

Lecture

November 11, 2020



Hondurans wait on the Mexican side of the middle of the Brownsville & Matamoros Express International Bridge

1965 Law Hart-Celler Act

- Came along with Civil Rights Legislation. Introduced by Kennedy. Passed under Johnson.
- Replaced Quotas with Uniform Limit Per Country. Preference System
- Limited Western Hemisphere for first time
- Principles: Family Reunification. Employment. Refugees.
- Gave every country in the world the same quota
- Unintended Consequences. Asian and Latin American immigration.

President Johnson Signing 1965 Law on Liberty Island



Intended Consequences

- Law was intended to end racial discrimination:
- Lyndon Johnson:
 - This system violates the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country. 1965
 - See more at: <http://www.lbjlibrary.org/lyndon-baines-johnson/timeline/lbj-on-immigration#sthash.sgXhlwqu.dpuf>

Unintended Consequences

- Lawmakers argued it would not increase numbers of immigrants or the ethnic mix.
 - Attorney General Robert Kennedy:
 - I would say for the Asia Pacific Triangle it immigration would be approximately 5,000 Mr.Chairman, after which immigration from that source would virtually disappear; 5,000 immigrants would come the first year, but we do not expect that there would be any great influx after that.

Unintended Consequences

- Rep. Emanuel Celler
 - Immigrants from Asia and Africa will have to compete and qualify in order to get in, quantitatively and qualitatively, which, itself will hold the numbers down. There will not be, comparatively, many Asians or Africans entering this country. Since the people of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries because they have no family ties in the US.
 - August 25, 1965.

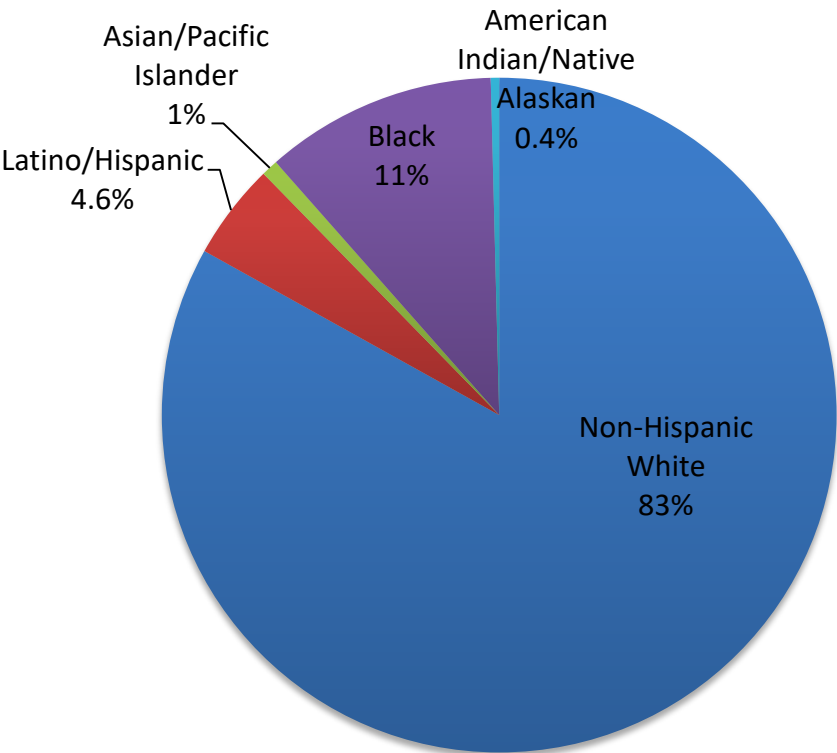
Unintended Consequences

- Senator Edward Kennedy:
 - The bill will not flood our cities with immigrants. It will not upset the ethnic mix of our society. It will not relax the standards of admission. It will not cause American workers to lose their jobs.
Feb 10, 1965.

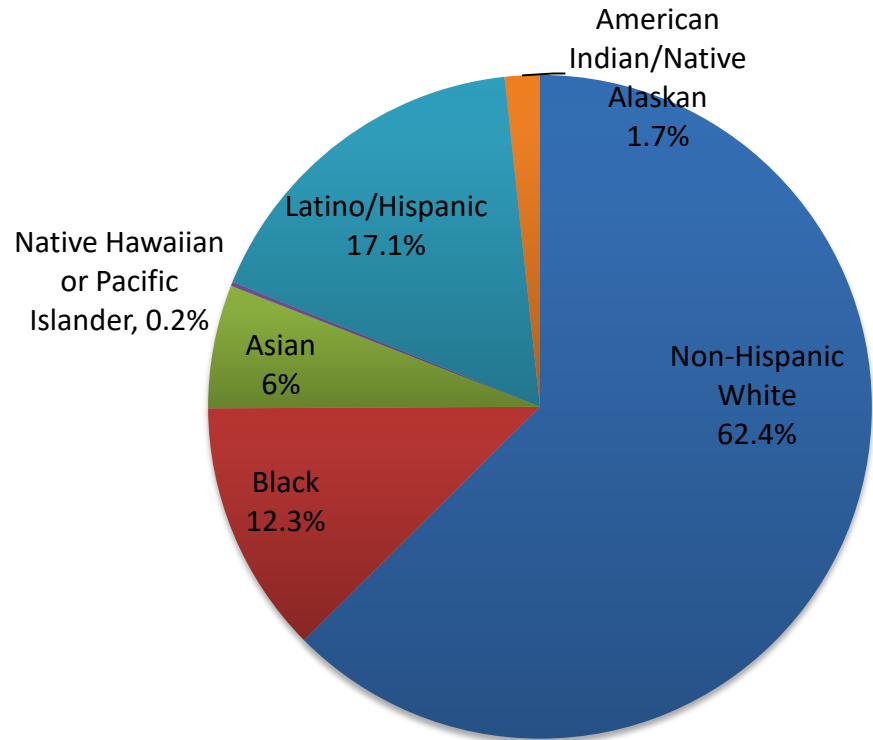
Legacies of the Law

- Created three categories of people
 - Immigrants (Family/Employment)
 - Refugees/Asylees
 - Illegal/Undocumented Immigrants
- Family Chain Migration is Unlimited.
- Large increase in immigration
- Immigration increases from Latin America, Asia and the Caribbean.

