



PF December 2013 Con Analysis

The current NFL Public Forum resolution, **Resolved: Immigration reform should include a path to citizenship for undocumented immigrants currently living in the United States**, asks debaters to engage with one of the most controversial elements of the current fight over immigration reform. This guide will help you find reasons to oppose and craft a winning con case.

In this resolution, the con side is asked to argue that immigration reform legislation should *NOT* contain a **path to citizenship** (P2C) for existing undocumented immigrants. As we discussed in the pro side topic breakdown, a P2C is a legal provision that allows undocumented immigrants who are already living in the United States to remain here as they pursue legal citizenship. This is related, although not necessarily identical, to the concept of “**amnesty**,” which you may encounter in some of the literature. “Amnesty” tends to be a broader catch-all term for policies which do not impose punitive effects on undocumented immigrants. It is perfectly fine to use evidence that uses the word amnesty to describe P2C, as long as you are verifying that the type of amnesty referred to is the same as (or strongly similar to) P2C proposals. Generally, “amnesty” is a politically-loaded term that is only used by critics of P2C. That makes it a useful keyword in your search for evidence—as long as you are staying vigilant to make sure you’re talking about the same kind of amnesty as the pro team. Otherwise, they will be able to easily brush aside your arguments as irrelevant.

See the pro side analysis for a more thorough introduction. And don’t forget to do some background research of your own!



As you know, the Senate passed legislation that included a P2C in June. However, that bill is held up in the House and is generally considered to be unlikely to see any action by this Congress. This topic should therefore remain wide open for debate. Nevertheless, you should familiarize yourself with how the pending current bill defines P2C, as this is what the best and most current evidence will be referring to.

You can find an excellent introduction to what P2C provisions in current legislation would do here: <http://jakemanlaw.com/provisional-legal-status-and-beyond-many-hurdles-in-a-long-path-to-citizenship/>

As explained in the pro analysis, P2C must be understood as a distinct component of immigration reform, and not the entirety of attempts to reform the immigration policy. It should also not be confused with a debate about whether we should increase/decrease/maintain levels of immigration. Although both of those questions are related, P2C is a narrow sub-category. What this means is that you should *not* plan to craft your con case around something like the need to decrease the overall flow of immigrants into the United States. As we will discuss later, it is easy to win that *P2C will increase illegal immigration*, but it will be nearly impossible to win that the *status quo solves illegal immigration* (since simply opening your eyes and looking around will tell you that it doesn't). That said, you are free to defend an immigration reform package that excludes P2C as the best way forward, if you are comfortable doing so.

On this topic, the pro team will be defending that reform is necessary and that P2C ought to be at least a part (although not necessarily the sole portion) of reform legislation. The con team, therefore, needs to defend either that 1. No reforms are necessary, and/or 2. P2C is bad. The need for some kind of immigration reform is basically universally acknowledged by citizens and lawmakers alike (despite congressional foot-dragging for political reasons). So, I don't advise you to build your case on option 1. Of course, you are free to do whatever you think plays to your particular strengths as a debater. This guide, however, will focus more on option 2: why might a P2C be bad?



As mentioned above, you are free to support a policy for immigration reform that doesn't include a P2C provision. You may want to argue that enforcement and border security should be increased, or that the number of available visas should be increased. Doing something like this will allow you to hedge against pro impact claims. However, you don't necessarily need to dedicate your time to describing what sorts of policies you would support. A more strategic option is to simply evaluate your opponents' case and determine which portions of it can be solved by *immigration reform in general*, rather than *requiring P2C specifically*. You will probably find that overlap is common. Once you find these gaps in the cases, you can say something like "this is not a reason to prefer P2C; we agree that other types of reforms are a good idea, but the pro burden is to prove P2C is necessary."

Hopefully by now you understand where the ground for both sides is divided on this topic. With that out of the way, let's move on to discussing the debate surrounding P2C itself.

Before we get into offense against P2C, let's discuss some options for defense against pro impacts. They will be claiming numerous benefits based off of extending a P2C to a population that includes roughly 11 million undocumented immigrants. One way to hedge back against these arguments is to establish some reasons why a P2C might not be accessible for many of the people it is designed to help.

