

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*
- *Perceptions ... Realities*

U.S. Immigration Unintended Consequences

• Bracero Program

- Intended for temporary workers, but forced many to enter and stay in the U.S. illegally

• Hart-Cellar Act (1965)

- Increased legal immigration from Asia while effectively forcing 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.

U.S. Immigration Conflicts

- **14th Amendment (1868)**

- Intended to assure citizenship of former slaves, but also established ***birthright citizenship:***

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States."

- **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 Conflicts

- **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.**"*

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

- **Zero-Tolerance Policy / Family Separation**

- Attorney General Ruling (2018)
- All illegal entries considered felonies
- Possible mis-interpretation of IIRIRA, which provided for both misdemeanors and felonies for illegal entries
- May conflict with 1990 Flores Settlement

U.S. Immigration Conflicts

- **Restricted Asylum Criteria**

- Attorney General Ruling (2018)
- Denies asylum based on domestic abuse or gang violence
- Extended to deny asylum for anyone not crossing at a legal point of entry (Now delayed by court order)
- Possible conflict with UN refugee definition within the 1980 Refugee Act

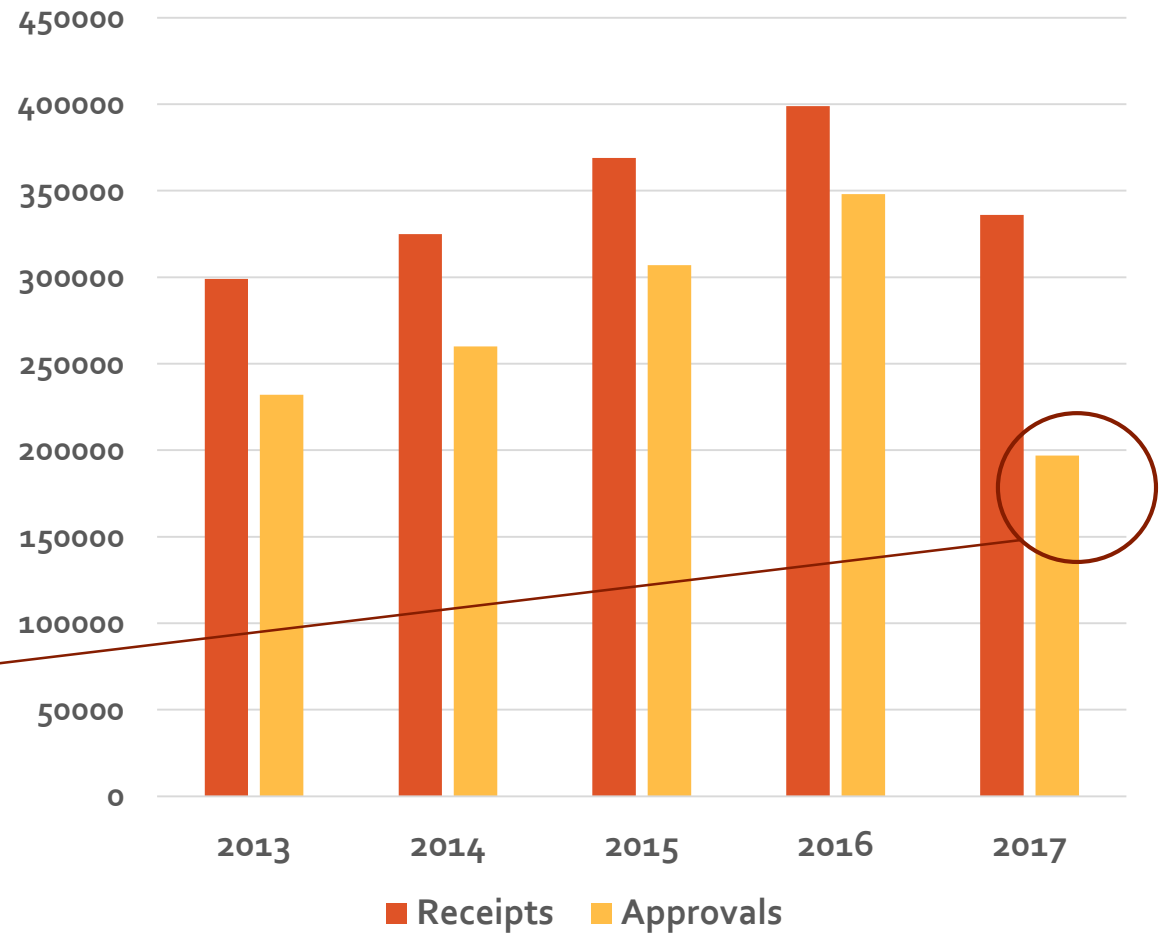
- **Upcoming Expiration of Temporary Protected Status**