Effects of Immigration on Society: Demographic Change



1970

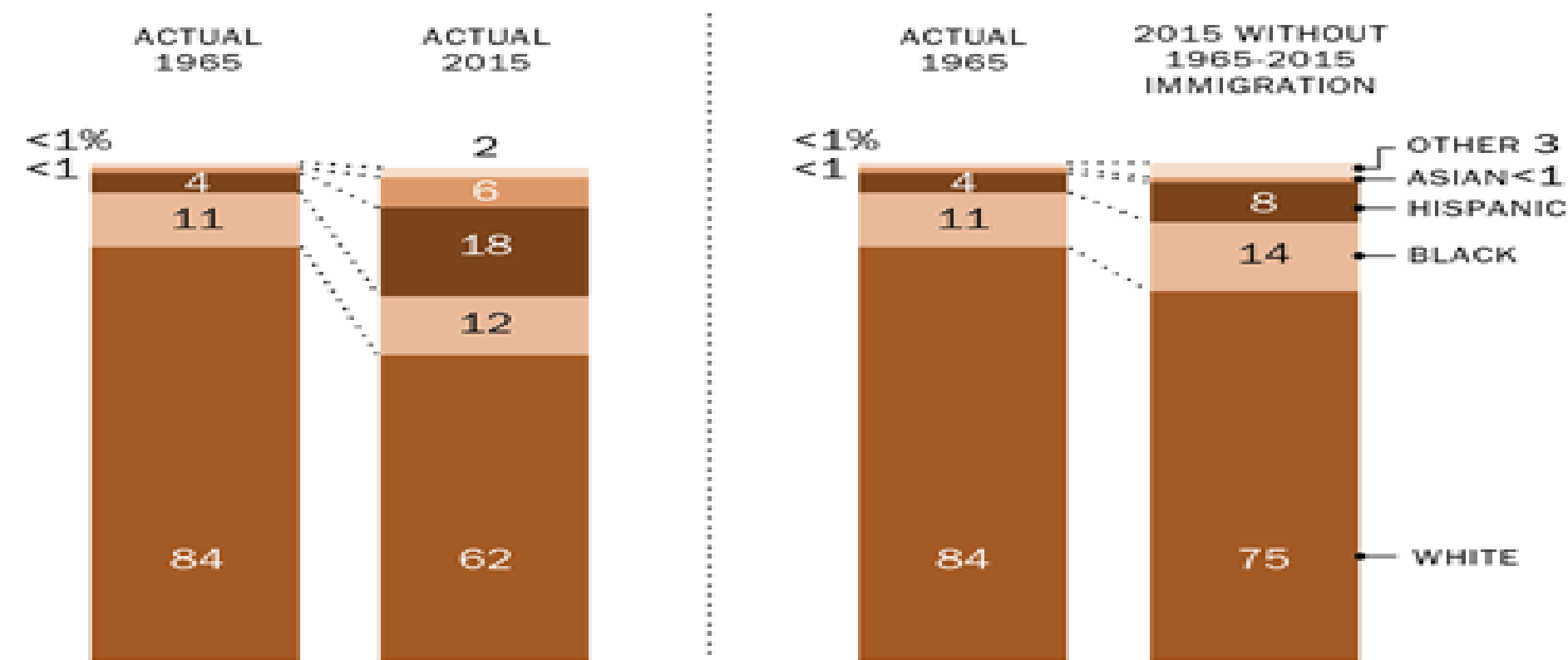


2013

FIGURE 4

Post-1965 Immigration Wave Reshapes America's Racial and Ethnic Population Makeup

% of U.S. population



Note: Whites, blacks and Asians include only single-race non-Hispanics. Asians include Pacific Islanders. Hispanics are of any race. Numbers for "2015 without 1965-2015 immigration" exclude immigrants arriving from 1965 to 2015 and their descendants.

Source: Pew Research Center estimates based on adjusted census data

Current Immigration Policy

- Family, Employment Preferences and visas
- Separate path for refugees/asylees
- After 1965 immigration is limited in the Western Hemisphere.
- Undocumented immigration grew.

Current Immigration Policy

- There is no “one line” to immigrate to the US.
- There is no path for permanent immigration for unskilled workers except through family reunification.
- There are very long waiting lists for family preferences from main sending countries.
- Every country in the world gets the same visa quota—25,600 visas.
 - Does that make sense?

Big Picture on Immigration Policy

- We have a mismatch between labor force needs and immigration policy.
- We have a problem with 10.5 million people who are settled in the US but with few rights.
- The world is facing a growing refugee problem and climate change will increase it.
- We are spending a lot of money on enforcement and imprisoning people who are not dangerous including children.

Big Picture on Immigration Policy

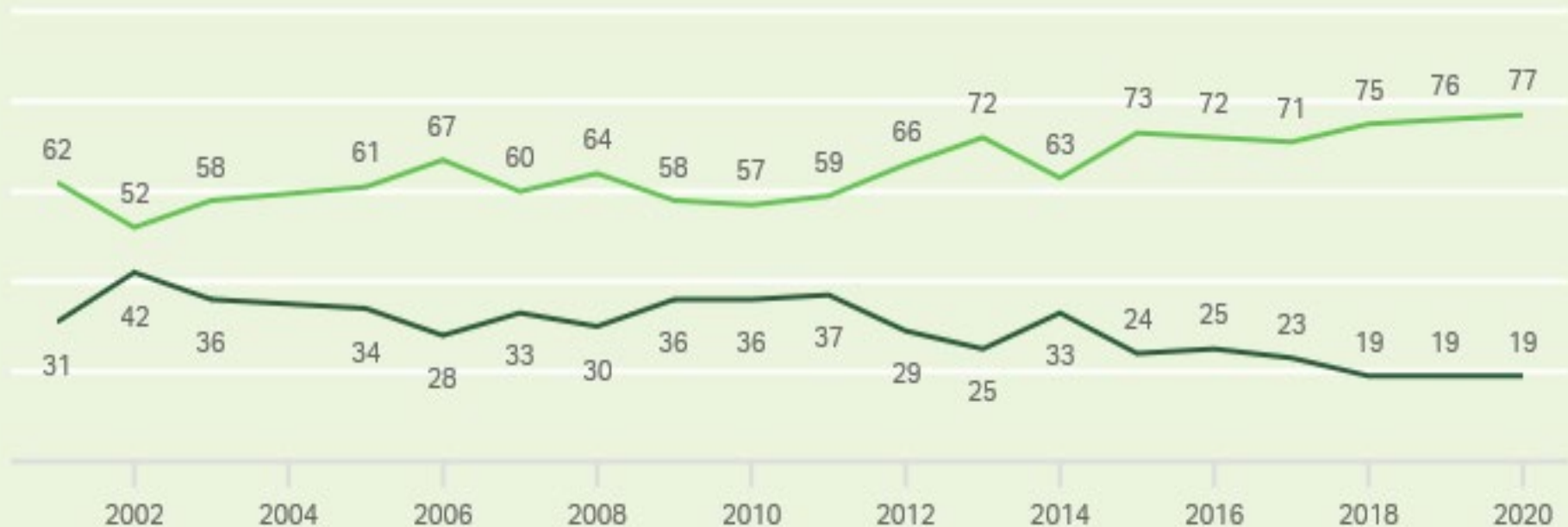
- There is a large mismatch between American public opinion and President Trump's rhetoric and policies.
- State and local policies, both welcoming and restrictive, have entered to address the federal stalemate.
 - Restrictive laws—Hazleton PA, Arizona SB1070
 - Sanctuary Cities

Support for Immigration hits an all time high (June 2020)

Three-Quarters in U.S. Say Immigration Good for Country

On the whole, do you think immigration is a good thing or a bad thing for this country today?

