secondary education and immigrant issues in Maryland are complex. The college experience can be confusing and intimidating to recently arrived immigrants or students who grew up in relatively poor and isolated communities. Nevertheless, the 2009 Maryland State Plan for Post-Secondary Education of the Maryland Higher Education Commission made no explicit reference to immigrant populations. While its “diversity goal” gives significant attention to the students and operations of Historically Black Colleges and Universities, there is little information concerning the issues of immigrant students. Maryland’s students do have trusting relationships with local community organizations that could be leveraged to help advocate for their rights and needs in seeking higher education. Such cooperation might require a reexamination of the Maryland State Plan as it is considered for revisions and updates.

Concerning the issues surrounding immigrants and post-secondary education in Maryland, the Commission provides the following recommendations:

**Recommendation E:** The Maryland Higher Education Commission could develop a special initiative to examine more closely how the state’s higher education (post-secondary) institutions are identifying and recruiting immigrant students and faculty. This special initiative would include an analysis of the nature of these immigrants and how well the state’s post-secondary institutions are responding to the needs of these students and staff.

**Recommendation F:** The Commission recognizes the public controversy regarding support for the Maryland state law that grants in-state tuition for unauthorized immigrant youth who meet certain requirements in the law. Without considering the details of the law and the public referendum for its repeal, the Commission supports the access to post-secondary education for resident immigrants, regardless of status.

The Commission feels that implementation of the above recommendations concerning education will greatly enhance the significant economic and social contribution of Maryland’s foreign-born population. An educated population is a great source of getting things done right and a continuing resource to doing the right things.

## **A Note on Terminology**

“Foreign-born” refers to an individual who is who is born outside the U.S., Puerto Rico or other U.S. territories and whose parents are not U.S. citizens. In other words they are not a U.S. citizen at birth. The terms “foreign-born” and “immigrant” are used interchangeably.

“Native or U.S.-born” is a U.S. citizen at birth, including people born in the United States, Puerto Rico or other U.S. territories, as well as those born elsewhere to parents who are U.S. citizens.

The “authorized immigrant” population is defined as people granted legal permanent residence; those granted asylum; people admitted as refugees; and people admitted under a set of specific authorized temporary statuses for longer-term residence and work.

The above group includes “naturalized citizens,” that is, those immigrants who have become U.S. citizens through naturalization; “legal permanent resident aliens,” who have been granted permission to stay indefinitely in the U.S. permanently, those under asylum or refugees; and “legal temporary migrants,” who are allowed to live and, in some cases, work in the U.S. for specific periods of time (usually longer than one year).

“Unauthorized immigrants” are all foreign-born non-citizens residing in the country who are not “legal immigrants.” These definitions reflect standard and customary usage by the Department of Homeland Security and academic researchers. The vast majority of unauthorized immigrants entered the country without valid documents or arrived with valid visas but stayed past their visa expiration date or otherwise violated the terms of their admission. Some who entered as unauthorized immigrants or violated terms of admission have obtained work authorization by applying for adjustment to legal permanent status or by obtaining Temporary Protected Status (TPS). Data are very limited, but this “quasi-legal” group could account for as much as 10% of the unauthorized population. Many could also revert to unauthorized status.

“Children” are people under age 18 who are not married. “Adults” are ages 18 and older.

Source: Passel, Jeffrey S. and D’Vera Cohn. Unauthorized Immigrant Population: National and State Trends, 2010. (Washington, DC: Pew Research Center, February 2011). <http://pewhispanic.org/files/reports/133.pdf>