

# Priorities for U.S. Immigration Reform



GEORGETOWN UNIVERSITY

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## ABOUT THE PROJECT

The Institute for the Study of International Migration, with the support of the MacArthur Foundation, organized a series of public presentations, as well as expert roundtables that addressed the multiple challenges of immigration reform. The aim of the project was to inform debate on immigration reform, with a focus on addressing the challenges of implementation. This final report summarizes those debates.

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# U.S. Immigration Reform Project

- Funding from the John D. and Catherine T. MacArthur Foundation
- Deliberations of more than 150 researchers, policymakers, and opinion leaders at 8 roundtables
- Reports can be found at:  
<https://isim.georgetown.edu/immigrationpolicy>

# Roundtable Topics

- Family Immigration: Visa Channels and Management Challenges
- Highly Skilled Migration: STEM Supply and Policy Challenges
- Low-Wage Migration: Present Challenges, Future Supply
- Refugee, Asylum & Humanitarian Policies: Challenges for Reform
- Detention & Removal: What Now and What Next?
- Enforcement in the Workplace: Challenges, Past & Present
- Border Enforcement in the 21st Century
- Looking Back to Move Forward: Past Legalization Programs

# IMMIGRANT ADMISSIONS

- Large backlogs on family admissions impede reunification and should be resolved to improve integration
- Disagreement over temporary work programs can be addressed by testing market-oriented visa systems and improving worker mobility.
- Large backlogs in the asylum system should be reduced by improving the systems ability to identify & protect bona fide asylum seekers.

# Family Admissions

Family reunification supports American values & intact families boost assimilation

- intact families have more workers & children get more US schooling
- large admission backlogs & wait times separate families

Policies should facilitate admission of the nuclear family:

- permit LPR sponsorship of spouses & minor children without numerical limits
- provide alternative admissions procedures for other family
- address sponsor deeming requirements (minimum income to support newcomers) for timely reunification

# Employment Admissions

Large-scale temporary visa programs are disputed.

- employers see labor shortages, many analysts do not
- worker advocates are concerned with fraud and abuse

Set regulations to test demand & protect labor:

- greater movement (portability) between employers
- pilot market-based programs: payment of high wages, large sponsorship fees, auction markets
- hold the final employer responsible for work conditions
- investigate workplaces after workers are admitted
- facilitate timely adjustment to permanent visas

# Humanitarian Protection & Admissions (1)

Asylum policies are inadequate, there are severe processing delays.

Address by providing:

- more resources for U.S.CIS asylum officer corps & immigration courts
- more and better legal representation for asylum seekers
- create a "children's corps" within DHS (like asylum corps)
- officials conducting credible fear determinations might grant asylum or refer to immigration judges

# Humanitarian Protection & Admissions (2)

Make U.S. refugee resettlement program more agile:

- streamline security reviews for those facing imminent harm & posing no risk
- increase & stabilize funding to facilitate integration

Temporary protected status (TPS) fills gaps in refugee & asylum policies:

- facilitate return when possible
- allow transition to permanent residence if conditions do not permit return after a specified period (e.g., 7 years)



# ENFORCEMENT

- Large numbers of detainees require new means of assessing risk & alternatives to detention
- Backlogs of removals require more resources, more judges, alternatives approaches & clear guidelines for local involvement
- Work authorization is needed & nationwide E-Verify should be complemented by labor law enforcement.
- The multiple types of cross-border movement require a strategy of comprehensive management and strategic deployment of resources.

# Detention

The U.S. has world's largest immigrant detention system:

- many detainees pose little risk to public safety & little risk of flight if released
- conditions in detention can be poor, especially for children & families

Alternatives to Detention (ATDs), especially for migrant families, should be a priority:

- expand use of Risk Classification Assessment (RCA) tools (as utilized by ICE)

Improve detention practice when release is not possible:

- internal detention standards, tailored to different facilities by ICE, are welcome
- an independent body should monitor detention standards

# Removals

Effective policies prioritize removal of high-risk cases based on safety, flight risk, and similar factors

- alternatives to removal are preferred for low priority cases

Immigration courts have growing backlogs, particularly for asylum cases

- increase funding & the number of immigration judges

Some argue local law agencies should not be involved, others argue they can be effective

- clarify priorities & procedures among ICE & local law actors
- address mistrust of law enforcement by non-citizens

# Worksite Enforcement

Immigration law in 1986 (IRCA) sanctioned employers who fail to verify employees' work authorization.

- critics question the effectiveness of the (I-9) paperwork compliance and identity checks

A national electronic verification system (E-Verify):

- requires interagency coordination between SSA & DHS
- challenges include data accuracy, compliance, & identity fraud
- administrative actions should provide clear guidelines on corrections, misuse & privacy for the E-Verify system

Enforcement of labor laws should be an adjunct to verification:

- combats uneven playing ground that undermine work conditions for all
- reduces displacement of unauthorized workers into underground jobs

# Border Enforcement

Large volume of people and goods move legally & illegally across America's borders.

- There are multiple enforcement challenges
- “complete operational control” or zero unauthorized entrants, is unattainable, expensive & unmeasurable.

Federal resources should be optimally allocated to be efficient & effective while ensuring security:

- “comprehensive management” should be the goal
  - DHS should be charged with strategically deploying resources
  - employ advanced analytics to identify risks at border & permit shifting resources where needed
  - increase budgets to expand legal Ports of Entry

# Legalization

- Strategic preparations needed to address implementation challenges
- Lessons learned from previous legalization
  - flexibility should be built into programs
  - public-private partnerships are effective in encouraging and preparing unauthorized migrants to apply for regularization
  - organizational capacity must be scaled-up in advance of a program launch with up-front funding from sources other than application fees

# The Trap: Comprehensive or Targeted?

Most experts favor some form of legalization, enhanced enforcement and expansion in legal admissions

(comprehensive reform) but politically difficult to achieve

- To be prepared, the DHS (USCIS) should run scenarios to implement programs to meet legislative or executive action.

In the meantime, targeted reforms should address priorities.

- Some reforms can be implemented by regulatory or administrative actions, others require legislation