- Part of 1990 IMMACT
- Requires periodic renewal by DOJ or DHS, which was declined starting in 2018
- TPS set to expire in 2019 for approximately 300,000 from El Salvador, Honduras, Haiti
- Subject to numerous lawsuits seeking reinstatement

U.S. Immigration Conflicts

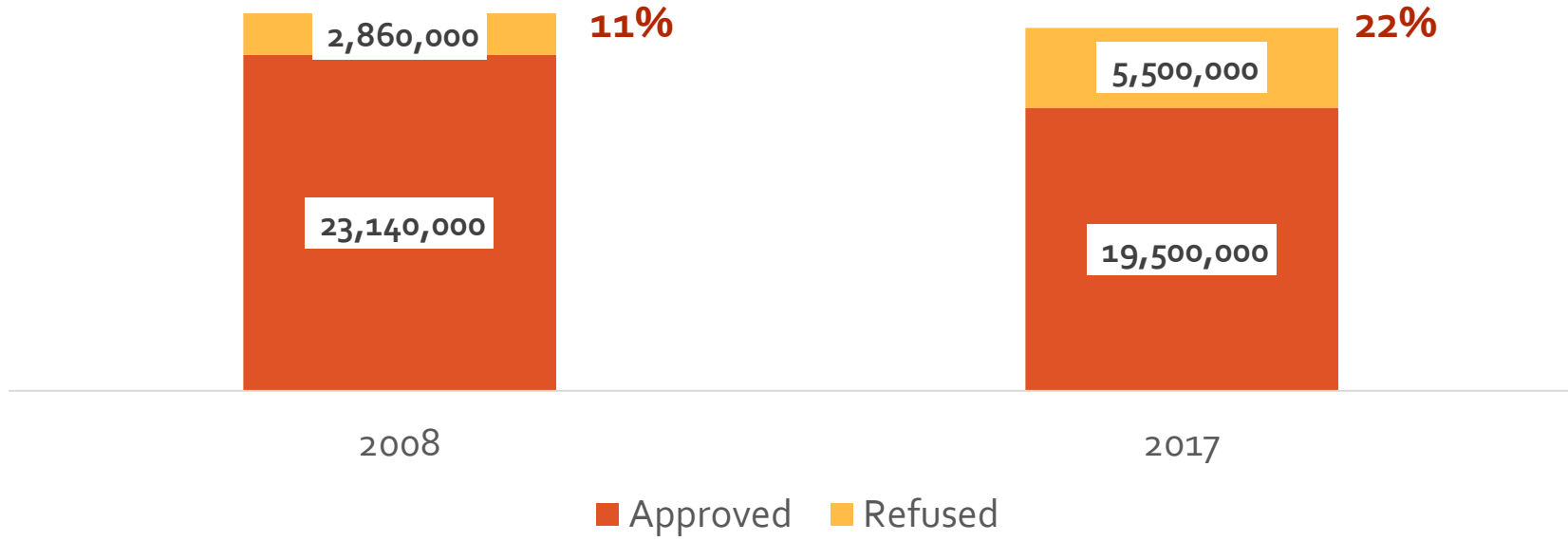
- **Sub-Rosa Policy Changes**

