

A night photograph of a border fence. The fence is made of dark, vertical posts and horizontal rails. To the right of the fence, there is a large, messy pile of debris, including what looks like a blue tarp, some orange and yellow plastic, and other unidentifiable trash. The background is dark, suggesting it's nighttime. The overall scene is somewhat desolate and cluttered.

**U.S. IMMIGRATION POLICY:
YESTERDAY AND TODAY**

WEEK 3

Immigration Moving Forward

U.S. Immigration

Immigration Moving Forward



- *Unintended Consequences*
- *Conflicts*
- *Perception ... Reality*

U.S. Immigration

Unintended Consequences

- **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

U.S. Immigration **Unintended Consequences** (Cont.)

- **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

U.S. Immigration Unintended Consequences (Cont.)

- **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

U.S. Immigration 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

U.S. Immigration **Conflicts** (Cont.)

- **Zero-Tolerance Policy**

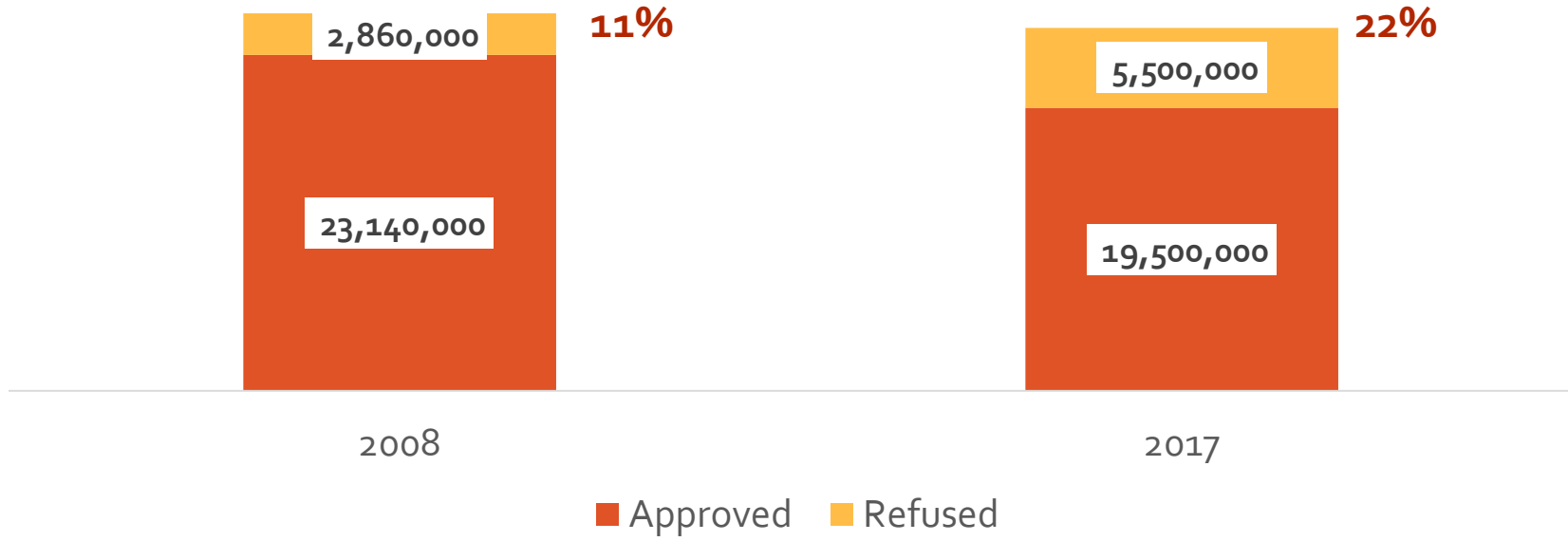
- Attorney General Ruling (2018)
- All illegal entries considered felonies
- Possible mis-interpretation of IIRIRA, which provided for both misdemeanors and felonies for illegal entries

- **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

U.S. Immigration Conflicts (Cont.)

