The ADR Angle: Examining Illegal Migration Issues through the Mediation Process

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Abstract

Examining the case study of illegal migration from Mexico to the United States, this thesis demonstrates how the mediation process can be used to understand and resolve complicated political issues. After framing illegal migration as a conflict between American citizens and undocumented Mexican immigrants, the author presents her research on the controversy within the framework of the mediation process. Acting as a mediator would, she allows for an explanation of both parties’ grievances, sets an agenda for discussing the reconciliation of these interests, brainstorms resolution ideas, assesses their practicality, creates a settlement package, and checks it for comprehensive solvency. Finally, the author compares the settlement package that her hypothetical mediation produced with immigration legislation passed through congressional debates over the last twenty years. She concludes that researching and attempting to resolve complicated political matters in the mediation format can facilitate more nuanced understandings and generate more comprehensive solutions than traditional debate-style discourse.
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Introduction

ADR stands for Alternative Dispute Resolution, a term used to describe the relatively new academic and professional fields dedicated to the art of resolving conflict. ADR processes such as negotiation and mediation serve as alternatives to more traditional problem solving techniques like litigation and debate. Debate in particular warrants an alternative. It has done a disservice to American politics in recent years, especially in regard to the resolution of complicated political issues like the growing populace of undocumented Mexican migrants residing in the United States. This thesis will use the illegal migration issue as a case study to test the feasibility of mediation as an alternative to debate in its role as a format for political discourse.

Like many of the other prominent and equally complicated issues of our time, libraries of polarized political opinions have dizzied popular perceptions regarding illegal migration. Who is responsible, why it is harmful, and how we can fix it are all questions for which reasonable and moderate answers are rarely published. But this is to be expected. As citizens of the western world, debate animates our social dialogue, and more often than not, lends itself to polarized explanations and solutions. In his book, Fighting for Life, Jesuit Professor, Walter Ong, of Saint Louis University traces the origins of westerner’s laud for debate back to the ancient Greeks who demonstrated outstanding adversarial tones in their thought, speech, and education system. For the ancient Greeks, the greatest knowledge developed from polarized rhetorical combat, a public display of argumentation pitting one perspective against another - debate. In fact, ludus, the Latin word for school, Ong noted, was also used to refer to ‘the practice of war.’ When it came to learning, the ancient Greeks clearly valued the emergence of a winner and a looser over an outcome that resolved complex issues by addressing all perspectives. This ancient value flowed
through decades and across cultural and national borders ultimately bringing a pervasive air of criticism and competition into today’s American classrooms as well.

In, *The Argument Culture: Stopping America’s War of Words*, author Deborah Tannen Ph.D, laid out several examples of how debate frameworks emerge in American curriculum as a learning tool for kindergarteners, graduate students, and everyone in between. Particularly at the highest levels, scholarly literature breeds opposition more often than collaboration and progress. David Greenburg and Philip Robins observe that, “once the first set of findings are published, other researchers eager to make a name for themselves come up with different approaches and results to get their studies published.” There is an omnipresent *need* to prove others inaccurate. It’s founded throughout our education system and it consequently permeates the rest of our lives (Tannen 1996).

The nature of debate especially invades our media coverage and the politics it reports. Tannen points out how journalists’ convictions to “present both sides” of an issue commit two distortions. First, not all issues have only two distinct sides, and in cases where they do, these sides still rarely fit into the traditionally labeled ‘leftist’ or ‘right swinging,’ ‘conservative’ or ‘liberal,’ factions. Such generic nameplates blur the complex ideals of the individuals they only somewhat accurately describe. Second, in the name of balance, many writers may be inclined to cut their investigations short instead of prodding for the details that could reveal a new weight in favor of one side. Tannen’s research concludes that, “because information tends to be filtered through our two-party system… [and because reporters focus] on balancing both sides of debates, the press moves away from the [thorough] investigative role for which it is so singularly well equipped. The result is that less needed information gets out” (Tannen 1996).
But the press is not debate’s only victim. Beyond broad tagging strategies and false notions of balance in the media, our cultural values for polarized debate have manifested in political discourse with far more damaging consequences. To date, Baumgartner and Jones (2009) observe that, “interest groups play an increasingly important role in affecting public opinion, …structuring the choices available to policy makers and the public’s understanding of what is at stake in a public policy debate.” The problem with this is, they say, that “mobilizations of enthusiasm are often one-sided organizations.” This new welcome to extremist citizen influence has decreased Americans’ overall trust in their government (Skocpol and Fiorina 1999). When passionate constituent interest groups lobby legislators, legislators have little choice but to echo these voices in congressional debates and fight for their ultimate expression in policy enactments, inevitably upsetting the populations that were content with the way things were, leading to another oppositional uproar, and intensifying the increasingly dichotomous debate. Disagreements of such intensity, without a platform for compromise, neglect progress.

Furthermore, because debate requires no compromise, it becomes acceptable for legislators to ceaselessly peddle their agendas, engaging obstructionist tactics in the name of perseverance. According to Former Republican Senator Steven Gunderson, his party has taken on an increased conviction to the idea that the best political strategy for realizing their ideals involves impeding the ability of the democrats to pass any of theirs. Writing in the 90s, Gunderson said that a majority of the Republican leadership “believe(d) that unless you are in the majority, you have no role in government except to bring down the other party” (Tannen 1996). In other words, if you could prevent the party in power from achieving anything, you could almost guarantee a win in the next elections, after which you would have the power to pass
your own agenda items without compromise, provided your opponents aren’t competent gridlockers as well. But of course, they will be. The democrats are just as guilty of gridlock motives as republicans.

At the time of Tannen’s writing, the Clinton administration’s health care bill exhibited a primary example of this. Bob Dole and other republicans stood largely in favor of the bill with minor alterations, but the Clintons were unwilling to make even these small compromises because they wanted the ‘universal healthcare’ points to go up on the democrats’ side of the score board. “By the time they were willing to compromise,” says Tannen, “the republicans had closed ranks behind speaker Newt Gingrich, who had been convinced since before Clinton was elected that if the democrats succeeded in reforming the health care system, they would then be unbeatable.” The bill did not pass, and ultimately those who suffered the worst consequences of this unrelenting polarized debate in government, were and are the American people.

We face similar obstruction problems approaching today’s immigration reform proposals. With few exceptions, politicians have gotten caught up in interest group debates and partisan obstructionism, curtailing opportunities to address the deeper causes of the issue and the social anxieties they press. This incomplete deliberation has produced nothing but quick fix, defensive, anti-immigrant legislation: Illegal Immigration Reform and Immigrant Responsibility Act (1996), Border Safety Initiative (1998), Enhanced Border Security and Visa Reform Act (2002), HR 4437: Border Protection, Anti-Terrorism and Illegal Immigration Control Act (2005), and Arizona SB 1070 (2010). These new policies focused solely on increasing border protection and deportation rates. They did not address the reason that so many undocumented immigrants reside in the U.S. nor were they successful in relieving the social anxieties that the situation
perpetuates. Rather, they simply worked to get more undocumented people out, and not let them get back in.

This is all to say that as of now, political debates over illegal migration have failed to create progress towards a solution. Media coverage falsely balanced with extreme opinions and the hard work of polarized interest group campaigners have amounted to years of one-sided temporary solutions at best and congressional gridlock at worst. It is time to start thinking about the immigration issue within a new framework. Debate schemas do not seek to fully understand the problems but rather exaggerate their nature. As an alternative to debate, politicians, reporters, and the general public might be better off using a mediation framework to structure their thoughts about the issue and their efforts to resolve it.

Mediation is a process in which disagreements between two people or groups of people are discussed and resolved with the guidance of an impartial third party. Thus far, mediation has proven victorious in facilitating understanding and resolution in many civil dispute cases. So much, in fact, that some state courts have taken to mandating certain civil dispute cases to mediation sessions with third party professionals or volunteers. This helps to relieve court congestion by agreeably settling cases without bringing them before a judge. Because mediation has shown such success in regard to civil disputes, it may also have the potential to succeed in facilitating more thorough understandings and ubiquitously agreeable resolutions to broader political contentions like illegal migration.

Prerequisites to Mediation

In order to begin a mediation session, however, Morton Deutsch, author of *The Conflict Resolution Handbook* (2006), laid out five prerequisite conditions for the process. According to
him, the conflict must meet these criteria in order for mediation to have a chance at working. 

*First*, noted Deutsch, the conflict must involve at least two identifiable parties. In the case of illegal immigration, American citizens represent one side of the hypothetical mediation table and the aggregate of undocumented immigrants sits on the other.

Second, these parties must be interdependent. That is, each of their actions must have consequences for the other, which is certainly true for citizens and immigrants. For instance, the passage by citizens of anti-immigrant legislation like SB 1070 in Arizona increases the rate at which undocumented persons may be identified, detained, and ultimately removed from the country, separating them from their families. The increase in broken families, in turn, increases student drop out rates, poverty, and crime, which puts strains on the security, social progress, and tax dollars of American citizens. And the reciprocal consequences continue.

Third, the parties must have sufficient cognitive, interpersonal, and emotional capabilities to represent themselves. In this case, the libraries of literature, propaganda, speech, and art created from both perspectives of the issue serve as evidence of these capabilities. Not all topics of political debate lend themselves so nicely to a direct conflict between two articulate social groups, but this one does.

