RETHINKING U.S. IMMIGRATION POLICY

Introduction

In the April, 2019 Atlantic, David Frum asks this question. HOW MUCH IMMIGRATION IS TOO MUCH IMMIGRATION? "Too little immigration, and you freeze your country out of the modern world. Too much, or the wrong kind, and you overstress your social-insurance system – and possibly upend your democracy." He points out that present day Americans are not replacing themselves. "Without immigration, the US population would age and shrink." The question then remains, how much and what kind of immigration do we want?

Comprehensive immigration policy and law in the United States has not been addressed by Congress in over 25 years. Factors to take into consideration include the health, welfare and safety of our country and global ecological and humanitarian issues. This paper will address factors impacting immigration, policy proposals and LWVUS criteria to evaluate any proposals.

Factors Influencing Migration

 Key factors acting at the society level down to the individual level drive population movements, including:

* Socio-political factors: Politicization of religious and ethnic identities, racial and cultural persecution, warfare or threat of conflicts, human rights violations and rising communal violence all influence migration.

* Economic Factors: Economic disparity between developing and developed economies encourages the movements of skilled labor from the former to the latter. Employment opportunities also result in people moving from rural to urban areas within their own country.

* Ecological Factors: Climate change has the potential to intensify the impacts of social, political and economic factors - even if individuals move only a short distance. Impacts will be greatest in developing countries which lack the ability to address or adapt to the changing environment.

Immigration Policy Reform

Creating an effective policy begins with a consensus about the broad aims of what that policy should be. The University of Denver "Architecture for Immigration Reform" recommends that "the basic purpose of U.S. immigration policy should be the creation of economic, social and other benefits to the nation as a whole" and "that global migration be recognized as an opportunity to be capitalized upon to our national benefit, rather than a reality to be ignored."

Three elements that generally make up legal immigration in the Western world include an economic stream, a family stream and a humanitarian stream.

* The present underlying goals of U.S. immigration policy, in order of priority, are: family unification, obtaining needed skills, refugee relief and admissions from a diversity of countries.

* The LWVUS criteria are: family reunification, flight from persecution or humanitarian crises, economic, business and employment needs, education, and lack of serious criminal activity.

* Other organizations have additional goals, including: national security and social vitality.

Economic Stream: There is much debate on the effects of immigration on the U.S. economy. However, economists generally agree that the effects of immigration on the U.S. economy are broadly positive. Immigrants, whether high- or low-skilled, legal or undocumented, are unlikely to replace native-born workers or reduce their wages over the long-term, though they may cause some short-term

dislocations in labor markets. Immigration may have significant long-term benefits for the native-born, pushing them into higher-paying occupations and raising the overall pace of innovation and productivity growth. Moreover, as baby boomers have begun moving into retirement, immigration is helping to keep America comparatively young and reducing the burden of financing retirement benefits for a growing elderly population. While natives bear some upfront costs for the provision of public services to immigrants and their families, the evidence suggests a net positive return on the investment over the long term.

The goal of employment based immigration is to provide workers, both high- and low-skilled, to meet the needs of U.S. businesses. While employment-based preferences currently make up less than 15% of admissions, many would make this the largest component of an immigration system.

Some positive aspects of what immigrants provide to the U.S. are as follows:
*Most immigrants are of working age. They immigrate to find jobs, thus adding to the labor force. Three-quarters of newly-arrived immigrants are between ages 16 and 64.
* An increasing number of migrants have higher-level degrees. Almost half of those who arrived in 2017 had a college degree or higher.
* They increase innovation. Data show that immigrants are more likely to file for patents than native born Americans. Around 40% of the world's patent applications are filed by U.S. immigrants. Immigrants founded 30% of U.S. firms that have gone public. They founded more than 50% of startups valued at over $1 billion that have yet to go public.

While some believe that immigration has a negative effect on U.S. workers without a college degree, especially in agriculture and construction industries, native born workers often do not opt for these positions. In fact, recent restrictions on temporary worker visas is creating a problem for some of Colorado's key seasonal industries such as construction, landscaping and tourism. In those industries, immigration lowers wages and drives out native-born workers. That pushes native-born workers into jobs like sales and personal services that require superior communication skills.