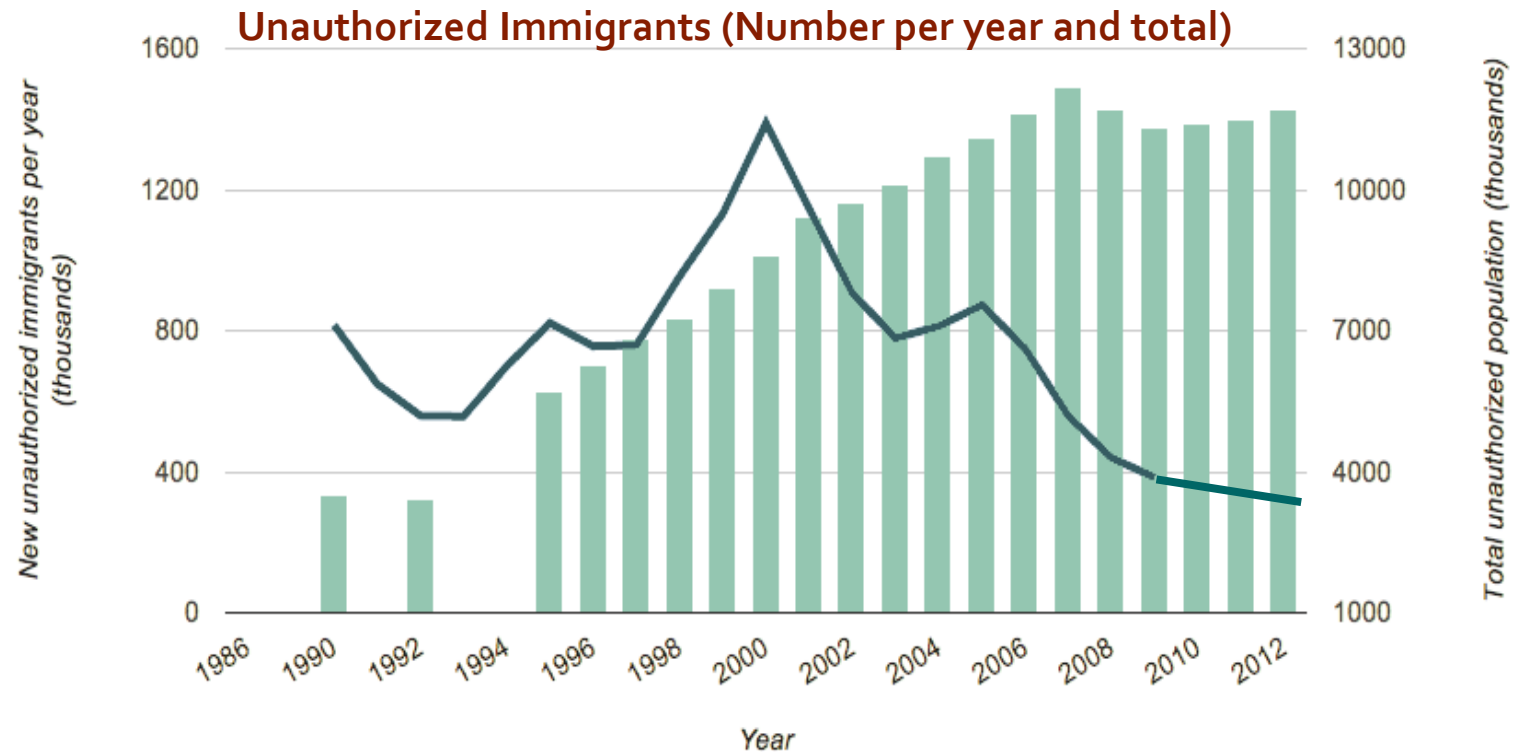
- **Sub-Rosa Policy Changes**
 - Increased visa rejection rates, especially for Mexico
 - Use of “public charge” clause to revoke visas



Mexican Visa Approvals / Refusals: 2008 v. 2017

U.S. Immigration Perception ... Reality

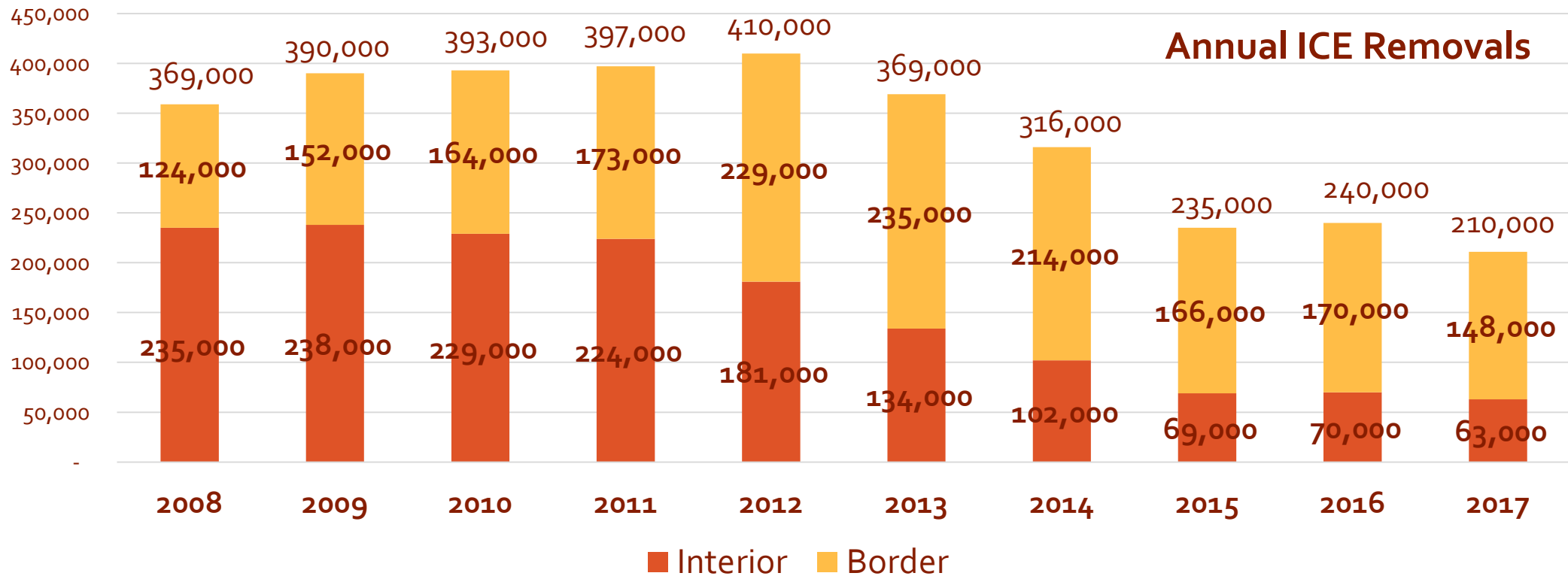
Not immigration, but an invasion?