■ % Good thing ■ % Bad thing

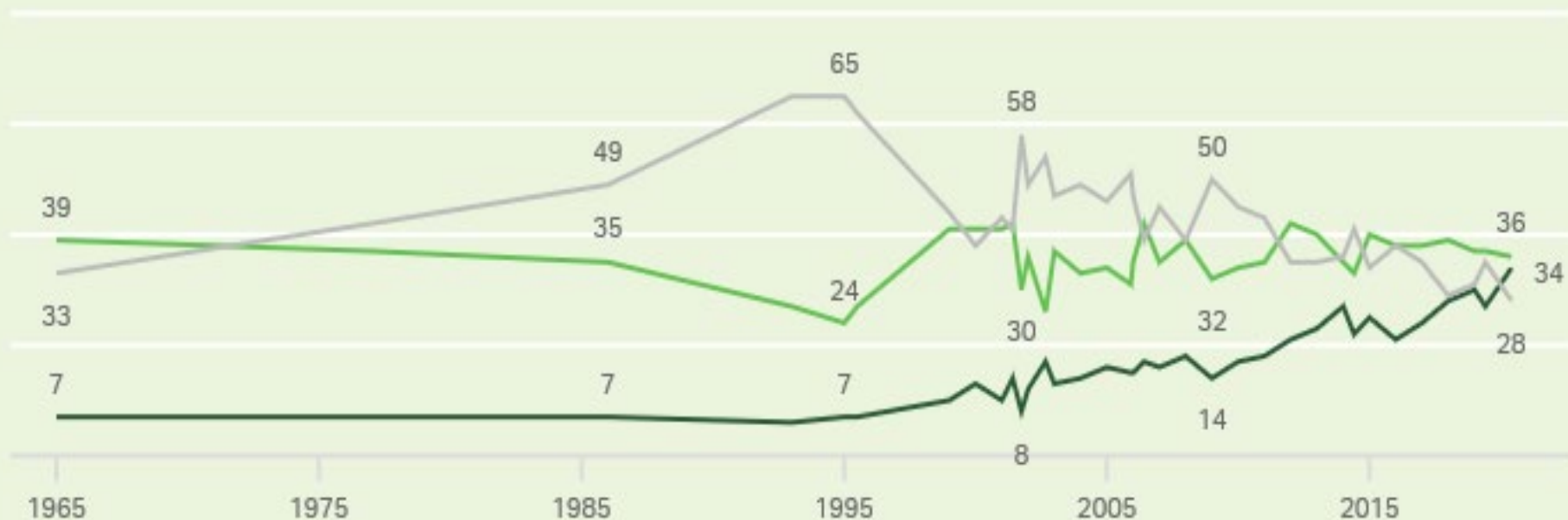


Support for increasing immigration at its highest since 1965 (34%), support for decreasing at a new low (28%)

Americans' Preferences for Immigration

In your view, should immigration be kept at its present level, increased or decreased?

■ % Present level ■ % Increased ■ % Decreased



Current Immigration

- Worldwide cap of 675,000 visas per year.
- 480,000 for family reunification
- 140,000 for employment
- 55,000 for diversity
- 120,000 for refugees (outside cap)
- Per country ceiling of 25,600 visas includes family and non family immigrants. (But immediate family is not included in the numbers adding to the ceiling.).

FY 2018 Statistics

- 1,096,611 legal immigrants
 - China 149,000
 - India 129,000
 - Mexico 120,000
 - Canada 41,200
 - Philippines 46,000

Immigration Categories

- 2016
- Immediate Family 48%
- Extended Family 20%
- Employment 12%
- Diversity 4%
- Refugees 13%

Current Employment Preference System

- FIRST: Priority Workers. Outstanding ability. Managers. Professors. Multinational Executives 40,000
- SECOND: Professions holding advanced degrees. 40,000
- THIRD: Skilled labor (two years training) 40,000. (5,000 can go to unskilled)
- FOURTH: Special immigrants, including ministers. (10,000)
- FIFTH: Investors 500,000 to 3 million to invest. Employ 10 workers (10,000)

Today's Family Reunification Preference System

1. FIRST: 23,400 visas per year
 - Unmarried adult children of U.S. citizens & their children
 2. SECOND: (a) 87,900 visas + (b) 26,000 visas
 - (a) Spouses & minor children of legal permanent residents
 - (b) Unmarried adult children of legal permanent residents
 3. THIRD: 23,400 visas
 - Married adult children of U.S. citizens & their spouses & children
 4. FOURTH: 65,000 visas
 - Adult siblings of U.S. citizens & their spouses & children
- Sponsorship: U.S. Citizen or LPR must prove he/she makes 125% of federal poverty level & sign an affidavit of support for the incoming immigrant
 - Many working poor cannot sponsor immigrants
 - Deeming used to enforce sponsorship

Family Preference Limits

- Although the limit says 480,000 visas for family preference, immediate relatives are outside the limit.
- The actual amount for the preferences is set by subtracting from the limit the number of immediate relative visas. That would be 0 for many countries.
- There is a floor of 226,000 for all family preference visas and that is what is in effect.

Family Preference Numbers

- The spouses and children who accompany or follow the principal immigrants (those who qualify as immediate relatives or in family-preference categories) are referred to as **derivative immigrants**. The number of visas granted to derivative immigrants is counted under the appropriate category limits. For example, in FY 2013, 65,536 people were admitted as siblings of U.S. citizens; 27,022 were actual siblings of U.S. citizens (the principal immigrants); 14,891 were spouses of principal immigrants; and 23,623 were children of principal immigrants.

Waiting Times as of 01/18

Visa Category	Definition	China	India	Mexico	Phillpines
1st	Unmarried Adult children of citizen	1/2012	1/2012	11/1996	10/2007
2A	Spouse, child LPR	11/2016	11/2016	11/2016	11/2016
2B	Unmarried Adult child LPR	09/2011	09/2011	1/1997	09/2007
3	Married adult children of citizen	12/2005	12/2005	10/1995	06/1995
4	Siblings of citizen	11/2004	06/2004	02/1998	03/1995

Current Preference System

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Final Action Dates for Employment-Based Adjustment of Status Applications:

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	08AUG13	C	22NOV08	C	C
3rd	C	15APR14	C	01NOV06	C	15FEB16
Other Workers	C	22DEC06	C	01NOV06	C	15FEB16
4th	C	C	01DEC15	C	01JUN16	C
Certain Religious Workers	U	U	U	U	U	U

Diversity Visa Program

- Created by the Immigration Act of 1990 in order to increase visas for Ireland.
- Annual 50,000 visas. Allocated randomly to nationals from countries which have sent less than 50,000 immigrants in the past 5 years.
- The visas are distributed among six geographic regions with a greater number of visas going to regions with lower rates of immigration.
- 20 million applications for 50,000 spots.

History of Refugees

- Many immigrants came to the US to flee persecution, war and famine.
- From the Pilgrims to the Haitian aristocracy fleeing the Haitian Revolution to the Jews fleeing pogroms, they were admitted alongside those “economic” migrants seeking a better life.
- The quotas put in place in the 1920s meant we had no special way of admitting people fleeing for their lives.

US Quotas and Refugees in the 1930s

- US had very low quotas for immigrants during the 1930s.
- In 1939 the quota for immigrants from Germany-Austria was 27, 370. It was quickly filled with people who had been waiting. There were long lines of people waiting for visas.
- Fortune Magazine poll found 83% of Americans were against relaxing restrictions on immigration.

The Saint Louis

Voyage of the "St. Louis," May 13-June 17, 1939



The Saint Louis

- 937 passengers, left Germany on May 13, 1939. They were all Jews, most German citizens but some from Eastern Europe.
- They had applied for US visas but there was a waiting list, so they were bound for Cuba where they hoped to wait.
- After they set sail Cuba decided to refuse entry.

The Saint Louis

- The ship got worldwide attention. Nazis spread rumors the people were Communists.
- Passengers cabled Roosevelt asking for help.
- US diplomats tried to pressure Havana but never seriously considered admitting the refugees.
- Three months before the St Louis sailed, Congress had refused to pass a bill to allow 20,000 Jewish children from Germany admittance.

The Saint Louis

- Arrived in Europe June 6, 1939.
- Jewish organizations negotiated with four countries to take them in. 288 went to Great Britain and all but one survived the War.
- The rest went to the Netherlands, Belgium and France. Half of those survived the Holocaust—many in the camps, the other half died.