By comparison, the EU does not specifically address economics but the UK does. BREXIT took place January 31, 2020, ending free movement and dramatically changing its immigration policy. Now the UK is committed to creating a high wage, high skilled, high productivity economy. Starting in January of 2021 its goal is to reduce overall immigration, giving top priority to those with the highest skills, such as scientists, engineers, academics, etc.

The UK will not have low-skill or temporary work visas. It intends to minimize cheap labor from Europe. The former settlement scheme of March 2019 will supply enough low skilled labor for employers (3.2 M people entered/170,000 are low skilled workers).

Worker visas will be point-based and one must have 70 points to be considered eligible for entry. The following is an example how these points are achieved:

If one has a job offer (+ 20 pts); has appropriate skills (+ 20 pts); speaking English is required. One's offered salary level is so many pts (the more money to be made the more points +10 to +20 pts). If there is a shortage in the occupation of the skill in question (+ 20 pts); a PhD in the specific occupation (+10

pts); a PhD in any STEM occupation (+ 20 pts). A smaller number of unsponsored applicants based on age and work experience may also be included, as well as, specialized occupations.

Economic Stream Policy Proposals

1. Establish an independent agency to develop better measures of labor market shortages, adjust foreign labor flows to employers' needs while protecting domestic and foreign labor standards.

Less Restrictive

2. Increase the number of employment-based visas, both short/seasonal and long-term visas.
3. Employ a point-based system to entice higher skilled workers.
4. End hard caps on employment-based immigrant visas and skilled-work visas.
5. Eliminate strict nationality quotas. (Currently no country can receive more than 7 percent of the total green cards in a category.)
6. Continue the policy of allowing applicants to enter by investing at least $1 million in a commercial enterprise and creating employment for at least 10 U.S. workers.

More Restrictive

1. Create an effective work authorization process, e.g. improve and require all employers to use the E-Verify System.

Family Stream: Family unification supports strong families and ensures family unity. Families provide a support network for new arrivals, child care for relatives, and even loans for businesses. Partners of skilled migrants are also often skilled and can contribute to the economy. A recent study finds that family networks promote successful integration along with economic aid and the social well-being of new immigrants.

The current U.S. system, commonly called "chain migration," allows a single immigrant to secure green cards for spouses, minor and adult children, parents, and siblings. The U.S. is more liberal than most countries in this area. In 2016, 68% of American green cards were issued to immigrant family members. Other countries are far more restrictive. In Canada and Australia, these numbers were 26% and 32.5% respectively. Many recommend limiting "family members" to include only the spouse and unmarried minor children and in some cases, parents. Others would put more emphasis on economic immigrants and their immediate families.

The EU system is similar to ours. Both systems consider a person to be a child up to the age of 21, if they are unmarried. In the EU, sponsors for family reunification can be of any age; however, married children or those children who came over unaccompanied may not become sponsors. In the U.S. only those family members aged 21 and above can become sponsors.

The UK's family reunification policy applies to the following: an unmarried child under the age of 18, an adopted child, a spouse, same-sex partner, and a significant other in a civil marriage.

Family Stream Policy proposals

More Restrictive

1. Change the age of a minor from 21 to 18.
2. Limit legal immigrants' ability to sponsor family members to only spouses and minor children.
3. End birthright citizenship. (This would require a Constitutional Amendment.)

4. Limit visas to pregnant women who are within three months of delivery.

Humanitarian Stream: A humane asylum and refugee system would honor the nation's historic commitment to be a place of refuge, as well as ensure that those in need receive fair and efficient adjudication of their claims without sacrificing due process.

Historically the U.S. has resettled more refugees than all other countries combined, averaging between 50,000 - 100,000 per year between 1982 and 2016. The number of refugees accepted to the U.S. each year is set by the President in consultation with Congress. (There is no limit to the number of asylum seekers accepted.) The U.S. accepted 23,000 refugees in 2018 and 11,814 refugees in 2019 (less than 1 per 1000 residents). In contrast, Lebanon accepted 156 refugees per 1000 residents and Sweden 25 refugees per 1000 residents. In 2018, other countries accepted 69,000 refugees, in total. Currently the world is witnessing a record number of displacements. Around the world, 70.8 million people have been forced from home by conflict and persecution at the end of 2018. Among them are nearly 30 million refugees, over half of whom are under the age of 18.

