

F E D E R A T I O N F O R A M E R I C A N I M M I G R A T I O N R E F O R M

THE COSTS OF ILLEGAL IMMIGRATION TO

Virginians

A REPORT BY JACK MARTIN, DIRECTOR OF SPECIAL PROJECTS

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EXECUTIVE SUMMARY

Virginia has a rapidly growing illegal alien population of about 295,000 persons, nearly tripling since 2000.¹ Since 2000, the state's foreign-born population has grown by 46.5 percent while its native-born population has grown by 6.5 percent. Similarly, public school enrollment of students who require special instruction in English has also soared, rising by nearly 175 percent over the last decade.

Virginia's illegal alien population represents a major burden on the state's taxpayers and on the state budget. These costs imposed on law-abiding Virginians are unfair and unwelcome even in the best of times, but are especially burdensome at a time when the state is confronting a major general fund budget deficit of \$1.1 billion.²

ILLEGAL ALIEN POPULATION

(in thousands)



In 2008, the foreign-born population in Virginia represented nearly one in every nine residents (10.8%),³

and illegal aliens constitute about one-third (34%) of that immigrant population. Children with at least one immigrant parent accounted for 8.7 percent of the population in 1990, 13.2 percent in 2000, and 17.6 percent of children under age 18 in 2007.⁴

Virginia's illegal immigrant population costs the state's taxpayers nearly \$1.7 billion per year for education, medical care and incarceration. The annual fiscal burden amounts to about \$625 per Virginia household headed by a native-born resident. Even if the estimated taxes collected from illegal immigrant workers are treated as an offset to this fiscal cost — which, as we explain later, makes little sense — net outlays still amount to about \$1.5 billion per year.

This information fills a gap noted by the Governor's Commission on Immigration, established in 2007. Its stated purpose was to study "...the costs and benefits of immigration on the Commonwealth...Specifically, ...the impact of immigration on education, health care, law enforcement, local demands for services and the economy..." However, the Commission concluded in its January 2009 report that, "Unfortunately, the resources and time restrictions of the Commission were not conducive to a data analysis of this scope [referring to the Texas Comptroller's Report on the fiscal impact of illegal aliens]."⁵ The Commission did, however, have the resources and time to obtain an estimate of the taxes paid by illegal aliens prepared by The Commonwealth Institute. These estimates showed \$145 to \$174 million in tax collections, but ignored

\$1.7 billion per year

VIRGINIA'S ILLEGAL IMMIGRANT POPULATION COSTS STATE TAXPAYERS NEARLY \$1.7 BILLION PER YEAR.

the other side of the fiscal equation, i.e., the cost of state services used by the same population.⁶

In addition to the fiscal cost estimates in this study, there are additional costs associated with illegal immigration that should be kept in mind by policymakers when they focus on this fiscal cost burden. Foreign remittances sent abroad by the illegal alien population also constitute a major drain on the state's economy. The Inter-American Development Bank estimated that remittances from Virginia just to Latin America amounted to more than \$1.1 billion in 2006. If this amount had been earned by American workers, it would have been spent locally, and it would have generated sales, production and jobs in the state as well as increased tax collection.

The nearly \$1.7 billion dollars in costs incurred by Virginia taxpayers annually result from outlays in the following areas:

- **Education**

Based on estimates of the illegal immigrant population in Virginia and documented costs of K-12 schooling, Virginians spend nearly \$1.56 billion annually on education for about 95,000 children of illegal aliens. About 70,000 children of illegal aliens are in special English instruction classes, costing the taxpayer an estimated \$440 million. Nearly eight percent of the K-12 public school students in Virginia are children of illegal aliens, and nearly three-fourths of them are in Northern Virginia public schools.

- **Health Care**

Taxpayer-funded, unreimbursed medical outlays for health care provided to the state's illegal alien population amount to nearly \$100 million a year.

- **Incarceration**

The cost of incarcerating illegal aliens in Virginia's state, county, and independent city prisons amounts to more than \$45 million a year — not including related law enforcement and judicial expenses or the monetary costs of the crimes that led to the incarceration.

Some state and local taxes are received from illegal immigrants — even from those working off the books. But, those same tax collections, or more likely an increased amount, would occur if the jobs were done by legal workers. So, unless it is assumed that no legal U.S. or immigrant or foreign guestworker would do the jobs now done by illegal workers, it makes little sense to consider this a true offset to the tax burden. The estimated amount of the taxes currently collected from the illegal workers is about \$188 million per year.

The fiscal costs of illegal immigration to Virginia's taxpayers do not end with these three major cost areas. They would be considerably higher if other cost areas such as assistance programs for needy families or welfare benefits for American workers displaced by illegal alien workers were included in the calculation.



I N T R O D U C T I O N

While the primary responsibility for combating illegal immigration rests with the federal government, there are many measures that state and local governments can take to combat the problem. Virginians should not be expected to assume this already large and growing burden from illegal immigration simply because local businesses or other special interests benefit from being able to employ lower cost workers. The federal government has provided tools to state and local governments to assist in combating the influx of illegal residents. The state can use these tools to systematically collect information on illegal alien use of taxpayer-funded services and to identify employers of illegal workers. With greater information, policy makers are better prepared to work cooperatively with the federal government to locate and deport criminal aliens and absconders and to hold employers accountable if they break the law by hiring illegal workers.

Nine Virginia jurisdictions have entered into cooperative agreements with the federal government for training state law enforcement personnel in immigration law so as to be able to work in tandem with federal immigration authorities to identify and remove deportable illegal aliens.⁷ The program — known as 287(g) for the immigration law section that authorizes it — provides an example for other counties with growing problems with illegal immigration. Other jurisdictions are working cooperatively with immigration officials to combat gangs that recruit illegal aliens. Virginia changed its driver's license procedures following evidence that several of the terrorists involved in the September 11, 2001 attacks had obtained Virginia driver's licenses based on fraudulent claims of Virginia residence. The change also had the effect of denying licenses to illegal aliens.

B A C K G R O U N D

Virginia had the nation's twelfth highest number of illegal immigrants in its population in 2000 according to the Immigration and Naturalization Service (INS), now part of the Department of Homeland Security (DHS). The official estimate was that there were 103,000 aliens residing illegally in the state, which was slightly less than five percent of the country's total illegal alien population.⁸ The federal government's estimate of illegal aliens represented about 1.5 percent of the state's population.

FAIR's estimate of Virginia's current illegal alien population is 295,000 persons, about 3.8 percent of the state's total population. That is the 10th largest state total.