For example, you could argue that the **P2C will not actually help many people**, who cannot afford the hefty fees and fines associated with the process or who don't currently speak English. People with criminal records would also be unable to use the path. If we ought to be concerned about the most disadvantaged people seeking refuge in this country, it is reasonable to believe that many of them will not be aided by a P2C.

Another option is to point out that empirical data suggests that most undocumented immigrants will not successfully complete the path and become citizens. If that's the case, then creating a P2C is unlikely to create a very big dent in the problems the pro has isolated.



Here is **evidence** on that:

[Carrie Dann, political reporter, NBC News, “Pathway to citizenship not expected to include all,” http://nbcpolitics.nbcnews.com/_news/2013/07/04/19267490-pathway-to-citizenship-not-expected-to-include-all, July 4 2013]

But somewhat glossed over in the debate is the question of just how many undocumented immigrants would actually take the steps required to become United States citizens – with the right to vote and run for federal office.

It’s impossible to come up with an estimate that’s exact, but there are some clues in history, in polls and in analyses of the Senate legislation that help inform the guessing.

One first clue is the 1986 law that created a path to citizenship for immigrants in the country illegally. That bill, now derided as deeply flawed by both friends and foes of the current reform bill, resulted in the granting of green cards to about 2.7 million immigrants.

In 2010, a Department of Homeland Security survey found that just 40 percent of those 2.7 million had become American citizens.

Of course, pro teams will say that affecting nearly 1 million people is still very significant. They’re not wrong. Nevertheless, establishing these kinds of arguments will help you chip away at their grandiose claims of solving all of America’s immigration problems by demonstrating that they cannot solve 100%.

Another reason P2C may not actually affect huge numbers of undocumented immigrants is that estimates suggest **up to about half of people here illegally have overstayed their visa**, rather than just snuck across a border. Current P2C proposals don’t address overstayed tourist visas.



Evidence:

[David Seminara, research fellow, Center for Immigration Studies, "Legalizing illegal immigrants a bad idea," <http://cis.org/OpedsandArticles/David-Seminara-Legalizing-illegal-immigrants-a-bad-idea%20>, February 2013]

Up to half of all illegal immigrants in the U.S. are visa overstays. Most abuse tourist visas, but the Senate plan won't fix the overstay problem. The framework calls for an entry-exit system, but it doesn't specify how overstays will be located and removed. In 2012, about 75 percent of all tourist visa applicants were approved, and in Mexico the figure was 90 percent. Even if the border is secured, rampant abuse of temporary visas will continue as long as lax visa issuance is the norm.

Yet another useful argument is that **P2C encourages increased illegal immigration**, since potential immigrants fail to see any incentive to go through regular legal channels and assume that they too will eventually be granted a P2C. The result is replicating and growing the same challenges we face today. Even if P2C fixes the problem of the 11 million undocumented immigrants already here, it also ensures that more and more people will continue to come (without documentation) indefinitely into the future. All of the impacts of the pro team are thus recreated for the next generation. This is what we call a "turn"—not only does P2C not solve the problems outlined by the pro team, it actually makes them worse. Here is **evidence** about that:

[David Inserra, national security researcher, The Heritage Foundation, "Amnesty: A Path to Permanent Residency Is as Bad as a Path to Citizenship," <http://blog.heritage.org/2013/06/21/amnesty-a-path-to-permanent-residency-is-as-bad-as-a-path-to-citizenship/>, Jun 21 2013]

A pathway to LPR status also ignores the rule of law and rewards those who came here illegally by granting them legal residency ahead of those who followed the law. Importantly, such amnesty would also still act as a magnet for additional illegal immigration by rewarding those



who illegally entered the country. After the U.S. passed amnesty in 1986, new unlawful immigrants came to the U.S., encouraged that they too could receive amnesty eventually. As a result, the U.S. now has over 11 million unlawful immigrants. Repeating the mistake of amnesty—be it by granting a path to citizenship or to LPR status—would result in even more illegal immigration and would stretch U.S. border resources even thinner than they are now.