Currently the EU is considering long-term work permits rather than focusing on **permanent** immigration citizenship. No plans have been finalized

As of March 18, 2020, due to the pandemic, all new refugee admissions to the U.S. have been temporarily suspended. The U.N. High Commissioner for Refugees (UNHCR) has also temporarily suspended all resettlement departures worldwide.

Climate Change: In 2017, approximately 22.5 million people (out of 68.5 million people forcibly displaced) were forced to move by "sudden onset" weather events.   In 2018, the World Bank estimated that three regions (Latin America, sub-Saharan Africa, and Southeast Asia) will generate 143 million more climate migrants by 2050.

The northern triangle of Central America (Guatemala, El Salvador and Honduras), the largest source of asylum seekers crossing our border in recent years, is deeply affected by environmental degradation and the impacts of a changing global climate. It will see decreased rainfall and prolonged drought according to the U.S. Agency for International Development.

Climate change migration will put major stress on the US and other first world countries as more emigrants will need to flee to survive.

Humanitarian Stream/Climate Change Policy Proposals
Less Restrictive
1. Continue or increase foreign aid to Central America with aid focused on climate change resiliency.
2. Pass HR 3524, the Northern Triangle and Border Stabilization Act, which would support the people of Central America and strengthen U.S. national security by addressing the root causes of migration for El Salvador, Guatemala and Honduras.
3. Join in pacts with other nations that address climate change and its impact on migration, such as the Paris Climate Change Agreement and/or The Global Compact for Migration.
4. Include climate change migrants under the definition of refugees.
5. Establish a new office in the Department of Homeland Security to protect refugees.
6. Restore process for asylum seekers at the border.

7. Eliminate the blanket bans on six countries allowing potential immigrants to apply on their own merits.

Unauthorized Migrants

There are an estimated 11+ million undocumented immigrants living in the U.S. including those who crossed the border illegally and those who have overstayed their visas.   There are four distinct groups that make up the 11+ million people: **A)** Those seeking asylum (approximately 400,000) who arrived under the Bush and Obama administration. They were given a number to report to immigration when called. Also, those who arrived under the Trump administration and were told to wait in Mexico. **B)** Approximately 5,000 asylum seekers who crossed during the Trump administration and are presently in one of the 50+ detention centers; **C)** Those who were brought in as children (approximately 800,000) who are in a program known as DACA (Deferred Action for Childhood Arrivals); and **D)** the majority, including those who have overstayed their visas, who have melded into our country's fabric, working and paying taxes.

Unauthorized Migrant Policy Proposals
Group A (those who need to wait)
Less Restrictive
1. Hire more immigration lawyers to speed up the hearing process.
2. Streamline process for asylees.
More Restrictive
1. Detain indefinitely if they cross the border illegally.
2. Return to their homeland countries.

Group B (those who are incarcerated)
Less restrictive
1. Insure that lawyers have access to and the right to solicit inmates as clients and have the right to interview them though no right to free representation is given.
2. Congress should set a termination date for incarceration. Indefinite incarceration is unconstitutional.
3. Provide Alternatives to Detention (ATD), such as, release, affordable bond and community support. Lutheran Immigration and Refugee Services (LIRC) has provided families with case management. They found that these services cost an average of $14/day per family member whereas the cost of family detention is about $319/day per family member. Also, release on recognizance and community-based management alternatives are very effective at ensuring compliance. In addition, families who have access to counsel reduces the costs of immigration courts and cases are resolved more expeditiously. Studies show that when immigrants are oriented as to their rights and provided with support for legal, medical and social needs, they are likely to comply with obligations placed upon them.
4. Establish a statewide legal defense fund. (Denver has one.)
5. Abolish for-profit detention centers.
More Restrictive
1. Detain indefinitely if they cross the border illegally.
2. Return to their homeland countries.

 C. DACA and the DREAMers: While DACA and Deferred Action for Parents of American (DAPA) offer some relief, they are not equivalent of becoming a citizen.

The Deferred Action for Early Childhood Arrivals (DACA) policy was announced in November 2014 after Congress failed to pass the Dream Act (2007, 2011 and 2013). DACA provides for a two-year renewable

document that allows the recipient to reside legally in the U.S., but does not provide a path to permanent residency. The Supreme Court has ruled that DACA is constitutional. There are about 800,000 DACA recipients.