Fourth, the parties must have compatible interests. Both American citizens and undocumented immigrants seek relief from the social anxieties that the current situation fuels. Everyone involved idealizes a fair democratic legal structure that facilitates peaceful co-existence and prosperity for all. These values are written into our constitution; the right to life liberty and the pursuit of happiness are not only afforded to American citizens, but to all, especially those living under the jurisdiction of the American government.
Finally, both parties must face alternatives to a consensual agreement that are undesirable. If the social anxieties caused by the influx of undocumented migrants are not relieved, the situation will only get worse, as it arguably already has. In 2010, estimates from the Department of Homeland Security, the Federation for American Immigration Reform, and the Pew Hispanic Research Center, all slated the undocumented immigrant population in the United States at over 10,700,000, with immigrants from Mexico contributing over half of this number (FAIR 2012). With such an increase in this population, increases in many social issues have resulted. For example, according to Lopez and Velasco of the Pew Hispanic Center, the percentage of school-going children who live in poverty has increased. 40.1% of children born to Hispanic immigrants live in poverty, a record high since 1993, largely due to continued increases in undocumented immigration from Mexico. This problem is only supplemented by the fact that over 1 million families have been separated by deportation since 2009 (Smith 2011), a removal rate which arguably does not lighten the country’s undocumented immigrant population substantially enough to outweigh the ensuing damages to security and social welfare that it indirectly causes.

Thus, the need for, and reasonability of, emergent mediatory action in the case of America’s illegal migration conflict is justified.

Eight General Steps to Mediation

To apply the mediation framework to illegal migration issues, those interested in understanding and resolving the issues must work through eight common mediation steps just as the third party facilitator would, carefully researching and reconciling the interests of the two disputing parties.
(1) Generally, in a mediation the facilitator first builds credibility and promotes unbiased rapport with the disputing parties. To satisfy this requirement, the person using mediation to understand immigration issues would commit to the genuine pursuit of thorough and impartial research.

(2) The second step to traditional mediation involves collecting and analyzing background information. In this stage, Deutsch, requires that the mediator include relevant data about the people, dynamics, and substance of the conflict. So in this stage of mediating the immigration conflict, the facilitator would investigate things like the history of immigration to the United States specifically relating to Mexican immigrants, and the current system of immigration policy and procedure.

(3) In the third stage of traditional mediation, the facilitator hears the interests of each party. Drawing on a variety of sources—scholarly literature, interest group propaganda, news stories, personal interviews, diaries, blogs, etc.—the immigration mediation facilitator would analogously develop a comprehensive understanding of the concerns of American citizens and undocumented immigrants in this stage of the immigration mediation.

(4) Fourth, the traditional mediation process designates time for agenda setting. According to Deutsch, this involves identifying the broad topic areas of concern to each party and determining the order in which they will be reconciled in the next stage. The immigration mediation facilitator would do the same, beginning with those topics of concern that both parties express and can find a mutually agreeable solution to fairly easily. The subsequent issues on the agenda should be ordered by their degree of significance to each party. Those issues causing the most stress between both parties should precede the more trivial.
(5) Once an agenda is set in traditional mediations, the facilitator may elect to meet with each party in separate caucuses for the purpose of coaxing any exclusive information from either party, but when using mediation as a framework for research and policy development, such exclusivity is impossible and irrelevant, so the process would simply move to the sixth step: brainstorming.

(6) In this stage of traditional mediation, the facilitator typically asks each party to present an array of solution propositions to each agenda item, builds off these ideas, checks them for practicality, and possibly adds other suggestions. At this point in using mediation as a research and solution development tool, the facilitator would uninhibitedly generate creative solutions to the concerns of both parties discovered during stage three in the order determined in stage 4, while simultaneously analyzing each for its practicality.

(7) Then, during stage seven, the facilitator of traditional mediation works with the parties to tweak and combine a collective of solutions with the most practicality and solvency for all party concerns. The facilitator mediating the immigration issue would elect those solutions proposed in stage six that promise the most practicality and solvency for all concerns, developing a comprehensive settlement package.

(8) Finally, the solutions in the resulting settlement package are checked against the issues presented in stage three to determine if all party concerns have been addressed satisfactorily. If they have not, the settlement package may need to be re-worked. Once the settlement package exhibits solvency for all concerns, the mediation process concludes by affirming that both parties agree to the stipulations of the settlement package (usually through signatures), and identifying action steps to implement these resolutions.
Executed in this way, mediating illegal migration could avoid polarizing the issue and therefore result in reform proposals with more comprehension than any major legislation relating to immigration passed via recent congressional debates. A detailed written demonstration of the immigration mediation follows. If these predictions are correct, the settlement package developed through this mediation will offer solutions to more grievances about the situation than any of the major immigration legislation passed in the last two decades.

The Immigration Debate Mediation

Step 1: Commitment to thorough and impartial research

To satisfy this requirement, the person using mediation to understand immigration issues commits to the genuine pursuit of thorough and impartial research.

Step 2: Background information

In this stage, the mediator collects relevant data about the people, dynamics, and substance of the conflict.

Despite racial stereotyping, it is important to note that not all and not even a majority of people from Mexican decent residing in the United States do so illegally. According to a study based on the 2010 census and 2009 American Community survey, approximately 31,798,000 people claimed Mexico as their country-of-origin (Lopez and Dockterman 2011), and according to Dr. Roy Germano (2009), a researcher for the National Science Foundation, approximately 6,500,000 individuals in the undocumented population were from Mexico; meaning, only about
Twenty percent of people from Mexico living in the U.S. between 2009 and 2010 were undocumented.

Twenty percent of 31,798,000 is still a large number. Mexico has contributed more immigrants to the undocumented population in the United States than all the other nations combined. Raul Delgado Wise (2006) notes, “there is no other diaspora of equal magnitude in the world,” and as such historical displacement trends often have, migration from Mexico to the United States has provoked conflict between Mexican nationals and American citizens for many years.

The first wave of Mexicans to integrate into the United States became part of the nation through the annexation of Texas in 1845 and the Treaty of Guadalupe Hidalgo in 1848. This first population of over 100,000 Mexican immigrants did not actually cross the border themselves; the border crossed them. After the Mexican government expressed discontent with the annexation of Texas by dissolving all diplomatic relations with the United States, U.S. President James K. Polk attempted to win back their agreement by offering to purchase California and New Mexico for 25 million dollars (Crespo 2003). Mexico declined the offer, so Polk declared the beginning of the Mexican-American War. The war ended when the U.S. corned Mexico into the consignment of not only California and New Mexico, but also the land that would become Utah, Nevada, and parts of Arizona, Wyoming and Colorado for just 15 million dollars (Crespo 2003). The Mexicans residing on this land at the time were offered American citizenship by simply taking an oath.

Immediately after the signing of Guadalupe Hidalgo, news of the recent gold discovery in California spread rapidly throughout the world and sparked much larger waves of immigrants to the United States from Europe and China (Pfaelzer 2007). The flood of new residents continued
uninhibited for years. Not until 1882 did the United States government pass its first piece of anti-immigrant legislation, the Chinese Exclusion Act, followed in 1894 by the formation of the Immigration Restriction League (IRL), a group of highly educated voices touting further limits to immigration on account of supposedly scientific theories that foreign born people currently immigrating (Chinese and Eastern Europeans) were naturally inferior to those demographics who had made the journey in decades passed. The IRL soon gave way to the Dillinger Commission, a project headed up by Senator William Dillinger, which issued a report recommending restrictions to immigration for the economic, social, and moral wellbeing of the nation. Thus, in 1917, congress passed legislation excluding all Asian immigrants, and requiring any other new immigrant to pass a literacy exam in order to gain citizenship. More restrictions passed in 1921, 1922, and culminated in the implementation of the Quota System in 1924. Under this new system, only 2% of the 1890 immigrant population from a given country could be added to the United States, and the U.S. would, for the first time, require written permission to enter the country— a visa (Daniels 2004).

Despite these new restrictions on the rest of the world’s ability to continue migrating to the U.S. in search of prosperity, immigrants from Mexico were still welcome to cross the border at liberty. Legislators from the western and southwestern states insisted that restrictions to Mexican immigration would hinder the agricultural market by eliminating a great labor source (Daniels 2004). So Mexican immigration continued to grow exponentially. In 1942, however, the U.S. established the Bracero Program, a specific guest worker program that required Mexican agricultural laborers to return to Mexico after every harvest season. Although Mexicans still faced no numerical immigration restrictions, they could only reside legally in the United States during the times their labor was most needed. Operation Wetback, a 1954 border control
initiative to deter Bracero violators, enforced the program. The Bracero program existed with various alterations until 1964 when, in the midst of the civil rights movement, it was ultimately dissolved due to concerns—raised largely by Union Organizer Cesar Chavez—over the rights of both the Mexican workers and those who struggled to compete with their cheaply contracted labor (Soerens and Hwang 2009). Nevertheless, by the mid 1960s, patterns in Mexican immigration to the United States had already been irreversibly conventionalized.

In his research based novel on illegal migration from Mexico to the United States, Ted Conover (1987) observed the ability to identify the specific origin of many Mexican immigrants residing in the States by the particular location in which they chose to settle. The tradition of crossing the border to find work and support one’s family had become so embedded in Mexican culture that observable migration patterns had formed. Migrants from Querétaro, Mexico, for example, traditionally settled in Arizona or Florida. Migrants from Guerrero, Mexico usually settled in California. Generations of migrants from Jalisco, Mexico had settled in Texas, and so on. These patterns presumably still exist today, despite subsequent legislation that has rendered them illegal.

After the fall of the Bracero Program, the Quota system soon fell. In 1965, President Lyndon B. Johnson signed the bill that officially ended it and introduced the system that would form the basis for our current legal structure regarding immigration, the preference system (Soerens and Hwang 2009).

