

THE HENRY M. JACKSON
SCHOOL OF INTERNATIONAL STUDIES
UNIVERSITY of WASHINGTON

TASK FORCE REPORT



The Future of U.S. Migration Policy:
Addressing and Improving the Current System

2018



ACKNOWLEDGEMENTS

Our Task Force would like to sincerely express our gratitude to Professor Kathie Friedman for her expertise, support, and guidance in the creation of this report. Especially for her dedication towards migration rights and helping us comprehend a holistic view of how immigration and refugee policy shapes our nation. We also would like to thank to Lauren Dobrovolny for her coordination and commitment to this report. This Task Force is immensely grateful towards Elizabeth Ferris for her expertise and donating her valuable time.

TASK FORCE MEMBERS

Advisor to the Task Force

Kathie Friedman

Editors

Lenna Fleetwood

Katarina Schrag

Coordinators

Hyesang Kim

Kevin Rini

Writers

Isabella Ollestad

Cody Kissner

Sneha Indrajit

Vince Geangan

Joanna Kao

Minari Omura

Martin Gunawan

Sundus Baig

Angela Chen

ACRONYMS

ACA – Affordable Care Act
AEDPA – Anti-terrorism Effective Death Penalty
ATD – Alternative to Detention
CBO – The Congressional Budget Office
CBP – Customs and Border Protection
CHIP – Children’s Health Insurance Program
CRS – Comprehensive Ranking System
DACA – Deferred Action for Childhood Arrivals
DHS – Department of Homeland Security
DOMA – Defense of Marriage Act 1996
DREAM – Development, Relief, and Education for Alien Minors
EAD – Employment Authorization Document
EOIR – Executive Office of Immigration Review
ERO – Enforcement and Removal Operations
GAO – Government Accountability Office ICE –
Immigration and Customs Enforcement
IIRIRA – Illegal Immigration Reform and Immigrant Responsibility Act
IDMC – Internal Displacement Monitoring Center INA – Immigration
and Nationality Act
IRCA – Immigration Reform and Control Act
ITIN – Individual Tax Identification Numbers
LEP – Limited English Proficient
LPR – Legal Permanent Residents
NAFTA – North American Free Trade Agreement
ORR – Office of Refugee Resettlement
PBNSD – Performance Based National Standards Directive
PEP – Priority Enforcement Program PREA – Prison Rape
Elimination
PRM – Bureau of Population Refugees and Migration
RPI – Registered Provisional Immigrant TPS –
Temporary Protected Status
TRIG – Terrorism-Related Inadmissibility Grounds
TSA – Transportation Security Administration
USC – United States Citizen
USCIS – United States Citizenship and Immigration Services
UNHCR – United Nations High Commissioner for Refugees
VAWA – Violence Against Women Act of 1994 VOLAG –
Voluntary Agencies

CONTENTS

Acknowledgements	
Task Force Members.....	i
Glossary of Acronyms.....	iii
Executive Summary	6

Undocumented Immigration Policy

Deportation and Detention Policy.....	10
Border Enforcement & National Security.....	19
Social Services for the Undocumented.....	26
The Undocumented Population’s Contribution to America.....	33

Authorized Immigration Policy

The Intricacies of Family-Based Immigration.....	39
Merit-Based Immigration and H1-B Visa’s.....	46
Diversity Lottery Visa.....	52
Integration and Naturalization.....	58

Refugee and Forced Migration Policy

An Honest Approach to Refugees, Asylees & National Security.....	64
A New Beginning for Refugee Integration and Social Services.....	73
Rejection of Refugees and the Consequences of Continued Adjudation.....	81

Policy Recommendations.....	89
Conclusion.....	92
Bibliography.....	94
Notes.....	109

EXECUTIVE SUMMARY

Lenna Fleetwood

The United States has historically acted as a beacon for international migrants, many seeking the ideological “American Dream” that has been preserved within the foundation of the United States’ national identity. Despite being a nation constructed by migrants and the descendants of migrants, the United States has remained inconsistent in regard to establishing viable immigration and refugee policy. Since the 1960s, the U.S. has acted as a hub for migration, currently home to one-fifth of the world’s migrants.^[i] With the increased prevalence of humanitarian crises across the world, the rise in globalized migration has the international community questioning the United States and the Trump administrations’ restrictionist stance on migration. During Donald Trump’s 2016 electoral campaign, immigration and refugee policy were placed as a focal point. Utilizing discriminatory rhetoric towards Muslim refugees and Hispanic immigrants, President Trump’s evidenced a clear favor for closed border policies that put America first. Within the first few months after Trump took office, multiple executive orders were issued that explicitly targeted immigrants and refugees.