In addition to the estimated illegal alien population, there were about 19,400 persons (10,200 long-term illegal residents and 9,200 illegal agricultural workers) who formerly were part of Virginia's illegal alien population, but were given legal residence as a result of the 1986 amnesty.⁹ That was the 14th largest concentration of illegal aliens in the country at that time. There have been many other illegal aliens since 1986 who have also received legal residence under other amnesty provisions, especially ones that benefited Central American illegal aliens. In this fashion, the state's population of former illegal aliens has grown, and the increased flow of new illegal aliens has tended to mirror the composition of those who previously received legal status through amnesty, i.e. Mexicans, Salvadorans and other Central Americans.



Not only has Virginia’s illegal alien population grown rapidly, the overall foreign-born population has shot up since the 1965 change in U.S. immigration law. The foreign-born population has increased from slightly more than 72,000 in 1970 to more than 835,000 today. In 1970, the foreign-born population was 1.6 percent of the total population. In 2008, it is 10.8 percent of the population.

This study looks at the fiscal costs to the state associated with illegal immigration. It does not look at the goods and services produced by illegal alien workers, i.e., their economic contribution, as it may be assumed that if the work is essential, and illegal immigrants were unavailable, the work would be done by legal

workers. Similarly, this study does not include the displacement costs incurred as a result of legal workers who are laid off or fail to get a job as a result of the hiring of illegal workers willing to work for lower wages. Those costs, which would include unemployment compensation, welfare outlays, lost taxes, etc., are real, but difficult to quantify.

Recognition by the federal government of the fact that illegal immigration represents a fiscal burden may be seen in the fact that the Congress has authorized and appropriated funds to assist states and local governments with uncompensated medical expenses and incarceration of illegal immigrants.

IDENTIFYING THE COSTS OF ILLEGAL IMMIGRATION

The costs of illegal immigration are both quantifiable and non-quantifiable. Because data on illegal immigration generally are not collected, even quantifiable costs must be educated estimates.

The absence of recorded data on illegal alien enrollment in school, use of taxpayer-supported medical care, and other public services is not accidental. It is due in large part to the efforts of service providers, civil libertarians, business interests and immigrant support groups to thwart data collection efforts in order to keep these costs hidden from the taxpayers who must pay for them. An example of these efforts to keep the costs of services to illegal aliens hidden may be seen in the record of opposition by health care providers, civil libertarians and illegal immigrant advocacy groups to a proposed requirement that emergency health care providers collect and provide information on the cost of care provided to illegal alien patients in order to receive federal compensation. These groups went on record to oppose the data collection requirement, and

the U.S. Department of Health and Human Services subsequently dropped its proposed regulation.¹⁰

There are a number of fiscal costs of illegal immigration that are outside the scope of this study. Some of them are:

- Law enforcement costs associated with general crime prevention and enforcement operations, misdemeanor offenses, prosecution, indigent defense, adult probation, juvenile probation, etc.
- Providing illegal aliens services such as foreign language interpretation and translation, especially in the health care, law enforcement and judicial systems.
- Parental liaison, translation at PTA and other school meetings, and newsletters prepared in foreign languages for the school-age children of illegal aliens.
- Increased insurance rates resulting from crimes

perpetrated by illegal immigrants, especially property loss and auto theft.

- Autopsies and burial of indigent illegal aliens.
- Time lost from congestion, and property value loss in areas where illegal aliens congregate to seek day jobs.

Non-economic costs, which are also worth noting, include issues such as a learning environment hampered by illegal alien students with limited English language proficiency. Other examples include inconvenience resulting from waiting to receive medical attention where illegal aliens contribute to congestion in the emergency admissions offices of public hospitals, and the closure of emergency rooms due to the overwhelming uncompensated costs. Social cohesion may be strained by having to cope with increasingly encountered communications barriers, and rising income inequality associated with immigration. Finally, eroded respect for the law is demonstrated when an increasing share of the population lives illegally in the country. This is magnified when law enforcement officers are required to ignore this law breaking, when employers illegally hire unauthorized workers, and when many of those workers are in the underground economy.

SIZE OF THE ILLEGAL IMMIGRANT POPULATION

The large number of Central Americans residing in Northern Virginia with Temporary Protected Status

(TPS) — a designation that does not qualify them as refugees, but which protects them from deportation and provides them with work permits — complicates estimates of the illegal alien population. Although no data are available to establish how many of the recipients of TPS were illegally here before they became eligible for that status in February 2001, it is likely that virtually all of the beneficiaries who are still here were illegally in the country when destructive hurricanes hit parts of Central America.¹¹ FAIR considers these persons to be part of the illegal alien population because they are unlikely to return to their homeland voluntarily when TPS lapses, and they will instead revert to their former illegal status.

The estimate of the INS — before it merged into the Department of Homeland Security (DHS) — that there were 103,000 illegal aliens in Virginia, based on the 2000 Census, excluded those on TPS status. It also excluded illegal aliens in the country for less than one year. The overall estimate of the illegal alien population of the country by DHS has increased significantly since then — by nearly two-thirds.

FAIR’s estimate of the illegal alien population in Virginia in 2008 is 295,000 persons. This represents 2.3 percent of the estimated national illegal alien population, and it is the nation’s tenth largest concentration of illegal aliens.

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295,000 illegal residents

FAIR’S ESTIMATE OF THE ILLEGAL ALIEN POPULATION IN VIRGINIA IN 2008 IS 295,000 PERSONS. IT IS THE NATION’S TENTH LARGEST CONCENTRATION OF ILLEGAL ALIENS.

PUBLIC SCHOOL EDUCATIONAL OUTLAYS

SIZE OF THE ILLEGAL IMMIGRANT K-12 STUDENT POPULATION

The U.S. General Accounting Office (GAO) released a report in 2004 on difficulties in estimating state costs of illegal alien school children. It noted that data on legal status are not collected by most school systems, and that makes providing a precise estimate of the illegal alien population in public schools currently not possible.¹² The study's conclusion did not mean, however, that estimates of the costs are inappropriate or invalid. The artificial barriers against collecting accurate data on the number of illegal aliens in public schools necessitates that the cost estimates in this study are necessarily ballpark estimates done for the purpose of increasing awareness of the general magnitude of the burden borne by Virginia's taxpayers because of illegal immigration.