Instead of quotas, the 1965 law offered visas based on a system of preferences, arranged primarily by family relationships and employment. This law cleared up many civil rights concerns surrounding the 1924 law, but it also introduced a variety of new difficulties that we still debate today. Namely, it subjected hoards of Mexican immigrants to historically unheard of
restrictions to entry. Nevertheless, the 1965 law did not stop many Mexicans from following the
generations of footsteps that preceded them across the border to earn a better life for their
families. New crossing methods were invented, unofficial political structures were developed,
and ultimately millions of Mexican immigrants still endured the albeit newly expensive and risky
journey to opportunity—their presence continually growing in the United States and going
largely unacknowledged by the U.S. federal government until the late 1980s

In 1986, President Ronald Reagan, signed into law the immigrant Reform and Control
Act (also known as ‘the amnesty’), which offered a path to legal status for many Mexican
immigrants residing without documentation in the United States. The amnesty, laid out two
paths, the first for immigrants known as SAWs or Special Agricultural Workers. These
immigrants became immediately eligible to apply for temporary legal status and eventually
permanent legal status if they could prove that they had completed at least 90 “man days” of
seasonal agricultural work between May 1, 1985 and May 1, 1986, and were otherwise
admissible to enter the country under §212(a) of the Immigration Naturalization Act (INA). The
second path reached an even broader populace. Besides the SAWs, any immigrant who could
prove that he had resided in the U.S. under an unlawful status known to the government since
before January 1, 1982, had committed no felonies, no more than two misdemeanors, and was
otherwise admissible to the country under INA §212(a), was eligible to immediately apply for
temporary status and eventually permanent status. The application deadlines for these programs
have now long expired. Although they were somewhat extended under the Immigration Act of
1990, it is no longer possible to apply for legal status under the 1986 amnesty even if you had
completed the agricultural services requirements and have resided in the U.S. since before
January 1, 1982 (ILRC 2010).
However brief, the 1986 amnesty made carving out a living in the United States infinitely easier for those immigrants who applied and were granted status, but this would be the last immigrant-friendly legislation they would experience for a while.

In 1993 and 1994, President Clinton approved the implementation of Operation Hold the Line and Operation Gatekeeper to tighten border control at the El Paso and San Diego entry points respectively. These new strategies to restrict immigration from the southern border initially dropped the amount of monthly immigrant apprehensions by 19% and were slated to drop that number by almost 40% overall, according to a 1995 report in the House Chronicle (Clayton 1995). The creators of this report assumed that the drop in apprehensions meant that more migrants were being deterred and would continue to be deterred from crossing the border illegally. Today, we see those predictions as wishful thinking. Illegal migration from Mexico not only continued after Operation Hold the Line and Operation Gate Keeper, it increased, with the added consequence of higher retention rates. That is, the long-term effect of these two mandates and all subsequent increases in border patrol has been only to deter Mexican immigrants from leaving the country once they have entered, not from entering in the first place. Where once a Mexican migrant worker might have crossed the border twice every year to earn his salary and then return to his family, he now decides to avoid the dangerous feat of border crossing by staying in the United States once he has crossed and seeing that his family endures the risk of crossing the border so that they may stay with him.

By 1996, five million undocumented immigrants were estimated to have been residing within the United States, finally motivating the United States’ federal government to pass the Illegal Immigration Reform and Immigrant Responsibility Act, arguably the harshest immigration restriction policy to date (Riera-Batiz 2001). The act was designed to deter further
illegal immigration, streamline deportation processes focusing on immigrants with criminal records, and limit the right and due procedures for those caught crossing the border illegally (ILRC 2010).

IIRA IRA most infamously implemented the 3, 5, 10, and 20-year bars to entry. Under this new legislation, any immigrant found to have resided unlawfully within the United States for longer than 180 days was, upon departure, subject to a 3 year bar to his or her re-entry, whether he or she would otherwise qualify for legal entry during those subsequent years or not. Similar 5-year bars to re-entry were placed on those immigrants that had been deported, excluded, or removed prior to this legislation, and those that were put in removal proceedings but unreasonably failed to attend their court date. 10-year bars to re-entry were triggered by immigrants who left the country after having resided unlawfully in the U.S. for more than one year continuously or were removed. And if an immigrant fell subject to two or more bars at one time, the total bar became 20 years with no waiver available until at least 10 of those years had passed (ILRC 2010).

Furthermore, permanent bars to re-entry were triggered upon the departure of those immigrants who decided to remain unlawfully within the country for more than 1 year after this new legislation was passed, and those that had ever been deported, excluded, or removed and attempted or succeeded at unlawful re-entry. Also under IIRA IRA, if an immigrant was found to have been removed and has re-entered unlawfully, the Department of Homeland Security may simply reinstate old order and immediately remove the individual again with no trial proceedings, a process known as expedited removal (IRLC 2010).

There have been no other overhauls of federal immigration law to such a degree before or since IIRA IRA (Tsao 2011). Initiatives in the last decade have mainly funneled more financial
resources toward border security and the 2008 Secure Communities Program, a system that will link all local police departments to the Federal Bureau of Immigration and Customs Enforcement (ICE) record database by 2013 (USICE 2012). The idea is to be able to identify undocumented people as such by taking their fingerprints upon any arrest and running them through the federal databases to check for hits on immigration violations. If an individual is found to reside under unlawful status, ICE may request that the local police department detain the individual until an agent can officially place him or her in removal proceedings. These methods of detection were established with the intention to prioritize the identification and removal of criminally dangerous undocumented people over the less threatening individuals in violation of immigration law (Smith 2011).

Over all, Secure Communities has increased deportation rates, but clearly not enough to satisfy some state governments which have taken to supplementing federal initiatives with their own emergent legislation for attending to the increased population of undocumented immigrants living in their communities. The pioneering state in these efforts is Arizona, which passed SB 1070 in 2010, followed by Alabama, which proposed the equally controversial HB 56 in 2011.

These state bills, reminiscent of California’s Proposition 187 passed in 1995 and voided in 1999, have become popular media chow over the last couple years due to similar racial profiling accusations. Arizona SB 1070 mandates that anyone in violation of a state or local law who cannot reasonably furnish proof of lawful status be transported to a federal facility in the state and placed under the custody of the United States Immigration and Customs Enforcement bureau after discharge from imprisonment or the assessment of fines imposed. Arizona SB 1070 also requires that all state, county, and local law enforcement officials request proof of legal immigration status “where reasonable suspicion exists that the person is an alien who is
unlawfully present in the United States.” Law enforcement officials may also, without warrant, arrest anyone whom they have probable cause to believe has committed any public offense that may deem that person removable from the country. Furthermore, Arizona SB 1070 granted all political officials unchallengeable permission to request, send, receive, or maintain any information relating to the immigration status of any person seeking to apply for a public benefit, register proof of domicile, or confirm the identity of a detained person. Moreover, if any political official or agency is found to have neglected these responsibilities, he, she, or it may be sued and/or fined with a civil penalty fee between $1,000 and $5,000 each day the neglect persists after an action has been filed against him, her, or it (Senate Bill 1070 2010).

HB 56 appears similar in that it requires police officers to check the immigration status of anyone they stop whom they suspect of being an undocumented immigrant. It also similarly requires political officials to check the immigration status of individuals seeking public benefits like food stamps, welfare, etc., but HB 56 takes forward steps in requiring that even public schools check students’ immigration status, and that all employers use E-verify to check their employees’ immigration status. The bill even criminalizes knowingly driving with an undocumented person in your vehicle and leasing living space to an undocumented person (Latin America News Dispatch 2011).

Needless to say, the U.S. has come a long way from the 1920s when immigration from Mexico to the United States was one of the only unrestricted paths to citizenship. Now, federal and state law enforcement targets Mexican immigrants more than any other ethnicity. This situation causes severe social anxieties for both American citizens and undocumented Mexican migrants alike.
Step 3a: Hearing party interests - the grievances of American citizens

In the first chapter of *Welcoming the Stranger*, their book on the immigration debate, Mathew Soerens and Jenny Hwang, include the text from a fall 2006 election flier in which the sponsoring candidate running for city council in Carpentersville, Illinois presumably intended to speak to the concerns of his or her voters regarding the presence of undocumented immigrants in their community. The flier read:

Are you tired of waiting to pay for your groceries while Illegal Aliens pay with food stamps and then go outside and get in a $40,000 car?

Are you tired of paying taxes when Illegal Aliens pay NONE!

Are you tired of reading that another Illegal Alien was arrested for drug dealing?

Are you tired of having to punch 1 for English?

Are you tired of seeing multiple families in our homes?

Are you tired of not being able to use Carpenter Park on the weekend, because it is overrun by Illegal Aliens?

Are you tired of seeing the Mexican flag flown over our flag?

While its implications are mostly based on uninformed stereotypes, in seeking to confirm the anxieties of voters, this source of propaganda reflects some of the many intense grievances that American citizens have about the immigration issue. The flier expresses concerns about people without valid documentation taking unfair advantage of social benefits intended for and paid for by American citizens. It affirms the perceptions that many undocumented people have criminal tendencies especially related to drug trafficking, and that they have no interest in assimilating to
the language or culture of the United States. In addition, although not mentioned above, a lot of literature has also been devoted to American grievances about the effects of undocumented immigration on the economy, job market, environment, and even national security. These are the topics of concern that need to be thoroughly researched and explained during this stage of the mediatory thought process.

Public Benefits

Although they pay sales taxes, property taxes, tolls, and sometimes income taxes, because most undocumented immigrants live in poverty and have children, they still present a net cost to federal, state and local governments. Regardless of their minimal contributions, undocumented immigrants are still eligible to receive certain public services paid for with tax dollars, such as emergency healthcare, prenatal healthcare, immunizations, treatment for communicable diseases, children’s nutritional programs, non-cash emergency disaster relief, and the largest money suck of them all, public education (Soerens and Hwang 2009). In a 2011 report, the Federation for American Immigration Reform estimated that the k-12th grade education of undocumented immigrants cost U.S. taxpayers approximately 52 billion dollars per year, with state and local governments absorbing nearly all of this expense.