In 2016, the United Nation General Assembly came together to address the issue of migrants and refugees, in an attempt to construct a prototype solution to the significant increase in migration movements. The purposed the ‘New York Declaration,’ was drafted and signed by 193 Member States at the UN Summit in September of 2016.^[ii] The New York Declaration contains commitments to protect migrants and refugees from continuous human rights abuses, and advocates for safe resettlement and cooperation from the signatory states. While global leaders of are worked towards addressing the influx of international migrants, the United States Secretary of State, Rex Tillerson, announced shortly after the summit that the U.S. will no longer participate in the development of the Global Compact on Migration or the New York Declaration, arguing that it was in conflict with U.S. immigration laws.^[iii] The United States refugee and immigration policies have remained inconsistent leaving millions of migrants vulnerable, and with the recent lack of collaboration with the international community, the future of migration policy within the United States remains controversial.

The United States is currently home to roughly 34 million authorized immigrants, in conjunction with nearly 1 million unauthorized immigrants who are protected under the Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS), not including the millions of other undocumented without state protection.^[iv] These numbers are not inclusive towards the additional

millions of refugees and asylees who seek resettlement within the United States. It is evident that the United States play a preeminent role within the globalized migration patterns. However, the Trump administrations' attitudes towards immigration and refugee policy have reiterated the faults within current migration policies and have further increased barriers for refugees and immigrants both domestically and internationally. Our Task Force aims to address the flaws within the United States' current migration policies through analyzing the issues within three primary areas of migration discourse; unauthorized immigrants, authorized immigrants, and refugees.

This report is organized into three sections. First, the long-debated issues surrounding unauthorized immigration policy are addressed. With an estimated 11.4 million undocumented immigrants residing within the United States, our Task Force report examines how the current administration, as well as past policies, have systematically marginalized this population.^[v] Second, this report will examine the recent state of immigration policy, in regard to the flaws within the various paths to naturalization. As the controversy surrounding chain migration takes stage, the Trump administration's proposal to move away from family-based immigration towards a merit-based system is examined. Lastly, this Task Force report will examine refugee policy, and how the United States' current resettlement programs have failed to protect the world's most vulnerable populations. Furthermore, we will address how the gaps within refugee policy purpose the transition towards a "forced migration" policy. As globalized migration increases, the United States' historical precedent to address migration from a humanitarian standpoint needs to remain consistent. *Our Task Force believes that the development of productive migration policy, is a vital part of American national interests, and needs be addressed immediately.*

UNDOCUMENTED POLICY

The undocumented are immigrants who entered the United States and have resided without legal status from the government. They encompass a wide range of individuals, whose nationalities, ethnicities, needs, desires and backgrounds vary not too far from those of native-born U.S. citizens and authorized immigrants. Yet their existence within the most prosperous nation on earth has been systematically condemned, with approximately 11 million individuals currently considered undocumented, their plight cannot afford to be over-looked or excused. Out of that 11 million all pay taxes and contribute to society, 8 million are employed as a part of the U.S. civilian workforce, providing that there is there is a substantial concern for the prosperity of the nation should their contributions to this culture continue to be diminished. Due to their illegal status, undocumented immigrants are particularly vulnerable and are often rendered invisible despite their significant contributions to the United States. This is represented by the population's struggle to maintain a decent standard of living. With limited access to healthcare, education, and employment, undocumented migrants are repeatedly stigmatized and criminalized by law enforcement and border security.

In 2007, a portion of the undocumented population developed the identity known as “dreamers.” Dreamers encompassed the millions of young individuals who qualified for the Development, Relief, and Education for Alien Minors (DREAM) Act under the Obama administration.¹ While DREAM Act failed to pass, but the term “dreamers” has grown into a term of empowerment for the undocumented and a representation of their collective identity.² In response to the DREAM Act, the Deferred Action for Childhood Arrivals was established. DACA recipients do not have legal status in the United States, however have been granted temporary relief from deportation. DACA recipients are legally eligible to work and pursue an education within the United States. Despite the enhanced liberties accorded to them compared to the rest of the undocumented population, their access to welfare from the federal government remains limited and is in some ways further compromised.

Perhaps, now more than any previous time in United States history, there is a need for a more protracted conversation concerning the experience of this nation's undocumented population. In an ever-desperate attempt to prevent the expansion of the undocumented population within its territory, the United States has enacted policies that have heightened deportation, detention, and the policing of undocumented migrants. Although a portion of U.S. society believe that these policies are in place to protect their own liberties, the reality indicates that they have led to an inaccurate perception of these undocumented persons, classifying them as unworthy of basic human rights.