FAIR released in 2005 an estimate of the cost of Virginia's public education of children of illegal aliens.¹³ In that study, the annual cost to Virginians was estimated to be \$452.9 million, with about two-fifths of that amount due to students who were illegal aliens and the remainder due to U.S.-born children of illegal aliens. That estimate was based on an average annual school cost of \$8,161 per student and an estimate of 23,120 illegal alien students and 32,370 U.S.-born children of illegal aliens. That calculation did not include the additional costs of remedial and special English instruction. Because of the rapidly rising illegal alien population in the state and the rising costs of K-12 education, those costs today are significantly higher. A

recent study by the Pew Hispanic Center estimated that there are now nearly three times as many children born here to illegal immigrant parents as children who are illegally in the United States (4 million compared to 1.5 million).¹⁴ As many as three-quarters of the children of illegal aliens are likely to be enrolled in kindergarten through secondary public schooling. Moreover, of the one-quarter not of school age, most are below school age and will enter the system within a few years.

In estimating the size of the illegal alien student population in the state's public schools, we have used our estimate of the illegal alien population in the state and the assumptions of the Pew study with regard to the balance between U.S.-born and foreign-born children of illegal aliens.

Based on our estimate of Virginia's illegal alien population, the illegal alien population in public schools is likely to be about 26,000 students.

That estimate of the illegal immigrant student population does not include the U.S.-born children of illegal aliens. They too, however, would not be in the Virginia public school system were it not for the illegal presence of their parents, and the cost of educating them is also a fiscal burden resulting from illegal immigration.¹⁵

Again using the assumption in the Pew study and our estimate of the illegal alien population, we estimate that there likely are an additional 69,200

BASED ON OUR ESTIMATE OF VIRGINIA'S ILLEGAL ALIEN POPULATION, THE ILLEGAL ALIEN POPULATION IN PUBLIC SCHOOLS IS LIKELY TO BE ABOUT 26,000 STUDENTS.

children of illegal immigrants in Virginia’s schools. The combined 95,200 children of illegal aliens in public schools represent more than eight percent of the state’s total K-12 public school enrollment.

COSTS OF EDUCATING THE CHILDREN OF ILLEGAL IMMIGRANTS

National Center for Education Statistics (NCES) data indicate that annual educational costs per pupil in Virginia rose to a level of \$10,214 in 2007.¹⁶ Adjusting for inflation, the present per student annual expenditure is likely to be about \$10,900. As the authors of a 1994 Urban Institute study of the fiscal costs of illegal immigration explained, “We believe that undocumented aliens are more likely than other students to live in urban areas where per student expenses are relatively high.”¹⁷ That assessment is borne out in data showing current expenditures in Fairfax County are \$13,340¹⁸

As about half of the state’s foreign-born population resides in Fairfax County, and about four-fifths reside in Northern Virginia, we use the higher per pupil cost for Northern Virginia students and an adjusted average cost of \$9,350 for students in the rest of the state.

The NCES data for the average per capita educational expense of K-12 public schooling in Virginia parsed that expenditure into the sources of funding. It found that a majority (52%) of funding was local, the second largest source was state funding (41.6%) and the remainder came from the federal government (6.4%) As this study focuses only on the in-state fiscal costs, we reduce the average expenditure to eliminate the federal funding. This leaves a per pupil average annual cost of \$12,500 in Northern Virginia and \$8,750 elsewhere.

K-12 COSTS FOR CHILDREN OF ILLEGAL ALIENS (\$ millions)							
	Illegal Number	Cost @	Outlay	U.S.-Born Number	Cost @	Outlay	Total
No. Virginia	20,800	\$12,500	\$260.0	55,400	\$12,500	\$692.5	\$952.5
Other	5,200	\$8,750	\$45.5	13,800	\$8,750	\$120.8	\$166.3
Total	26,000		\$305.5	69,200		\$813.3	\$1,118.8

ENGLISH LANGUAGE INSTRUCTION COSTS

Enrollment in Limited English Proficiency (LEP) classes in Virginia was 84,344 students in the 2008-09 school year according to the Virginia Department of Education.¹⁹ That enrollment was 174 percent higher than ten years earlier. By comparison, the rate of increase in all K-12 public school students over the same period was 6.8 percent. If it were not for the surge in non-English speaking students, who may be presumed to be mostly children of the foreign-born population, the state’s public school enrollment would

have increased by a still much smaller amount — two percent — over that period.

LEP enrollment is concentrated in Northern Virginia. The four school systems with the largest numbers of LEP students in 2008 were Fairfax — enrollment of 32,857 students, Prince William — 13,404 students, Arlington — 4,981 students, and Loudoun — 4,250 students, i.e., nearly two-thirds of the state’s total.²⁰

Note that the estimated size of the LEP enrollment is

LIMITED ENGLISH PROFICIENCY ENROLLMENT

(in thousands)



smaller than the size of the population of children of illegal aliens. Not all LEP (or English Language Learner — ELL) students are children of illegal aliens, but most of them presumably are.²¹ With the exception of children of refugees, the children of immigrants legally admitted for permanent residence are likely to already speak English because the parents lived in the United States as nonimmigrants, or prepared for years to immigrate to the United States, or arrived from countries where English is taught in the schools.²²

The number of children of illegal aliens in LEP classes is smaller than the number of children of illegal aliens attending school for two reasons. First, some students graduate out of special English classes every year into the regular curriculum. Second, children of illegal aliens born and raised in the United States are less likely to need such assistance. For that reason, we estimate that slightly more than four-fifths of all LEP students are the children of illegal aliens and that more than nine-tenths of illegal alien students are in LEP

classes, but less than two-thirds of U.S.-born children of illegal aliens are similarly in LEP classes.

COST OF ENGLISH INSTRUCTION FOR THE CHILDREN OF ILLEGAL IMMIGRANTS

A 2004 report by the U.S. Government Accountability Office (GAO) estimated that the costs associated with English language instruction for limited English speakers adds significantly to the cost of normal instruction. The GAO noted:

“Bringing ELL-enrolled children up to the grade level of same age non-ELL-enrolled children has been estimated to potentially increase costs by an additional 10 to 100 percent over usual per pupil costs; for students living in poverty (independent of ELL programs), the corresponding range of estimates is 20 to 100 percent. Bringing students characterized by both poverty and limited English proficiency up to average levels of achievement could potentially increase average costs by a larger amount—perhaps 30 to 200 percent over average per pupil costs.”²³

That implies a very broad range. In the case of Virginia, it implies an annual per pupil additional cost of ELL instruction of between \$1,020 and \$20,400, excluding federal support.

