

INFORM. INSPIRE. DEVELOP CIVIC LEADERS.

THE POLICY CIRCLE

IMMIGRATION





WHAT IS IMMIGRATION?



IMMIGRATION IS THE PROCESS THROUGH WHICH INDIVIDUALS BECOME PERMANENT RESIDENTS OR CITIZENS OF ANOTHER COUNTRY. HISTORICALLY, THE PROCESS OF IMMIGRATION HAS BEEN OF GREAT SOCIAL, ECONOMIC, AND CULTURAL BENEFIT TO STATES. THE IMMIGRATION EXPERIENCE IS LONG AND VARIED AND HAS IN MANY CASES RESULTED IN THE DEVELOPMENT OF MULTICULTURAL SOCIETIES; MANY MODERN STATES ARE CHARACTERIZED BY A WIDE VARIETY OF CULTURES AND ETHNICITIES THAT HAVE DERIVED FROM PREVIOUS PERIODS OF IMMIGRATION.

IMMIGRANTS PLAY AN IMPORTANT ROLE IN TODAY'S ECONOMY, ENSURING SKILLED IMMIGRANTS HAVE THE ABILITY TO PURSUE THEIR VENTURES IN THE U.S. IS JUST AS IMPORTANT AS ENSURING IMMIGRANTS HAVE ACCESS TO THE EDUCATION AND TRAINING NEEDED TO ADVANCE THEIR CAREERS AND BUILD THE SKILLS NECESSARY FOR THEM TO MEET THE NEEDS OF THE U.S. LABOR FORCE. FOREIGN-BORN RESIDENTS PRESENT SOCIAL AND POLITICAL CHALLENGES AND OPPORTUNITIES FOR LOCAL GOVERNMENTS. PARTICULARLY IN URBAN AREAS WHERE THERE ARE LARGE POPULATIONS OF IMMIGRANTS, POLICYMAKERS AND CITIZENS PLAY A ROLE IN COMMUNITY PLANNING AND ENSURING "CITIES CAN BECOME BOTH MORE INCLUSIVE AND MORE JUST FOR ALL, NOT MORE UNEQUAL AND DIVIDED" DUE TO DEMOGRAPHIC CHANGES.



FACTS TO KNOW



IN 2018, NEARLY 45 MILLION IMMIGRANTS LIVED IN THE U.S., MAKING UP ABOUT 14% OF THE POPULATION. CENSUS BUREAU DATA INDICATES 10 MILLION OF THESE IMMIGRANTS ARE UNAUTHORIZED, ALTHOUGH SOME EXPERTS NOTE SELF-REPORTED CENSUS DATA MAY NOT BE ACCURATE AND THE NUMBER OF UNAUTHORIZED IMMIGRANTS LIVING IN THE U.S. COULD BE AS MUCH AS 20 MILLION.

ANNUALLY, THE U.S. ISSUES MORE THAN 1 MILLION GREEN CARDS. IN 2018, ONLY 13% WERE SKILLS-BASED FOR EMPLOYMENT PURPOSES, 14% WERE FOR REFUGEES, AND 64% WERE FOR FAMILIAL CONNECTIONS.

IN 2017, 29 MILLION IMMIGRANTS WERE WORKING OR LOOKING FOR WORK IN THE U.S., COMPRISING 17% OF THE TOTAL CIVILIAN LABOR FORCE. IMMIGRANTS ARE PROJECTED TO ACCOUNT FOR A SUBSTANTIAL PROPORTION OF THE U.S.'S LABOR FORCE GROWTH THROUGH 2030. THIS IS PARTICULARLY THE CASE IN ENTREPRENEURSHIP: THE PERCENTAGE OF IMMIGRANT ENTREPRENEURS HAS BEEN STEADILY GROWING SINCE 2000, FROM 11.7% OF ENTREPRENEURS TO 20% IN 2018, WHILE NATIVE-BORN ENTREPRENEURS HAVE DECREASED OVER THESE YEARS.

THE NUMBER OF MIGRANTS AT THE U.S.-MEXICO BORDER HAS BEEN RISING SINCE APRIL 2020 AND IS "ON PACE TO HIT A 20-YEAR PEAK" IN 2021. CBP NOTES THAT THE "A LARGER-THAN-USUAL NUMBER OF MIGRANTS MAKING MULTIPLE BORDER CROSSING ATTEMPTS" IS DRIVING THE NUMBERS. OVER ONE-THIRD OF ENCOUNTERS IN JUNE 2021 WERE INDIVIDUALS WHO HAD AT LEAST ONE BORDER ENCOUNTER IN THE PREVIOUS 12 MONTHS, COMPARED TO AN AVERAGE RATE OF 14% BETWEEN 2014-2019. AS OF DECEMBER 2020, THE LATEST STATISTICS INDICATE A BACKLOG OF OVER 1 MILLION TOTAL CASES PENDING IN IMMIGRATION COURTS.