DEPORTATION AND DETENTION POLICY

Isabella Ollestad

Deportation: Changing Definitions

The most prominent features of United States immigration policy regarding the undocumented population surrounds deportation and detention policies, and their application in the current political climate. Under the Obama administration, certain aspects of deportation and detention procedures began to be relaxed, although overall deportation numbers remained high.³ However, the Trump administration's emphasis on immigration control has brought significant changes; most notably a substantial increase in immigration-related arrests.⁴ These changes became most notable in their application following the executive order issued on January 26th of 2017, "Enhancing Public Safety in the Interior of the United States." In this order Trump called for stricter regulation of the undocumented population – including an increase in Immigration and Customs Enforcement (ICE) officers, broader standards for those eligible for deportation, and overall increased efforts to identify and remove undocumented migrants from the interior of the nation.⁵ Renewed focus on the interior of the US involves the Enforcement and Removal Operations (ERO) unit of ICE, which handles those deportation arrests that are not conducted by Customs and Border Protection (CBP) at the nation's borders. In the year since this executive order was issued, ICE has worked to significantly increase the number of deportation arrests; most notably with a significant rise in administrative arrests to over 140,000 in the 2017 fiscal year – the highest amount of the past three years.⁶ Greater focus on enforcement in the interior of the U.S. has already brought significant changes in that area, with 81,000 people being removed from the U.S. interior by the ERO unit, marking a 37 percent increase from 2016.⁷

Unfortunately, the Executive Order's assertion that "all unauthorized immigrants have broken the law and are, therefore, subject to removal" means that a greater number of people are getting deported despite failing to represent a credible threat to public safety or national security.⁸ Additionally, "agents with ICE are arresting more immigrants in the interior of the U.S. who have overstayed their visas," but have not committed further crimes.⁹ Overstaying a visa is not a crime but a civil offense, and people belonging to this category account for a large proportion of the undocumented population in the United States.¹⁰ In 2015, some 530,000 people overstayed their visas, which was about 200,000 more migrants than those apprehended at the border; this trend seems set to continue in the coming years as throughout 2017. The Trump administration promoted the policy that "anyone here illegally is a target – whether they're convicted of a crime or not", representing a switch towards arresting those who are not a present danger.¹¹ Although immigration related arrests increased in 2017, actual removals did not rise accordingly as the removal process remains incredibly lengthy, and the strain on current resources impedes removal of

deportees due to capacity constraints and backlogs in the court system. *Our Task Force believes that more resources should be allocated to the immigration court system to allow ICE to cope with the increased volume of cases.* Further, ICE “no longer exempts classes or categories of removable aliens from potential enforcement,” meaning far greater numbers of undocumented migrants could be targeted under new regulations.¹² Grandiose plans for further deportations and arrests should be put on hold until a feasible system is developed to avoid massive strains on the existing system as there is a shift to handle higher volumes of deportation.

Costs of Deportation: Human and Financial

Despite President Trump’s call for some 10,000 more ICE enforcement officers, there has yet to be a proposal for a new resource allocation plan, yet the support currently available is not enough to compensate for the proposed increase in volume.¹³ The proposed increase in personnel prompts the question of whether this is the best method to meet the shortages of the system, especially since the underlying need may not be for more labor, as the Brookings Institute reports that, “manpower has diminishing returns after a certain point, and funds may be better spent in other ways for [the] agency.”¹⁴ Likewise, the cost of hiring, supporting, and retaining agents necessary to implement the Executive Order is estimated to be around \$2 billion, a 60 percent increase in the total ICE budget.¹⁵ Such a substantial cost increase could be averted if removal operations emphasize the arrest and removal of those in priority removal categories rather than trying to maximize removal of all undocumented migrants in general. These priority categories include those who are threats to national or border security or public safety, misdemeanants and new immigration violators, and those who have committed other immigration violations such as having been issued final removal orders after January 2014.¹⁶ Former policies called for members of each of these categories to be pursued with the appropriate severity, with resources being allocated mostly to top security threats and less effort being given to lower-priority undocumented migrants.¹⁷ These standards have begun to be overlooked in favor of simply increasing the numbers of overall arrests, but should be reinforced, as this tactic has yet to lead to a significant decrease in deportations due to the extended process. The overall cost of deporting millions more undocumented migrants is excessive; ICE estimates that deportation can cost on average \$12,500 per person from arrest to final removal, so removing 11 million people would cost upwards of \$130 billion, which is more than twice the FY2015 budget for Department of Homeland Security (DHS).¹⁸ Under the existing circumstances of the agency, it is evident that the proposed deportation quotas are unattainable, and pursuing these efforts would only prove detrimental to the involved agencies who lack resources to live up to present expectations. Until greater resources can be allotted towards ICE and its subsidiaries, priorities need to be re-focused in terms of number of undocumented migrants being arrested. This could

be achieved by returning the focus of removal proceedings back towards those who present a danger to the community rather than on emphasizing the quantity of undocumented migrants apprehended.

