

# IMMIGRATION

## CONTROVERSIAL ISSUES IN THE NEWS





## CENTRAL QUESTION



How should the government reform its immigration system?

## INTRODUCTION



The United States is a nation of immigrants—one that has attracted people from all over the world for reasons as diverse as the cultures they represent. But for generations, Americans have struggled to determine how the federal government should best regulate levels of immigration and most effectively control who crosses U.S. borders. In this *Close Up in Class Controversial Issue in the News*, we will examine several proposals to reform the immigration system and challenge you to weigh the pros and cons of the various paths forward.

## BACKGROUND



**How Does the Immigration System Work?** Immigration—the act of moving permanently from one country to another—is done both legally and illegally in the United States. Most modern immigration laws stem from the Immigration and Nationality Act of 1952 and its subsequent amendments, which helped to develop a system largely based on immigrants' relationships with U.S. citizens or employers.<sup>1</sup>

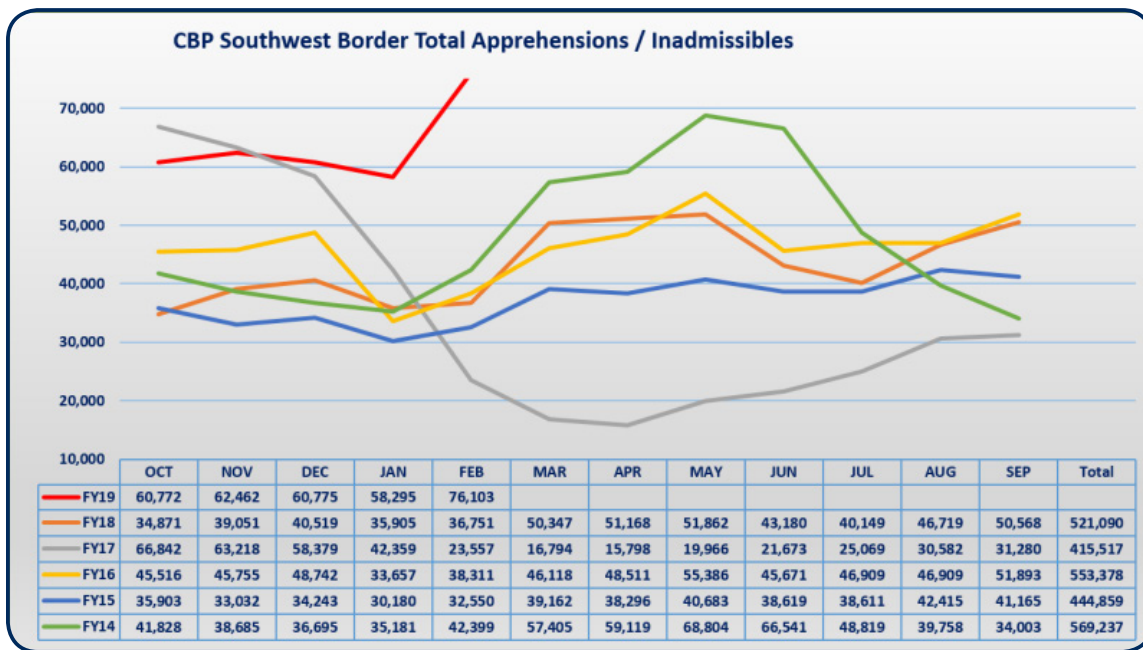
Under the current structure, immigrants who enter the United States legally are able to establish lawful permanent residence. These lawful permanent residents (LPRs)—also known as “green card” holders—can live and work in the United States, own property, attend public schools, and join the military. After five years, most LPRs are eligible to apply for citizenship upon completion of English language and civics exams. In 2017 alone, more than 1.1 million people became LPRs of the United States.<sup>2</sup>

So, who receives LPR status? Federal law gives priority to four categories of applicants:

- **Family-based immigrants** make up the largest portion of LPRs. This group includes immediate relatives (spouses, children, and parents) of U.S. citizens, and—to a lesser extent, in what is known as family-sponsored preference—grandchildren and siblings of citizens, and spouses, children, and grandchildren of LPRs. Family-based immigrants accounted for 64.6 percent of LPR admissions in 2017.