- 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



U.S. Immigration Conflicts

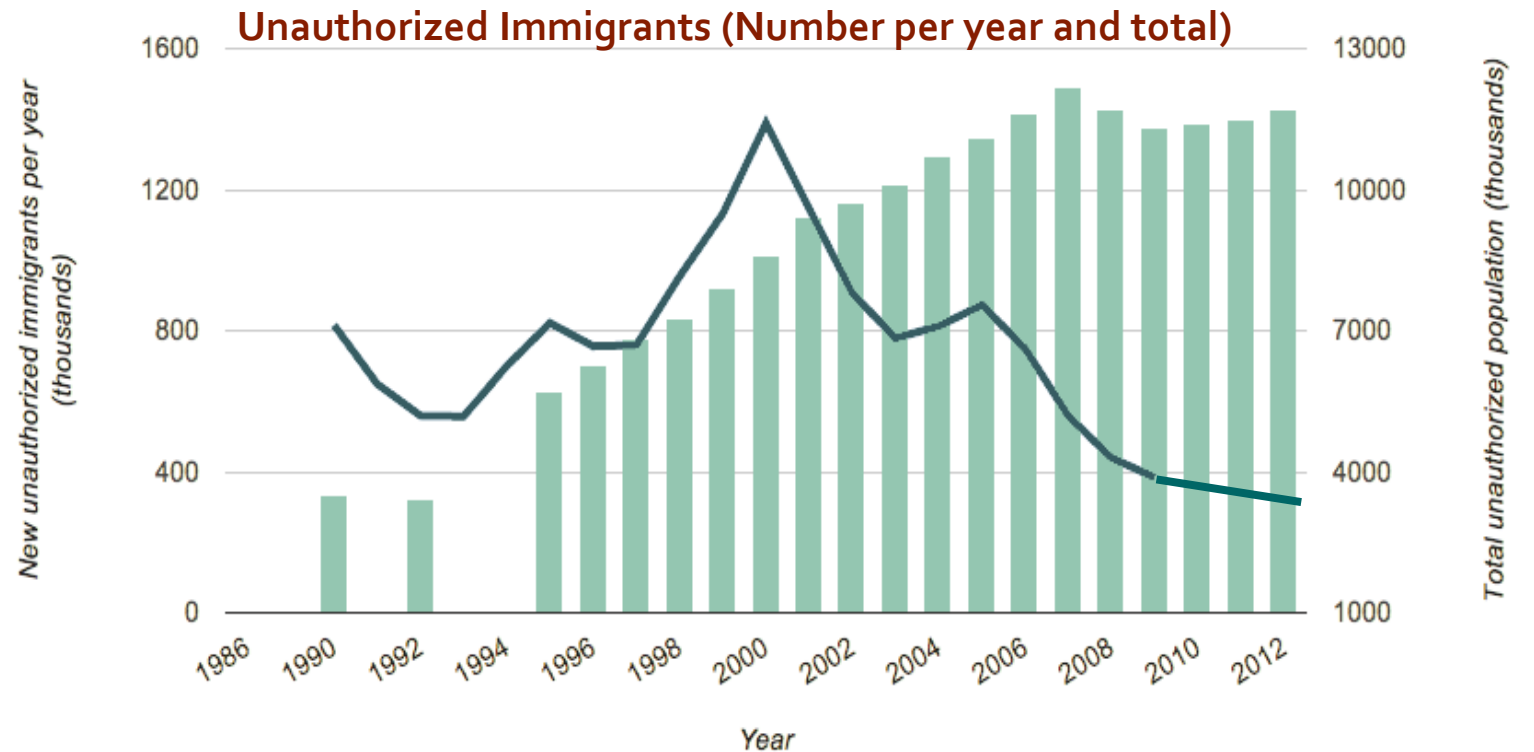
- **Sub-Rosa Policy Changes**
 - Increased visa rejection rates, especially for Mexico



Mexican Visa Approvals / Refusals: 2008 v. 2017

U.S. Immigration Perception ... Reality

Not immigration, but an invasion?