Anti refugee sentiment

- Franklin Roosevelt's refugee policy advisor was an avowed racist and eugenicist.
- January 1939, 2/3 of Americans said they opposed a bill that would have admitted 20,000 German Jewish children.

Post WW II: Refugees

- UN was reacting to the large number of Displaced Persons after WWII. (Approx 11 to 20 million people) 1 million could not be repatriated.
- The Cold War played a large part. Many DPs were in danger of being repatriated to Eastern Europe which was under Communist Control.
- The US passed the Displaced Person Act in 1948 which allowed for 205,000, amended in 1950 to 415, 744.

Displaced Persons

- In order to qualify for American visas, only those who were in internment camps by the end of 1945 were eligible.
- The DP had to have an American sponsor and a place to live before arrival, and a guarantee that they would not displace American workers.

Refugees

- 1951 UN Convention and 1967 Protocols define a refugee as a person who is unable or unwilling to return to their home country and cannot obtain protection in that home country due to a past persecution or a well founded fear of being persecuted “on account of race, religion, nationality, membership in a particular social group or political opinion”

Refugee vs. Asylum

- In the US, refugee refers to a displaced person who applies to the US from a third country. They are outside the US while they are screened. Refugees are handled by the State Department. The limit is set each year by President, generally between 70,000 and 80,000. (Before Trump)
- Asylum seekers are people who submit their application while they are physically present in the US or at a US port of entry. Their applications are handled by Homeland Security. There is no limit on numbers.

Refugees

- US gave refugee status to people fleeing Communist countries—Eastern Europe, Soviet Union, Cuba.
- Denied refugee status to people fleeing other countries with dictators we supported, especially Latin America.
- In 1970s we admitted many refugees from Laos, Cambodia and Vietnam.
- By the end of the 1970s we had admitted 1.5 million people in a more or less ad hoc way.

1980 Refugee Act

- Accepted and incorporated the UN definition.
- Provided for President and Congress to set a number every year.
- Number set each year according to State Department and world conditions
 - 1970's 1980's some years over 200,000
 - 1990's 2000's less, peak year 1992 it was 142,000
- 2000 to 2007 cap was 70,000

Trump Policy Changes

- The Wall was his signature policy.
- But he has had far more impact on refugee, asylum and legal immigration
- Policy led by Steven Miller, former Senate aide to Jeff Sessions, who was Trump's first Attorney General.

NY Times Nov 18,2019

- ***The White Nationalist Websites Cited by Stephen Miller***
- Newly released emails show President Trump's chief immigration adviser was a young Senate aide who promoted his anti-immigrant views by referring to the sites.
- Praised the Calvin Coolidge administration for passing the Restrictive Immigration Law.

VDARE ideology

- "America was defined — almost explicitly, sometimes very explicitly — as a white nation, for white people, and what that means is that there is virtually no figure, no law, no policy, no event in the history of the old, white America that can survive the transition to the new and non-white version. Whether we will want to call the new updated version 'America' at all is another question entirely."
— Sam Francis, VDARE.com, July 21, 2003

VDARE ideology

- "Jewish activity collectively, throughout history, is best understood as an elaborate and highly successful group competitive strategy directed against neighboring peoples and host societies. The objective has been control of economic resources and political power. One example: overwhelming Jewish support for non-traditional immigration, which has the effect of weakening America's historic white majority."
— Kevin MacDonald, VDARE.com, Nov. 14, 2006

VDARE ideology

- "What race realists find most infuriating about the liberalism of the last half century is not just that it has lost its instinctive appreciation for the culture and people of the West but actively, viciously attacks them. Whites are doing something no other people have ever done in human history. Our rulers and elites welcome replacement by aliens, they vilify our ancestors and their own, they sacrifice our interests to those of favored minorities, and they treat the entire history of the West as if it were a global plague of rapine and exploitation. This is a disease that is killing us, and we must fight it head on."
— Jared Taylor, VDARE.com, July 4, 2008

Trump Changes to Immigration

- Basically eliminated the ability to apply for asylum at the southern border.
- March 2020, citing the pandemic, closed the border to all non citizens.
- ICE under Obama targeted criminals, under Trump the percentage of non criminals apprehended within the country has increased.
- In 2016, 14% of those arrested on immigration charges in the interior were non criminals, in 2019 it was 36%

Trump and Immigration Courts

- There is a backlog of over 1 million cases in federal immigration courts where people try to fight deportation.
- The administration has hired more judges (many from the BP and ICE), put pressure on judges to deport people quickly and to have mass hearings rather than individual ones.

