

Immigration Reform: The Benefits of Increasing Legal Pathways to
Immigration for Undocumented Immigrants and Economic Migrants

Maryam Guerrab

Harvard University

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I. Introduction

In 2022, 11.0 million undocumented immigrants (UIs) lived in the United States (Passel & Krogstad, 2024). Two thirds of this population have lived in the US for more than 10 years, and on average UIs have lived in the country for 16 years (Peri, 2021). These individuals have children who are American citizens, and established lives in the US. However, in spite of the fact that UIs are productive and contributing members of society, they suffer unjustly because of their legal status. They are afforded few constitutional rights - which, in practice, are still applied restrictively (Frazee, 2018 - and UIs experience higher rates of poverty, low high school graduation rates, and limited access to healthcare driven in part by their insecure legal status (“What you should know”, 2021).

Currently, there are limited paths to citizenship. For example, for unskilled workers there is no permanent and legal path to citizenship except through family reunification (Bier, 2018). These difficulties in obtaining legal citizenship come in contradiction to public opinion and economic growth (“Pathways”, 2021; Peri, 2021). Public opinion polls conducted in key battleground states and nationwide indicate strong support, 79% and 70% respectively, for creating pathways to citizenship for UIs if certain conditions are met (“Pathways”, 2021; Gallup, 2025). Economic analysis suggests that providing UIs with the legal right to work would increase US GDP by trillions of dollars and generate hundreds of thousands of new jobs (Peri, 2021; Appleby, 2024). The public’s willingness and the economic benefit of providing legal status to UIs is clear.

I argue that amending the Immigration and Naturalization Act of 1965 (INA) - to expand citizenship pathways to essential workers and those with familial ties to the

US will 1) help ease the burdens faced by long-standing residents of the US and 2) stimulate the US economy. Further, expanding citizenship pathways to low-income, economic migrants (EMs) - who might otherwise immigrate to the US illegally - can address key labor gaps and decrease influx of undocumented migration.

II. Undocumented Immigrants in the US

Undocumented immigrants are deeply embedded in the fabric of American society and the US economy. Yet their contributions are overshadowed by the legal, economic, and societal hardships they endure because of their lack of status.

From 1990 to 2007, the United States experienced a stark increase in the number of UI residents. However, since then, the population has steadily declined until 2019. 37% of the overall population comes from Mexico, and other significant countries of origin include El Salvador, Guatemala, Honduras, and India (Passel & Krogstad, 2024). More than 3 million have children who are US citizens, and more than 1 million are married to an individual who is a US citizen. This means that more than 4 million, out of roughly 11 million UIs, have permanent ties to the US (“Pathways”, 2021), but these long-standing residents still live under the constant threat of deportation. In addition to having permanent ties to the US, many UIs are meaningful contributors to US society and economy. 2 million UIs are considered “Dreamers”, who came to the United States as minors and have either graduated high school or are currently still enrolled in school. 5.2 million UIs, half of the UI population, work in essential industries and make up 5% of the U.S. essential worker population (“Pathways”, 2021). Per person, UIs contribute nearly \$9,000 in tax revenue, contributing nearly \$100 billion in federal, state, and local taxes (Davis et al, 2024). Economists predict that

legalizing the UI population would increase US GDP by \$1.2 - \$1.7 trillion and generate more than 430,000 new jobs (Peri, 2021; Appleby, 2024).

However, fear of deportation and a lack of resources limit the ability of UIs to lead fruitful lives - for many, the deprivation experienced as a result of their legal status facilitates economic, physical, and mental harm (Broder, 2023). 20% of UIs live below the poverty line because of limited legal employment opportunities (“What you should know”, 2021), and a bleak employment future coupled with the need to financially support their families has contributed to a low high school graduation rate amongst UIs (“What you should know”, 2021; Kreisberg & Hsin, 2020; Zong & Batalova, 2019). Limited financial resources, a lack of access to public support, and fear of immigration enforcement have also led to inadequate access to health insurance and services (*Key Facts*, 2025; “What you should know”, 2021). Additionally, the constitutional rights of UIs are infringed upon. For example, while the fifth and sixth amendment right to due process and legal counsel are afforded to all people in the U.S., UIs are regularly not provided with hearings. Even when they are provided with a hearing, the additional right to counsel does not apply since deportation hearings are considered civil and not criminal cases; paradoxical to the fact that an illegal crossing of the border is considered a crime (Frazee, 2018). These infringements and unfounded laws come as a result of limited pathways to citizenship.

