

Why Illegal Immigration Is an Intergovernmental Mess and Will Remain So

A CASE STUDY |

If you would like to get into a heated debate with someone, illegal immigration would be a good topic. In the United States today there are few issues that draw more emotional reactions than the government's policies for dealing with illegal immigrants. From border security to the provision of social services to illegal residents, there seem to be a countless number of elements to this polarizing issue. And as the nation struggles over the illegal immigration quandary, the issue has become a perennial point of contention within the federal system of government. With the national, state, and local governments all playing key roles in the management of illegal immigration issues, it is inevitable that this topic will illustrate the complexity of intergovernmental relations in the United States today.

As with so many other aspects of public administration, the U.S. Constitution says very little about the subject of immigration. While never mentioning the word "immigration," the Constitution addresses naturalization of citizens in two places: Article I, Section 8, authorizes Congress to "establish a uniform Rule of Naturalization," and the Fourteenth Amendment declares "All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside." With such scant direction from the highest law in the land it has fallen on generations of public officials to manage the process by which foreign-born individuals enter into citizenship.

While the process of becoming a citizen has been under the federal government's auspices, the management of the flow and treatment of those illegally entering the United States has been much more fragmented. Ports of entry, border-crossing patrols, and customs operations are run by the federal government, with penalties such as incarceration carried out by federal authorities. Although the issue of border security and the prevention of illegal residents from entering the country are the domain of the feds, there is very little satisfaction with the way the powers in Washington, D.C., have dealt with the issue. According to the Pew Hispanic Center, there were approximately 11 million illegal immigrants living in the United States in 2007, with almost 6 in 10 coming from Mexico. But other estimates go as high as 20 million. The situation is so out of control that no one can provide any numbers with certainty.

To deal with this vast population of illegal immigrants, state and local governments have struggled to provide support services. From schools to medical care, illegal immigrants require many of the same services needed by legal immigrants and citizens. However, illegals are likely to have paid less in taxes than citizens because of "under the table" employment options, which often allow them to work for undocumented and untaxed cash as part of the nation's already vast underground tax-evading economy. In addition, their often poor economic conditions, lack of health insurance, and language barriers require more public social services than those needed by average

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