GOVERNMENT INVOLVEMENT



CONGRESS IS RESPONSIBLE FOR CRAFTING THE LAWS THAT DETERMINE HOW AND WHEN NONCITIZENS CAN BECOME NATURALIZED CITIZENS OF THE UNITED STATES. BUT CONTROL OVER NATURALIZATION DOES NOT NECESSARILY MEAN CONTROL OVER IMMIGRATION, MEANING "THE FEDERAL GOVERNMENT IS NOT EXPLICITLY GRANTED A GENERAL POWER TO EXCLUDE OR REMOVE NONCITIZENS FROM THE UNITED STATES." FOR THE FIRST CENTURY AFTER THE NATION'S BIRTH, MANY STATES ENACTED LAWS REGULATING AND CONTROLLING IMMIGRATION ACROSS THEIR OWN BORDERS. IT WAS NOT UNTIL THE LATE 19TH CENTURY THAT CONGRESS BEGAN TO ACTIVELY REGULATE IMMIGRATION ON A NATIONAL LEVEL, WITH MEASURES DESIGNED TO RESTRICT CHINESE IMMIGRATION.

U.S. IMMIGRATION POLICY, SET BY CONGRESS, IS EXECUTED THROUGH A COMPONENT OF THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) CALLED U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), WHICH PRIMARILY PROVIDES IMMIGRATION INFORMATION, GRANTS IMMIGRATION AND CITIZENSHIP BENEFITS, AND ENSURES THE INTEGRITY OF THE U.S. IMMIGRATION SYSTEM. OTHER AGENCIES INVOLVED INCLUDE U.S. CUSTOMS AND BORDER PROTECTION (CBP) WHICH COMBINES "CUSTOMS, IMMIGRATION, BORDER SECURITY, AND AGRICULTURAL PROTECTION INTO ONE COORDINATED AND SUPPORTIVE ACTIVITY," AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) THAT FOCUSES ON BORDER SECURITY AND "THE ILLEGAL MOVEMENT OF PEOPLE, GOODS, AND FUNDS INTO, WITHIN, AND OUT OF THE UNITED STATES." IN THE STATE DEPARTMENT, THE BUREAU OF POPULATION, REFUGEES, AND MIGRATION ALSO PLAYS A ROLE, SPECIFICALLY IN ASSISTING REFUGEES AND DISPLACED PERSONS.

THE FEDERAL GOVERNMENT IS PRIMARILY RESPONSIBLE FOR ENFORCING IMMIGRATION LAWS, BUT SOME DUTIES FALL TO THE LOCAL AND STATE LEVEL; FOR EXAMPLE, STATES STILL EXERT INFLUENCE OVER IMMIGRATION POLICY THROUGH THEIR POWER TO ISSUE OR WITHHOLD STATE ISSUED IDENTIFICATION AND STATE-LEVEL BENEFITS. UNDOCUMENTED IMMIGRANTS ARE ALLOWED TO APPLY FOR DRIVER'S' LICENSES IN CALIFORNIA BUT NOT IN PENNSYLVANIA. ARIZONA PERMITS POLICE TO QUESTION PEOPLE ABOUT THEIR IMMIGRATION STATUS, BUT MONTANA DOES NOT. SOME STATES HAVE ENACTED LEGISLATION TO SUPPORT CIVIC EDUCATION CLASSES TO HELP IMMIGRANTS PASS THE NATURALIZATION TEST, TO FUND IMMIGRANT INTEGRATION PROGRAMS, AND TO REDUCE LICENSING BARRIERS THAT WOULD PERMIT EDUCATED IMMIGRANTS TO PRACTICE THEIR PROFESSIONAL SKILLS.

STATE-LEVEL LAW ENFORCEMENT COOPERATION (OR LACK THEREOF) WITH FEDERAL OFFICIALS IS ANOTHER IMPORTANT COMPONENT, BASED ON THE 10TH AMENDMENT IDEA "THAT THE FEDERAL GOVERNMENT CANNOT COMPEL JURISDICTIONS TO TAKE PART IN IMMIGRATION ENFORCEMENT." SEVERAL STATES AND MUNICIPALITIES THAT LIMIT THEIR COOPERATION WITH FEDERAL IMMIGRATION POLICY HAVE BEEN LABELLED "SANCTUARY CITIES." THESE POLICIES ARE LACK OF COHERENCE ACROSS STATE AND EVEN COUNTY LINES IS A TOPIC OF CONTENTIOUS DEBATE.