III. A Brief History of Immigration Law

Understanding how US Immigration Policy has evolved reveals the root causes of the high number of undocumented immigrants in the country, and explains the limitations to current pathways to citizenship. Modern immigration pathways in the US

were established by the Immigration and Naturalization Act of 1965 (INA) and the Immigration Reform and Control Act of 1986 (IRCA). Before 1965, immigration to the US was restricted by a quota system that allowed, restricted, or barred immigration from specific countries. Generally, immigrants from Western Europe could easily migrate; those from Southern and Eastern Europe and non-white immigrants faced more restrictive quotas, limiting migration from these regions. (History.com Editors, 2010). The quota system received significant backlash in the 60s during the civil rights movement due to its racist origins. Inspired by Kennedy and signed into law by President Johnson, politicians were more than willing to support the law because of the widespread belief that the law wouldn't significantly change the then-present immigration trends (History.com Editors, 2010).

In the 1960s, the INA established familial sponsorship pathways, skills-based and employment pathways, and pathways for refugees. However, quotas were still used for each country and for different immigrant categories (History.com Editors, 2010), and the IRCA that followed would restrict the historic precedent of legalized, circular migration - the regular back-and-forth movement of migrants engaged in between the US-Mexico border for economic reasons (Shashkevich, 2018). For instance, before the IRCA's effect took hold, 86% of Mexican migrants, after entering the US for work, would return back to their home countries (Shashkevich, 2018). The law's new restrictions subsequently increased the number of UIs remaining in the country. In 1990, the population of UIs in the US was at 3.5 million people, and by 2007 the population had reached 12.2 million (Passel & Cohn, 2019). The INA and IRCA had led to a revolutionary shift in immigration and helped form the "nation of immigrants" that the US is today (History.com Editors, 2010).

IV. Current Pathways to Legal Immigration

Currently, there are five official pathways for legal immigration: the refugee program, the diversity lottery, family sponsorship (for relationships other than spouses, minor children, and parents for whom there is no cap for), employment-based self-sponsorship, and employer sponsorship. However, the only pathway for permanent citizenship that exists for UIs is through their children or citizen spouses. Children or spouses who are US citizens and older than the age of 21 can submit an application for citizenship for their UI parent or partner (Bier, 2023). However, depending on how the UI entered the US, they may be required to travel back to their country of origin in order to process their residency application and may incur travel restrictions because of their status (“How US Citizens”, 2023).

The other non-citizenship pathways for legal immigration are also restrictive, limiting the number of low-income EMs, and facilitating the continuation of illegal migration. The refugee pathway is not viable for EMs because 1) the U.S. legal definition of a refugee is incredibly narrow and does not include those who flee homelands due to abject poverty or gang violence, and 2), even those who do meet the definition have a 1/1000 chance of being resettled in the US (Bier, 2023). The diversity lottery is not viable for prospective immigrants because the only individuals who are eligible are those whose countries of origin are underrepresented in the US. Moreover, applicants to the diversity lottery only have a 2/1000 chance of obtaining a green card (Bier, 2023). In regard to family sponsorships, outside of marrying a US citizen or having an adult child who is a citizen, there are quotas on the number of visas that can be apportioned by type of relationship and by country. Depending on the relationship between

permanent resident or citizen (e.g. not a child below 18 or a spouse) and the applicant and the country of origin (e.g. particularly relevant if many immigrants in the US are from the nation of origin - such as Mexico or India), this process can take decades or even hundreds of years (Bier, 2023). In regard to employment-based self-sponsorship pathway, this avenue is inaccessible to impoverished migrants since it only applies to those who are “extraordinary”, are of “national importance” or can afford to make a \$800,000 investment into the US economy, a feat unattainable to everyone except a select few (Bier, 2023). The last pathway is that of employer sponsorship, which may sound like a promising pathway for EMs, but it, like the other pathways, is inaccessible to many. For one, only .067% of all new hires in the US come through this program. Furthermore, of the six employment categories established - religious workers, executives and managers, outstanding professors and researchers, national interest physicians, shortage workers (e.g. nurses and physical therapists), and workers with labor certifications - only the last is available to EMs (Bier, 2023). Also, migrants must have secured a job before arriving in the US. Additionally, if there is a US worker who meets minimum qualifications for the position and willing to work, an immigrant worker will be denied (Bier, 2023).