Furthermore, some undocumented immigrants fraudulently receive certain additional social services that they are not eligible for, like food stamps and other welfare assistance. Overall, unauthorized immigrants receiving publicly funded services (legally or not) cost U.S. tax payers about 89 billion dollars a year at state and local levels and about 29 billion additional dollars a year at the federal level. At the federal level, however, about a third of these tax dollars were collected from unauthorized immigrants, while at the state and local levels unauthorized
immigrants only contributed about 5% of these tax dollars. That means native-headed households contribute an annual average of $1,117 to public services for unauthorized immigrants, with variations depending greatly on the tax structure and the size of the illegal alien population in a particular locality (Martin and Ruark 2011).

Crime

According to a report published by the Federation for American Immigration reform, undocumented immigrants represent a disproportionately high share of the prison population in 2003. That year, undocumented adults represented 3.1 percent of the total adult population in the United States, while they represented 4.54 percent of the total prison population across the country. Therefore, nearly 50% more undocumented immigrants were incarcerated than their share of the population should yield (Martin 2009). This is most likely explainable by the fact that undocumented immigrants often live in poverty, and people living in poverty are generally more likely to be targeted for arrest, especially for drug crimes (Alexander 2010). Of course, having this many undocumented immigrants imprisoned only adds to the already large burden their populations places on tax dollars, and those immigrants in prison are definitely not contributing any tax dollars in return for their keep.

Also regarding crime, of additional concern to American citizens is the fact that arresting and prosecuting undocumented immigrants for immigration violations now takes a larger portion of law enforcement officials’ time, distracting them from scouting out and responding to more dangerous criminal activity. For example, Secure Communities, a program designed to increase the deportation rates among undocumented immigrants with criminal records, has begun requiring local police officers to fingerprint all arrestees and run their prints through a national
database to check for any recorded violations of immigration law (Smith 2011). New state bills like Arizona SB 1070 and Alabama HB 56 are now requiring state and local officials to check the immigration papers of anyone they suspect of having violated immigration law. These overwhelming charges detract authority’s attention from other, often more serious, crimes and in some cases require that more officials be hired to keep up with all the work. This draws even more money out of government budgets.

The Economy and the Job Market

Low-skilled American citizens have to compete for jobs with undocumented immigrants on an often-unlevel playing field. Because undocumented immigrants cannot unionize, they are easily exploited, giving employers more opportunities to profit off their labor. For example, Florida’s tomato sector is an industry employing mostly migrant workers, 80% of which are undocumented. In this sector, laborers work 10-12 hour days handpicking tomatoes for a wage of 45 cents per 32 lb. bucket (Schlosser 2007). On the average day, they lug and unload nearly 2 tons of tomatoes in the Florida heat (Soerens and Hwang 2009). Very few American citizens would consider these working conditions suitable, so they consistently seek other means of employment that haven’t been corrupted by undocumented labor, but of course, in the low-skilled labor market, there are few. Even if an employer maintains fair working conditions for its unskilled labor, the presence of undocumented immigrants will still drive down wages. In a study on illegal migration from Mexico, Immigration Economist George Borjas concluded that the boost in migration from the 1980s to the 1990s decreased the average wage of native-born workers with no high school diploma by 8.2 percent (Borjas and Katz 2005). Such contributions
to the continuing erosion of minimum wage’s buying power, mean more American citizens living in poverty, overwhelming welfare assistance and depressing the economy.

National Security

Although the majority of immigrants crossing the Mexican-American border without inspection are otherwise innocent people looking for a better life, the wide gap they have created in the United States’ ability to monitor all incoming foreigners poses a threat to our national security. The floods of undocumented immigrants entering the nation every year at that border overwhelm the parole forces posted there, and as long as these forces are outnumbered and consequently distracted, there is no telling what other people with less innocent intentions may be leaking into the country. This uncertainty has become of even greater concern over the last decade since The United States suffered three terrorist attacks on September 11, 2001 (Soerens and Hwang 2009).

The Environment

Further immigration to the United States could have a negative impact on the environment (Marland, Boden and Andres 2007). Because of differences in infrastructure and lifestyle, on average, people living in the United States annually contribute much more to environmental problems like pollution and climate change than those who live elsewhere. For example, according to a report published by the U.S. department of energy in 2007, the average annual emission of carbon dioxide for one individual residing in the United States was 5.6 metric tons. The same figure for the average individual living in Mexico was less than 1.2 metric tons (Marland, Boden and Andres 2007). The point being that for every individual emigrating from a
country where the lifestyle norms are more environmentally sustainable (Mexico) to countries where the environment suffers daily from industrial pollutants (the United States), the world’s natural resources face that much more damage.

**Cultural Integration**

The environment isn’t the only victim of immigrations’ pollutants. A 1999 article for the Associated Press Wire said that immigrants should be further restricted because they are “polluting our culture” (Glover 1999). Undocumented immigrants, as foreigners, do not necessarily subscribe to American values. They live and act differently than the majority culture, not to mention their distinct appearance, speech patterns, and language. In his book, *Where the Right Went Wrong*, Reform Party Presidential Candidate, Patrick Buchanan, noted that,

> The religious, ethnic, and racial composition of the [United States], a child of Europe, is changing more rapidly than that of any other great nation in history in an era when race, religion, and ethnicity are tearing countries apart. The melting pot no longer works its magic. Newcomers are not assimilating (Buchanan 2004).

Buchanan and his conglomerates agree that the lack of assimilation on the part of this new wave of immigrants threatens to divide the nation. They find evidence of such a lack of assimilation primarily in the increased use of the Spanish language and they are not alone.

According to Soerens and Hwang (2009), “many Americans are frustrated by the increasing prevalence of Spanish…that they hear in the streets of their communities, at the supermarket, on the radio, and even in their churches.” Although they may not all fully align their opinions with that of Buchanan, these citizens do experience a certain nostalgia in watching
the neighborhoods of their childhood change demographically—a new language is spoken and local restaurants turn into ethnic eateries.

Step 3b: Hearing Party Interests - the grievances of undocumented Mexican Immigrants

No opportunities in Mexico

Undocumented immigrants come to the United States because they have no alternative means to maintain a basic standard of living. What was once a journey for more opportunity has now become the only opportunity for many Mexican families choosing to cross the border. Approximately 1.5 million Mexican farmers lost their living after the 1994 implementation of NAFTA, the North American Free Trade Agreement. NAFTA, an U.S.-developed international economic policy re-arrangement, caused Mexican corn imports from the U.S. to triple, undercutting local production, and sending more Mexicans north (MCC 2011). Also, not coincidentally, real wages for Mexican factory workers continuously decreased after 1994. Within four years, the number of Mexicans living in poverty grew to 58% of the population (Cavanagh and Anderson 2002). By the turn of the century, Mexico was still inundated with poverty, labor unions were corrupted, drug lords gained more and more power with the continued production, consumption, and trafficking of narcotics, and the police forces and judicial system all but collapsed (Aguayo Quezada 2000). By 2007, these problems not only persisted, they worsened: more than 10% of the Mexican population lived on less than two dollars per day (UNDP 2007).

Mathew Soerens, a non-profit employee who works with immigrants, tells the story of his two somewhat typical undocumented Mexican friends. Pedro and Martha married in Morelos, Mexico toward the end of the 1980s. In their early life together, they were able to afford little
more than salt and corn tortillas to live off of. They considered moving to the United States then, but they wanted to do so legally and knew that current laws would not grant them visas. Luckily, Pedro was offered a job working at the local textile factory, and the couple was able to support the four children they would have over the coming years. Eventually, however, the factory closed and Pedro lost his job. He struggled to find other work, taking what odd jobs he could here and there; Pedro failed to make enough money to support his family.

Martha knew her children would have to drop out of school if they could not find another source of income, so she took out a loan to pay for their education expenses and another for a coyote to take Pedro and their 17-year-old son, Harold, across the border. Pedro had some relatives living in the Chicago suburbs who promised them a place to stay and help finding work. After a long and traumatizing journey, Pedro and Harold reunited with their family in Chicago and began bussing tables at a restaurant.

Eventually, their second oldest son, Homero, and Martha herself made the journey to Illinois as well. Neither wasted anytime getting a job and beginning to work. Now the family rents a small one-bedroom apartment paid for by the compilation of all their minimum wage salaries. Martha still pines for her youngest children to come live with them, but she knows they are too young to make the journey and it would be even rougher for them than it was for her. Nevertheless, “I feel like I’m in glory here,” says Martha (Soerens and Hwang 2009). For the many undocumented immigrants like Pedro and Martha, even a frugal life in the United States, under the constant threat of deportation beats the life they would have lead back in Mexico.

*No legal way to immigrate*
Many Americans admire undocumented immigrants for their courage in risking everything to make a better life for their families in the United States, but they criticize them for doing it illegally. They note the generations of Europeans that have immigrated legally and find no reason why the current wave of Mexicans should have an exception. But that comparison is irrational. The immigration laws that applied to the European ancestors of many white Americans are not the same laws that regulate the borders today. During the great waves of European immigration in the 1800s, there were no laws regulating immigration. Any immigrant arriving before 1924, under today’s legal structure, would be considered ‘illegal.’ Even the majority of immigrants arriving between 1924 and 1965, by today’s standards would still not be welcomed. So to argue that today’s immigrants should enter the country within the current structures of the legal system because so did the Europeans of yesteryear is unreasonable. Soernes and Hwang (2009) liken such misguided logic to a basketball coach boasting that his team is superior to that of a baseball coach’s because it scored 100 points in a game and the baseball coach’s team only scored 9. The teams are playing by two different sets of rules; they cannot be compared this way.