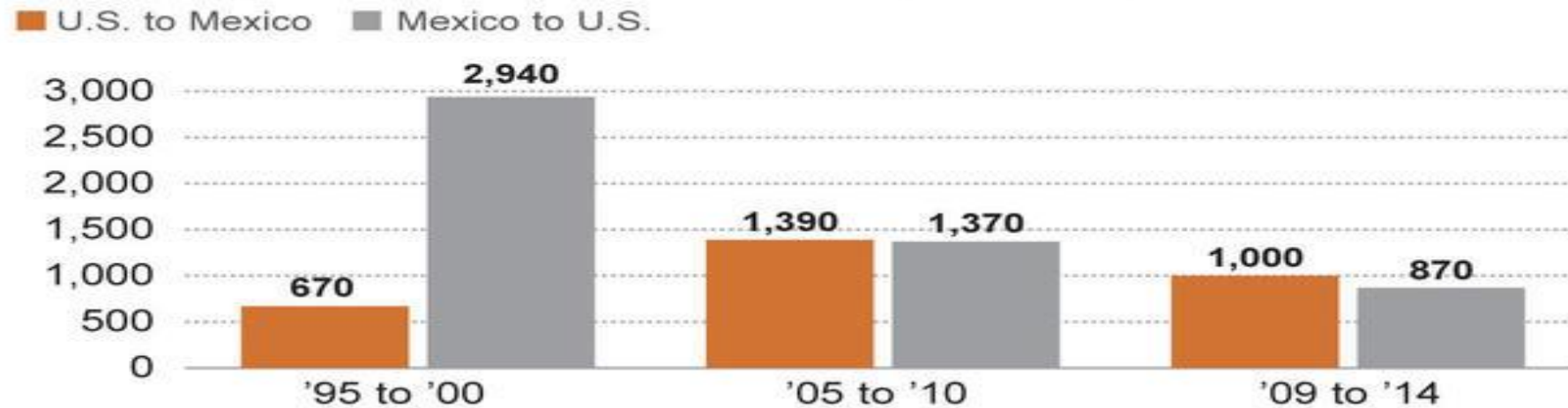
Unauthorized immigration has declined for the past 18 years, and the total number of undocumented immigrants has leveled out

U.S. Immigration Perception ... Reality

Unauthorized Immigrants (Number per year and total)

Not immigration, but an invasion?

Net migration from Mexico (In thousands)



Note: Estimates are for February 1995 through February 2000, June 2005 through June 2010, and August 2009 through August 2014. Migration from the U.S. to Mexico includes people born in Mexico, the U.S. and elsewhere; Mexico to U.S. includes Mexican-born people only.