The Dream and Promise Act of 2019, H.R.6, would establish a roadmap to U.S. citizenship for 1) immigrant youth and 2) current or potential holders of a) temporary protected status (TPS) or b) deferred enforced departure (DED). H.R. 6 would provide conditional permanent resident (CPR) status and a roadmap to lawful permanent resident (LPR) status and, eventually, U.S. citizenship for immigrant youth who entered the United States before age 18, have four or more years of residency, graduated from high school (or the equivalent). The bill also would provide an opportunity for people who currently have or who may be eligible for TPS or DED and have three or more years of residence in the U.S. to apply for LPR status and, eventually, U.S. citizenship. The bill passed the House of Representatives on June 4, 2019. No Senate action has been taken.

C. DACA (Deferred Action for Early Childhood Arrivals) recipients Proposals.
Less Restrictive
1. Give them citizenship immediately, no strings attached.
2. Create a path to citizenship for Dreamers. (e.g. Pass the Dream and Promise Act of 2019, HR 6; Military Service.)
More Restrictive
1. Provide a renewable temporary legal status/no path to citizenship.
2. Prevent Dreamers from sponsoring parents for legal status.
3. Deport immediately.

D. Unauthorized Migrants who have melded into our country's fabric Proposals.
Less Restrictive
1. Create a secure ID card.
2. Create a time-limited Provisional Legal Status
3. For illegal residents residing in the U.S. on a date certain and meeting eligibility standards:
        a. Require them to register for a provisional visa.
        b. Permit them to obtain a government-issued employment ID that would allow them to travel and work, but would have limitations on access to other benefits.
        c. Allow them to seek or continue employment or education.
        d. Allow them to apply for lawful permanent resident status.
4. Allow long-term undocumented workers to legalize their status regardless of the date of entry.
5. Suspend deportation of spouses, parents and children of U.S. citizens, lawful permanent residents, or illegal, law abiding immigrants if they have lived in the U.S. for 7 years/15 years/X years.
More Restrictive
1. End any form of amnesty for those here illegally.

Other Areas of Concern:
Diversity Visa Program: The Diversity Immigrant Visa Program was established under the Immigration Act of 1990. It is designed to allow immigration from countries with low rates of immigration. It is limited to 50,000 visas per year. Applicants must have a high school degree, its equivalent or qualifying

work experience. Visas are distributed through a lottery system. In 2015, 41% of the recipients were from Africa.

The Diversity Visa Program has long been under threat of elimination. While President Trump described it as bringing in "the worst of the worst," data show that half of diversity visa holders have a college degree.

Diversity Visa Program Policy Proposals
More Restrictive
1. Eliminate the program as a trade for DACA.
2. Convert to a merit-based system and only allow applicants from low-admission countries to apply.

Education Programs: There are two nonimmigrant visa categories for persons wishing to study in the United States. The F-1 Visa (Academic Student) allows you to enter the U.S. as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. The M-1 visa (Vocational Student) category includes students in vocational or other nonacademic programs, other than language training. The visas are only valid for a specific institution. Students are obliged to return to their home country within 60 days of completing their degree.

In the 2018/19 academic year, more than one million international students attended U.S. academic institutions, contributing $44.7 billion to the U.S. economy. (International students pay full tuition.) China was the largest source of international students followed by India, South Korea, Saudi Arabia and Canada. Policy changes allowed some students to remain in the U.S. on Optional Practical Training opportunities for up to 36 months after the completion of their studies.

The U.S. Citizenship and Immigration Services (USCIS) proposed changes in the rules of a lottery system used to determine who will receive the H-1B visa (visas for educated, professionals working in specialty occupations with at least a bachelor's degree or its equivalent). Under the proposal international students graduating from U.S. colleges with master's degrees or other advanced degrees would receive a greater proportion of H1-B visas, allowing them to work for up to six years in the United States.

The Trump administration's new regulations for 2020 redefine key aspects of the H-1B and L-1 visa programs, rescinding employment authorization for certain spouses of H-1B workers and restricting or eliminating work-training programs for foreign-born students with F-1 visas.

Education Policy Proposals
Less Restrictive
1. Expand the opportunity for students in courses of study needed by the U.S. economy to remain in the U.S. after they graduate and to attain a permanent status.
2. Continue to offer entrance opportunities to students who pay full tuition.