ELL per pupil cost data for Fairfax County, the location of nearly two-fifths of all ELL students in the state, put the per pupil outlay for fiscal year 2008 at \$3,538.²⁴ Other jurisdictions in Northern Virginia have higher outlays than Fairfax County. Nevertheless, because Fairfax county has the largest number of ELL

\$1.56 billion taxpayer expense
 THE TOTAL ESTIMATED COST OF SCHOOLING FOR THE CHILDREN OF ILLEGAL ALIENS IS APPROXIMATELY \$1.56 BILLION DOLLARS.

students, we use that expenditure for Northern Virginia students in ELL programs. ELL expenditures in the rest of the state are lower, and we use a proportionately reduced ELL per pupil average outlay for the rest of the state.

That level of outlay is, however, only the part of the costs funded by the county. As noted above, a smaller, but significant, share of funding is provided by the state. Other funding that is provided by the federal government is ignored in this study. The average state

contribution is estimated to be about four-fifths of the local funding. The combined outlays average about \$6,370 per student per year in Northern Virginia and about \$5,960 in the rest of the state.

Based on the assumption that about 92 percent of the school aged illegal aliens are in LEP classes, as are about two-thirds of U.S.-born children of illegal aliens, about four-fifths of all LEP students are likely the children of illegal aliens.

LEP COST FOR CHILDREN OF ILLEGAL IMMIGRANTS (\$ millions)							
	Illegal Number	Cost @	Outlay	U.S.-Born Number	Cost @	Outlay	Total
No. Virginia	19,200	\$6,370	\$122.3	36,800	\$6,370	\$234.4	\$356.7
Other	4,800	\$5,960	\$28.6	9,200	\$5,960	\$54.8	\$83.4
Total	24,000		\$150.9	46,000		\$289.2	\$440.1

As shown in the table below the total estimated cost of schooling for the children of illegal aliens is approximately \$1.56 billion dollars. The educational expenditures are divided into regular K-12 schooling (71.8%) and LEP instruction (28.2%) and into education for illegal alien students (29.3%) and for the U.S.-born children of illegal aliens (70.7%). The total

of both K-12 and LEP expenditures for the children of illegal aliens are concentrated (84%) in Northern Virginia.

Some would argue that the cost of educating the U.S.-born children of illegal aliens should be treated separately from the cost of educating the children who are

TOTAL K-12 AND LEP EXPENDITURES (\$ millions)							
	Illegal Number	Cost @	Outlay	U.S.-Born Number	Cost @	Outlay	Total
K-12							
No. Virginia	20,800	\$12,500	\$260.0	55,400	\$12,500	\$692.5	\$952.5
Other	5,200	\$8,750	\$45.5	13,800	\$8,750	\$120.8	\$166.3
LEP							
No. Virginia	19,200	\$6,370	\$122.3	36,800	\$6,370	\$234.4	\$356.7
Other	4,800	\$5,960	\$28.6	9,200	\$5,960	\$54.8	\$83.4
Total			\$456.4			\$1,102.5	\$1,558.9

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illegal aliens themselves. However, these dual-citizen children would not be in this country receiving the benefits provided by the state's taxpayers were it not for the illegal presence of their parents. If the parents leave or are deported, it is reasonable to assume that the children will accompany them. The federal government provides for U.S.-born children to accompany parents who are being deported.

There may also be some illegal alien students in the state community college and university systems who are receiving a taxpayer subsidized education. In our 2005 study, we estimated that additional costs in Virginia from this subsidy could amount to as much as \$38-49 million per year. As recently as 2008, Virginia Tech, George Mason U., Old Dominion U., and Radford U. were said to be admitting illegal alien students, albeit at out-of-state tuition rates.²⁵ The costs of that enrollment to the state's taxpayers depends on the ex-

tent to which out-of-state tuition covers the full cost of the education provided and whether the illegal alien students are receiving discounts to that cost in terms of work-fare opportunities and scholarships. In any case, with a limit on enrollment in those schools, and many enrollment applications rejected, it is clear that legal Virginia residents are losing opportunities to illegal alien students.

Again it should be kept in mind that there are other educational expenditures not included in the \$1.7 billion estimate. In addition to previously cited expenditures for adult education English programs for, inter alia, illegal aliens and post-secondary education enrollment, those include such expense as administrative costs of dealing with non-English speaking parents through notices that have to be translated into foreign languages and interpreters used in parent-teacher conferences.

EMERGENCY MEDICAL OUTLAYS

EMERGENCY MEDICAL OUTLAYS

Estimates of the costs of uncompensated medical outlays are hampered by a lack of precise data. As the GAO noted in a May 2004 report, "Hospitals generally do not collect information on their patients' immigration status, and as a result, an accurate assessment of undocumented aliens' impact on hospitals' uncompensated care costs — those not paid by patients or by insurance — remains elusive."²⁶

The costs of medical care related to illegal immigration take several different forms. They include:

- The emergency medical treatment that is not covered by Medicaid and is therefore a burden on the state's taxpayer.
- The emergency medical treatment that is covered by Medicaid for deliveries to illegal alien mothers.
- Emergency and non-emergency medical attention that is covered by Medicaid for the U.S.-born children of illegal aliens.
- Medicaid expenses for the treatment of U.S. citizens who have contracted diseases from illegal aliens.

\$14.4 million in emergency treatment

IN THE 2006 FISCAL YEAR, THE STATE ESTIMATED THAT OUTLAYS TO NONQUALIFIED [ILLEGAL ALIEN] PATIENTS FOR EMERGENCY TREATMENT AMOUNTED TO \$14.4 MILLION.

Of these categories, only the first — emergency treatment not covered by Medicaid — is generally discussed when considering the medical costs to the taxpayer from illegal immigration. It is this expense that led to the adoption of a federal program to compensate states for these outlays. Although records are not kept specifically on the emergency medical care provided to illegal aliens, there are reasonably reliable estimates of such costs because medical facilities providing such services collect data to establish whether patients are eligible for Medicaid reimbursement and — by default — those ineligible for Medicaid reimbursement are generally illegal aliens. If the patient does not have a Social Security number, or has one that proves to be false, it is likely that person is an illegal alien. In the 2006 fiscal year, the state estimated that outlays to nonqualified [illegal alien] patients for emergency treatment amounted to \$14.4 million.²⁷ Both the further growth in the illegal alien population and generally higher costs will have increased such expenditures to as much as \$16 million currently. The federal government partially compensated states for their expenses in a program that ended in 2008. In that year, Virginia received a payment of \$2,456,233.²⁸ The out-of-pocket expense from emergency medical treatment was, therefore, approximately \$13.5 million.