- **Refugees and asylum seekers** are people looking for protection from war, persecution, or natural disasters. These immigrants accounted for 14.5 percent of LPR admissions in 2017.
- **Employment-based preference** is given to priority workers, professionals with advanced degrees, people with exceptional abilities, needed unskilled workers, and investors who create jobs. These immigrants accounted for 13.7 percent of LPR admissions in 2017.
- **Diversity immigrants** come from nations where fewer than 50,000 people have gained LPR status (in the family- and employment-based categories) in the preceding five years. These immigrants accounted for 4.6 percent of LPR admissions in 2017.<sup>3</sup>

As of November 2018, nearly 4.1 million people were on the waiting list to immigrate to the United States in the family-sponsored preference and employment-based preference categories.<sup>4</sup>



SOURCE: U.S. CUSTOMS AND BORDER PROTECTION, MARCH 2019

**What Is Illegal Immigration?** Not everyone chooses to use the established legal channels when immigrating to the United States. As of 2016, the Pew Research Center estimated that there were 10.7 million immigrants living in the country illegally, representing 3.3 percent of the population.<sup>5</sup> These undocumented immigrants reach the United States by sneaking over a border, using false documents, or overstaying the limits of a visa. So, who are these undocumented immigrants?

- Most undocumented immigrants—53 percent—come from Mexico, followed by El Salvador (six percent), Guatemala (five percent), China (three percent), and Honduras (three percent).<sup>6</sup>
- More than half (58 percent) of undocumented immigrants live in six states—California (21 percent), Texas (15 percent), Florida (seven percent), New York (seven percent), New Jersey (four percent), and Illinois (four percent).<sup>7</sup>
- Approximately 7.8 million undocumented immigrants work in the United States, accounting for 4.8 percent of the workforce. They hold roughly 24 percent of farming jobs and 15 percent of construction jobs.<sup>8</sup>
- Approximately two-thirds (66 percent) of undocumented adults have lived in the United States for more than ten years; 18 percent have lived in the country for less than five years.<sup>9</sup>
- Roughly 5.6 million minors are living with undocumented parents in the United States. Of these children, 675,000 are undocumented themselves; the other five million or so were born in the country and are therefore birthright citizens.<sup>10</sup>

- More than 1.1 million undocumented immigrants have temporary protection from deportation. As of August 2018, nearly 700,000 young adults who came to the United States illegally as children were recipients of Deferred Action for Childhood Arrivals (DACA), a program created by President Barack Obama in 2012. (President Donald Trump has said he will end DACA, but it is still in place in early 2019 due to court challenges.) Another 417,000 people from ten nations (El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, and Yemen) have temporary protected status (TPS), which is granted to visitors from countries where violence or a natural disaster makes it difficult to return. (The Department of Homeland Security has announced it will end TPS for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan.)<sup>11</sup>

In early 2019, the United States was also dealing with a surge in a particular type of undocumented immigrant. In February alone, 76,103 people tried to cross the southwest border without authorization, including 66,450 who were apprehended by Customs and Border Protection (CBP) between official ports of entry (an 11-year high). The majority of these people were traveling in a family unit, with many expressing a desire to seek asylum in order to escape poverty or gang violence in Central America.<sup>12</sup>



### How many undocumented immigrants live in your state?

**Why Is Crafting Immigration Policy So Complicated?** Immigration is a multifaceted issue—one that has far-reaching effects on national security, the economy, health care, and public education. It also directly affects the lives of millions of people, from the men, women, and children who come to the United States to the taxpayers who fund public services that help support the immigrant population.

Crafting immigration policy also presents several logistical challenges for the government. With 10.7 million undocumented immigrants in the United States, policymakers must agree on a realistic policy to deal with this population, either through deportation or through the creation of a pathway to citizenship. Elected officials have struggled for years to find consensus on that very issue, as well as on how—and whether—to enhance border security or encourage the hiring of foreign workers.