More evidence:

[David S. Addington, Vice President of Research, The Heritage Foundation, “Encouraging Lawful Immigration and Discouraging Unlawful Immigration,” <http://www.heritage.org/research/reports/2013/03/encouraging-lawful-immigration-and-discouraging-unlawful-immigration>, March 27 2013]

When Congress enacted the IRCA amnesty programs in 1986 for aliens unlawfully in the U.S., the population of aliens unlawfully in the U.S. was an estimated 3.2 million.[17] In January 2011, that population was an estimated 11.5 million.[18]

Grants of amnesty, regardless of the form of the reward they give to aliens who knowingly entered or remain the U.S., discourage respect for the law, treat law-breaking aliens better than law-following aliens, and encourage future unlawful immigration into the United States. If America suddenly awards legal status to aliens unlawfully in the United States, it will treat them better than aliens abroad who follow America’s immigration procedures and patiently await their opportunity to get a visa authorizing them to come to the United States. And, of course, if America suddenly awards legal status to aliens unlawfully in the U.S., it will, as the IRCA amnesty proved, spur more aliens to enter or remain unlawfully in the United States, in the confident expectation that Congress will continue enacting future amnesties that provide aliens unlawfully in the U.S. a shortcut to legal status. The government should pursue a measured set of approaches to a wide variety of immigration issues, but in all events exclude amnesty for aliens unlawfully in the United States.



Once you've taken a nice, big bite out of your opponents' case, you should build your own by articulating some other well-developed disadvantages to P2C. Below, I will detail a few ideas for doing just that.

Just like on the pro side, one major area of argumentation is **the economy**. There are a number of reasons you could argue P2C hurts economic growth. One argument is that **unemployment is already high** among citizens and legal residents now. By adding millions of new people to the pool competing for jobs, this situation is likely to get worse. This also places additional strain on the American unemployment benefits system, as well as other elements of the social safety net. Even if the pro team argues that P2C does not immediately make immigrants eligible for programs like food stamps, you can still point out that legal citizens may nevertheless join the ranks of welfare recipients when they are unable to find a job due to a large new labor pool. Here is **evidence** on this point:

[Elizabeth Harrington, staff writer, The Washington Free Beacon, "Sessions: Immigration Reform Not the Answer to Lagging Economy," <http://freebeacon.com/sessions-immigration-reform-not-the-answer-to-lagging-economy/>, November 22 2013]

Immigration reform will make matters worse for an already damaged economy, Sen. Jeff Sessions (R., Ala.) said on Thursday.

The advocacy group "Americans 4 Work" held a panel event at the National Press Club with Sessions, former Rep. Allen West (R., Fla.), and Temple University Law Professor Jan Ting, to discuss immigration policy as it relates to the economy.

With economic growth to decline to 1.8 percent this year, and long-term projections equally distressing, Sessions said this would be the worst time to grant amnesty to millions of illegal aliens.

"If you don't have 2 percent growth you're not creating jobs," he said. "We don't have a tight labor market, we've got a loose labor market. Wages are declining. The number of people dropping out of the workforce is stunning. It is not a healthy trend."



"It simply makes no sense whatsoever to bring in more workers and demand more workers for America when we're keeping large numbers of Americans unemployed for extended periods of time funded by the taxpayer through government programs," Sessions said.

There are 80 means-tested welfare programs that spend \$750 billion each year. Rather than create a cycle of dependency, Sessions said more emphasis should be placed on job training, similar to welfare reform in 1996 where the "welfare office became the employment office."

"We're going in the wrong direction, and it comes to the fundamental question: are we going to promote an opportunity society, or are we going to promote a dependency society?" said West. "What is the problem if we head down this road? You're going to have more Detroits."

According to the latest jobs report, 11.3 million people are unemployed, and the unemployment rates for post 9/11-era veterans (10 percent), teenagers (22.2 percent), and African American teens (36 percent) remain high.

Experts say comprehensive immigration reform would compound the problem by adding 30 million additional immigrants to the United States over the next decade.

"One thing we can all agree on is don't make it worse," said Ting, a former assistant commissioner at the Immigration and Naturalization Service. "Don't make it worse than it already is."

