

US IMMIGRATION POLICY: YESTERDAY AND TODAY

WEEK 3: IMMIGRATION MOVING FORWARD

- **Unintended Consequences**
 - **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
 - **IIRIRA (1996)**
 - Mandatory detention provisions set the stage for 2018 family separations
 - 3-year and 10-year reentry bars lead to a doubling of undocumented immigrants residing in the U.S.

- **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
 - **Refugee Act of 1980**
 - UN definition of refugee within the Act may conflict with recent interpretations regarding who is a refugee or asylee
 - **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 and 1967 UN Protocol
- **Upcoming Expiration of Temporary Protected Status**
 - TPS set to expire in 2019 for approximately 300,000 from El Salvador, Honduras, Haiti
 - Subject to numerous lawsuits seeking reinstatement
- **Sub-Rosa Policy Changes**
 - Revocation of U.S. passports due to questions about validity of birth certificates issued by mid-wives in South Texas
 - Apparent discontinuation of work authorizations as allowed by law for spouses of holders of non-immigrant work and education visas
 - Apparent slowdown in review and approval of H1B visas
 - Increased visa rejection rates, especially for Mexico
- **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