

US IMMIGRATION POLICY: YESTERDAY AND TODAY

WEEK 3: IMMIGRATION MOVING FORWARD

- **Unintended Consequences & Conflicts**
 - **14th Amendment (1868)**
 - Intended to assure citizenship of former slaves...
 - ... but also established **birthright citizenship**
 - **Immigration Act of 1882**
 - "**liable to become a public charge**" language established
 - Remains open to interpretation today in determining eligibility for permanent residency and citizenship
 - **Bracero Program**
 - Intended to provide temporary workers, but forced many Mexicans to enter – and stay - in the U.S. illegally
 - **Hart-Cellar Act (1965)**
 - Significantly increased legal immigration from Asia while forcing even more illegal Mexican immigration
 - **Refugee Act of 1980**
 - UN definition of refugee within the Act may conflict with recent interpretations regarding who is a refugee: "*...any person who is outside his or her country ... and is unable or unwilling to return to ... that country because of persecution or a **well-founded fear of persecution** on account of **race, religion, nationality, membership in a particular social group, or political opinion.**"*
 - **IIRIRA (1996)**
 - **Mandatory detention provisions** set the stage for 2018 family separations
 - Granted new powers to the U.S. Attorney General to interpret and enforce policy

- **New Conflicts**
 - **DACA / DACA Cancellation**
 - Deferred Action for Childhood Arrivals (2012 Executive Order)
 - Did not change the law- only delayed its enforcement
 - Cancelled by Executive Order in 2017
 - Currently under court injunction due to potential due-process conflicts
 - **"Muslim Ban"**
 - Executive Order 13780 (2017)
 - Recently upheld by Supreme Court after several revisions

- **Zero-Tolerance Policy**
 - Attorney General Ruling (2018)
 - All illegal entries considered felonies
 - Possible mis-interpretation of IIRIRA, which provided for both misdemeanors and felonies for illegal entries
- **Restricted Asylum Criteria**
 - Attorney General Ruling (2018)
 - Denies asylum based on domestic abuse or gang violence
 - Possible conflict with UN refugee definition within the 1980 Refugee Act
- **Sub-Rosa Policy Changes**
 - Increased visa rejection rates, especially for Mexico
 - Use of “public charge” clause to revoke visas
- **Perceptions and Realities**
 - Not immigration, but an invasion?
 - Unauthorized immigration has declined for the past 18 years
 - The total number of undocumented immigrants has leveled out
 - Deportations are declining, both at the border and in the interior
 - Immigrants increase crime?
 - Immigrants have lower crime rates than native born Americans
 - Do it the right way – Wait your turn in line?
 - The backlog for “standing in line” typically exceeds a decade