"If you wanted to make it worse you could add additional immigrant workers to the legal labor pool," he said. "That would make it worse. You could triple immigration over the next three years, over the already high level that it's at now. That would make it worse for American workers who are laboring in jobs that don't pay well, and contributing to an enormous crisis in the future."

There are countless other sources also making the same argument, so building this up in your case would not be difficult to do.



Another economic concern deals with the U.S. **budget**. This argument proposes that the costs (of social services, education, retirement benefits, etc) of suddenly creating a large amount of new citizens will be much larger than the amount of revenue these citizens will contribute in the form of taxes. These costs will only grow as new citizens age and collect entitlements. This can be used to answer pro claims that P2C increases revenues/keeps entitlements solvent/etc, while also offering an external impact in the form of a budget crisis. Here is a long piece of **evidence**:

[Robert Rector and Jason Richwine PhD, senior research fellow and senior empirical studies policy analyst, The Heritage Foundation, "The Fiscal Cost of Unlawful Immigrants and Amnesty to the U.S. Taxpayer," <http://www.heritage.org/research/reports/2013/05/the-fiscal-cost-of-unlawful-immigrants-and-amnesty-to-the-us-taxpayer>, May 6 2013]

Unlawful immigration and amnesty for current unlawful immigrants can pose large fiscal costs for U.S. taxpayers. Government provides four types of benefits and services that are relevant to this issue:

- Direct benefits. These include Social Security, Medicare, unemployment insurance, and workers' compensation.
- Means-tested welfare benefits. There are over 80 of these programs which, at a cost of nearly \$900 billion per year, provide cash, food, housing, medical, and other services to roughly 100 million low-income Americans. Major programs include Medicaid, food stamps, the refundable Earned Income Tax Credit, public housing, Supplemental Security Income, and Temporary Assistance for Needy Families.
- Public education. At a cost of \$12,300 per pupil per year, these services are largely free or heavily subsidized for low-income parents.
- Population-based services. Police, fire, highways, parks, and similar services, as the National Academy of Sciences determined in its study of the fiscal costs of immigration, generally have to expand as new immigrants enter a community; someone has to bear the cost of that expansion.

The cost of these governmental services is far larger than many people imagine. For example, in 2010, the average U.S. household received \$31,584 in government benefits and services in these four categories.



The governmental system is highly redistributive. Well-educated households tend to be *net tax contributors*: The taxes they pay exceed the direct and means-tested benefits, education, and population-based services they receive. For example, in 2010, in the whole U.S. population, households with college-educated heads, on average, received \$24,839 in government benefits while paying \$54,089 in taxes. The average college-educated household thus generated a fiscal surplus of \$29,250 that government used to finance benefits for other households.

Other households are *net tax consumers*: The benefits they receive exceed the taxes they pay. These households generate a “fiscal deficit” that must be financed by taxes from other households or by government borrowing. For example, in 2010, in the U.S. population as a whole, households headed by persons without a high school degree, on average, received \$46,582 in government benefits while paying only \$11,469 in taxes. This generated an average fiscal deficit (benefits received minus taxes paid) of \$35,113.

The high deficits of poorly educated households are important in the amnesty debate because the typical unlawful immigrant has only a 10th-grade education. Half of unlawful immigrant households are headed by an individual with less than a high school degree, and another 25 percent of household heads have only a high school degree.

Some argue that the deficit figures for poorly educated households in the general population are not relevant for immigrants. Many believe, for example, that lawful immigrants use little welfare. In reality, lawful immigrant households receive significantly more welfare, on average, than U.S.-born households. Overall, the fiscal deficits or surpluses for lawful immigrant households are the same as or higher than those for U.S.-born households with the same education level. Poorly educated households, whether immigrant or U.S.-born, receive far more in government benefits than they pay in taxes.

In contrast to lawful immigrants, unlawful immigrants at present do not have access to means-tested welfare, Social Security, or Medicare. This does not mean, however, that they do not receive government benefits and services. Children in unlawful immigrant households receive heavily subsidized public education. Many unlawful immigrants have U.S.-born children; these children are currently eligible for the full range of government welfare and medical benefits. And, of course, when unlawful immigrants live in a community, they use roads, parks, sewers, police, and fire protection; these services must expand to cover the added population or there will be “congestion” effects that lead to a decline in service quality.