The emergency medical care paid for by Medicaid for deliveries to illegal aliens represent the largest of the Medicaid costs. They are paid for under the concept that the medical service is being provided to the infant, who is born a U.S. citizen.

“Federal law generally excludes undocumented immigrants, as well as legal immigrants who have been in the United States less than 5 years, from Medicaid eligibility. These individuals can, however, receive Medicaid coverage for emergency medical services

(Emergency Medicaid) if they belong to a Medicaid-eligible category, such as children, pregnant women, families with dependent children, elderly or disabled individuals, and if they meet state income and residency requirements.”²⁹

In Virginia, pregnant illegal aliens may receive taxpayer funded treatment either under Medicaid — if their income is not greater than 133 percent of the poverty level — or under the state’s Family Access to Medical Insurance Security (FAMIS) program which extends coverage to persons up to 185 percent of the poverty level. Our assumption is that virtually all births to illegal alien mothers will be financed either by the Medicaid emergency program or FAMIS.

The annual average number of births in Virginia since 2000 has been about 102,400, and we estimate that slightly more than 22,000 of them have been to foreign-born women. About a third of those births are likely to have been to illegal alien mothers, i.e., more than 7,000 out of the about 30,000 Medicaid births per year in the state. Data from other states indicate that the average cost of an uncomplicated Medicaid delivery is likely to be at least \$10,000.³⁰ Medicaid expenditures in Virginia are split 50-50 between the state and the federal government. Thus, the state’s share of the cost of Medicaid births to illegal alien mothers is half of the \$70 million cost, i.e. \$35 million.

It should be noted that the \$35 million calculation assumes that all of the births were funded in the emergency Medicaid program. However, some of the births to illegal alien mothers may not have qualified for Medicaid coverage and were paid under the FAMIS program and, therefore, represented a higher cost to Virginia taxpayers. Without any basis for estimating how many births to illegal aliens are FAMIS-funded,

the cost estimate does not include the possible higher amount.

Expenses for Medicaid treatment of the U.S.-born children of illegal aliens are likely to be proportionate to the size of this population. Using the recent finding of the Pew Hispanic Center regarding the relative size of the population of U.S.-born children of illegal aliens, we estimate the U.S.-born children of illegal aliens in Virginia to be about 92,300 persons. As with childbirth expenditures, we assume that virtually the entire population of children of illegal aliens will be eligible for Medicaid or FAMIS-funded medical attention. Research establishes that the national outlay in child medical expenses in 2003 was \$67 billion.³¹ That amounts to an average per child expenditure in 2003 of about \$900. Adjusting for inflation, that current cost is about \$1,050 per child. For these U.S.-born children of illegal aliens, average annual medical costs would be about \$97 million with half, i.e., \$48.5 million, paid by the Virginia taxpayer — or higher if paid for in the FAMIS program.

No estimate is included of the medical costs associated with diseases that may have resulted from the rapidly

rising presence of illegal aliens in the state. However, it is worth keeping in mind that tuberculosis was virtually absent in Virginia until in 2002, when it registered a 17 percent increase. In Prince William County the rise was even greater — 188 percent. According to public health officials the surge was related to immigrant settlement.³² Other reports indicate that river blindness, malaria, and guinea worm have all been brought to Northern Virginia by immigration.³³ While non-endemic diseases introduced by immigrants will not necessarily be due to illegal immigration, the chances are greater that illegal aliens who enter the country without inspection will carry diseases than immigrants and visitors who enter legally through ports of entry and, in the case of legal immigrants, are required to undergo medical exams.

MEDICAL EXPENDITURES	
Non-Medicaid Emergency Care	\$13.5 million
Illegal Alien Births	35.0 million
Medicaid-FAMIS Care	48.5 million
Total	\$97.0 million

INCARCERATION OUTLAYS FOR ILLEGAL AND DEPORTABLE ALIENS

SIZE OF THE ILLEGAL ALIEN PRISONER POPULATION

The data upon which the costs of incarcerating illegal aliens can be estimated come from information collected in the State Criminal Alien Assistance Program (SCAAP), which is administered by the Office of Justice Programs in the Department of Justice. In that program, states and local jurisdictions apply for com-

ensation for the incarceration of illegal aliens and other deportable aliens.

In FY 1999, the state documented about 550 illegal alien detention years in its SCAAP application for reimbursement. In that year it received federal reimbursement for 38.6 percent of its costs.

Three years later, SCAAP data indicate that Virginia’s illegal alien inmate population had more than doubled to 1,192 inmate years, while compensation increased by 17 percent. In FY 2006, the state identified about 1,100 illegal alien prisoner years in the state’s detention facilities.³⁴

On the basis of this trend in SCAAP awards, and the fact that not all of Virginia’s jurisdictions are included in that program, we estimate the current deportable alien population in state facilities to be at least 1,500 prisoner years in 2008.

This estimate does not include all criminal costs generated by illegal aliens. In addition there are other administration of justice expenses related to crime costs, insurance, law enforcement, and prosecution that have not been included in this calculation.

Current guidelines for the compensation are: “SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.” The appropriation provided by Congress funds only a portion of the incarceration costs, and local jurisdictions absorb a major portion of these expenses.

As shown in the chart, SCAAP compensation paid to Virginia since 1997 has fluctuated widely from less than \$2 million to more than \$6 million. But this does not necessarily reflect a proportional change in the size of the incarcerated illegal alien population in the state because the compensation also varies based on the changing amount of appropriated funds. As a percentage of the national SCAAP outlays, the share received by Virginia jurisdictions has increased. Since

SCAAP REIMBURSEMENT

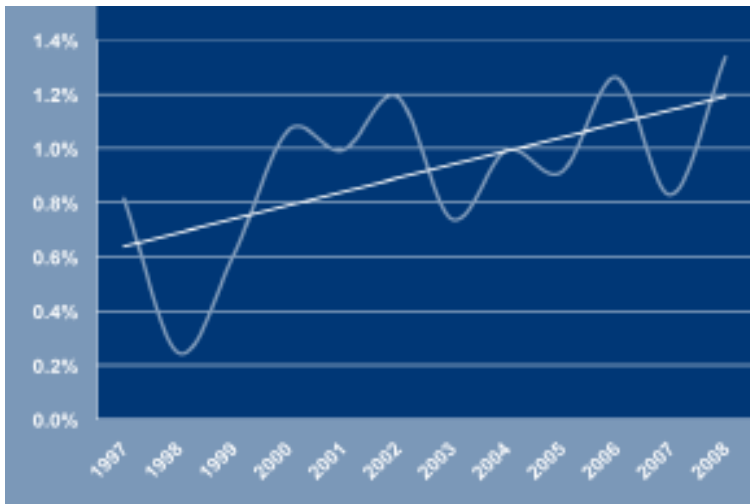
(in millions)



the SCAAP funds are distributed proportionately on the basis of the size of the inmate population, this implies that Virginia’s share of the national criminal alien population has similarly grown. As the linear trend line shows in the second SCAAP graphic, the state’s share has tended to about double from 1997 to 2008 (from about 0.6% of the national total to about 1.2%).

