

## HURLING TOWARD 50 MILLION: CALIFORNIA EXPANDS THE WELCOME MAT FOR ILLEGAL IMMIGRATION

**An NPG Footnote  
by David Simcox**

The federal government in Washington may be loathe to make population policy, but California's governor and legislature have shown by their latest enactments on immigration that they have no problem at all with that.

### **MAKING POPULATION POLICY IN THE LARGEST STATE**

The lawmakers' priority concern appears to be that the state doesn't have enough illegal immigrants – now estimated at 2.45 million, or 6.6 percent of the Golden state's population and more than one-fifth of all unauthorized aliens in the U.S. At least an equal number of the state's foreign-born residents originally entered and resided in the state illegally before being legalized by marriages or by various federal amnesties enacted since 1986.

The new laws, part of a legislative package signed in early October by Governor Jerry Brown, further shield illegal aliens from federal detection and deportation while giving them new rights and benefits. Sacramento's actions come at a time when illegal immigration is rising again, after easing off slightly during the recent recession. It also comes at a time when the state is suffering 8.9 percent unemployment, 21.9 percent higher than the national rate.

Most controversial among the new laws – and most defiant toward federal immigration authority – is a measure barring local law enforcement agencies from detaining people for the federal Immigration and Customs Enforcement (ICE) if they are arrested only for a minor offense and otherwise eligible for release from custody.

### **HANDCUFFING THE IMMIGRATION ENFORCERS: A DOUBLE STANDARD FOR STATE LAWS**

Under the present "Secure Communities" process, local police submit particulars on persons picked up to ICE for checks of immigration status. ICE then requests local police to hold those suspected on immigration offenses. Now, ICE requests for holds would be honored only in case of

"serious" crimes. Sadly, in the present faltering political will for enforcement, most immigration offenses – even felonies such as illegal re-entry after removal – are no longer regarded as "serious" offenses, either in Sacramento or the Department of Homeland Security (DHS). Most revealing of the White House and DHS mentality was the endorsement of California's new laws by Janet Napolitano, who just resigned as Secretary of DHS.

Some law enforcement and criminal justice officials have condemned this measure as unwise and as an unconstitutional intrusion on the federal responsibility for immigration enforcement. California immigration advocates – and the Obama administration – as recently as 2010 demanded revocation of Arizona's SB 1070 immigration enforcement measures as a usurpation of federal powers, some boycotting Arizona in retaliation. U.S. Attorney General Holder warned that Arizona's law conflicted with federal powers and thus "crossed a constitutional line." These same voices have been noticeably silent about California's latest rejection of federal authority.

Two of the measures further extend the privilege of resident tuition rates to certain classes of illegal aliens and to non-resident U.S. citizens who are dependents of deportees. California is already one of ten states granting residential tuition rates to illegal aliens in state schools. Another law permits illegal immigrants to apply for driver's licenses, though just how those licenses would be marked to distinguish them from those of legal residents as U.S. law now prescribes is a hard battle that remains to be fought.

If you are a Californian, be careful if you are thinking of being a good citizen and reporting suspected illegal immigration. The new laws put you at risk of charges of "extortion" for threatening to report someone. Business owners who might consider turning in employees who are unauthorized now could be charged with "retaliation," with possible loss of their business licenses and fines.

Probably the most incongruous is a new state law admitting illegal aliens to practice law. Thus, those present

in California in violation of federal law can become officers of California's courts. But a companion measure to make non-citizens eligible to be jurors was vetoed by Governor Brown, who considered jury duty a unique prerogative of citizenship. In August Brown also signed a law allowing non-citizens to serve as election officials at polls.

### A DEFEAT FOR POPULATION SANITY – IN CALIFORNIA AND THE NATION

Immigrant rights groups were quoted in a *New York Times* report on October 7 as proclaiming the new laws as “enormous momentum for immigrants.” NPG sadly agrees: the laws are therefore a serious set-back for the cause of population stability and ultimate reduction, not just in California but the entire nation.

By sheltering illegal aliens, California ensures that they will be more likely to remain and to encourage family and friends to join them. California will also be even more inviting in its role as a staging area for newly arrived illegal immigrants and their smugglers before they fan out to other states. More illegal immigration now will mean more future amnesties and more cascades of family reunification down the line.

With California as the leading trendsetter among states, the laws could further erode the declining legitimacy of immigration laws in other states, particularly those with sizable populations of illegal immigrants and powerful ethnic lobbies (e.g. Texas, New York, Florida, New Jersey, and Illinois). Concerned with Washington's weak

leadership on immigration policy, those states, in their impatience, might well enact similar laws accommodating illegal immigrants – particularly if President Obama and Attorney General Holder allow California's law to go unchallenged. In California, the Governor himself explained that weariness with Washington's “waffling” made action necessary.

California's population growth has slowed in the last two decades, but is far from stabilizing. California grew from 29 million in 1990 to 37 million in 2010 – an increase of 28 percent. Along with the state's robust population growth have gone shifting political demographics. Immigrant-friendly Democrats now have exclusive control of the executive and legislative branches, with the growing Latino Caucus holding the balance of power in the legislature and demonstrating its power in this latest capitulation to “immigration on demand.”

Fertility has fallen among all ethnic groups, though Hispanic women still have above-replacement fertility (TFR 2.2), and the state's birthrate at 13.2 per thousand exceeds the national average. In 2012, Hispanics, now about 38 percent of the state's population, produced 48.7 percent of its babies. The state is now projected by Virginia's Cooper Center to reach 50 million shortly after 2040 – an increase of one-third from 2010. But even 50 million by 2040 may well prove to be a projection short-fall if the resurgence in illegal immigration, now abetted by the state's politicians, continues.

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