In 2010, the average unlawful immigrant household received around \$24,721 in government benefits and services while paying some \$10,334 in taxes. This generated an average annual



fiscal deficit (benefits received minus taxes paid) of around \$14,387 per household. This cost had to be borne by U.S. taxpayers. Amnesty would provide unlawful households with access to over 80 means-tested welfare programs, Obamacare, Social Security, and Medicare. The fiscal deficit for each household would soar.

If enacted, amnesty would be implemented in phases. During the first or interim phase (which is likely to last 13 years), unlawful immigrants would be given lawful status but would be denied access to means-tested welfare and Obamacare. Most analysts assume that roughly half of unlawful immigrants work “off the books” and therefore do not pay income or FICA taxes. During the interim phase, these “off the books” workers would have a strong incentive to move to “on the books” employment. In addition, their wages would likely go up as they sought jobs in a more open environment. As a result, during the interim period, tax payments would rise and the average fiscal deficit among former unlawful immigrant households would fall.

After 13 years, unlawful immigrants would become eligible for means-tested welfare and Obamacare. At that point or shortly thereafter, former unlawful immigrant households would likely begin to receive government benefits at the same rate as lawful immigrant households of the same education level. As a result, government spending and fiscal deficits would increase dramatically.

The final phase of amnesty is retirement. Unlawful immigrants are not currently eligible for Social Security and Medicare, but under amnesty they would become so. The cost of this change would be very large indeed.

- As noted, at the current time (before amnesty), the average unlawful immigrant household has a net deficit (benefits received minus taxes paid) of \$14,387 per household.
- During the interim phase immediately after amnesty, tax payments would increase more than government benefits, and the average fiscal deficit for former unlawful immigrant households would fall to \$11,455.
- At the end of the interim period, unlawful immigrants would become eligible for means-tested welfare and medical subsidies under Obamacare. Average benefits would rise to \$43,900 per household; tax payments would remain around \$16,000; the average fiscal deficit (benefits minus taxes) would be about \$28,000 per household.
- Amnesty would also raise retirement costs by making unlawful immigrants eligible for Social Security and Medicare, resulting in a net fiscal deficit of around \$22,700 per retired amnesty recipient per year.



In terms of public policy and government deficits, an important figure is the aggregate annual deficit for all unlawful immigrant households. This equals the total benefits and services received by all unlawful immigrant households minus the total taxes paid by those households.

- Under current law, all unlawful immigrant households together have an aggregate annual deficit of around \$54.5 billion.
- In the interim phase (roughly the first 13 years after amnesty), the aggregate annual deficit would fall to \$43.4 billion.
- At the end of the interim phase, former unlawful immigrant households would become fully eligible for means-tested welfare and health care benefits under the Affordable Care Act. The aggregate annual deficit would soar to around \$106 billion.
- In the retirement phase, the annual aggregate deficit would be around \$160 billion. It would slowly decline as former unlawful immigrants gradually expire.

These costs would have to be borne by already overburdened U.S. taxpayers. (All figures are in 2010 dollars.)

The typical unlawful immigrant is 34 years old. After amnesty, this individual will receive government benefits, on average, for 50 years. Restricting access to benefits for the first 13 years after amnesty therefore has only a marginal impact on long-term costs.

If amnesty is enacted, the average adult unlawful immigrant would receive \$592,000 more in government benefits over the course of his remaining lifetime than he would pay in taxes.

Over a lifetime, the former unlawful immigrants together would receive \$9.4 trillion in government benefits and services and pay \$3.1 trillion in taxes. They would generate a lifetime fiscal deficit (total benefits minus total taxes) of \$6.3 trillion. (All figures are in constant 2010 dollars.) This should be considered a minimum estimate. It probably understates real future costs because it undercounts the number of unlawful immigrants and dependents who will actually receive amnesty and underestimates significantly the future growth in welfare and medical benefits.

If you want to make this argument, make sure you are also establishing some reasons why budgets are important, deficits are bad, or wealth redistribution is bad. Always impact out your claims!