In a 2008 report to the state’s Senate Finance Committee, the annual per prisoner cost in the state’s prison system was identified as \$31,200. The average annual per prisoner cost in local jails was identified as \$22,265 with the state paying on average 47 percent of the cost. However, the cost varied widely with incarceration costs considerably higher in Northern Virginia because of generally higher salary costs. For example, average annual per prisoner costs in Loudoun County — the highest in the state — was identified as \$57,000 per year.³⁵ In a 2007 report, the Prince William County executive identified the annual cost per prisoner for 2006 of the Adult Detention Center as \$33,215.³⁶ Our assumption is that the latter amount is close to an average amount in the Northern Virginia facilities, although costs will have increased at the statewide average of 5.4 percent per year to \$36,900 in 2008.

VIRGINIA'S SHARE OF SCAAP FUNDING



There has been a recent trend in the state to reduce the population in the state prison system, which has had the effect of increasing local incarceration. In 2006, more than half (54.4%) of the SCAAP compensation went to the state system. In 2008, that share was reduced to slightly over one-third (34.1%) of the compensation. In 2006, about one-third (32.3%) of compensation went to Northern Virginia counties and independent cities. In the 2008 SCAAP compensation, more than half (53.2%) of compensations went to the same Northern Virginia jurisdictions. The largest of those recipients were Fairfax County (19.9% of total compensation), Prince William County (11.3%), and Loudoun County (9.2%).

In the following calculation, the illegal and deportable alien population has been separated into those prisoners in the state system, those in Northern Virginia pris-

ons and those in other county and independent city facilities based on the 2008 SCAAP report on distribution of payments. The estimate of the prisoner years in the Northern Virginia jurisdictions has been adjusted downward to reflect the higher costs in those facilities, and the prisoner year estimate in the other non-state system prisons has been adjusted upward to reflect the lower costs in those facilities.

COSTS OF ILLEGAL ALIEN INCARCERATION

(\$ millions)

	Prisoner Years	Cost @	Outlay
Expenditures			
State	635	\$36,500	\$23.2
No. Virginia	540	\$37,000	\$20.0
Other Local	325	\$23,500	\$7.6
SCAAP Reimbursement			-\$5.2
Total	1,500		\$45.6

The above estimate of the annual fiscal cost of incarceration is conservative because it is based on only those jurisdictions applying for SCAAP compensation from the federal government. Costs to the state's taxpayers are likely higher for the simple reason that several counties and independent cities, e.g. Virginia Beach and Norfolk, are not included in the SCAAP reports for either prisoner years or for compensation.

OTHER CRIMINAL JUSTICE EXPENSES

Not included in our estimate of the costs of incarceration of deportable aliens is any estimate of other expenses resulting from crimes committed by illegal



aliens. Such activities would include policing, especially policing for gangs that are likely to include illegal aliens. The growing presence of ethnic gangs that include illegal aliens is a recognized problem, especially in Northern Virginia.

“FAIRFAX POLICE SAY THAT MARA SALVATRUCHA HAS AS MANY AS 1,500 MEMBERS IN THE LARGE SUBURBAN COUNTY AND POSSIBLY 1,000 MORE ELSEWHERE IN THE REGION. THE 18TH STREET GANG AND THE SOUTH SIDE LOCOS, ANOTHER L.A.-BASED GANG, ACCOUNT FOR SEVERAL HUNDRED MORE MEMBERS. POLICE ATTRIBUTE A RAFT OF VIOLENT ATTACKS AND KILLINGS IN NORTHERN VIRGINIA TO MARA SALVATRUCHA MEMBERS.”

—WASHINGTON POST, AUGUST 1, 2004

Ethnic gang activity is not limited to Latinos, however. According to a U.S. Justice Department press release, “...a grand jury in Alexandria returned a 25-count indictment charging [seven persons] with numerous crimes related to Asian gang activity in Virginia, Maryland, and the District of Columbia. The indictment and related arrests are the result of a two-year investigation of racketeering activity and related violent crimes committed by an Asian racketeering organization known as the ‘Oriental Playboys’.”³⁷

Progress is being made in combating illegal alien crime, especially gang-related crime, through a pro-

gram of federal training of local law enforcement personnel in immigration law enforcement. These programs are known as 287(g) programs — named for the section of Immigration and Nationality Act that authorizes them. Before the advent of the 287(g) programs, and in those communities which do not yet have them, identifying illegal alien gang members required federal involvement, and that too often has been unavailable. Several Northern Virginia law enforcement jurisdictions have established 287(g) programs. In addition, these and other area jurisdictions are working cooperatively with immigration authorities to combat criminal operations involving illegal aliens in the Northern Virginia Gang Task Force. According to a recent report, “In the first four years, members of the task force made more than 2,000 arrests, including 820 felony arrests, and confiscated more than 200 weapons.”³⁸

In addition to prison, juvenile detention and policing costs, criminal aliens cause the police and the courts significant added expenses for interpreters/translators and the cost of trials, including public defenders for indigents. These clearly represent additional fiscal outlays that are attributable to illegal and deportable aliens that are not included in the annual \$45.6 million uncompensated cost estimate.

TOTAL EXPENDITURES FOR EDUCATION, EMERGENCY MEDICAL CARE AND INCARCERATION	
<i>Outlays (\$ millions)</i>	
Education	
Illegal Aliens	\$305.5
Children of Illegal Aliens	813.3
English Instruction (ELL/LEP)	440.2
Uncompensated Medical Care	97.0
Incarceration	45.6
Total	\$1,701.5



In 2008 there were about 2.72 million households in Virginia headed by native-born residents. So the average share of the more than \$1.7 billion borne by those households as a result of the estimated 295 thousand illegal aliens and their U.S.-born children

is about \$625 per native household per year. This cost does not include their share of the costs that are paid by these same taxpayers at the federal level that result from this same population of illegal aliens.