Alongside the widening of the scope of eligible deportees, deportation efforts as a whole have intensified in manners that have been extremely detrimental to the undocumented community. Administrative policies should be re-defined to better address the current reality, as the criminalization of immigration has skewed the priorities of ICE, and thus negatively impacted both their public image and the foundational precepts of the agency. The agency cannot defend the virtue of its actions when they are so clearly misdirected towards harmless individuals. ICE has increasingly relied on local and state law enforcement to aid the identification of undocumented migrants, and help conduct “targeted operations to detain certain at-large removable aliens,” which has emerged as a key element in the face of the new deportation focused administration.¹⁹ However, these operations are unlikely to be successful unless there is a revision of ERO policies as they currently don’t provide clear procedures or sufficient training to prepare the workforce to handle complicated deportations.²⁰ Furthermore, these activities are being conducted outside of the “controlled custodial setting” in which they are meant to occur, as the sensitive locations policy is consistently violated to satisfy the increased effort to arrest greater numbers of people in the community.²¹ This in turn has created a large social impact where undocumented migrants - or their family members – withdraw from society due to both a fear of removal, and a general anxiety rising within entire migrant communities.²² This anxiety and retreat from social situations impacts their places of employment, as well as their own mental and physical well-being, highlighting how the administration’s shift in focus has made families “disposable unites to the monolithic criminal label” whilst facing increased social stigmas.²³ Ramifications include the economic impact of the absence of undocumented contribution to various industries displayed in the form of reduced GDP, and the loss of social utility that such individuals provide to their communities. Additionally, in an effort of self and familial preservation, many undocumented migrants have become less likely to report crimes or seek social services such as medical care for fear that a request for help might result in deportation.

Deportation arrests have risen to the point that they are negatively impacting individuals and communities and show a shift to “prioritize all undocumented immigrants regardless of their positive equities to their communities,” a stark contrast to the assertion that such arrests serve to protect those who are assets to communities.²⁴ *Our Task Force believes to combat these negative impacts, deportation proceedings should emphasize the arrest and removal of only those who fit into the priority categories and present a legitimate threat to public safety.* An inspection carried out by the office of the Inspector General found that “ICE has not clearly and widely communicated DHS deportation priorities to Deportation Officers,” leading to concerning discrepancies in the execution of operations due to what is

communicated to various field offices.²⁵ Likewise, the inspection determined there were many weaknesses in management that limited the agency's ability to supervise those awaiting deportation and impacted their "efforts to deport those who should be deported, including some convicted criminals."²⁶ All of these findings contribute significantly to inconsistencies within ICE and weaknesses in agency management, all of which persist amidst the disregard of human value. This disregard is apparent in light of rising evidence that ICE removal operations reveal an "increasing pattern of intimidation and retaliation against people defending migrants' rights in the U.S." and are being utilized as a means to silence dissent or those who oppose injustice in the immigration system.²⁷ Since the Trump inauguration, there have been multiple instances of leaders of migrants' rights organization receiving unwarranted immigration court notices, even when individuals have "never had any interaction with law enforcement that might trigger deportation proceedings" or have only committed minor offenses which wouldn't typically attract attention from ICE.²⁸ Moreover, the deportations of these outspoken critics have been unconventional in their proceedings as there have been attempts to greatly expedite deportation or otherwise subdue undocumented activists in remote detention even when they pose no flight risk.²⁹ This spike in unwarranted targeting of vocal immigration activists marks a violation First Amendment rights to free political speech and damages those migrant communities which look to these individuals as meaningful leaders. Some of those marked for deportation have sought the attention of the United Nations, causing the UN to call upon the U.S. to protect immigrant rights activists from deportation and end the pattern of targeting human rights defenders.³⁰

Regardless of the Trump administration's aims, the 2017 deportations were lower than any time period during the Obama administrations, in part caused by the backlog in U.S. immigration courts which is exacerbated through the "collateral arrests" of those who were not originally the focus of ICE agency.³¹ In a report published by ICE at the beginning of 2018, they claimed that "92% of all aliens arrested by ICE this year had criminal convictions, pending criminal charges, or were an illegal re-entrant" although do not provide a specific breakdown of arrests per category.³² If these figures are factual, they would mark a significant departure from similar statistics of recent years. From 2013-2016 approximately 40-54 percent of removed aliens had criminal convictions – with the most common charge being immigration offenses themselves.³³ The statistics reported by ICE are most likely supported through the stereotyped classification that deems all undocumented migrants as criminals. As it currently stands, more aggressive deportation policy is not strictly necessary if one focuses on the nature of criminality, and the misuse of the label in relation to undocumented migrants. Migrants who are in the U.S. illegally have a strong incentive to avoid becoming involved in the criminal justice system as their citizenship status is more easily identified as undocumented through such institutions, a narrative which defies the prevalent criminalization of undocumented migrants. Additionally, of the 177,000 migrants put through deportation

proceedings in 2016, only 5.6 percent of those allowed to remain in the U.S following their court hearings had criminal charges, and only 1.97 percent were convicted of felonies, proving there is already little chance of dangerous individuals being released from detention into communities.³⁴ Administrative relief from removal is granted when undocumented migrants are able to prove legitimate danger to their lives upon return to their home country, or are able to make claims to forms of legal status, both of which require substantial examination of character and background.³⁵ Pre-existing stipulations under previous policy did not demonstrate any major weaknesses in terms of threats to public safety slipping through the cracks of these procedures. The main justifications for escalating deportation policy are not serious enough to necessitate the greatly broadened scope in operations, and the casting of a wider net has not brought significant differences in the removal of criminals. Enforcement resources should be focused on those who pose a genuine threat to national security, public safety, or border security rather than on those who present no threat to others. At present, the benefits obtained from apprehending and removing greater numbers of undocumented do not validate the immense costs of doing so. ICE should make use of more proportionate force to concentrate on removing people in priority categories in order to both increase the agency's cost efficiency and to avoid an escalation in deportations that lack consideration of deportees' non-criminal behavior.