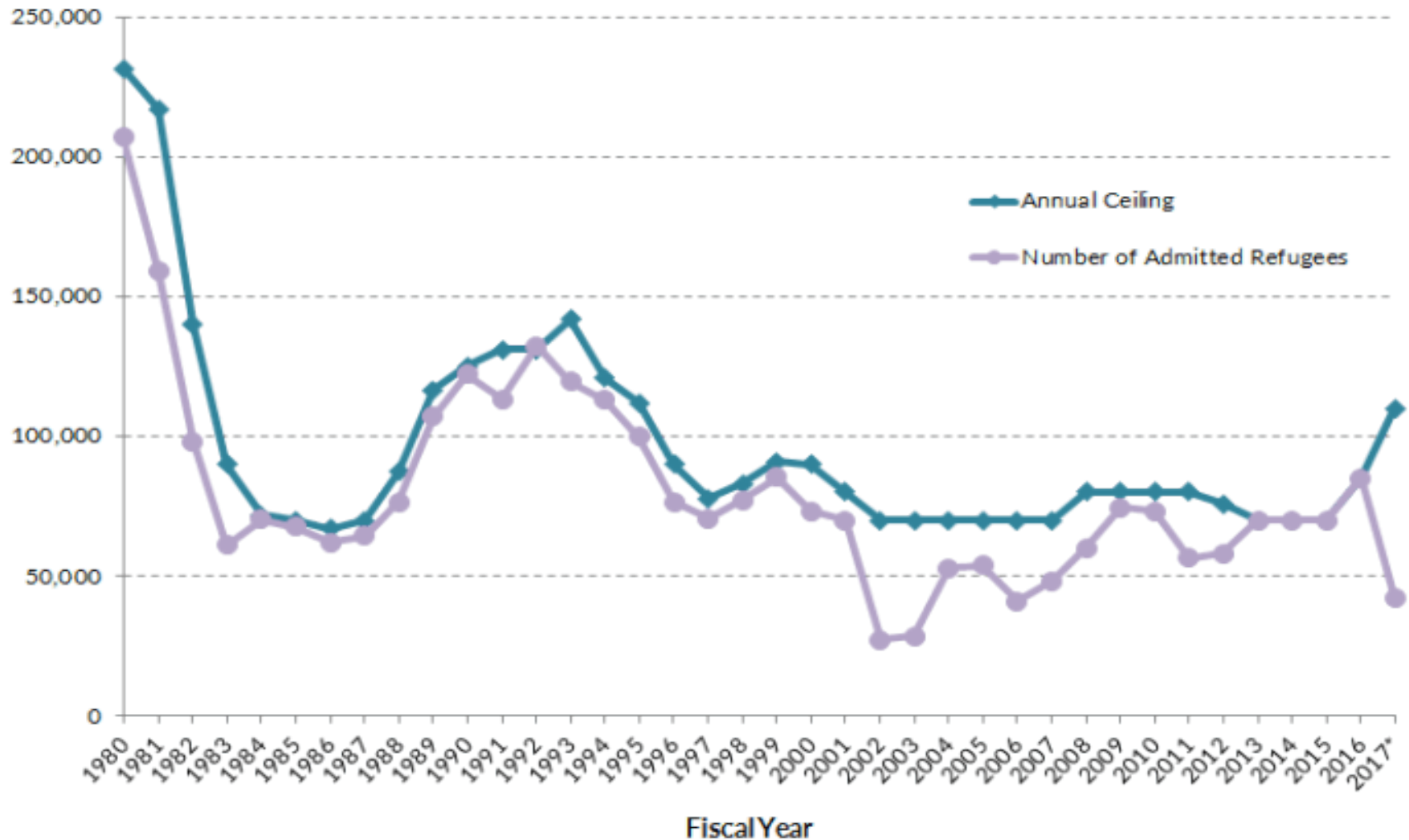
Trump and Legal Immigration

- Used the levers of government to slow and reject legal immigration applications.
- Between FY 2016 and FY 2019, applications for green cards decreased by 17 percent, to
- the lowest number in half a decade.
- The number of foreign nationals outside of the country applying for temporary visas fell, also by 17 percent over the same period

Refugee Admissions

- Refugee admissions dropped to 22,491 in FY 2018, down from 84,994 in FY 2016, reaching the lowest level since the modern U.S. refugee resettlement program began in 1980.¹³
- For FY 2020, the administration lowered the refugee admissions ceiling even further to 18,000.
- After the pandemic slowed resettlement to a trickle, it seems unlikely refugee admissions will advance past half of the year's already low ceiling; through June 30, 2020, only 7,754 refugees had been admitted this fiscal year

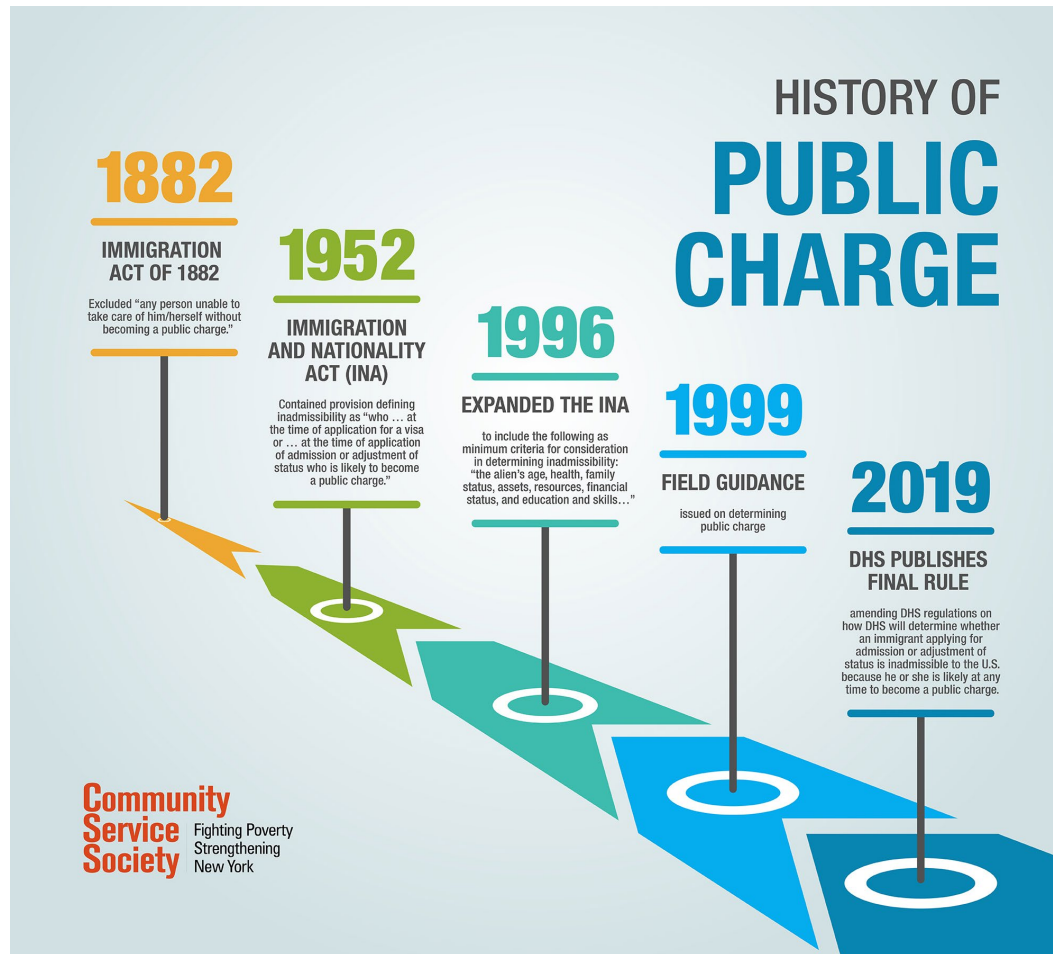
Annual Refugee Resettlement Ceiling and Number of Refugees Admitted



TRUMP and DACA

- Tried to end DACA and were stopped by federal court in January 2018 and ultimately by Supreme Court in June 2018.
- But this only applies to existing DACA recipients.
- Between 2017 and 2020 estimated 500,000 people who are eligible but have not been granted DACA
- Currently the administration turns down all first time applicants and grants renewals for one year at a time

Public charge rule



Public charge

- August 2019 administration announced that they would expand definition of public charge for people applying for green cards
- Before change: TNAF, SSI receipt could disqualify
- After change: SNAP, Medicaid, Section 8, Public housing, state and local assistance would disqualify
- Right now federal court allowed the change, while appeals are pending.

Administration vs. Courts

- In 2019, the Supreme Court overruled
- injunctions against the transit-country asylum ban, MPP (also known as “Remain in Mexico”), using billions
- of dollars in diverted Pentagon funding for a border wall, and USCIS’s public-charge regulation. An appeals
- court also lifted an injunction preventing the Justice Department from limiting federal grant funding for
- sanctuary cities.

Trump Policy Changes

- Drastic Reduction in Asylum
 - FY2017 Obama administration had set limit to be 110,000. Trump stopped accepting refugees, 53,716 refugees were admitted
 - FY 2018, on track to admit only 20,000 refugees, by far the lowest level since program began in 1980

Denying Asylum Rights

- Migrant Protection Protocols, or Remain in Mexico began early 2019
- In first year 62,000 people were sent to wait in Mexico in tent cities.
- By Late 2019, Human Rights First reported 630 cases of kidnapping, torture, rape.

Worldwide Refugee Crisis

- The United Nations Refugee Agency (UNHCR) counts 65.6 million people displaced worldwide, 22.5 million of them were outside of their countries of origin.
- The main causes are war, and environmental disasters as well as slow motion disasters owing to climate change— e.g. drought.
- In 2016 20 people were displaced from their homes every minute.
- The US is facing a refugee issue on its southern border.

Changes since 2008 in Immigration

- The recession of 2008, along with changes in Mexico (fall in fertility, need for workers in Mexico) have led to net negative undocumented immigration from Mexico.
- The current challenge for immigration in the US are asylum seekers from three of the most violent and poor countries in the world—El Salvador, Honduras and Guatemala.
- Long history of US support for violent authoritarian regimes, as well as large gang violence owing to deportations throughout the 1990s of young men from the US.