In 2012–2013, for example, a bipartisan group of senators formed the Gang of Eight in an effort to build comprehensive immigration reform. Comprising four Republicans and four Democrats, the Gang of Eight unveiled a bill in April 2013 that aimed to improve border security, reform the visa system in favor of highly skilled immigrants, require employers to verify the legal status of their employees, and provide a multi-year pathway to citizenship (with fines, back tax payments, and criminal background checks) for undocumented immigrants who had arrived prior to 2012.<sup>13</sup> The Democrat-controlled Senate passed the bill in June 2013, but the Republican-controlled House of Representatives declined to consider it.

Frustrated at the lack of federal action, state governments have also passed thousands of laws to address immigration in the last decade. In 2018 alone, lawmakers in 44 states enacted 175 laws and 222 resolutions related to immigration.<sup>14</sup> This collection of federal and state laws has created a patchwork of policies that sometimes conflict with one another, leaving undocumented immigrants in a state of flux.

## EVALUATION OF PROPOSALS



### **How should the government reform its immigration system?**

The following pages contain six proposals that the government could incorporate into its immigration policies. Consider the pros and cons of each proposal, conduct any additional research, and answer or discuss the following questions:

- Which proposal(s), if any, do you favor? Why?
- Which proposal(s), if any, would you change? How?
- Which proposal(s), if any, would you reject? Why?
- Are there any other proposals that you would put forward? Explain your answer.

## How should the government reform its immigration system?

OPTION	WHAT SUPPORTERS SAY	WHAT OPPONENTS SAY
<p><b>1. The government should establish a pathway to citizenship for undocumented immigrants already in the United States.</b></p>	<p>The hard truth is that there are an estimated 10.7 million undocumented immigrants already living in the United States; two-thirds of undocumented adults have lived in the country for more than ten years. It is simply not right or feasible for the government to round up and deport 3.3 percent of the population, many of whom have made their lives and families in the United States. A pathway to citizenship, however, would be a fair, lengthy, and rigorous process, involving fines, the payment of back taxes, criminal background checks, and strict rules about when an immigrant must have arrived in the United States to be eligible. Such a policy could bring millions of people out of the shadows and create a new population of Americans who are fully immersed in society—working freely, paying their taxes, and contributing their talents to the U.S. economy.</p>	<p>The commitment to the rule of law is perhaps the most important American ideal. A law justly formulated by Congress applies to each and every person. But if the government creates a pathway to citizenship, it would violate this principle by granting amnesty to millions of people who willfully ignored the law. Such a policy would be unfair to the millions of immigrants who waited their turn and used legal channels of immigration. It would also send a dangerous message to the world that the United States is willing to push its laws aside, encouraging future waves of illegal immigration. In 1986, for example, Congress passed the Immigration Reform and Control Act, giving legal status to 2.7 million undocumented immigrants who entered the country prior to 1982.<sup>15</sup> The effect? The number of undocumented immigrants in the United States skyrocketed from 3.2 million in 1986 to 10.7 million in 2016.<sup>16</sup></p>
<p><b>2. Congress should pass the DREAM Act, which would provide conditional legal status for up to eight years to undocumented immigrants brought to the country as minors. Those eligible must have (1) lived in the United States continuously for four years prior to enactment, (2) graduated from a U.S. high school or obtained a GED, and (3) not committed any crimes. Those who completed at least two years in college or the military or at least three years of employment during their conditional legal status could apply for LPR status and eventually citizenship; those who failed to fulfill the requirements would be subject to deportation.</b></p>	<p>“Dreamers” came to the United States illegally by no fault of their own. Many were babies or small children when their parents decided to immigrate illegally. Thus, it is painfully unfair to deport these young people for the sins of their parents. “These Dreamers are Americans in their hearts, in their minds, in every single way but one: on paper,” wrote President Obama. “They were brought to this country by their parents, sometimes even as infants. They may not know a country besides ours. They may not even know a language besides English. They often have no idea they’re undocumented until they apply for a job, or college, or a driver’s license.”<sup>17</sup> Congress should pass the DREAM Act because Dreamers are exactly the type of immigrant that the United States needs: young people who are completing their education, who are gainfully employed, who are serving and sacrificing in the military, and who have not knowingly committed any crimes.</p>	<p>A great many Dreamers are good people, but the fact remains that they are breaking the law. The United States cannot shed its principles when they become inconvenient. “The nation must set and enforce a limit on how many immigrants we admit each year and that means all cannot be accepted,” then-Attorney General Jeff Sessions said. “This does not mean they are bad people or that our nation disrespects or demeans them in any way. It means we are properly enforcing our laws as Congress has passed them.”<sup>18</sup> To allow Dreamers to remain would open a door to amnesty that would be impossible to close. “As soon as amnestied illegal immigrants become U.S. citizens, current law allows them to petition for their parents to also obtain lifetime work permits and permanent residency,” said Roy Beck of NumbersUSA, an organization that advocates a reduction in immigration. “The sins of the parents not only won’t be visited upon the children, they won’t fall upon the parents, either.”<sup>19</sup></p>