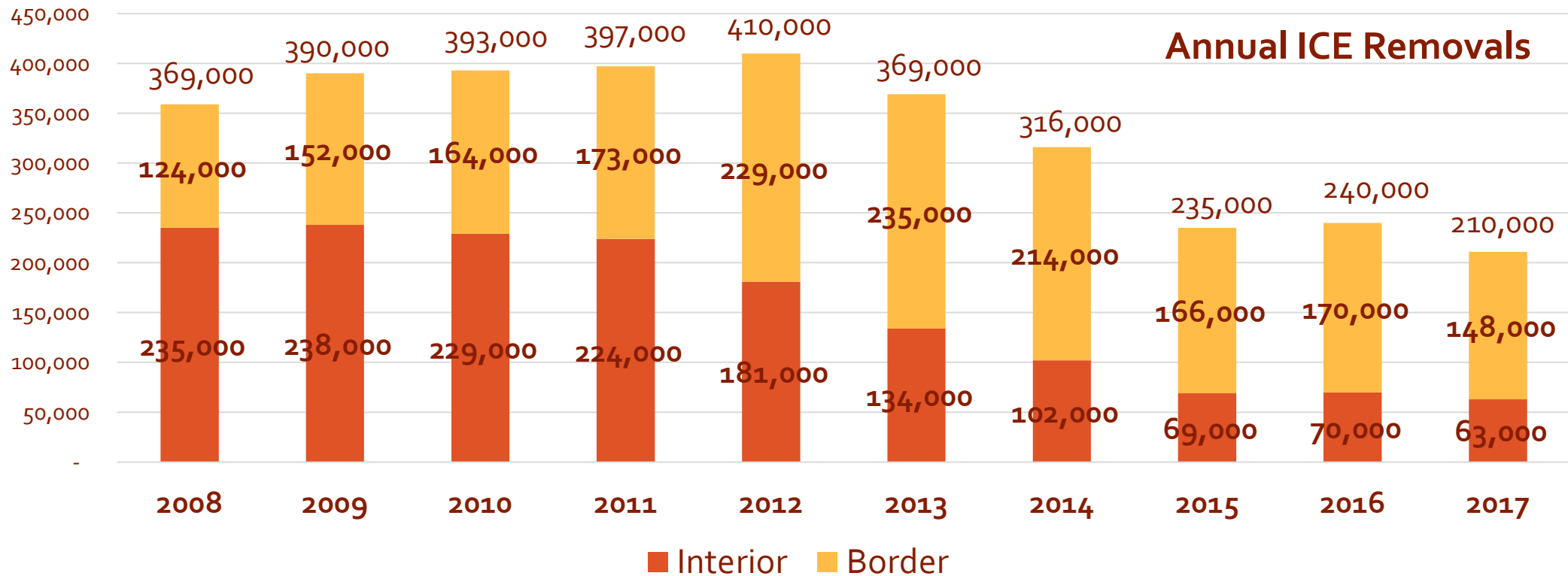
Source: PEW Research Center

@latimesgraphics

For more than 10 years net migration from Mexico has been negative!

U.S. Immigration Perception ... Reality

Not immigration, but an invasion?



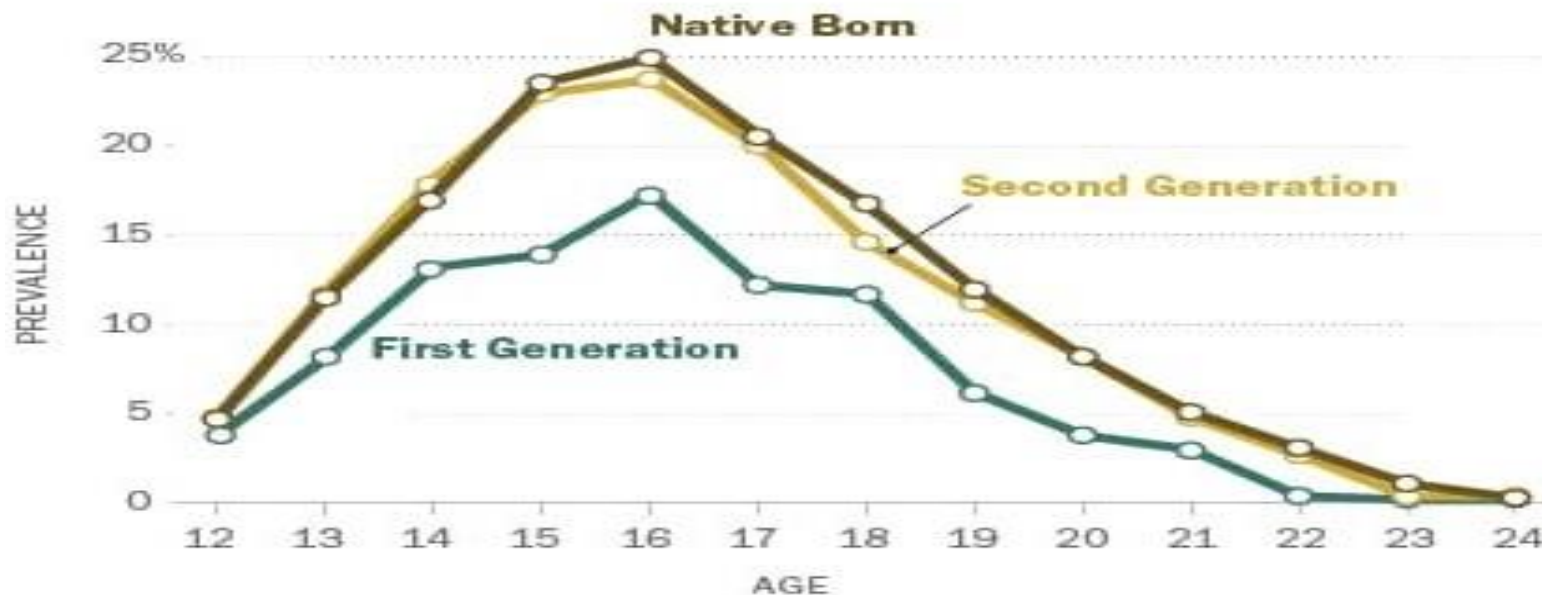
Deportations are declining, both at the border and in the interior

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



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OBSERVATIONS

QUESTIONS

COMMENTS