Obama Administration Crisis 2014

- Large influx of unaccompanied minors—young teens sent by families, as well as whole families from these countries at our southern border.
- Obama administration detained families and minors until their cases could be heard, and some were held in terrible conditions—including cages and mylar blankets.

History of Family Detention

- 2014 Karnes Detention Center converted to family detention center. Holds 630 fathers and sons.
- 2014 Family Detention Center in Dilley Texas opened. Holds 1520 women and children under age of 17
- Berks County Pennsylvania holds moms, dads and children.

Asylum at Border: Many Central Americans have strong cases

- Between Oct 1, 2017 and June 30, 2018, the government received 73,000 credible fear claims, up from 5,000 in all of 2009.
- Of those 73,000, 76% were found to have a credible fear, which means they were eligible to have a case heard, and could not be swiftly removed (deported).

Summer 2018

- Beginning April 6, 2017 Trump Administration piloted a zero tolerance policy, where all individuals caught coming across without inspection were detained.
- Children were intentionally separated from parents as a deterrence policy.
- No provision was made to make sure parents and children could be reliably reunited.

Flores Agreement

- The *Flores* agreement sets conditions under which the federal government can detain children—including, as interpreted by the courts, that they cannot be held for more than 20 days in unlicensed, secure facilities—and a [July 2015 federal court ruling](#) made it clear that the settlement's protections apply to accompanied, not just unaccompanied, children.

Flores Agreement

- Signed in 1997 by Clinton
 - required unaccompanied minors who arrive in the US to be released to their parents, a legal guardian or an adult relative, If no relatives are available then the relevant government agency can appoint an appropriate adult to look after the child.
- 2008 by Bush
 - in 2008, Republican President George W. Bush signed an anti-trafficking statute that requires unaccompanied minors to be transferred out of immigration centers within 72 hours

- Laws and court settlements require that immigrant children be held in custody for only short periods — either three days by themselves or 20 days as part of a family. Children who arrive alone must be handed over to the Department of Health and Human Services, which runs a shelter network that houses the children until they can be placed with an adult in the U.S.

Families at the Border

- First nine months of FY 2018, families made up more than one-third of all migrants apprehended at the border.
- In April-May the administration instituted “zero tolerance” policy.
- Parents were put in detention under Homeland Security and Justice Department.
- Children were put in shelters run by Health and Human Services
- The two government agencies did not coordinate.
- One June 16, 2018 a federal district judge paused the separations and ordered the government to reunite the 2500 kids and parents.

What happened?

- The separated children were scattered among 121 shelters in 17 states.
- Parents were deported without children, many were told if they signed the papers to be deported their children would be reunited but that did not happen.

Current Situation

- In total 5400 children were separated from their parents.
- As of yesterday, they still cannot find the parents of 666 children (NBC news), 129 of those children were under the age of 5 when they were separated.

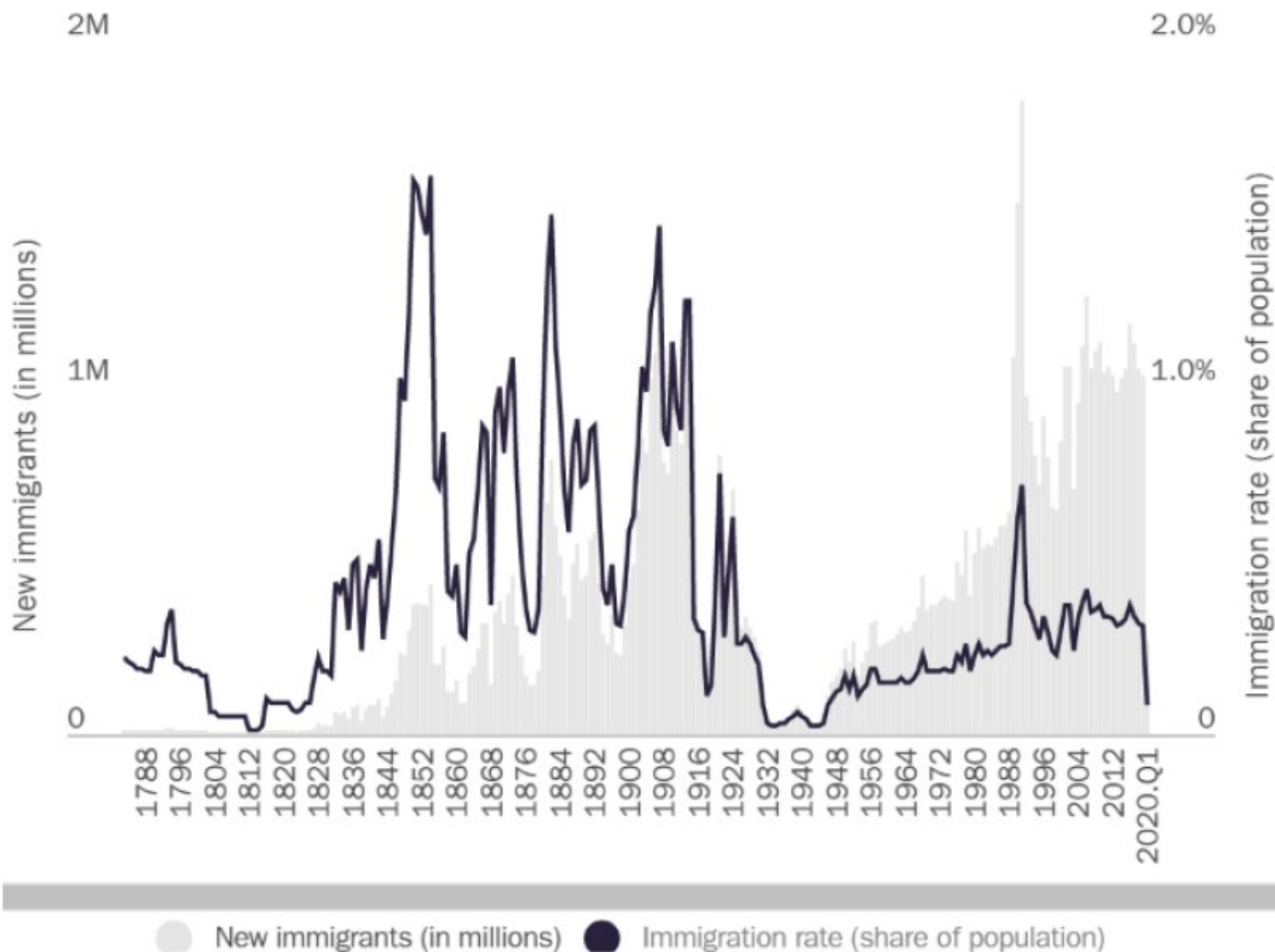
Restrictions on Asylum Seekers

- May 2018 BP started restricting the number of people they would take an application from in a day.
- Then they started taking their names, but telling them they had to wait in Mexico for their initial hearing to be held.
- Then they put into effect an asylum ban that meant they would not be giving asylum
- July 2019 they started deporting them to El Salvador, Guatemala and Honduras, and banned all non Mexicans from applying for asylum
- March 2020 the CDC director closed the border

Impact: Plunging Numbers

Figure 1

Immigrants becoming legal permanent residents, 1783–2020.Q1



Impact

- Border Patrol with little to do, ICE doing most arrests now
- Unmentioned large increase in temporary visas to Mexicans to work in agriculture and service

Border apprehensions

In 2000, 1.6 million migrants were apprehended along the U.S. border, but by 2017 the number was only 304,000. The number of apprehensions normally fluctuates from month to month.

