Immigration Policy and Politics in the United States

THERESA CARDINAL BROWN, DIRECTOR OF IMMIGRATION POLICY

FEBRUARY 11, 2020
CURRENT STATE OF IMMIGRATION

Percent of Foreign Born Population By Country (2013)

Country

Australia
Canada
France (2010)
Germany
United Kingdom
United States

Percent of Foreign Born Population

0
5
10
15
20
25
30
TYPES OF LEGAL IMMIGRATION

The Ways in Which Green Cards Are Obtained
Average for Fiscal Years 2013-17

Source: Migration Policy Institute from DHS Data
COMPARISON OF TYPES OF IMMIGRATION
CURRENT STATE OF IMMIGRATION

U.S. Refugee Admissions and Refugee Resettlement Ceilings, Fiscal Years 1980-2018

- Annual ceiling
- Number of admitted refugees

Migration Policy Institute (MPI) Data Hub
http://migrationpolicy.org/programs/data-hub
Unauthorized immigrants are a quarter of the U.S. foreign-born population

Foreign-born population estimates, 2017

Unauthorized immigrants: 10.5 million (23%)

Lawful immigrants: 35.2 million (77%)

Naturalized citizens: 20.7 million (45%)

Lawful permanent residents: 12.3 million (27%)

Temporary lawful residents: 2.2 million (5%)

Total U.S. foreign-born population: 45.6 million

Note: All numbers are rounded. Unauthorized immigrants include some with temporary protection from deportation under Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), as well as pending asylum cases.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

PEW RESEARCH CENTER
CHANGES IN THE UNAUTHORIZED IMMIGRANT POPULATION

Number of unauthorized immigrants in the U.S. declined over the past decade

In millions

Mexico

Other countries

Mexicans are no longer the majority

In millions

Most are now long-term residents

% of adult unauthorized immigrants, by duration of U.S. residence

Note: Shading shows range of estimated 90% confidence interval. Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.
CURRENT STATE OF IMMIGRATION

Border Crossings Ticking Up

Through first half of fiscal 2019, apprehensions at U.S.-Mexico border at their highest level since 2007

*Total apprehensions at southwest border through first six months of fiscal year, 2000-2019*

---

But Very Different People Crossing

Family units account for a majority of apprehensions at southwest border through first half of fiscal 2019

*% of apprehensions at southwest border through first six months of fiscal year, by type*

---

Source: U.S. Customs and Border Protection.
PEW RESEARCH CENTER
Immigration Reform and Control Act of 1986
• 3-5 million undocumented immigrants in the United States at the time.
• Bill provided legalization (amnesty) for approximately 2.7 million of them at the time.
• But only 40% of those who were legalized eventually applied for citizenship.
IMMIGRATION REFORM EFFORTS

• **1990s:**
  - Immigration Act of 1990
  - 1997: Nicaraguan and Central American Relief Act
  - 1998: Haitian Refugee Immigration Fairness Act

• Most recent major overhauls of legal immigration and significant changes to immigration enforcement.
• Reflected period of high growth and labor needs as well as “tough on crime” and welfare reform concepts.
• Also “cleaned up” some disparities and leftovers from earlier reforms.
• 2000s-Rise of “COMPREHENSIVE IMMIGRATION REFORM” and Counterterrorism

  • Jan-Sept. 2001 President George W. Bush and Mexican President Vicente Fox begin to discuss immigration reform.
  • 9/11 Attacks Derail Reform
  • 2001: USA-PATRIOT Act
  • 2002: Enhanced Border Security and Visa Entry Reform Act (EBSVERA), Homeland Security Act
  • 2004: Intelligence Reform and Terrorism Prevention Act.
  • 2005: REAL ID Act (required proof of legal residence for drivers licenses)
  • 2006: Senate passes Comprehensive Immigration Reform (CIR) bill, fails in the House
  • 2007: Senate CIR bill (McCain-Kennedy) fails on a narrow procedural vote in the Senate.
  • 2008: Barack Obama promises to make immigration reform a priority in his administration
2009-2014: Immigration Takes Second Place, Rise of the “DREAMERS”

- 2009: President Obama declines to seek immigration legislation, focusing instead on economic stimulus and health care reform.
- 2010: a version of the DREAM Act passes the House but fails in the Senate.
- June 2012, the Obama administration announced the Deferred Action for Childhood Arrivals (DACA) program to provide temporary status for some of the same individuals who would have qualified for DREAM.
- 2013: in January, the “Gang of 8” in the Senate begins work on a comprehensive immigration legislation that passed the Senate in June 2013 with 64 votes.
- 2014: The House refuses to take up the Senate bill, and fails to introduce its own legislation.
- November 2014: President Obama announces several executive actions aimed at providing temporary relief from removal for parents of US citizens or permanent residents, as well as other changes to allow certain others to remain.
PAST ATTEMPTS AT REFORM

