

Priorities for U.S. Immigration Reform



GEORGETOWN UNIVERSITY

The logo for the Institute for the Study of International Migration (ISIM) is located in the top right corner. It features the acronym 'ISIM' in a large, bold, sans-serif font. To the right of the acronym, there is a circular emblem containing a globe and the text '15th ANNIVERSARY' and '1789'.

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