There are specific visas allocated for less-educated workers such as the H-2A or H-2B visas for both agricultural and non-agricultural workers, however, these visas are temporary. Not to mention, the process for employers to actually sponsor an immigrant is incredibly expensive and further incentivizes employers to hire workers illegally, jeopardizing UI's labor rights (Bier, 2023). To further restrict low-skilled immigration, subsequent laws established that only 5,000 green cards can be afforded to individuals without college degrees, making it practically impossible for non-college

educated and low-skilled individuals to legally secure a permanent immigration pathway (Bier, 2018).

V. Policy Proposal

To address the needs of undocumented migrants currently in the United States and increase immigration pathways for prospective EMs who would otherwise immigrate to the US illegally, I propose a two-pronged reform to the Immigration and Naturalization Act of 1965.

Part 1: Improving Legalization Pathways for UIs already in the US

1) Offering a pathway to immigrate with no repercussions to immigrants who have lived here for 10+ years and have a job, and those with children or spouses who are US citizens.

Currently, $\frac{2}{3}$ of all UIs have lived in the US for more than 10 years and more than $\frac{1}{3}$ have spouses and/or children who are US citizens (Peri, 2021; “Pathways”, 2021). There are no pathways to become a legal resident based on time in the US, contrary to popular support (Bier, 2023; “Pathways, 2021”). UIs with children who are US citizens must wait until their children reach 21 before a visa application can even begin. Even then, as is also the case with a UI who has a spouse who is a US citizen, if the individual immigrated to the United States without permission (e.g. crossing the border without a visa), then they must process their visa application in their country of origin and may be barred from returning to the US for a period of 3 or 10 years depending on how long they stayed in the United States without permission (“How US Citizens”, 2023; Bier, 2018). The general principle of family reunification that drives US

immigration is not upheld for UIs and millions of individuals are at risk of being torn apart from their families. This proposal has the potential to change that.

2) Offering immigrants who are essential workers a specific pathway to citizenship.

5.2 million UI are essential workers, making up 5% of all essential workers (“Pathways”, 2021) in the United States. These include workers in industries such as healthcare, education, emergency response, agriculture, energy, transportation, water and waste management, and many other vital sectors (Wales, 2020). The labor forces of these critical sectors depend on UI’s, and it is estimated that they comprise 34% of farm workers, 13% of construction workers, and 7% of those in the manufacturing and production sectors. Many essential workers have strong ties to the US as well - 1,000,000 essential workers are Dreamers and have lived in the US since childhood, 4.2 million have lived in the US for at least a decade, and 2.3 million have a spouse or child who is a US citizen (“Pathways”, 2021). UI essential workers are deeply ingrained in the fabric of US society and are integral to the economy.

Part 2: Expanding Legal Pathways for Future Economic Migrants

1) Removing the requirement that an immigrant can only be provided an employment-based visa in the event there are no U.S. citizens who are also qualified.

The current law inhibits economic growth. The most recent data indicates there are currently 8 million open job positions, but only 6.8 million individuals who are unemployed (Ferguson, 2025). While these openings span multiple sectors, a significant number pertain to low-skilled workers. These occupations don’t require a college degree, and are becoming undesirable as US citizens are acquiring college degrees at higher rates than ever. The food service, hospitality sectors, and other

low-wage industries have the highest turnover rates and the most difficulty retaining employees. For example, there are hundreds of thousands of positions within manufacturing and the leisure and hospitality sectors that are currently unfilled (Ferguson & Hoover, 2025). The number of available positions is projected to increase as trends indicate that America's labor force participation rate will continue to decline, especially as the disparity between older Americans leaving and younger generations entering the workforce continues to expand (Ferguson, 2025). By adopting the proposed amendment, EMs can access a legal visa pathway and acquire unfilled and undesirable roles, helping to boost the US economy.

2) Abolishing the requirement that employment must be secured for employer-sponsored visas before arrival to the US.