Unauthorized immigration has declined for the past 18 years, and the total number of undocumented immigrants has leveled out

U.S. Immigration Perception ... Reality

Not immigration, but an invasion?



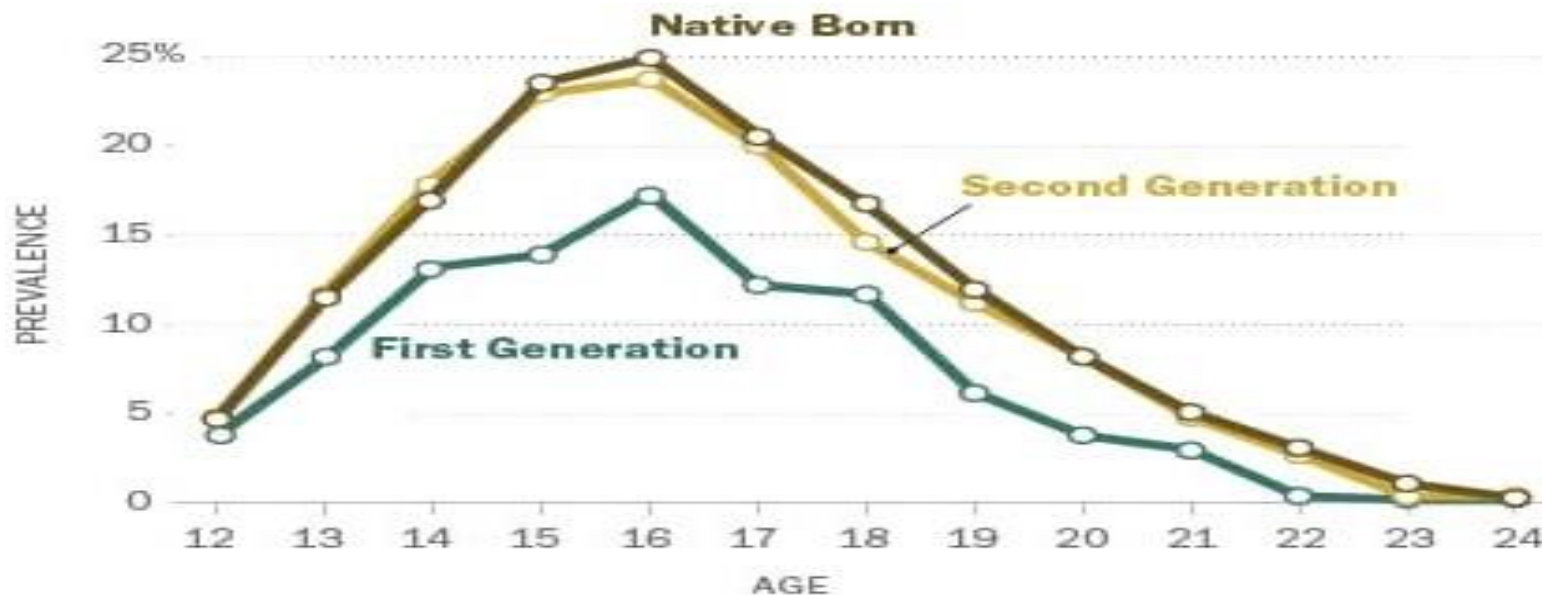
Deportations are declining, both at the border and in the interior

U.S. Immigration Perception ... Reality

Immigrants Increase Crime?

First and Second Generation Immigrant Offending Trajectories

*Prevalence of each group involved in at least 1 crime
in the previous 12 months*



Immigrants have lower crime rates than native born Americans

U.S. Immigration Perception ... Reality

Do it the Right Way – Wait your Turn in Line?



Protesters in Syracuse, NY (Newsmax, July 2014)

Current Backlog for Family-Preference Visas

Visa Type	Current Backlog
F1	12 Years
F2	2 – 12 Years
F3	13 Years
F4	11 Years

Source: U.S. State Dept. Visa Bulletin For April 2018

The backlog for "standing in line" typically exceeds a decade



**U.S. IMMIGRATION POLICY:
YESTERDAY AND TODAY**

OBSERVATIONS

QUESTIONS

COMMENTS