➤ FRAMING THE ISSUE ◀



SOME BELIEVE THAT OUR IMMIGRATION POLICIES SHOULD BE MORE RESTRICTIVE BECAUSE LEVELS OF IMMIGRATION HAVE BALLOONED OVER THE YEARS, AND THERE IS PARTICULAR CONCERN ABOUT THE NUMBER OF ILLEGAL IMMIGRANTS LIVING IN THE U.S. WITH SO MANY IMMIGRANTS LIVING IN THE NATION, IT LEAVES MANY ASKING, "WHAT...IS THE ABSORPTION CAPACITY OF THE NATION'S SCHOOLS AND INFRASTRUCTURE? HOW WILL THE LEAST-SKILLED AMERICANS FARE IN LABOR MARKET COMPETITION WITH IMMIGRANTS? OR...HOW MANY IMMIGRANTS CAN THE U.S. ASSIMILATE INTO ITS CULTURE?" AN ADDITIONAL COMPONENT TO THIS IS THAT MOST IMMIGRANTS COME TO THE U.S. TO WORK, BUT THEY ARE SUPPORTING FAMILY MEMBERS BACK HOME, SO MUCH OF THEIR PROFITS ARE INVESTED OUTSIDE OF THIS COUNTRY.

SOME ARGUE THAT WE DO NOT DO ENOUGH FOR INDIVIDUALS TRYING TO MAKE IT IN AMERICA AND THAT WE SHOULD PROVIDE MEDICAID, FOOD STAMPS AND WELFARE PROGRAMS TO ILLEGAL IMMIGRANTS. OTHERS SAY THAT THESE INDIVIDUALS WHO IMMIGRATED ILLEGALLY SHOULD BE DEPORTED BECAUSE THEY BROKE THE LAW. SOME ARGUE THAT CHILDREN OF ILLEGAL IMMIGRANTS SHOULD BE AWARDED A LEGAL STATUS BECAUSE THE ILLEGAL ACTION TAKEN BY THEIR PARENTS WAS OUT OF THEIR CONTROL. OTHERS ARGUE THAT SUCH AN EXCEPTION REWARDS AND CONTINUES THE CYCLE OF ILLEGAL IMMIGRATION. CONGRESS HAS YET TO FIND A LEGISLATIVE SOLUTION FOR UNDOCUMENTED IMMIGRANTS WHO ARRIVED AS CHILDREN.

SANCTUARY POLICIES ARE POLICIES THAT CONCERN "A STATE'S OR LOCALITY'S ROLE IN COOPERATING WITH FEDERAL AUTHORITIES TO ENFORCE IMMIGRATION LAW," ALTHOUGH THEY DO NOT PREVENT FEDERAL OFFICIALS FROM CARRYING OUT THEIR DUTIES AND CANNOT SHIELD IMMIGRANTS FROM DEPORTATION OR PROSECUTION FOR CRIMINAL ACTIVITIES. SOME MAINTAIN THAT SANCTUARY POLICIES CAN MAKE IT HARDER TO FIGHT CRIME. STUDIES HAVE FOUND THAT THE OVERALL CRIME-IMMIGRATION ASSOCIATION IS NEGATIVE BUT VERY WEAK, AND THAT SANCTUARY POLICES HAVE NOT REDUCED DEPORTATIONS OF PEOPLE WITH VIOLENT CONVICTIONS.

A COMMON SUGGESTION IS TO LIMIT FAMILY-BASED MIGRATION AND TO EMPHASIZE MERIT-BASED IMMIGRATION, ALTHOUGH MANY HAVE CALLED ON CONGRESS TO UPDATE WAGE PROTECTIONS TO ENSURE U.S. WORKERS COMPETE ON A LEVEL PLAYING FIELD. OVER A DOZEN STUDIES INDICATE IMMIGRATION "DOES REDUCE WAGES PRIMARILY FOR THE LEAST-EDUCATED AND POOREST AMERICANS," BUT STUDIES ALSO NOTE "THAT THERE REMAINS SOME DEBATE AMONG ECONOMISTS ABOUT IMMIGRATION'S WAGE IMPACT" OVERALL.





SOLUTIONS



THE U.S. BORDER PATROL STRATEGY IS OPERATIONAL CONTROL (OPCON), DESCRIBED AS THE ABILITY TO: "PERCEIVE AND COMPREHEND THE OPERATING ENVIRONMENT," "MOBILIZE ASSETS, INFRASTRUCTURE AND BARRIERS TO PREVENT CRIMINAL ACTIVITY," "AND RESPOND TO AND RESOLVE ANY ILLICIT CROSS-BORDER INCURSIONS." CREATING OPERATIONAL CONTROL OF THE U.S. LAND BORDER WITH MEXICO CONSISTS OF DEPLOYED AGENTS, FENCES, AND TECHNOLOGY SUCH AS SENSORS, CAMERAS AND UNMANNED DEVICES IN AREAS WHERE HUMANS CANNOT PROVIDE TIMELY COVERAGE. ADDITIONALLY, CLOSE COORDINATION WITH PARTNER AGENCIES AND FOREIGN GOVERNMENT PARTNERSHIPS WILL HELP WITH INTELLIGENCE GATHERING. A BIOMETRIC ENTRY-EXIT SYSTEM HAS ALSO BEEN APPROVED BY CONGRESS, THOUGH ITS IMPLEMENTATION HAVE BEEN DELAYED DUE TO COSTS. SUCH A SYSTEM WOULD PROVIDE PRECISE STATISTICS AND BETTER TRACKING FOR PEOPLE WHO HAVE OVERSTAYED VISAS.