### What is the DREAM Act of 2017?

For more on the debate over the DREAM Act, please see *Deferred Action for Childhood Arrivals in Controversial Issues in the News*.

OPTION	WHAT SUPPORTERS SAY	WHAT OPPONENTS SAY
<p><b>3. The government should mandate nationwide use of E-Verify, a web-based system that allows employers to confirm the legal status of their employees. The program, which matches information provided by employees to records from the Social Security Administration and DHS, is required only for federal contractors and for at least some employers in 20 states.<sup>20</sup></b></p>	<p>When employers hire undocumented workers, they encourage future waves of illegal immigration and give away jobs that should be reserved for U.S. citizens. And when undocumented immigrants work, they can depress wages by working for too little and pay too little in taxes to compensate for the burdens they place on public services. But E-Verify has the power to eliminate a major magnet for illegal immigration: jobs. As of 2017, only 57 percent of jobs were being screened with E-Verify.<sup>21</sup> But a nationwide expansion (to which President Trump allocated \$23 million of his 2019 budget proposal) would be an economical, commonsense measure to close state-by-state loopholes and help stop illegal immigration before it starts.<sup>22</sup> E-Verify is overwhelmingly accurate; as of fiscal year 2018, only 0.16 percent of initial rejections have been later reversed.<sup>23</sup> This program would also reduce the need for deportations, as undocumented immigrants would likely self-deport if they are unable to find work.</p>	<p>E-Verify may seem like a harmless program, but it presents several real dangers. If this system goes nationwide, it would create an expensive new level of government bureaucracy, forcing U.S. citizens to obtain government permission to work. The current I-9 Employment Eligibility Verification costs employers an estimated 13.48 million man-hours each year—a number that would only increase if E-Verify goes nationwide.<sup>24</sup> “It’s an intrusive labor market regulation that raises the cost of hiring,” said Alex Nowrasteh of the libertarian Cato Institute.<sup>25</sup> Even though only 0.16 percent of initial E-Verify rejections have later been reversed, those rejections initially denied employment to more than 60,000 people who were authorized to work in the United States.<sup>26</sup> This cannot happen. A nationwide E-Verify system would also create massive privacy and security concerns; it has even been suggested that politicians could use E-Verify data to create a nationwide gun registry.</p>
<p><b>4. The government should reform the visa system in favor of highly skilled immigrants.</b></p>	<p>If the United States wants to maintain its status as the largest, most innovative economy in the world, it must work diligently to attract global talent. Take the H-1B visa, which allows employers to sponsor specialty workers in engineering, health care, and other fields for up to six years (some recipients then apply for a green card).<sup>27</sup> In 2018, some 190,000 people applied for 85,000 H-1B slots, meaning that 105,000 bright, college-educated people lost out.<sup>28</sup> Yet at the same time, the government continues its ill-conceived diversity visa program, which gives undeserved preferential treatment to immigrants from certain countries—simply because those countries have low rates of immigration to the United States. This makes no sense. The government should be giving preference to those who can innovate, support themselves, and help build the industries of the future. “We don’t want to lose our great companies because we have a ridiculous policy that we won’t accept smart people,” said President Trump.<sup>29</sup></p>	<p>If the government chooses to restructure its visa system in favor of highly skilled immigrants, the effect will be little more than the outsourcing of American jobs. Companies like Amazon, Google, Intel, and Microsoft should be nurturing talent inside the United States and hiring Americans for high-paying jobs—not looking abroad for workers who will often accept lower wages. In 2014, for example, 250 information technology workers at Disney lost their jobs to Indian nationals who had H-1B visas; some of the Americans were forced to train their replacements, some were rehired for other jobs in the company, and some become unemployed or decided to retire. “So, in order to save money, what [Disney] did is replace workers,” said Senator Bernie Sanders, I-Vt.<sup>30</sup> This is unacceptable. Rather than expanding immigration opportunities for highly skilled foreign workers, the government must turn its focus to building and supporting an American workforce at home.</p>