COVID-19: During the coronavirus pandemic, the U.S. government has tightened restrictions on immigration by closing borders to non-essential travel, restricting visas, allowing Customs and Border Protection (CBP) agents to remove foreign nationals who are seeking asylum in the U.S. without processing their claims and closing many immigration courts.

There are longer-term implications as well. The shutting down of economies and the closure of borders is leading to the hardening of migration policies around the world. Stigmatization, misinformation and discrimination are leading to a rise in xenophobic sentiment. "Mobility bubbles" and "safe zones" may lead to a new form of economic isolationism and globalization, where production lines and supply chains may be localized within these bubbles. Consequently, these shifts may reinforce existing inequalities and exacerbate the Global North-South divide.

Travel restrictions translate fear into national-security policies and a ramp up of anti-migrant sentiments leading to a rise in extreme nationalism and insularity. Limitations on the movement of people make it more difficult for asylum seekers and irregular migrants to access protection.

A global recession caused by COVID-19 will shrink most economies and the consequences for employment, income, and equality will disproportionately affect migrant workers. Migrants and refugees stand to lose the most from COViD-19.

COVID-10 proposals
Less Restrictive
1. Limit enforcement action and release most individuals detained by ICE during the pandemic.
2. Remove red tape that makes it difficult for medical professionals to move to the U.S.
3. Terminate ban on most new immigrants.
More Restrictive
1. Close borders to non-essential travel.

Safety
The health and safety of current residents of the United States should be taken into account when enacting immigration reforms. Any potential immigrant infected with a seriously harmful or deadly disease should be precluded from entering the U.S. Any potential immigrant who has a violent criminal record that would be considered a crime in the U.S. should not be allowed to immigrate to the U.S. These restrictions should never be driven by race, ethnicity or religions of the potential immigrant.

The United States Customs and Border Protection (CBP) is the agency within the Department of Homeland Security (DHS) that manages, controls and protects the nation's border. It works to protect the U.S. from acts of terrorism and reduce the vulnerability to terrorists through a multi-level inspection process. It facilitates legitimate trade and travel by preventing the transportation of drugs, illegal immigrants, traffickers, prohibited agricultural products and counterfeit goods, money and intellectual goods across the border. The U.S. Border Patrol within the Department of Homeland Security is responsible for securing U.S. borders between ports of entry.

Safety Policy Proposals
Less Restrictive
1. Stop building the wall
2. Make unlawful entry and re-entry a civil (not criminal) offense.
More Restrictive
1. Complement border controls with an effective internal tracking system.
2. Continue building the wall.

Conclusion

We have examined economic, family, and humanitarian streams as well as other issues impacting immigration in our country today. Proposals to address these issues will have an impact on how many and what kind of immigrants we admit to our country in the future. While currently some forms of immigration are unlimited or have very little limits (family stream), others, such as economic have very specific limits (140,000 per year for employment based allowance). Refugee limits are set each year by the president.

Several proposals under the economic stream could increase immigration numbers, or would require the number to vary, depending on economic conditions each year. Proposals following the family stream discussion could limit or reduce the number of immigrants allowed. Humanitarian stream proposals may increase immigration flows. Finally, DACA and unauthorized migrant proposals could increase the number of permanent residents. Adopting specific proposals will clearly have an impact on the level of immigration to our country each year.

PEOPLE OBTAINING LAWFUL PERMANENT RESIDENT STATUS
Source: U.S. Department of Homeland Security

Category	2017	2019
Family and Immediate Relatives	748,746	709,904
Employment	137,855	139,458
Refugees and Asylees	146,003	106,911
Diversity and Other	94,563	75,492
TOTAL	1,127,167	1,031,765

Borders reflect differences. People cross borders knowing that boundaries mark different approaches to human experience with one side perceived as more successful or inviting than the other. Today's most pressing debates are rooted in and around notions of borders. Some focus on overturning accepted borders (ISIS, Russia, Ukraine and Crimea). Other debates involve how borders should function and be marked or policed (U.S. border wall, EU open borders vs. controls along its peripheries). While we live in a world of unprecedented connectivity, and issues like climate change, sectarian strife, demographic transitions and economic dislocation which beg for a global response, the world remains a very bordered one.

"Nearly all Americans have ancestors who braved the oceans - liberty-loving risk takers in search of an ideal - the largest voluntary migrations in recorded history... Immigration is not just a link to America's past; it's also a bridge to America's future." George H.W. Bush

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