For today’s undocumented immigrants, legal immigration would take decades, and for still more it is simply impossible. Currently, there are only four ways to legally immigrate to the United States: Work, Fear, Luck, and Love.

Work: Employment-based visas are overtly impossible for nearly all Mexican immigrants. Divided among 5 pre-set categories only a total of 140,000 immigrants can enter the United States on a work visa each year. The first two preference categories, reserve 80,000 visas, for “extraordinary aliens” or “aliens with extraordinary abilities,” meaning outstanding professors, researchers, high ranking professionals of multi-national corporations or
organizations, or well known artists, athletes, and scientists, proven to have risen to the top of their profession by receiving major awards, ample press attention, publishing highly cited scholarship, and earning a large salary (ILRC 2010).

The third category of employment-based visas is for professionals, skilled, and some unskilled workers, but Mexican immigrants are explicitly withheld eligibility for this category. The fourth preference category of employment based visas, also known as the catch all “special immigrant” category holds a maximum of 10,000 visas for ten subcategories of immigrants not included in the first three preferences. Among these ten subcategories, ‘religious workers,’ is the most common, but even religious worker visas take a while to process, require extensively documented proof of qualification and employment prospect, and once granted, expire after 3 years (ILRC 2010).

Finally, the fifth preference of employment based visas reserves 10,000 visas for individuals interested in investing at least one million “clean” dollars in a new or newly purchased business in the United States, provided they create at least ten new fulltime jobs. Because less restrictive investment visa programs in Canada and Australia have developed, and because the United States has a longer lag in visa processing, and taxes permanent residents on profits, only a few thousand investors have ever immigrated on EB-5 visas, and the rest of these visas do not get reallocated to the other categories (ILRC 2010). Therefore, unless a Mexican immigrant is already very wealthy, famously talented, or a lucky religious worker, he or she cannot immigrate on an employment-based visa.

Fear: Individuals intending to immigrate to the United States out of fear fall into two categories, refugees and asylees. Refugees are people residing outside the United States who cannot return to their homeland because of a well-founded fear of persecution on account of race,
religion, nationality, political opinion, or membership in a particular social group. They may apply for refugee status from abroad and enter the country on a refugee visa provided the President of the United States has deemed their country of origin a country of “special humanitarian concern”. Mexico has not been deemed a country of “special humanitarian concern,” rendering refugees visa options unavailable to Mexican immigrants (IRLC 2010).

Asylees are people who have come to the United States and then applied for status because they are afraid of returning to their homeland. In order to apply for asylum, an immigrant must unquestionably prove a well-founded fear or a past experience of persecution on account of race, religion, national origin, membership in a particular social group, or political opinion (IRLC 2010). For many Mexican immigrants, such a specific fear does not exist, and if it does, there is no documentation available to prove it, and if there was, they could probably not afford an attorney to compile said documentation on their behalf. This leaves all fear-based visa options largely unavailable to Mexican immigrants.

Luck: Some immigrants are lucky enough to win visas in the United States’ international visa lottery, known as the diversity lottery. These visas allow individuals in countries from which few are currently immigrating to come to the United States and live with permanent residency status. Only 50,000 diversity visas are offered every year and only to individuals from countries eligible for participation. Mexico is not one of those countries, so lottery visas are not an option for Mexican immigrants (American Visa Bureau 2012).

Love: The final way for people to immigrate to the United States is through family relationships. This is the most popular method for Mexican immigrants coming legally, but for many, not even family visas are an option. Family-based visas are only immediately available for spouses, fiancées, children (under 21 years of age and unmarried), and parents of U.S.
citizens (if the petitioner is 21 years of age or older). For certain other family members, a visa may become available through the preference system. Just as employment based immigration has a set of preference categories through which immigrants access visas, so does family-based immigration. In addition to the immediate relatives mentioned above, the following relatives may be eligible to apply and wait for a visa in the following preference categories:

First Preference: a U.S. citizen’s unmarried son or daughter over the age of 21

Second Preference (2a): a lawful permanent resident’s spouse or unmarried child under the age of 21

Second Preference (2b): a lawful permanent resident’s unmarried son or daughter over the age of 21

Third Preference: married sons or daughters of U.S. citizens

Fourth Preference: siblings of U.S. citizens at least 21 year of age

*notice: if a U.S. citizen's unmarried son or daughter over the age of 21 marries, he or she moves from first preference to third preference. Similarly, if the unmarried child (less than 21 years old) or the unmarried son or daughter (over 21 years old) of a lawful permanent resident marries, he or she looses all eligibility to immigrate

These beneficiaries may immigrate if their applicable sponsoring relative files a petition on their behalf, the sponsoring relative can prove that they have the resources to financially support said beneficiary in the United States, and the beneficiary is otherwise admissible to the country (meets standards for good moral character etc.). All other relatives have no eligibility to immigrate. This includes married sons and daughters, siblings, and parents of lawful permanent residents, and all non-immediate relatives such as grandparents, cousins, aunts, and uncles (ILRC 2010).
Once the sponsor has filed a petition for his or her relative in the preference categories, the Department of Homeland Security’s Bureau of Citizenship and Immigration Services (USCIS) may approve the petition, but the beneficiary will not actually receive a visa until one becomes available. The Department of State actually issues the visas, and only issues a certain number of visas per preference category from each country every year. If the petition was approved, but there are no available visas left for beneficiaries from a particular country or preference category within the year, the petition will be filed in a visa backlog line for processing as soon as a visa becomes available. For some immigrants, especially those from countries with high immigration rates to the United States, this could take quite a while.

Every month, the Department of State (DOS) issues a visa bulletin to announce the visas it is currently processing. Visas are listed by the date on which the petition was filed. Below is an image of the May 2012 visa bulletin taken from the DOS’s website. According to this bulletin, in May 2012, the Department of State was just issuing first preference visas for Mexican beneficiaries that had been filed for and approved on or before May 15, 1993 and fourth preference visas to Mexican beneficiaries that had been filed for and approved on or before January 22, 1989.

![Visa Bulletin Image]

(USDS 2012).
That means the Mexican beneficiaries who received their first preference visas in May 2012 had been waiting over 19 years and those who received their fourth preference visas in May 2012 had been waiting over 23 years to finally immigrate. A lot can happen in 19-23 years, financial stability can certainly change, and in some cases petitioners and beneficiaries have passed away waiting visas to be processed, at which point, the petition is voided (ILRC 2010).

Needless to say, immigrating to the United States through today’s legal structures, if it is even possible for an individual, can be extremely complicated. The paperwork is tedious, and processing takes a long time, not to mention money – the fee to simply file a family-based visa petition is $420.00 (USCIS 2012).

Safety Risks

The Pew Hispanic Research Center estimates that 1.8 million Mexican immigrants illegally crossed the border in the last decade, risking fraud, severe injury, violation, malnutrition, starvation, and sometimes their lives (Passel and Cohn 2011). Countless news stories, books, and films have broadcast an array of horror stories about the suffering of undocumented immigrants crossing the border, but in addition to the obvious safety risks endured through the border-crossing journey, many more lay beyond for these individuals.

Since the implementation of Secure Communities, living in communities with high populations of undocumented immigrants has become ironically insecure. Essentially, the Secure Communities program turned every local precinct into a federal immigration agency. Border Patrol records the fingerprints of all immigrants caught illegally entering the U.S. in a national database. The Secure Communities program requires local police officers to print all arrestees and run their prints through this database to check for any recorded violations of
immigration law. If any are found, a federal immigration agent is notified, and the arrestee may be detained in the local police facility until that agent can take him or her into custody (Smith 2011).

The program was designed to increase the deportation rates among undocumented immigrants with criminal records, but by delegating the work of federal ICE agents to all local police officers in such a way, Secure Communities has deterred many undocumented immigrants from summoning law enforcement when crimes occur in their communities. That means transgressions like driving under the influence, drug dealing, domestic battery, and gang violence go unreported, because a large number of residents fear any interaction with the police (Wohleb 2011).

*Separated Families*

In an attempt to avoid separation by deportation from her 8-year-old U.S. citizen son, undocumented immigrant and immigrant rights activist, Elvira Arellano lived in a Chicago church for over a year. Her claim to sanctuary was at last unsuccessful, but it did draw a lot of attention to the shadowy fear that undocumented immigrants live under every single day. In a press conference on August 15th 2007, Arellano proclaimed,

Out of fear and hatred of an enemy you cannot find you have set out to destroy our lives and our families. As you knocked on my door, you are knocking on thousands of doors, ripping mothers and fathers away from their terrified children. You have a list of 17 million Social Security no-match numbers, and you are following that list as if we were terrorists and criminals instead of workers with families… (Arellano 2007).
She was arrested 4 days later after taking her campaign on the rode. According to Emma Lozano, one of Arellano’s advisors present at the arrest, Elvira Arellano and her supporters got into their van, headed to her next scheduled to speech. Soon, several unmarked vehicles surrounded their van. ICE agents emerged screaming for Arellano to get out. Her son began weeping. Arellano turned to the agents and said, "You're going to have to give me a minute with my son," She spent time with her son in the car, then surrendered. It is not known where she is now and if she has seen her son since.

On President Barak Obama’s 2008 campaign website, he was quoted saying, “Where we can reunite families we should… the time to fix our broken immigration system is now.” (Soerens and Hwang 2009). Also, during a May 2011 Speech on immigration in El Paso, Texas, and many times between, he reiterated these sentiments saying that he doesn’t believe “the United States should be in the business of separating families. That’s not right. That’s not who we are” (Alexander 2011). Yet Between the beginning of his presidency in 2009 and the end of 2011, over one million families living in the United States have been torn apart by deportation like Arellano and her son, Saul (Smith 2011). According to an article in the Chicago Sun Times, The Obama administration has deported more undocumented immigrants than any other administration. Over the last four years, more than 48,000 undocumented immigrants in the President’s home state alone have been deported, leaving about 80,550 children to grow up without at least one of their parents, and the effects are devastating (Escalona 2011).