TAXES COLLECTED FROM ILLEGAL ALIENS

The Commonwealth Institute provided an estimate of taxes collected by the state from Virginia’s illegal alien population to the Governor’s Commission on Immigration in September 2008. The estimated amount of income, sales and property taxes was between \$145 and \$174 million.³⁹ That estimate was based on the assumption that half of an illegal population of between 250,000 and 300,000 pay income taxes and that other taxes are collected from the entire illegal alien population regardless of whether work is in the underground (off the books) or above-ground economy. The estimate would be higher today if adjusted for inflation.

The Institute’s computations were based on methodology developed by the Institute on Taxation and Economic Policy and on a 2005 estimate of the Pew Hispanic Center on the size of the illegal alien population. If the estimate were updated on the basis of the Pew Hispanic Center’s current estimate of Virginia’s illegal alien population of between 275-325 thousand persons, that level of tax collections would rise to \$174 to \$206 million. And if the estimate were also adjusted upwards for inflation, it would today arrive at about \$181 to \$216 million.

Before accepting that calculation as an offset against the fiscal costs of illegal immigration, the assumptions used in it should be examined. For reasons outlined below, tax collections from illegal aliens will be at a significantly lower rate than from legal residents and citizens.

- Data from the 2007 Census Bureau’s American Community Survey indicate that more than one-third of non-citizen households are in poverty or less than double the poverty level.⁴⁰ That is a share that is much larger than the illegal alien share of the non-citizen population. So it is reasonable to assume that the vast majority of illegal aliens fall in this category. Illegal aliens in general will have lower earnings than foreign-born U.S. citizens and legal residents, who are less likely to work in the underground, or “informal,” economy.
- Also in 2007, 78.4 percent of full-time, year-round, non-citizen workers in the state earned less than \$35,000 a year. That level of earnings for a family of four will not only be exempt from income tax, it will also qualify the family for negative taxes, i.e. the Earned Income Tax Credit (EITC).⁴¹ Those data apply to both legal and illegal foreign-

\$174 million estimated taxes collected

THE ESTIMATED INCOME, SALES AND PROPERTY TAXES COLLECTED BY VIRGINIA FROM THE

ILLEGAL ALIEN POPULATION WAS BETWEEN \$145 AND \$174 MILLION.

born residents. As noted above, the economic profile of illegal residents will be lower than that of legal residents and naturalized U.S. citizens.

- Illegal alien workers for whom taxes are withheld by employers are likely to have lower than average tax liability because they have larger than average families,⁴² and because they are more easily able to overstate their number of dependents since Social Security numbers for dependents are not required of children born and residing abroad. This opens a loophole that can be exploited to claim lower payroll tax withholding and greater dependent deductions on tax returns that are not readily verifiable.
- Illegal aliens often send part of their earnings abroad in the form of remittances. The Inter-American Development Bank estimates that in 2006, more than \$1.11 billion dollars were sent to Mexico and Central America from Virginia. Illegal aliens are more likely than legal immigrants to have nuclear family members living abroad to whom they send remittances. Besides being a drain on the state's economy by removing the earnings from circulation, these remittances reduce the disposable income of the sender, which means fewer purchases that generate sales taxes. This fact was noted in the Commonwealth Institute calculation of sales, excise and property taxes, although no information was provided as to the amount of any adjustment.
- Illegal aliens are more likely to make purchases in the informal economy from which sales taxes are not collected and paid to the government. An example would be home prepared food sold on job sites to laborers.⁴³

- The lower earnings profile means that a larger share of the illegal immigrant's disposable income will be spent on food, which is taxed at 3.5 percent rather than 6.5 percent.
- Illegal aliens often will share housing, which means that per capita indirect property taxes on rental property collected by local governments will be lower than for most other residents.

In our calculation of likely tax revenue collected from the illegal alien population, we use the same assumption as the Commonwealth Institute that approximately half of the state's illegal alien workers are in the underground economy and not paying income taxes. Institute on Taxation and Economic Policy (ITEP) data for Virginia estimates that the effective tax rate for a family earning between \$28,000 and \$43,000 is sales tax — 1.9 percent, income tax — 2.9 percent, and property tax — 2 percent. That represents taxes paid of \$1,863 to \$2,924. The Commonwealth Institute used an average family earnings level of \$27,400 that it attributed to the Pew Hispanic Center for 2003. Average earnings would doubtless have increased as a result of inflation, although probably less than for other workers because of the ability of employers to exploit these workers. We estimate the average family earnings will have increased to \$30,000. The ITEP model implies tax payments for that level of income of \$2,040 (\$870 income tax — 46.7%; \$600 property tax — 32.2%; \$570 sales tax — 30.6%).

It should be kept in mind that a minimum wage worker claiming head of household status and two child dependents has no tax liability and therefore, no withholding. The \$30,000 income would be only

slightly higher than the earnings of a two-worker family with each of the two earning the minimum wage. In addition, if one of those workers had a Social Security number or a Individual Taxpayer Identification Number, they could file for the Earned Income Tax Credit, which is a reverse tax payment ignored in the ITEP and Commonwealth Institute calculations. In Virginia, "...a family earning up to \$41,646 per year might qualify and an EITC refund might be as much as \$4,828."⁴⁴

In our calculation below, we have reduced the estimate of income tax collections not just by the half not working in the underground economy, but also for those using fake or stolen identity documents for legal jobs but having no tax withholding or negative tax withholding (EITC) because of their low earnings. For our estimate of property and sales tax collections, in addition to the lower disposable income because of remittances, we have reduced the ITEP estimate to take into account the factors of shared housing and lower sales

taxes due to a larger share of disposable income spent on food.

We estimate that about 39 percent of the tax collections from the illegal alien population will be from sales taxes. About 41 percent of tax collections will be local property taxes, and the remaining 20 percent of tax collections will be state income taxes. The average family working in the underground economy would have tax payments of \$877 and one working as if they were legal workers would have tax payments of zero to \$1,747. The results are shown below.