Human Rights Violations of Detention

Deportation policy cannot be thoroughly analyzed without also examining detention policy. The United States has the largest immigration detention system in the world; capable of housing some 35,000 detainees at any given time.³⁶ Formative policies that paved the way for the evolution of the system into its present state were the Anti-terrorism and Effective Death Penalty (AEDPA) and Illegal Immigration Reform and Immigrant Responsibility (IIRIRA) Acts; both passed in 1996. Together they expanded the scope of crimes that counted as felonies, thereby restricting due process opportunities for thousands of detainees and created a fast track of detention and deportation for migrants with criminal convictions.³⁷ However, this system is being used increasingly as a punitive measure for undocumented migrants from all backgrounds, many of whom are non-criminals or people with minor convictions such as traffic violations. Detention is meant to be used with discretion to “ensure that only those non-citizens who are a danger to the community or a flight risk are detained pending a decision on whether the non-citizen is removable from the United States” yet there is a large number of people in detention who do not meet either of these criteria since “the law requires anyone who can be detained under the law, *must* be detained.”³⁸ A more comprehensive vetting system should be established to determine who gets placed into detention; rescinding the aspects of AEDPA and IIRIRA which expand the list of offenses which require mandatory detention and eliminate the time limit of detention.³⁹ Policies instituted by the IIRIRA are particularly detrimental to undocumented as there is a “disproportionate impact of IIRIRA’s

enforcement measures on immigrants with longstanding ties to the United States” who are therefore not flight risks nor public safety threats, making their detainment unnecessary and especially harmful.⁴⁰

In addition to controversy surrounding the placement of individuals into detention, there have been numerous issues with inhumane conditions prevailing at detention centers, an on-going problem that is further exacerbated by their operating within a privatized industry. In recent years there have been numerous investigations into detention centers concerning multiple deaths of detainees who were in custody as well as many sexual assault allegations.⁴¹ There has been much controversy over living conditions, specifically regarding poor nourishment, overcrowding, limited access to medical care, the use of solitary confinement as punishment, and correctional officers lacking appropriate training and language skills to provide resources to detainees.⁴² The legality of detention is often called into question due to the fact that “mandatory detention of non-citizens pending their immigration proceedings violates the right to due process” as detainees are denied fair access to legal resources necessary to make their cases and are not guaranteed a lawyer.⁴³ Financial restraints and limited access to information about the law or means of contacting lawyers, means that detainees are often left with no other viable option than to attempt to represent themselves. Denying thousands of people the right to counsel marks a severe violation of legal rights, further exemplifying the disregard for fair and equal treatment in the undocumented judicial system, which is magnified by the fact that some courts “have found that the Constitution clearly prohibits mandatory detention absent proof of danger or a flight risk.”⁴⁴ *Our Task Force believes, in order to uphold the right of due process, reforms to the detention system should provide the right to counsel for persons held in immigration detention.*

In 2011, the Performance Based National Standards Directive (PBNSD) was released containing certain guidelines that were accepted by all ICE facilities as of January 2015. They stipulated such standards as to apply to living conditions, access to medical treatment, and legal help. Despite PBNSD applying to all ICE associated centers, the failure to meet standards in the directive does not incite any punishment as the document is not legally enforceable, and also does not apply to facilities with older contracts.⁴⁵ Likewise, the Prison Rape Elimination Act (PREA), aimed at eliminating sexual assault and harassment in detention centers, was to all be adopted by all federal agencies in 2012, but has failed to be appropriately implemented. Only a few detention centers are contractually bound to uphold PREA, there is no penalty for failing to meet the standards, and the Act neglects to create a uniform way to collect data on sexual abuse reports meaning, “there is no reliable, accurate data available on sexual abuse in immigration detention centers.”⁴⁶ *Our Task Force believes that these oversights have prevailed under in-house audits, therefore there should be renewed efforts to create more firm, universal standards for detention centers that are upheld by a system of checks and balances to create a system of explicit*

accountability and ensure enforcement of the standards. This aspect of removal proceedings must be maintained in a humane manner and should no longer function as a punitive measure. The rights of those in detention must be upheld, and the validity of the system restored to ensure that all receive the necessary resources to appropriately address their court hearings, while also experiencing a certain standard of living. Without these concessions, detention will remain an unjust procedure and fail to uphold the integrity of removal processes.