It is incredibly unrealistic to expect low-skilled workers to obtain a position in the US while still in their country of origin. There is a lack of accessible resources and information on low-skill U.S. jobs, and language barriers are a significant obstacle. Instead, I suggest allowing a certain number of unskilled workers to immigrate within certain parameters. After immigrating, an individual or member of a family has a 6 month to 1 year period to secure a position in an area that is experiencing a labor shortage as a viable pathway to securing a visa; if they are unable to, then will need to return to their country of origin. This will provide an avenue to legal residency for those recently arrived and will simultaneously ensure that the employment being sought out by EMs is not detracting from a position that a US citizen would have otherwise obtained, thus, addressing that objection and fulfilling a need in the economy.

3) Removing the cap that does not allow for more than 5000 visas to be apportioned to those without college degrees.

The aforementioned changes cannot be effectively implemented without the removal of the quota only allowing for 5,000 visas to be apportioned to those without college degrees (Bier, 2018). There are 1.2 million vacant job positions, many of which with no higher education requirements (Van Hook, 2023; Ferguson, 2025). Thus, in order for any immigration amendment regarding low-skilled workers to be effective, this cap must be lifted.

VI. Potential Responses to the Proposed Legislation

Democratic politicians have historically supported immigration pathways to citizenship for UIs, and would be expected to support this policy. Additional potential support might come from Republican politicians due to the influential segment of their constituency that are strong proponents of growing the labor force to stimulate the economy, as providing citizenship pathways for current UIs is expected to increase US GDP by trillions, generate billions and tax revenue, create hundreds of thousands of jobs (“Pathway”, 2021; Peri, 2021), and address labor shortages in key industries (Van Hook, 2023; Ferguson & Hoover, 2025). However, it is to be expected that many Republican voters and politicians will be strong opponents of the bill, especially considering the strong anti-immigrant sentiment that exists in the current political climate, fueled by Trump’s rhetoric supporting mass deportation (Williams, 2024).

Additionally, this proposed bill may have unintended consequences. For one, increasing the legal avenues for migration and citizenship may lead to an immediate migrant surge as individuals learn that there are more job opportunities and pathways to citizenship (Clemens, 2024). However, if historical precedent is any indication, less restrictive migration flows may allow for increased circular migratory patterns and

decrease the number of individuals permanently residing in the US (Shashkevich, 2018). Further, a study completed by the Pierson Institute for International Economics shows that increasing lawful entries by 10% decreases unlawful crossings by 3% after a period of 10 months, with greater deterrence seen over time (Clemens, 2024). Opponents may argue that while providing citizenship based on labor shortages might help the economy, in the long term, these same individuals or their children will gain education and professional skills that are suited to better paying jobs. This means that these same individuals, or their children, will eventually be competing with generational Americans for opportunities (Penn, 2016), and they would oppose the bill in order to safeguard “American” interests. I counter that increasing legal avenues of immigration and naturalization will not necessarily threaten the financial stability of Americans. Our economy already depends on millions of UIs and immigrants, and considering the declining rate of labor-force participation amongst Americans, this dependency will only grow (Ferguson, 2025), and providing UIs and future immigrants citizenship is economically beneficial for the US economy (“Pathway”, 2021; Peri, 2021).

VII. Conclusion

Millions of UIs and their families are positively contributing to the US, yet they experience intense hardship, limited legal freedoms, and are at constant threat of deportation, a threat which will only grow under Trump’s presidency. Providing pathways to citizenship for these individuals stands to not only have a significant positive impact on millions of lives but also on the US economy.

To address the root causes of undocumented immigration, reforming pathways

targeted to prospective EMs is necessary. Through removing restrictions on visas apportioned to low-skilled workers to address unmet labor force needs and encouraging work in underserved and essential sectors, employment and revenue generation in key industries stand to benefit significantly. My proposed two-pronged legal and policy approach addresses UIs currently in the nation and prospective EMs, and is the kind of action needed in order to develop a sustainable immigration system in the US. While in a pre-Trump era, I was confident that although some individuals might oppose these amendments because of its unintended short and long term consequences, these policies might have had broad popular support. My optimism that any such immigration reform will happen during a Trump presidency is slim, although there remain viable methods to address the consequences of restrictive immigration laws.

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