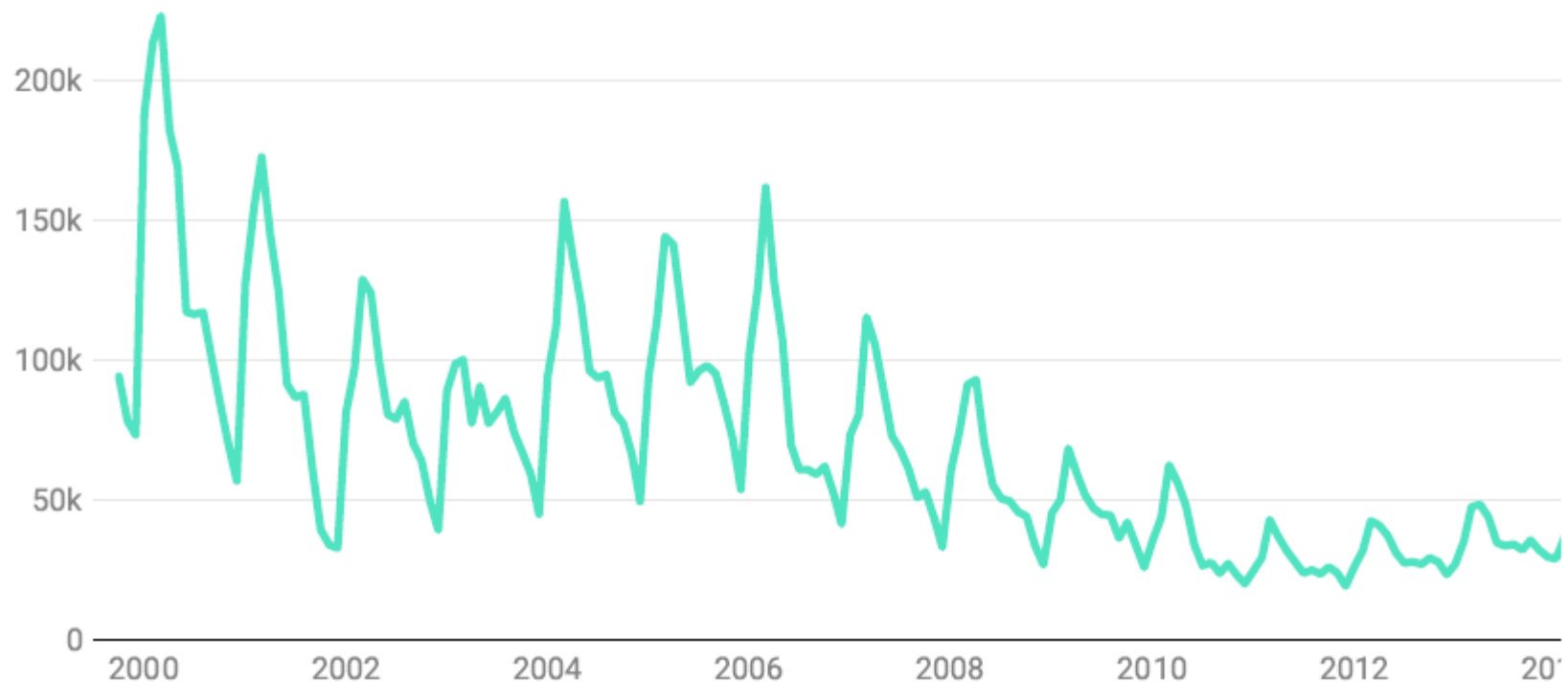
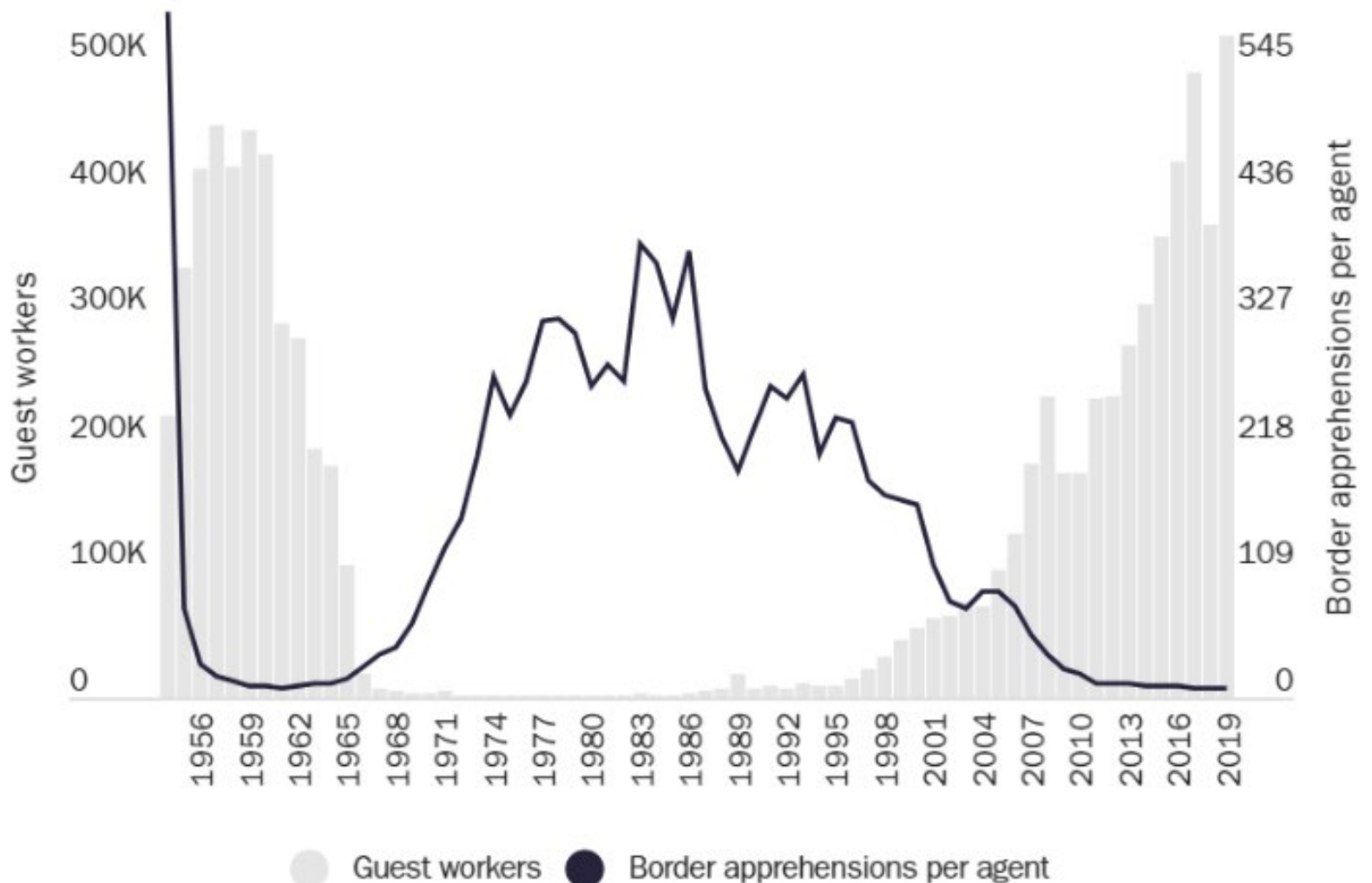


Chart: The Conversation, CC-BY-ND • Source: [U.S. Customs and Border Protection](#) • [Get the data](#)