Achieving this end would include addressing one of the most troubling aspects of detention; the practice of detaining children either with or separate from their parents. In 1997, the Flores Settlement Agreement created guidelines regarding the “release, detention and treatment of children in custody” and requires that DHS release children to a family member of community-based Alternative to Detention (ATD) unless they are a flight risk.⁴⁷ However, children are routinely placed in detention alongside their parents, and some teenagers are placed in adult detention centers despite stipulations that they only be held in age-appropriate environments.⁴⁸ Although there are regulations on how long children can be held in detention, the issue with children being held as part of a family unit is that the children themselves “aren’t being individually assessed to determine if their detention is necessary for safety.”⁴⁹ Under these circumstances, children may be held in detention centers for upwards of a year, even if there are non-detained relatives or volunteers willing to take them. Recently, there have been proposals that suggest using the threat of separation from children as a deterrent to discourage undocumented immigration, which would only further complicate the controversial aspects of the process.⁵⁰ Better options must be presented for undocumented families and children that do not involve imprisoning them in institutions where their standard of living will be considerably diminished.

Privatization of Detention and Searching for Alternatives

One of the primary concerns surrounding detention centers lies within the increasing use of privately-owned facilities to house ICE detainees. As opposed to federal institutions, private industries have an incentive to cut costs and restrict resources as much as possible in order to drive a higher profit at the expense of the human individuals in their care. The average daily population of detainees in ICE custody more than quadrupled between 1995 and 2013, with over 60 percent of detainees being held in for profit facilities.⁵¹ A “detention bed quota” requires ICE to maintain some 34,000 detainee beds at any given time, giving immigration officers incentives to seek out undocumented migrants more aggressively and resulting in an unnecessary strain on taxpayers as ICE “subcontracts the majority of detention space to county jails and private prison companies.”⁵² Former Deputy Attorney General Sally Yates announced in August of 2016 that the government was seeking to phase out contracts with private prison and detention facilities, as they had been found on numerous occasions to be less safe and effective.⁵³ Despite

the claim by Yates, those contracts were renewed by the Trump administration, with requests for information being released publicly in October 2017 to seek out applications for new facilities in Chicago, Detroit, St. Paul, and Salt Lake City, to hold a combined 2,000 or more beds, a request that is open to privately run centers.⁵⁴ These inquiries reflect a desire to maintain the current system of exploiting detainees for the sake of greater economic gains and an increased reliance on private facilities, while also underscoring the increasing focus on the interior of the United States. Establishing a concentrated placement of detention centers in the U.S. interior represents the capturing of a previously untapped market. The opportunity for significant gains in this market are large, which presents a strong financial incentive for the success of such facilities, as indicated through their functioning at capacity of detainees identified through extensive interior ERO operations. The government's request for more centers demonstrates an anticipation of increased number of arrests in the interior and the eventual need for somewhere to house detainees apprehended in those areas, as the future success of these detention centers is contingent upon the success of interior immigration enforcement.

The overall profit-driving aspects of detention have detracted from the principles of the system, as the value of humans is disregarded for the sake of filling another bed in a for-profit facility. Private detention centers stand to gain significantly from greater immigration enforcement, as illustrated when Brian Evans, Senior VP of the GEO Group, released a statement outlining their plan for increased revenue following their intent to “utilize contract bed capacity for interior enforcement.”⁵⁵ ICE is planning to expand daily population of detainees by 5,000, to a 44,000 total daily bed population for 2018, suggestive of an anticipated influx of migrants from further ERO efforts.⁵⁶ The higher quota ICE will pursue entails greater pressure being put on agents and the agency as a whole to provide the bodies that will fund detention business, yet detention should no longer be a for-profit industry at the expense of the well-being of individuals meant to be in the care of the system. What's more, both GEO Group and CoreCivic – two of the largest private corrections corporations - each donated \$250,000 to Trump's inaugural festivities, marking a firm tie between the Trump administration and the proliferation of private detention, and setting precedence to allow this practice of profiteering to continue.⁵⁷ *Our Task Force believes in order to put an end to the exploitation of undocumented migrants, the U.S should terminate contracts with private detention centers to return to a more just procedure of holding migrants prior to trial.* The practice of detention overall is a costly and problematic solution to issues that sometimes are non-existent; there are pre-existing alternative and humane ways of ensuring that detainees show up for their immigration court dates that are deserving of greater use. These ATDs, such as ankle monitors and Intensive Supervision programs are more cost-effective, efficient, and humane, and are reasonable options for discouraging the flight of the undocumented.⁵⁸ Significant reform is necessary, but proposals for constructive change – including research into ATDs – have yet to be incorporated into this administration plans. *Our Task Force*

believes the Trump administration should re-classify qualifications for mandatory detention and pursue and expand ATDs for non-flight risks to restore the integrity of this process and promote greater efficiency.