The heart-wrenching stories of these families are told in newspapers, books, and movies across the nation. Other family members are charged with the responsibility of raising the children left behind who, as many psychological studies have show, are more likely to act out as adolescents and sometimes do poorly or drop out of school. According to the 2011 Washington
Memo published by the Mennonite Central Committee U.S., an estimated four million U.S. born children lived with mixed status families (at least one parent was undocumented) across the nation that year (Alexander 2011). At the current rate of deportation, by the end of 2023, all these U.S. citizens will have lost a parent to deportation.

Policymakers claim that removal rate increases are necessary to keep U.S. citizens safe. They say they prioritize undocumented criminals in deportation proceedings, but of the 392,000 migrants ICE deported in 2010, only half were approximated to have had criminal records, and that includes those with nothing but minor offenses like speeding tickets. ICE’s actions consistently contrast their words. Over a four-day period in January 2011, 77 immigrants were arrested in Michigan, the majority of them having no criminal record. In February 2011, 30 immigrants were detained in a Washington raid, one, a long-time church pastor, one woman seven months pregnant, several parents of young children, an no one with any criminal record apart from immigration violations. In March 2011, ICE agents followed several parents walking their children to school in Detroit, later arresting and detaining them. The allegories go on (Alexander 2011).

The DREAMers plight

While some children are merely affected by the illegal status of their parents and at worst, raised without one or either parent, other children living in the United States are by no choice of their own undocumented, and consequently subject to deportation themselves. These children face an even greater injustice. They were illegally smuggled into the United States at a young age, and in some cases are unaware of their illegal status until they reach adolescence or even adulthood. As adults, they, like their parents, live in constant fear of deportation, but because
they have lived in the United States their entire lives, deportation poses a much larger threat to them. They have few or no ties to Mexico, and in some cases, they don’t even speak Spanish fluently after having been marched through the American public school curriculum in English (Padilla 2011). Deportation would mean being cherry-picked out of their established life and dropped in the middle of a foreign country with little or not connections or resources.

Nevertheless, ICE agents have every right to arrest and deport these individuals, even if their only crime was turning 18 years and 180 days old in the country where they grew up (IRLC 2010). They are known as the DREAMers.

DREAM stands for Development Relief and Education for Alien Minors. It refers to the congressional act that would allow these specific undocumented immigrants to remain in the United States legally, provided they have a clean record and graduate from high school or serve in the military. The act passed in the House of Representatives and the Senate, during the early months of 2011, but was ultimately blocked by republican obstructionism later that year (Knox 2012).

Besides just avoiding deportation, however, DREAMers have plenty more to worry about. Although they may have grown up in the United States and graduated high school with excellent grades and various credentials for success in higher education, many of them cannot afford to attend college because they come from low-income families and are not eligible for the federal loans that their citizen peers enjoy. Despite having the education to supersede unskilled employment options, they are often resigned to such jobs because they cannot be hired anywhere else, let alone secure a drivers license to be able to commute to such places of employment. DREAMers lead a fearful, severely restricted life, and consequently, many of them fall into hopelessness. In an article she wrote for the Immigrant Youth Justice League’s website,
DREAMer and IYJL organizer, Fanny Martinez-Lopez calls attention to the “many undocumented youth out there who are dealing with mental health issues because they live in fear and because they feel trapped.” Fanny admits,

Frustration, anger, disappointment, and many other emotions make us feel desperate and depressed. Those of us who are lucky to have a strong support system – family, friends, professors, and community based organizations – might be able to cope with mental health problems more easily. However, many of us lack that social support and that’s when we feel like our lives have no meaning, no future (Martinez-Lopez 2012).

According to their website, the Immigrant Youth Justice League “is a Chicago-based non-profit organization lead by undocumented youth working towards full recognition of the rights and contributions of all immigrants. Their slogan reads, “I am undocumented, unafraid, and unapologetic.” The fact that these young people thought they had to be afraid and apologetic for their innocence and the well-meaning actions of their parents in the first place, is a travesty.

Being taken for granted

Undocumented immigrants annually contribute about 6–7 billion dollars in taxes to the United States federal government through fraudulently acquired social security numbers that they fashioned in order to work. The Social Security Administration estimates three out of every four undocumented immigrants has a false number and pays social security and Medicare taxes on their income (Porter 2006). Some undocumented immigrants even file legally acknowledged income tax returns. In 1996, the IRS began issuing Individual Tax Payer Identification Numbers (ITINs) to undocumented immigrants, promising to keep all identification information away
from the immigration authorities. To date, more than 11 million ITINs have been issued, and tax returns with at least one ITIN numbers have accounted for more than 5 billion federal taxes paid (Bernstein 2007). Unfortunately for the immigrants working under these numbers, the social security fund to which their money goes will never issue a payout to them. Without documentation, immigrants are not eligible for social security, Medicare, Medicaid, and many other tax-funded social benefits.

But besides getting little credit for their tax contributions, immigrants are also often taken for granted when it comes to their labor. Many businesses that hire undocumented immigrants couldn’t exist in the United States without their cheap labor. International corporations importing goods manufactured with cheap labor overseas would take them out, or they would have to take their businesses overseas to keep the doors open. In their book on the immigration debate, Soerens and Hwang (2009) interviewed one California farmer, Steve Sarconi, who decided to move his strawberry picking business to Mexico in order to continue taking advantage of cheap labor without having to worry about immigration raids. Now no low-skilled American citizen workers could compete for those jobs, where once they could, and the U.S. can no longer collect taxes off any of Sarconi’s employees’s incomes, let alone the corporation’s total profits, where once it could. In common cases like this, the U.S. clearly has an interest in keeping the cheap labor that undocumented immigrants provide safe and in the country. Plus, if undocumented immigrants continue to reside in the United States, not only do they continue to provide a cheap source of unskilled labor, but they also contribute to the economy as consumers.

Undocumented immigrants have expanded existing markets, and created new ones within the United States’ economy. They purchase cars, fuel, food, clothing, and even invest in houses, adding to the demand for more workers. In the end, illegal migration not only increases the
supply of cheap labor, but also the demand for it, meaning, over time, wages may not decrease as much as the staunch opposition sometimes suggests.

In fact, many political scholars note the benefits that undocumented immigrants serve the United States’ economy. At a 2006 Senate hearing before the Committee on the Judiciary, Michael Bloomberg, Mayor of New York City, discussed how, despite their violation of federal law, if the undocumented hadn’t illegally entered the country or overstayed their visas, New York’s economy would be “a shell of itself,” and it would disintegrate if they were removed. The same holds for the rest of the country. He adds, “A strong America needs a constant source of new immigrants… We have a right - and a duty - to encourage people to come” (Bloomberg 2006).

Step 5: Setting the Agenda

Agenda setting involves identifying the broad topic areas of concern to each party and determining the order in which they will be reconciled in the next stage, beginning with those topics that both parties express and can find a mutually agreeable solution to fairly easily. The subsequent issues on the agenda should be ordered by their degree of significance to each party. Those issues causing the most stress between both parties should precede the more trivial.

In regards to illegal migration, the grievances of American citizens fall under six categories: public benefits, crime, economy/job market, national security, the environment, and cultural integration. The six categories of grievances from undocumented Mexican immigrants include the lack of opportunity in Mexico, the impossibility of legal migration, safety risks, separated families, the DREAMers’ plight, and being taken for granted.
THE ADR ANGLE

The only specific issue that both parties raised a concern about was the Secure Communities program. These concerns will be addressed first. The rest of the concerns will be addressed in the following order of broad categories: (2) economic injustice, (3) crime/security, (4) cultural integration, (5) the DREAMers’ plight, and (6) the environment.

Step 5: Solution brainstorming and practicality assessments

(1) In regard to the Secure Communities program

American citizens take issue with Secure Communities because it places an undue burden on local police officers, distracting them from preventing and prosecuting other more dangerous crime. Undocumented immigrants take issue with the program because it extends the reach of ICE agents. Every time they come in contact with a police officer, they worry about entering deportation proceedings whether they are guilty of a crime or not.

One solution to these problems would be to end the Secure Communities program all together, but this would suffocate the progress that it has been making in ridding the United States of some of its most dangerous criminals without imprisoning them. A more practical solution would be to revise the program so that instead of scanning the prints of all arrestees, local police would only be required to scan and alert the ICE of those undocumented immigrants who have actually been convicted of a crime. This would alleviate the unnecessary burden on officers, and relieve immigrants of the fear of being deported if at all arrested.

(2) In regard to economic injustice
American citizens face economic injustice first in the form of overburdened government budgets. Because most undocumented immigrants live in poverty and cannot contribute enough in taxes to recover the funds that they benefit from, American citizens end up footing the bill. Second, they experience economic injustice in the form of job competition. Undocumented immigrants fill the majority of low-skilled employment in the United States and consequently decrease the average wage of these positions so that it becomes difficult for unskilled American citizens to secure sustainable employment.

Undocumented immigrants experience economic injustice first in their home country, by being forced into poverty after the recession that NAFTA caused the Mexican economy, and second by having no opportunity to immigrate to the U.S. legally and therefore remaining in only slightly better financial conditions as an unauthorized resident of the United States.

For the part of American citizens, these economic injustices could be rectified if more unauthorized immigrants were deported, but policies over the last two decades have focused almost completely on increasing deportations, yet problems rising from illegal migration have continued, if not worsened. Deportations do not keep undocumented immigrants out of the country, and they create larger financial burdens for both citizens and immigrants.