TAX RECEIPTS FROM ILLEGAL ALIENS	
Property Tax	\$77 million
Sales Tax	\$74 million
Income Tax	\$37 million
Total	\$188 million

OUTLAYS FOR AND RECEIPTS FROM ILLEGAL IMMIGRANTS	
<i>2008 Outlays (\$ millions)</i>	
Fiscal Costs	\$1,702
Receipts	\$188
Net Fiscal Burden on Virginians	\$1,514

FUTURE IMPLICATIONS

Virginia’s taxpayers increasingly have been required to assume a growing burden for local governmental outlays resulting from the rapidly rising number of illegal aliens living in the state. Unless federal, state or local measures — or a combination of such measures — are taken to stem the flow of illegal immigration, these costs may be expected to continue to rise. And the

costs of illegal immigration are not likely to subside until the size of the illegal alien population begins to subside.

If today’s illegal residents were to gain legal status, as the Obama administration has adopted as a legislative goal, such an amnesty would not significantly change

the cost burden on the Virginia taxpayer, because the illegal alien population, in general, does not have the educational preparation or work skills that would allow it to move to higher paying jobs and contribute more in tax payments. Rather, the adoption of any amnesty is more likely to enhance the temptation for

others to follow the same illegal path taken by the amnesty recipients. Furthermore, an amnesty would increase access to public services by newly legalized residents and, therefore, the costs — thereby increasing the burden.

RECOMMENDATIONS

The heavy fiscal costs to Virginians associated with illegal immigration are not inevitable. While the federal government has the primary responsibility for enforcing immigration laws, state and local governments have a role to play that can either discourage or encourage illegal immigrants settling in their area. State and local policies can either facilitate or hinder federal immigration law enforcement efforts. As noted previously, Virginia has launched several programs aimed at deterring the settlement of illegal aliens. The 287(g) local-federal cooperative agreements offer an example, and the Secure Communities program offers another. For example, in Fairfax County, the U.S. Immigration and Customs Enforcement (ICE) agency has put detainees on 200 of the jail’s 1,300 inmates since the Secure Communities program began there in March 2009. According to Capt. Glenda Pfister of the county sheriff’s office, “When we have aliens who are serious criminals, they get removed from the county instead of being released to the street.”^{xlv}

Nevertheless, Virginia still has available additional options for lessening the burden on the state’s taxpayers. The E-Verify program, that denies job opportunities to

illegal aliens and exposes to prosecution those employers who ignore the law, if enacted as a requirement for all employers as was pioneered by Arizona, would provide a major deterrent to new illegal aliens and would, over time, decrease the size of that population. The state could also begin a program to systematically collect data on expenditures on illegal aliens. It is already doing that with regard to illegal aliens in the prison system and could devise the means to gather accurate information on medical and educational expenditures.

LOCAL REFORM ACTIVISTS SHOULD ALSO FOCUS ON NATIONAL POLICIES

Virginians have a right to expect their national and local elected representatives to work to alleviate the fiscal burden of illegal immigration. To simply convert illegal alien residents to legal resident status with an amnesty violates a fundamental principle of immigration reform, because it would encourage rather than deter future illegal immigration. A policy that conveys the message that the country or any state or local government will tolerate and reward foreigners who ignore our immigration law invites the world to see

THE ADOPTION OF ANY AMNESTY IS MORE LIKELY TO ENHANCE THE TEMPTATION FOR OTHERS TO FOLLOW THE SAME ILLEGAL PATH TAKEN BY THE AMNESTY RECIPIENTS. FURTHERMORE, AN AMNESTY WOULD INCREASE ACCESS TO PUBLIC SERVICES BY NEWLY LEGALIZED RESIDENTS AND, THEREFORE, THE COSTS — INCREASING THE BURDEN.

illegal immigration as an accepted route to seeking a better life in our country and perpetuates the problem.

As the late Barbara Jordan, a former member of Congress from Texas and chair of the U.S. Commission on Immigration Reform summed up her view on immigration;

The credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave.

—U.S. Immigration Policy: Restoring Credibility
(USCIR 1994)

Virginia’s elected representatives owe it to the state’s citizens and legal residents to uphold the principle that the United States is founded on respect for the rule of law, and to act in ways that demonstrate that those who disrespect our immigration law will not be tolerated.



ENDNOTES

- 1 FAIR's estimate of the illegal alien population is nearly the same as the current estimate by the Pew Hispanic Center of an illegal alien population of about 300,000 persons. The latest federal government estimate of the state's illegal alien population was that in 2000 the population was about 212,000 persons.
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- 5 "Governor's Commission on Immigration: Final Report," (Chaired by Va. State Senator John Watkins [R] and Delegate Jackson Miller [D]), January 2009.
- 6 Cassidy, Michael and Sara Okos, "Fiscal Facts: Tax Contributions of Virginia's Undocumented Immigrants," The Commonwealth Institute, undated.
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- 16 "Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2006–07 (Fiscal Year 2007)" (Table 6), National Center for Educational Statistics, February 2009.
- 17 "Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States," The Urban Institute, September 1994.
- 18 Average cost per pupil is \$13,340 for the 2008-09 school year in Fairfax County schools, (Website consulted May 14, 2009 . <http://www.fcps.edu/about/stats.htm>).
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http://www.doetest.vi.virginia.gov/VDOE/Instruction/ESL/new_coordinators_academy.ppt.)
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<http://www.migrationinformation.org/datahub/acscensus.cfm?CFID=2446740&CFTOKEN=52980399#>)
- 22 The number of refugees intending to reside in Virginia during the 1997-2006 decade was 14,669, and most of those admissions were adults. In the Department of Homeland Security's 2006 Yearbook of Immigration Statistics, 20.9 percent of refugee admissions in that year were school aged.
- 23 United States General Accounting Office, (GAO-04-733), June 2004 *op.cit.*
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- 41 The federal government's poverty guideline for 2006 placed the poverty level for a family of four at annual income of \$20,000 (with an upward adjustment of \$3,400 for each additional family member).
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ABOUT FAIR

The Federation for American Immigration Reform (FAIR) is a national, nonprofit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

FAIR seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest – more traditional rates of about 300,000 a year.

With more than 250,000 members and supporters nationwide, FAIR is a non-partisan group whose membership runs the gamut from liberal to conservative. Our grassroots networks help concerned citizens use their voices to speak up for effective, sensible immigration policies that work for America's best interests.





FAIR's publications and research are used by academics and government officials in preparing new legislation. National and international media regularly turn to us to understand the latest immigration developments and to shed light on this complex subject. FAIR has been called to testify on immigration bills before Congress more than any organization in America.

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ISBN 978-0-9797192-7-1