The primary issue with deportation and detention policies stems from the usage of distorted justifications to promote rationales which are used to pursue misguided goals. ICE and its subsidiaries clearly function under these pretenses, illustrating the shift in focus of both these components of the U.S. immigration regulation system. Similarly, the detention system has become so privatized that the humane treatment of detainees now takes a backseat to the profit-driven need to fill cells, no matter the cost to human dignity. As such, these policies must be adjusted in a way that serves to protect the interior of the United States in a humane manner whilst also prioritizing the removal of the appropriate individuals. There should be renewed focus on ensuring a proportionate force is used in apprehension of undocumented migrants, and on providing suitable treatment for detainees. Above all, the policy of the United States government, as it regards undocumented deportation and detention, must strive to uphold the tenants of individual and human rights.

BORDER ENFORCEMENT AND NATIONAL SECURITY

Cody Kissner

Current Strategy

Within a week of President Trump's presidency, he had already made significant changes to the U.S. border enforcement strategy. Trump's first two executive orders on immigration focused on U.S. interior enforcement, as well as enforcement at the border aimed at decreasing the overall immigrant admissions and increasing the number of deportations. Some of the more important provisions of his border enforcement strategy included the construction of a wall and more detention facilities along the U.S. and Mexico border as well as within the interior of the U.S., increasing the number of immigration judges to border facilities, and the hiring of 5,000 additional Border Patrol agents.⁵⁹ During the Obama administration, as discussed in the previous chapter, much of the enforcement efforts were focused on interior enforcement, whereas the top priority was removal of those that posed threats to national security or felons. The Trump administration, while also increasing interior enforcement efforts, has placed strong emphasis on the importance of border security, whether it be in the form of a physical "wall" or hostile rhetoric towards Hispanic migrants. Although we have seen a recent shift in the rhetoric surrounding undocumented migrants and a relatively stark change in border enforcement following the Obama administration, the United States has been dealing with the issue of undocumented migration in regards to border security for decades. While current policy changes, may differ in many ways to previous policies, there remains a multitude of similarities. In order to understand the issues with current border enforcement policy, it is first necessary to examine past policies and how they changed the landscape of border enforcement on the U.S.-Mexico border.

Past Strategies

In order to better understand the potential risks of current border enforcement, it is important to examine historical trends in border enforcement policy. In 1986, in order to control undocumented migration between the U.S. and Mexico, the Reagan administration enacted the Immigration Reform and Control Act (IRCA). IRCA was intended to combat undocumented immigration by implementing a new legalization program, an employer sanction program, and a border enforcement program.⁶⁰ IRCA was successful in that it curbed the flow of undocumented migration by legalizing several million migrants involved in circular flow migration, which moved them into legal crossing areas. While the new border enforcement policy managed to change migration patterns temporarily, in the long run, IRCA was unable to change the old migration flows and by the 1990's migration flows had reverted back to pre-IRCA levels.⁶¹

In 1996, during the Clinton administration, when Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act, similar to the IRCA, IIRIRA in addition to increasing detention, was intended to stop the increasing number of illegal migrants coming across the U.S.-Mexico border. IIRIRA expanded the number of Border Patrol workers, implemented new removal and deportation procedures, and limited the benefits once available to migrants.⁶² Between 1980 and 1995, the annual budget for border enforcement programs increased sevenfold, and between 1995 and 2001, following the enactment of IIRIRA, the annual budget tripled. Although the provisions of the IIRIRA resulted in a significant increase in the number of deportations *within* the United States,⁶³ it too had very little effect on preventing undocumented immigrants from crossing the U.S.-Mexico border.⁶⁴ Border enforcement policy has had very little influence on deterring undocumented migration to the United States, and there is no evidence that shows a positive correlation between increased border enforcement and a decrease in undocumented migration. In fact, from 1986 to 2008 the undocumented migrant population grew from three million to about 12 million, despite the massive increases in the amount of Border Patrol officers, time spent patrolling the border and nominal budget spent on the border.⁶⁵

Unintended Consequences

In FY 2017 the overall number of apprehensions at the border have decreased by 26 percent compared to the prior year and illegal crossings across the U.S.-Mexico border are at their lowest level since 1971.⁶⁶ While recent shifts in border enforcement, and the increase in hostile rhetoric may be key contributors to the reduced flows in unauthorized immigration to the United States via the U.S. and Mexico border, this doesn't mean that unauthorized migration does not persist. According to a study conducted by the University of San Diego, between 2005 to 2007, about 98 percent of migrants travelling from Jalisco, Yucatán and Oaxaca were able to eventually cross the U.S.-Mexico border successfully.⁶⁷ Instead of deterring migrants from illegally crossing the border, militarization of the border and stronger border enforcement policies simply push migrants away from traditional crossing points.⁶⁸ In 1994, Operation Gatekeeper was implemented on the San Diego border, which was a very popular urban crossing point for many migrants. Operation Gatekeeper was a response to the failure of the IRCA with the intended purpose to channel resources to areas that experienced a large amount of migrant traffic.⁶⁹ The Gatekeeper Complex, while it did redirect undocumented migration flows away from urban areas, many migrants were then forced to seek crossing points in more hostile territories particularly near the Sonoran Desert located on the Arizona-Mexico border.⁷⁰ From 1994 to 2001 about 1700 deaths were reported along the Southwest border. However, comprehensive data on the number of migrants was not compiled until about 1998.⁷¹ In 2012 alone, 463 migrants were found deceased along the U.S.-Mexico border, and in southern Arizona, the remains of over 2,100 have been found since 2000.⁷² More importantly, data shows that the incidence of deaths increased near the borders of California, Arizona, and