Another suggestion is implementing an amnesty that would offer all undocumented immigrants currently residing in the country a path to citizenship like in 1986. This would ensure that almost all immigrants would pay taxes thus relieve some of the financial stress on federal, state, and local budgets. Plus, with the ability to work legally, immigrants could organize for better wages, avoid exploitation, and eventually benefit from the public service programs that their tax dollars fund. Nevertheless, there are many problems with an amnesty.
First, the extra taxes added by undocumented immigrants formerly not contributing would still only cover a tiny fraction of the money that taxpayers spend on services for them every year. Second, with the price-of-labor increases that amnesty would undoubtedly cause, many American businesses may be driven to explore labor options in other countries, deterring money and jobs from the American economy. And if the job market decreases under an amnesty, many immigrants who were once ineligible for public assistance would be out of work and eligible to collect publicly funded income supplements which would further bankrupt government budgets. Finally, amnesty is not sustainable. It will not help the undocumented immigrants entering the country after it’s deadline.

As an alternative, the U.S. federal government might consider loosening the relationship or sponsorship requirements for family visas so that more immigrants could have the opportunity to immigrate legally. Loosening these requirements however, would damage the economy further. More people would be able to immigrate legally, but fewer would be able to keep themselves off welfare upon arrival. Under our current system, opening immigration to those who couldn’t afford it would only worsen our financial crisis.

Perhaps then, a new workers’ program like the Bracero Program would do better. The undocumented wouldn’t reap all the benefits of complete legal permanent resident status like eligibility for more public services and the same minimum wage as citizens, but they would at least not have to live in constant fear of deportation, giving them some power to organize against exploitation and establish a minimum wage of their own without eliminating the cheap labor source for American businesses. Also, their income would still be taxable, and could contribute, however minimally to government deficits.
The problem with a workers’ program like the Bracero program is that despite having already established their families in the United States, immigrants would have to come and go to and from Mexico with every season, while their resident or citizen families stayed in the U.S. The best way to calm these concerns would be to implement a workers’ program that didn’t require seasonal migration, but rather mandated certain requirements for renewal and fed into a path to citizenship so that these immigrants could remain in the United States and earn their citizenship, not through amnesty, but through an extensive assimilation process, allowing them to eventually raise their pay while newer immigrants take on their previous role in cheap labor.

(3) In regard to crime and security

Outside the Secure Communities program, American citizens raise crime and security-related concerns pertaining to the association of undocumented immigrants with drug trafficking. They worry that with the undocumented population comes a lot of illegal substance trade across the border and within poor communities. They also worry about the permeability of the border and just how possible undocumented immigrants are making it for terrorists to also enter the country over the southern line.

Undocumented immigrants, outside issues regarding the Secure Communities program, raise crime and security-related concerns pertaining to the safety risks they take crossing the border, the safety risks involved with having to live in low-income, high-crime communities, the health risks associated with working in low-paying, poor working conditions, and the fear of being deported or of losing a family member to deportation.

Although the American citizen concerns pertaining to crime and safety could be rectified with increases in border apprehensions, recent legislation has proven that this tactic alone is
costly and ineffective, and it does not address immigrant concerns. In fact, it increases them; adding more border patrol multiplies the dangers involved in successful border crossing.

Building off of the non-seasonal worker’s program mentioned above, however, may serve to rectify both parties’ concerns about crime and security. If, while enrolled in the program on a path to citizenship, immigrants were required to maintain a clear criminal record, they would be less likely to commit any crime, including drug related crimes, because they would have more to loose from a conviction: not only would they be deported, but they could also lose the right to ever enter the program and work towards U.S. citizenship again. This would not only decrease the crime in immigrant communities, but having the ability to enter the country, stay legally, and organize for better pay and working conditions would also eliminate the immigrants’ concerns about deportation, safety risks in the work place, and at the border.

Plus, the border in general, would become a much more peaceful place. Underground organizations that traffic immigrants between countries would decrease, decreasing the ability for anyone, including terrorists to enter the U.S..

(4) In regard to Cultural Integration

American citizens have complained that Mexican immigrants, more than any other demographic in history have had difficulty assimilating into American culture, especially when it comes to their language skills. This is probably because many of them find no need to learn English or American civics. Most immigrants live amongst each other, speaking only in their native language, and if they are undocumented, they can’t vote or affect the civic structure anyway. Those who immigrants who become citizens are required to pass an English proficiency exam and an American civics test upon their application for citizenship, but these
requirements are not in place for immigrants who only hold legal permanent residence, and certainly not for the undocumented. Perhaps then, if the workers’ program were implemented, in addition to maintaining good moral character, participants should be required to pass English proficiency and American civics exams at certain benchmark years in order to maintain their legal status. This would ensure that these immigrants could communicate with the majority of citizens, and would know the basic concepts of American culture long before they even become eligible for permanent residency.

(5) In regard to the DREAMer’s plight

The DREAMers’ plight is the concern of undocumented immigrants who entered the United States as a minor, may not be well acquainted with their country of origin, yet still face the daily threat of deportation, despite their potentially clean criminal records and high academic achievements. For many DREAMers, the ultimate goal is to go to college and secure a job in order to pull themselves and their families out of poverty.

The DREAM Act, as mentioned above, is an actual piece of legislation that was passed in the House of Representatives and the Senate, during the early months of 2011, but was ultimately stymied by republican obstructionism later that year (Knox 2012). DREAM stands for Development Relief and Education for Alien Minors, and would have allowed undocumented minors to remain in the United States legally, provided they maintained a clean criminal record and graduated from high school or served in the military. Obama plans to push for the DREAM Act again during his second term in office should he be re-elected, but his opponents on this matter criticize the legislation for accruing too high a cost - an estimated 6.2 billion dollars to taxpayers (Homeland Security News Wire 2010).
By revising the act to only grant federal loans instead of scholarships, however, taxpayers will ultimately be reimbursed and granted interest on these expenditures, especially if certain structures were put in place to ensure that DREAMers repaid their loans or at least earned a degree and began working in a growing field like environmental science, technology, or medicine before gaining permanent residency.

(6) In regard to the environment

Environmental concerns amongst American citizens claim that immigration, in multiplying the U.S. population, also multiplies the United States’ carbon footprint. While this is true, neither reducing nor even ending all immigration would eliminate the environmental damage that American waste causes. More sustainable solutions to the environmental degradation problem need to come from federal and state initiatives outside of immigration policy reform. Exploring solar and wind power options, and more efficient public transportation methods are a good place to start, and to this affect, immigrants can help.

Undocumented immigrants could be offered temporary legal status and federal education loans toward a degree in the environmental sciences, in exchange for so many years of environment-friendly technology development and implementation work. This would help those immigrants who have the credentials to attend college but not the status or finances to pull themselves out of poverty, relieving many of their concerns while also addressing the issue of environmental degradation.

In addition, returning again to the proposal of a residential workers’ program, if the United States’ federal government required any company wishing to hire an immigrant in the program to pass certain environmental health inspections, corporations would find the reward of cheap labor as an incentive to reduce their carbon footprints.
Step 6: Caucuses

In using the mediation process as a tool for understanding broad political issues, the purpose of party caucuses (gathering information from each party without the other present) is inapplicable since such exclusivity is omnipresent in this kind of research.

Step 7: Creating a Settlement Package

Because both parties found value in its revision, the proposed changes to the Secure Communities program will comprise the first element of the settlement package, followed by a residential worker’s program. The proposal of such a program emerged several times during the brainstorm as an option for resolving many grievances. The only issue for which it was not explicitly mentioned was the DREAMers’ plight. Thus the third and final component of the settlement package will be dedicated to the most mutually agreeable resolution to the DREAMers’ plight: a revision of the DREAM Act. The settlement package will therefore stipulate the following:

*A revision to Secure Communities*

The ICE will no longer be alerted to the arrest of unauthorized immigrants until they have received a conviction of their crimes from a judge.

*The Establishing Residency Program*

Undocumented Mexican immigrants that can furnish reasonable evidence of their residence in the United States on and continuously after January 1, 2013 will be eligible to
submit an application, with fee, to the ER Program. While establishing residency in this program, immigrants may not be deported unless they violate one of the following terms: Immigrants establishing residency (IERs) must reside in the United States continuously, learn English, pass a proficiency exam, pass an American civics exam, pay full federal and state taxes, and maintain good moral character, which will now include a successful parenting requirement.

Parents in the ER program with minor children, as part of demonstrating good moral character, must ensure that their children (citizen or not) also maintain a clear criminal record, and before their twenty-first birthdays, are either offered admission at an accredited institute of higher education or employment at a company/organization offering them an annual salary over $40,000.

IERs will remain in the residency establishment program for ten years upon which they must apply for legal permanent residency (their green card) or return to their country of origin. This ten-year phase may be reduced to five years if the immigrant can furnish reasonable evidence that he or she has already resided continuously in the United States, while paying taxes and maintaining good moral character, for ten years or more. The ten-year phase may also be extended depending on the length of time it takes for all an IER’s children to reach the age of twenty-one. An IER cannot apply for legal permanent residency until all his or her children have reached 21 years of age.

IERs will not be eligible for any federal or state welfare assistance, and may not petition for any family visas. Employers wishing to hire IERs are not required to pay them minimum wage, but must allow them to organize. Employers wishing to hire IERs must also pass environment sustainability examinations performed by the federal government. No persons
immigrating to the United States after January 1, 2013 will be eligible for the ER program until its renewal on a date to be determined by the United States federal government.