OPTION	WHAT SUPPORTERS SAY	WHAT OPPONENTS SAY
<p><b>5. The government should dedicate more money and resources to border security, which includes the completion of a wall that spans the length of the U.S. border with Mexico.</b></p>	<p>“By any measure, right now we have a crisis at our southern border,” said Jeh Johnson, DHS secretary under President Obama.<sup>31</sup> And one need only look at the statistics to see that he is right. In February 2019, an astounding 66,450 people were apprehended illegally crossing the southwest border between official ports of entry.<sup>32</sup> This cannot continue. The United States is a welcoming nation, but it is also a sovereign nation that has a responsibility to secure its borders, uphold its laws, and defend its national security. This is why President Trump requested \$8.6 billion in new border wall funding in his 2020 budget proposal.<sup>33</sup> As of early 2019, physical barriers covered only 654 miles of the 1,954-mile border with Mexico.<sup>34</sup> Holding facilities are at capacity. CBP is understaffed. Law enforcement officers need the government’s help now to deter future border crossings—for the safety of immigrants and for the safety of the country they seek to enter.</p>	<p>With the national debt now more than \$22 trillion, the government must be wise and practical when spending taxpayer dollars. Congress has already passed a wealth of border security measures; to fund even more would be a waste of time, money, and goodwill. In February 2019, President Trump signed into law a spending bill that contained \$1.375 billion for new border barriers, funding for up to 1,200 new CBP officers, \$100 million in technology funding for stretches of the border between ports of entry, \$112 million for aircraft and sensor systems, space to detain a daily average of 45,274 people for the year, \$30 million for family case management support, and \$192 million for a new CBP processing and holding site in El Paso.<sup>35</sup> That is more than enough. The United States should now focus on how to help immigrants in need, rather than how to keep them out.</p>
<p><b>6. Congress should authorize CBP to hold migrant families seeking asylum for up to eight weeks while their asylum claims are reviewed and decided. Currently, as a result of the 1997 federal court decision in <i>Flores v. Reno</i>, children accompanied by parents must be released within 20 days.<sup>36</sup></b></p>	<p>The root of the present crisis lies with families who are flocking to the border to seek asylum, many of whom have learned of a major loophole in the system. Under current law, families with children must be released within 20 days—not nearly enough time to process an asylum request. So, what happens? The government is forced to release families into the United States and ask them to return for a hearing; unsurprisingly, some never show up and choose instead to live in the country illegally.<sup>37</sup> This gaming of the system is wrong. Asylum is reserved for those who need protection from war, persecution, or natural disasters—not for those seeking work or better circumstances. According to CBP commissioner Kevin McAleenan, court outcomes show that only ten to 15 percent of Central American migrants have a legitimate asylum claim.<sup>38</sup> If Congress allows eight weeks of detention to sort through the claims, officials could separate those who are in true need of asylum from those who are not, without ever releasing undocumented immigrants in the United States.</p>	<p>In the face of what McAleenan has called “an unprecedented humanitarian and border security crisis,” the answer is not to extend the detention of families seeking asylum.<sup>39</sup> To do so would be unjust and un-American. CBP has already called into question its capacity to safely detain large numbers of undocumented families, after two Guatemalan children fell ill and died in federal custody in December 2018, and a group of migrants were allegedly forced to sleep outside, refused medical care, and verbally abused while in CBP custody in El Paso, according to the American Civil Liberties Union.<sup>40</sup> “No American would be proud of the way that we are treating these folks,” Representative Joaquín Castro, D-Texas, said. He added that the government still has “a long way to go in making sure that migrants are treated humanely, that there is proper medical care—personnel, equipment, staff, supplies, all of it—to treat migrants who encounter medical emergencies.”<sup>41</sup> Until conditions improve, CBP detentions should not be extended.</p>



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