• 2016-Present- Walls, Invisible Walls, Litigation and Division
  – 2017: President Trump issues executive orders immediately after inauguration to address immigration
    • January 27: “Protecting the Nation From Foreign Terrorist Entry Into the United States.” (Travel Ban)
    • January 27: "Border Security and Immigration Enforcement Improvements” (Border wall and additional Border Patrol and ICE Agents, Increased detention, expand expedited removal, return unaccompanied children from non-contiguous territories)
    • January 27: “Enhancing Public Safety in the Interior of the United States” (Against “sanctuary cities,” expand 287(g) programs, rescind Obama enforcement priorities, additional ICE agents.
  – Sept. 2017: President Trump terminates the DACA program, gives Congress “six months” to come up with a permanent legislative solution
  – 2017-2018: The Senate and then the House make several attempts to pass DACA legislation on a bipartisan basis, that also includes funding for a Border Wall, and additional provisions demanded by the Trump Administration to Eliminate certainly family-based immigrant visa categories and the Diversity Lottery program. None receive the required number to pass.
  – 2018-2019: President Trump allows government funding to lapse, entering the longest government shutdown in history to demand additional funding for the border wall.
**Partisan gap in views of immigrants as wide as at any point in at least 25 years**

% who say immigrants to the U.S...

**Republicans are split in their views of undocumented immigrants**

% who say they feel ___ toward undocumented immigrants in the United States

<table>
<thead>
<tr>
<th></th>
<th>Unsympathetic</th>
<th>Sympathetic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very</td>
<td>Somewhat</td>
</tr>
<tr>
<td>Total</td>
<td>29</td>
<td>14</td>
</tr>
<tr>
<td>Rep/Lean Rep</td>
<td>49</td>
<td>26</td>
</tr>
<tr>
<td>Dem/Lean Dem</td>
<td>13</td>
<td>5</td>
</tr>
</tbody>
</table>

Giving way to legal status for those who came to the U.S. illegally like a reward for doing something wrong (%)

<table>
<thead>
<tr>
<th></th>
<th>Don't think this way</th>
<th>Reward for doing something wrong</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>67</td>
<td>27</td>
</tr>
<tr>
<td>Rep/Lean Rep</td>
<td>46</td>
<td>47</td>
</tr>
<tr>
<td>Dem/Lean Dem</td>
<td>85</td>
<td>10</td>
</tr>
</tbody>
</table>

Note: Don’t know responses not shown.
PEW RESEARCH CENTER
OUTLOOK FOR THE FUTURE

• Partisanship vs. Bipartisanship?
  – Divided government likely for the foreseeable future
  – But divided opinions/attitudes on immigration might make it more difficult in the short run

• Comprehensive vs. Piecemeal?
  – Big bills have come close but never succeeded
  – Congress has fatigue with big bills
  – But smaller attempts have had no better success
  – Is everything linked?

• Congress vs. Executive vs. Courts?
  – Congress has failed to pass any meaningful immigration legislation for almost two decades
  – Successive administrations have advanced policy priorities by executive action
  – But these actions have been challenged in the courts
WORKSHOPPING AN IMMIGRATION SOLUTION

- **Legal Immigration**
  - Should the United States prioritize economic migration or family-based migration? Should we continue to require US-based sponsorship or allow migrants to self-petition? What should the number be of permanent immigration and how should it be determined?
  - Should be based on “Merit”?
  - Should we require English language?
  - What about “public charge”?
  - Should we continue to have temporary workers? Should they be allowed access to permanent residency? Should they be linked?
  - What about foreign students? Should they have a special category?
  - How should we protect US workers? Is it necessary to do so?
WORKSHOPPING AN IMMIGRATION SOLUTION

- **Immigration Enforcement**
  - **Border Enforcement**
    - What should the United States do to enforce its borders?
    - What should the goal be? 100% enforcement?
    - Do we need barriers? If so, what kind and where?
    - Do we need more border agents?
    - How do we ensure flow of legitimate trade and travel?
    - How should we screen or vet immigrants coming into the United States?
  - **Interior Enforcement**
    - How should we conduct enforcement of our immigration laws inside the United States?
    - Civil enforcement vs. criminal enforcement?
    - Is detention necessary?
    - Should all violations result in deportation? Should there be means to get “right with the law” that do not involve deportation?
    - How should we deal with employers and employees?
• Unauthorized Immigrants
  – What should we do with the 10+ million undocumented immigrants already in the United States?
  – Should we enforce their removal? If so, how?
  – Should we allow them to become legal? If so, how?
  – What about a path to citizenship?
  – Should we prioritize these immigrants for legal status? If so, who should be prioritized?
  – What would they have to do to get legal status?
  – What should we do to reduce the chances of having another large number of unauthorized immigrants in the future?
Refugees, Asylees, and Humanitarian Migrants

- Whom should the United States prioritize for refugee processing overseas?
- How many refugees should we accept from overseas?
- How should we deal with individuals who arrive in the United States seeking asylum?
- Should we be strict limiting protection to those who only meet the strict definitions of refugees?
  - “One who has been persecuted or has a well-founded fear of persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group”
- What about those fleeing generalized violence by gangs, or pervasive crime or poverty?
- What about temporary protections for persons from countries that have disease outbreaks or natural disasters?
www.bipartisanpolicy.org/immigration

“This Week in Immigration”

tbrown@bipartisanpolicy.org