The DREAM Act

Undocumented minors with good moral character that have continuously resided in the United States for more than a year before January 1, 2013, upon obtaining admission to an accredited institute of higher education, will be eligible to apply for a specified student visa and federal education loans. Upon graduation from an accredited institute of higher education, these immigrants may begin working under a specified employment-based visa and apply for lawful permanent residency after completing payments on any federal loans they have borrowed. Students that did not borrow federal money, students that secure employment working toward environmental preservation, and students graduating with degrees in select areas (math, science, technology), will automatically become eligible for lawful permanent residency.

Step 8a: Solvency Check – the grievances of American citizens

In the final stage of the mediation process, the settlement package is checked for comprehensive solvency. All grievances mentioned in stage three should find some relief in the package. This process ensures that all party concerns are addressed in the resolution of the conflict.

Public benefits
THE ADR ANGLE

✓ By mandating that all immigrants pay full taxes without receiving welfare assistance for at least fifteen years, the ER program ensures that more immigrant tax dollars contribute to the public service funds they benefit from.

Crime

✓ The Secure Communities revision will lessen the workload of local police officers currently mandated to collect the fingerprints of and run federal immigration database checks on all arrestees, possibly detaining those with immigration violations.
✓ The good moral character provision of the ER program would offer Mexican immigrants more incentive to maintain a clean criminal record.

The economy and job market

✓ The ER program, while granting a legal status, still withholds immigrants’ rights to a minimum wage, thus maintaining the United States’ relatively cheap labor supply.
✓ The ER program ensures that the children of immigrants will strive to enter the workforce with professional skill sets that can contribute more to the health of the economy and thus relieve some of the burden on the low-skilled English speaking job market that American citizens compete in.

National security

✓ The ER program will significantly reduce the number of immigrants illegally crossing the southern border of the United States, decreasing the need for underground organizations that make the endeavor possible despite strict security measures. With less demand for
such organized crime, their services will decrease, and there will be less opportunity for both immigrants and terrorists to enter the U.S.

✓ Those immigrants and/or possible terrorists that do still attempt to make the journey will face the challenges of a less encumbered border patrol staff.

The environment

✓ By requiring all companies wishing to benefit from the cheap labor supply that immigrants offer to pass an environmental health inspection, the ER program provides companies with a greater incentive to reduce their carbon footprint.

✓ By allowing DREAM Act beneficiaries to apply for immediate legal permanent residency if they have been offered employment at an approved establishment working to develop environment friendly, sustainable technology and/or procedures, the revised DREAM Act offers immigrants more of an incentive to contribute to the national effort for sustainability.

Cultural integration

✓ By establishing assimilation benchmarks that require immigrants to learn English and know about the structure of American civic life and current events, the ER program will help Mexican immigrants more easily integrate into American society.

Step 8b: Solvency Check – the grievances of undocumented immigrants

No Opportunity in Mexico
THE ADR ANGLE

✓ With more immigrants staying in the United States helping the economy grow, more remittances may be sent back to families in Mexico, benefiting their economy.

✓ Renewing the ER program approximately every 10 years will give potential immigrants in Mexico hope of legal immigration, providing them with more incentive to stay in Mexico and try to improve the Mexican workforce until that day comes.

✓ Once the American economy recovers with the help of the ER program, and with more Mexican nationals gaining the right to vote, discussions about stimulating the Mexican economy with more effective international aid could commence.

No legal means of immigration

✓ The ER program offers undocumented immigrants currently residing in the United States a legal means of officially immigrating, and it could be renewed every 10 years to also offer the up and coming generations of Mexican immigrants a legal means of immigrating.

Safety risks

✓ With legal status, Mexicans can cross the border freely as long as they don’t remain outside the U.S. long enough to violate the continual residency term of their ER status.

✓ Immigrants wishing to enter the United States will refrain from risking the illegal journey in order to make the journey safely and legally at the next renewal of the program or may decide against the move all together once the Mexican economy grows.

Family separation
Undocumented immigrants applying to the ER program would gain a legal status and thus be safe from deportation unless they violate the terms of the program. This will decrease the number of deportable immigrants and keep more families together.

**The DREAMers’ plight**

Undocumented minors would gain health insurance, financial assistance for an education, and a path to citizenship provided they maintain a clean criminal record and academic success.

**Being taken for granted**

Although Mexican immigrants would still not immediately benefit from the tax dollars they contribute, nor make more than a certain wage, eventually these benefits would come as they graduate the ER program and the new generation of low-wage immigrants takes their place in the country.

Although there is still room for testing and tweaking these resolutions, in combination, the revision of the Secure Communities Program, the implementation of the ER program, and the revised DREAM Act comprise a settlement package that addresses all the grievances of American citizens and undocumented Mexican immigrants unearthed in this mediation.

**Conclusions**

Because the proposals in the settlement package that resulted from the above mediation address more common grievances than any landmark illegal immigration-related legislation passed via congressional debates in the last twenty years, it is reasonable to conclude that using
the mediation process to understand and resolve complicated political issues as an alternative to debate can result in more comprehensive reform. The reform proposals arrived at by mediation address concerns about unfair distributions of public benefits, the health of the American economy, the job market, and the environment, the security of the nation, crime rates, recent lags in immigrant assimilation to American culture the lack of opportunity in Mexico, the impossibility of legal migration for many Mexicans, the inevitable safety risks taken by immigrants, the separation of millions of families, the DREAMers’ plight, and the social and economic benefits of illegal immigration that Americans take for granted. Major illegal immigration related legislation passed in the last two decades has only addressed a few of these interests.

In 1996 the Illegal Immigration Reform and Immigrant Responsibility Act and the Personal Responsibility and Work Opportunity Reconciliation Act served to tighten border control, increase detentions and deportations, increase the legal penalties for violating immigration law, and decrease the likelihood an undocumented immigrant could receive public assistance. These reforms attempted to calm concerns about national security, the unfair distribution of public benefits, crime, the health of the American economy, job market, and environment, but they did not offer any relief from the lack of cultural integration, the state of the Mexican economy, the impossibility for legal migration for many Mexicans, the DREAMers’ plight, or the cheap immigrant labor that American companies take for granted. Furthermore, they have exacerbated problems related to the inevitable safety risks facing immigrants and increased concerns related to the separation of immigrant families.

In 2000, congress passed the Victims of Trafficking and Violence Prevention Act, which included stipulations for a U visa. U visas offer legal status to undocumented victims of
substantial mental or physical abuse. These visas partially address the concerns of undocumented immigrants in regard to crime and safety, but not much more (Ruiz-Velasco 2011).

In 2002, the Homeland Security Act and the Enhanced Border Security and Visa Reform Acts restructured federal authority over the border and immigration enforcement with a focus on reducing illegal crossing. This act continued to target and forsake the same concerns as the 1996 reform.

The 2004 Intelligence Reform and Terrorism Prevention Act and the Real ID Act that replaced and expanded on it in 2005 attempted to resolve concerns about the fraudulent acquisition of public benefits by instating federally mandated standards for driver’s licenses and other state identification, but did not address any other concerns regarding the issue of illegal migration (National Conference of State Legislation 2012).

In 2008, the Secure Communities program began as a tool for focusing federal resources on the removal of criminal aliens and repeat immigration violators. In so doing, it too addressed some concerns regarding immigration, namely crime, but not all those mentioned above, and not without also exacerbating the inevitable safety risks facing immigrants and increased concerns related to the separation of immigrant families.

Many other bills proposing reform policies to end illegal migration anxieties, including some attempting to address a broader range of concerns, have come to the attention of U.S. federal legislators, but have been ultimately forsaken by congressional debates. Therefore, the inference of the matter is that loyalty to debate in U.S. federal decision-making has neglected to actually pass reform policies that comprehensively address the many nuanced issues surrounding illegal migration from Mexico to the United States. As demonstrated above, arriving at policy
reform through a mediation process promises less a risk of doing so. Perhaps then, it would benefit American politics if legislators held a higher value for mediating the various illegal immigration concerns to develop reform instead of debating the passage of one-sided policy.

Limitations

There are a couple foreseen complications with a shift from debate to mediation in congressional decision-making. First, federal legislators are elected to represent the interests of their constituents, and in cases like illegal immigration and other controversial issues with international components, it is hard to justify adjusting policy proposals to address the needs of any party without voting power (like undocumented immigrants). However, if the interests of people who have any affect on our society are neglected, problems will persist. Undocumented immigrants may not be able to vote for legislators who promise them a voice in the decision making process, but if their interests are not accounted for, the root of the problem is ignored. It is therefore in the best interest of everyone, including those that can vote, for reform policies to address the concerns of all involved parties, regardless of electoral ability.

Secondly, the role of legislators in political mediation remains unclear. Would they serve as the mediator or as the voice of the parties? How would their roles be decided? What would congressional gatherings look like? Determining how these questions are answered would take tedious planning and possibly a complete restructuring of congressional modus operandi. Such a fundamental procedural change is unreasonable. As discussed previously, debate is well rooted in America’s academic, social, and political values. Before experiencing a shift in congressional decision-making processes, we must re-root our fundamental values in alternative concepts like mediation. I predict the most effective way to do so is to begin instilling a value for mediatory
techniques in our education curriculum, and let them spill into our higher academic discourse, our media coverage, and our social lives before requiring the government to follow suit. Tackled in this way, the shift will happen organically and ultimately more effectively. Some might even suggest that the shift has already begun at these bottom rungs: that more and more students are exposed to ADR curriculum in their elementary and secondary educations. If that is the case, and I hope that it is, then this thesis serves as a theoretical demonstration of how those skills could one day resolve the most complicated conflicts of our time. Until that day, however, it is sufficient to understand that the mediation process can serve as a valuable tool for thoroughly researching complex political conflicts and generating comprehensive solutions to them.
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