IMMIGRATION COURTS ARE FACING RECORD-BREAKING BACKLOGS IN CASES BECAUSE IMMIGRATION JUDGES CANNOT REFUSE CASES THAT LACK LEGAL MERIT, MEANING "MERITLESS CASES CLOG THE DOCKETS." STREAMLINED PROCEDURES THAT ALLOW ASYLUM OFFICERS TO DECIDE CASES OR GIVE JUDGES THIS ABILITY COULD SAVE RESOURCES AND TIME ; "CASES THAT ARE GRANTED WOULD REDUCE THE NUMBERS BEING ADDED TO COURT CASELOADS AND THOSE ELIGIBLE FOR PROTECTION WOULD GET IT IN A TIMELY MANNER, WHILE THOSE WHO ARE INELIGIBLE WOULD BE RETURNED TO THEIR HOME COUNTRY.

LEGISLATION TO MAKE LEGAL IMMIGRATION FASTER AND EASIER FOR THOSE SEEKING OPPORTUNITY AND A BETTER LIFE WOULD CLOSE LOOPHOLES THAT ENCOURAGE "THE USE OF ASYLUM CLAIMS AS THE PREFERRED METHOD TO ENTER THE U.S." INDIVIDUAL STATES PASS THEIR OWN LEGISLATION WHILE NATIONAL POLICIES FAIL TO GET OFF THE GROUND, BUT IN MANY CASES A PATCHWORK OF DIFFERENT LAWS ACROSS THE COUNTRY ADD TO PROBLEMS AND CONFUSION.

➤ WHAT YOU CAN DO ◀

MEASURE -

DO YOU KNOW THE STATE OF IMMIGRATION IN YOUR COMMUNITY OR STATE? WHAT ARE YOUR STATE'S LAWS? HAS YOUR STATE OR COUNTY ENACTED SANCTUARY POLICIES? IS THERE A COALITION OR TASK FORCE, OR DOES ONE NEED TO BE FORMED?




IDENTIFY -

WHO ARE THE MEMBERS OF COALITIONS OR TASK FORCES IN YOUR STATE? WHICH COMMITTEES DO YOUR ELECTED REPRESENTATIVES SERVE ON? IS ONE OF YOUR ELECTED OFFICIALS ON THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON IMMIGRATION AND THE STATES? WHAT STEPS HAVE YOUR STATE'S OR COMMUNITY'S ELECTED AND APPOINTED OFFICIAL TAKEN?



REACH OUT -

FIND ALLIES IN YOUR COMMUNITY OR IN NEARBY TOWNS AND ELSEWHERE IN THE STATE. FOSTER COLLABORATIVE RELATIONSHIPS WITH LOCAL BUSINESSES, COMMUNITY ORGANIZATIONS, AND SCHOOL BOARDS.



PLAN -
SET MILESTONES BASED ON YOUR STATE'S LEGISLATIVE CALENDAR OR LOCAL COMMUNITY CALENDAR.



EXECUTE -

CONSIDER REACHING OUT AND ASKING YOUR LOCAL BUSINESS OWNERS OR YOUR LOCAL CHAMBER OF COMMERCE ABOUT ECONOMIC EFFECTS OF IMMIGRATION. YOU CAN FIND YOUR LOCAL CHAMBER OF COMMERCE HERE. LEARN ABOUT YOUR LOCAL BUSINESSES AND IF OWNERS ARE FIRST- OR SECOND-GENERATION IMMIGRANTS. FIND OUT IF YOUR LOCAL SCHOOLS OR HIGHER EDUCATION INSTITUTIONS OFFER ENGLISH AS A SECOND LANGUAGE CLASSES. EXPLORE USCIS'S ADULT CITIZENSHIP EDUCATION STRATEGIES FOR VOLUNTEERS TO UNDERSTAND THE BASICS OF SECOND LANGUAGE ACQUISITION OR THE NATURALIZATION PROCESS. SEE IF THERE ARE COMMUNITY-BASED ORGANIZATIONS SERVING IMMIGRANTS IN YOUR COMMUNITY WITH USCIS'S LOCATOR.