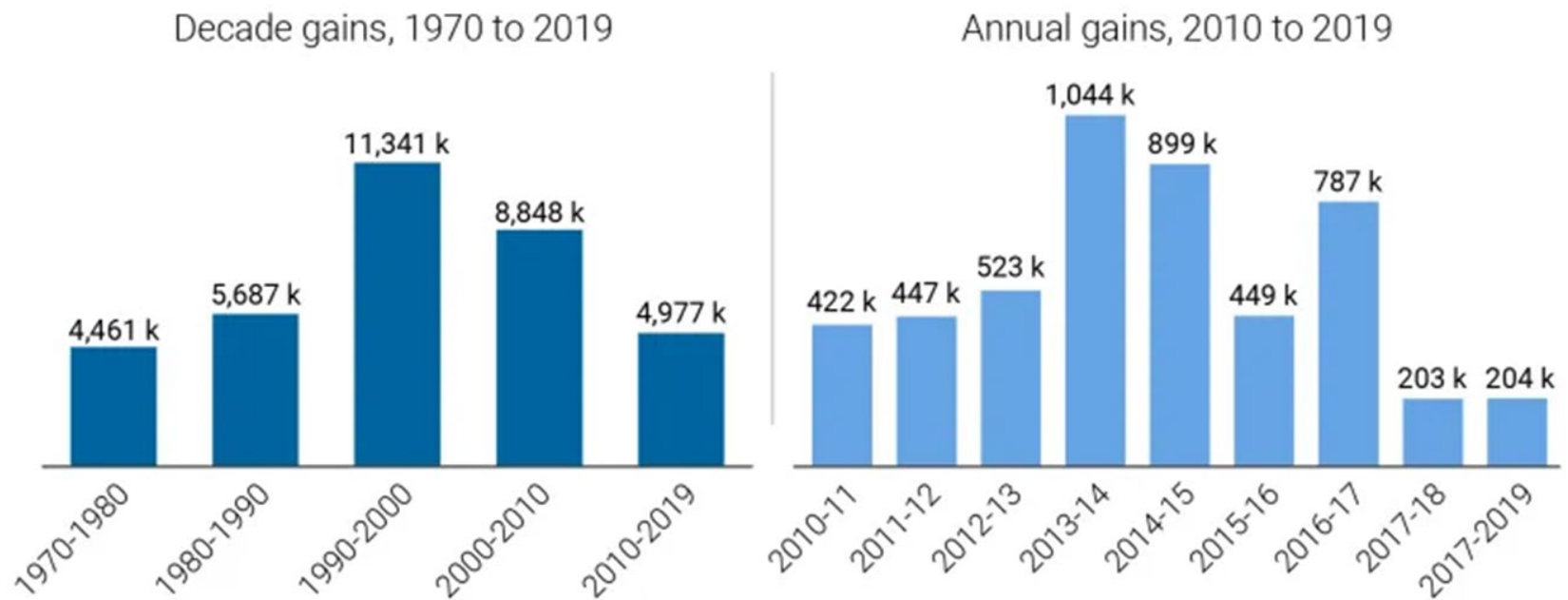
Figure 2

Mexican guest worker entries and apprehensions of Mexicans per border patrol agent, FY 1954–2019



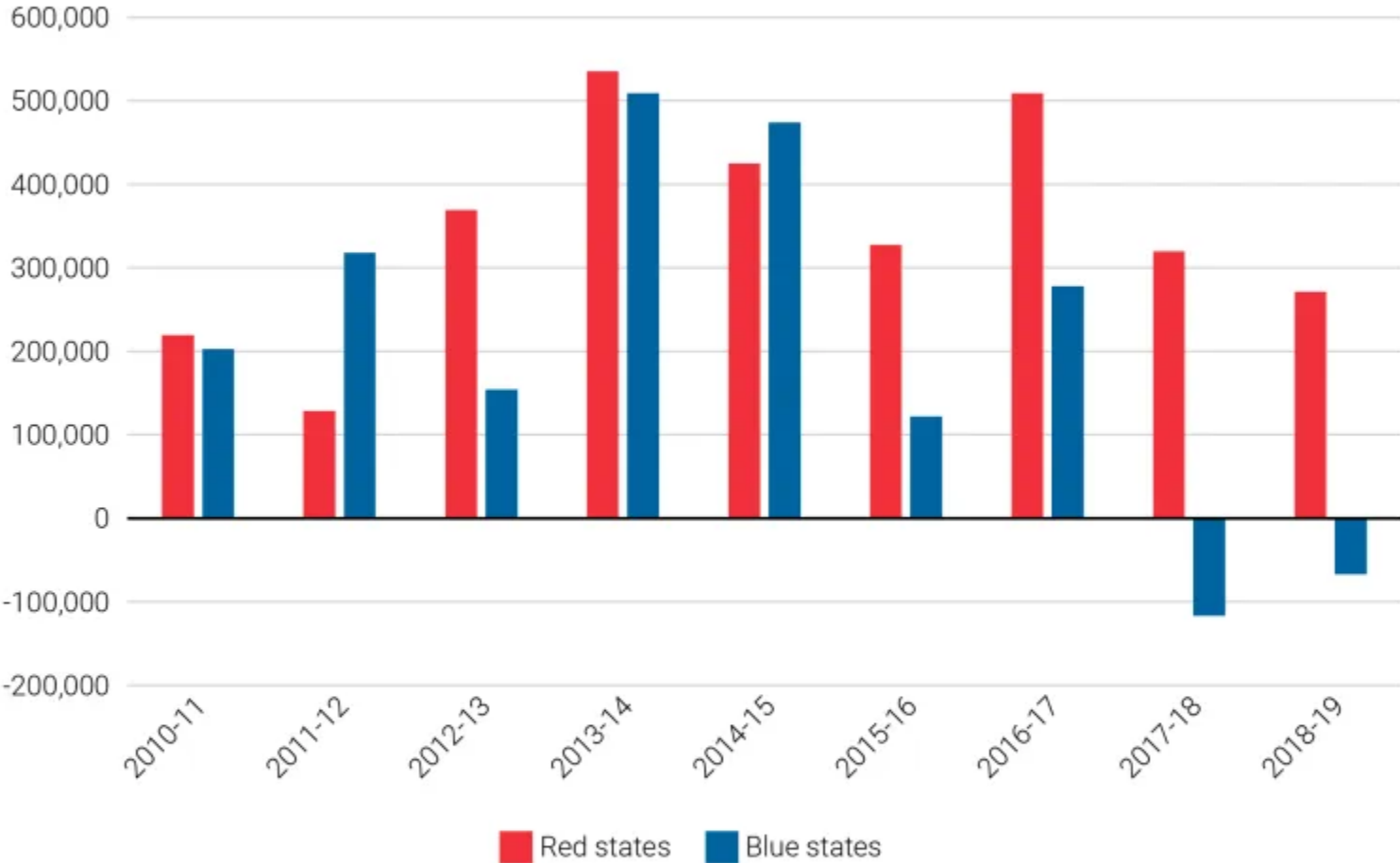
Impact: Reduction in Legal and Illegal Immigration

Figure 1. US foreign-born gains



Source: William H. Frey analysis of decennial censuses and 2010 to 2019 American Community Surveys, released September 17, 2020.

Figure 5. Annual foreign-born gain in red and blue states, 2010 to 2019



Source: William H. Frey analysis of decennial censuses and 2010 to 2019 American Community Surveys, released September 17, 2020.