Another good place to look for arguments against P2C is the sphere of **national security**. You can argue that P2C creates massive amounts of new bureaucratic labor, which tends to lead to both **bottlenecks** in the system and **rubberstamping** due to enormous new demands on government employees' time. Additionally, there is some evidence to suggest that it is difficult to verify and track whether or not every individual immigrant truly qualifies for the program. As a result, many may fraudulently gain citizenship. Not only is bogging down the system problematic by itself, but this inefficiency may make it easier for **terrorists** and other threats to enter the country.

Here is **evidence**:

[Coalition for the Future American Worker, "An Amnesty By Any Other Name is Still an Amnesty," http://www.americanworker.org/amnesty_handout2.htm, 2013]

The various amnesty proposals would be the immigration bar association's dream. Amnesty is almost guaranteed produce a glut of law suits that would choke the system and inevitably lead to rubber stamp approvals of almost every application. The sponsors of the 1986 amnesty freely admit that countless people fraudulently obtained legalization because the system simply could not be adequately policed.

More **evidence**:

[Kris W. Kolbach D.Phil. & J.D., current Kansas Secretary of State, The Heritage Foundation, "The Senate Immigration Bill: A National Security Nightmare," <http://www.heritage.org/research/reports/2007/06/the-senate-immigration-bill-a-national-security-nightmare>, June 19 2007]

It is a certainty that many more illegal alien terrorists are quietly at work in the United States. In fiscal year 2005, the Border Patrol apprehended 3,722 aliens from nations that are designated state sponsors of terrorism or places in which al-Qaeda has operated, and for every one alien



whom the Border Patrol apprehended, there were likely three aliens who were not caught. If so, it is probable that more than 10,000 aliens from high-risk, terrorist-associated countries illegally entered the United States in fiscal year 2005 alone. Assuming conservatively that only one in 100 was an actual terrorist, that is still over 100 terrorists who snuck across the border in a single year.

Inexplicably, proponents of the Kennedy amnesty bill assume that its enactment will allow the federal government to identify these terrorists. On the contrary, the bill will make it easier for alien terrorists to operate in the United States by allowing them to create fraudulent identities with ease. To understand what will happen if the bill becomes law, assume the perspective of the illegal alien terrorist operating within the United States

You can argue that this all but ensures that some terrorists will become American citizens, where they can hatch plans for violence much more effectively.

You should be prepared to answer pro claims about **ethics and human costs**. Very likely, they will claim that splitting up families and denying people the opportunity to better their lives is unethical. While this can be a powerful argument, you can use some of our earlier discussion to leverage against this. We have already established why P2C ensures future generations of undocumented immigrants, meaning the ethical dilemma will never be eliminated. It should not be hard to force them to admit (such as in cross fire) that it would not be feasible for the United States to grant citizenship to every single person on earth who desired it. If that is impossible, then we are forced to draw the line somewhere. When described like this, the strength of the ethical arguments is greatly diminished. They are not *solving* an ethical problem, but rather “kicking the can down the road” for the next generation.

Additionally, you could do some research on why illegal immigration impedes attempts to improve and develop the nations from which the immigrants arrive. There is plenty of evidence on this question, specifically in terms of Mexico and Latin America. You can argue that a better solution to the ethical problems raised by illegal immigration would be ensuring every country on earth is able to offer opportunities for its citizens. P2C is thus a “bandaid” fix. However, keep in mind that the pro team would be correct to point out that failure to pass a P2C would not stop the flow of undocumented



immigrants, meaning that the con can't really solve for this, either. However, you can claim that P2C is worse, because it distracts from efforts to solve the true problem.

In **conclusion**, your con case should establish some good defense against P2C's ability to solve problems, as well as some well-developed external costs associated with its passage. If you can win that P2C encourages future illegal immigration and that is potentially harmful to America, you should be in excellent shape for your debates.

That's all for today. As always, remember that there are millions of other arguments that might help you win debates. This is simply an introduction.

Now go build the con case of your dreams! As always, you can email completed cases to **Rachel.Stevens@NCPA.org** for a free case critique. Don't forget to also join the discussion in the comments below, and keep checking back for more Debate Central postings about this month's PF topic. Good luck!