Texas during periods in which there was intensification of border enforcement.⁷³ Stricter border enforcement policies have not been proven to stop migration, but they have been shown to change migration patterns. Because of this, it is important that future border enforcement policies focus on rechanneling migrants into safer crossing areas. *Our Task Force believes that instead of financing physical border security projects stretching across the entirety of the U.S.-Mexico border, it would be more beneficial to focus construction of a border wall primarily in dangerous areas or areas that have witnessed dramatic increases in migrant deaths.* Rechanneling of migrants towards legal entry points paired with an increase in the number of migrants who are granted citizenship, could play a huge role in preventing future deaths at the border.

While the risk of death for migrants crossing the U.S.-Mexican border remains a grave issue that must be addressed, another growing problem with current U.S. border enforcement policy is that an increasing number of Hispanics are experiencing racial profiling by border enforcement officers near the U.S.-Mexico border.⁷⁴ The Fourth Amendment of the United States Constitution states that no one shall be subjected to unreasonable searches and a warrant shall not be granted without probable cause.⁷⁵ Moreover, often times many Hispanics have been subjected to searches without warrants.⁷⁶ A key provision in the Immigration and Nationality Act allows for warrantless searches to be made “within a reasonable distance of any external boundary of the United States.”⁷⁷ The issue that remains is that the territory in which warrantless searches are permitted is quite arbitrary, and although a “reasonable distance” has been defined as 100 miles within the border, Border Patrol officers typically stop “Hispanic-looking” individuals outside of that 100-mile boundary.⁷⁸ *Our Task Force believes, in order to combat racial profiling along the border it is important to limit the discretionary power of police officials and border patrol agents near the U.S.-Mexico border as well as develop new comprehensive training programs aimed to educate police officials on immigration law and eliminate the practices that inevitably lead to racial profiling.* By limiting discretionary power, police officials would be unable to make traffic stops based on appearance and would be strictly limited to traffic or law violations.

Current border enforcement strategies have not only contributed to racial profiling at the border, but they have also expanded on previous legislation leading to an increase in the criminalization of migrants along the U.S.-Mexican border as well. As discussed within the Deportation and Detention Policy chapter, the AEDPA and IIRIRA dramatically changed the definition of aggravated felony. Soon after these policies were implemented offenses that were categorized as “aggravated felony” would encompass a wide variety of offenses that were neither aggravated or felonious.⁷⁹ President Trump’s two executive orders signed on January 25th, 2017 aided immigrant criminalization even further by reinstating provisions in the AEDPA. The “Border Security and Immigration Enforcement

Improvements” executive order expanded on previous legislation allowing local law enforcement agents in western and southwestern to investigate immigration cases, make arrests, and take custody of immigrants for criminal and civil immigration violations.⁸⁰ The goal of the executive orders was to rid the U.S. of, those of the migrant population President Trump termed, “rapists” and “killers”. Contrary to this, the percentage of dangerous migrants that Trump has referenced is significantly low. According to the Migration Policy Institute, approximately 820,000 of the 11 million undocumented migrants have been convicted of a crime and less than three percent have been convicted of a felony.⁸¹ President Trump’s policies have widened the scope in which people can be charged for a crime, which has led to an increase in fear in the undocumented. As previously stated, during the Obama administration, deportations prioritized those that were felons and who had serious criminal records. On July 1st, 2015, the Priority Enforcement Program (PEP) was enacted. This program was intended to increase the number of people who would receive relief from deportation and changed the way in which the Department of Homeland Security would allocate their resources.⁸² The Trump administration claims that they will continue to prioritize deporting those who have serious criminal records, but the new provisions of his first executive orders target those who are simply living here without permission. This increase in criminalization holds many human rights implications and plays a huge role in the discrimination and profiling at and near the U.S.-Mexico border.

In previous presidencies, immigration had largely been perceived as an important part of the U.S. economy and a cornerstone of the U.S. national identity. But one of the main problems with current border enforcement policy is that it closely relates to U.S. interests in preserving national security, while using immigration as the rationale for stricter border control. Shortly after the 9/11 terrorist attacks, U.S. border security and immigration policy changed significantly. Increased securitization and militarization near the border were the most immediate changes, and in 2005 the Bush administration sought out \$400 million in funding for border security.⁸³ Fear of future terrorist attacks not only had a dramatic impact on border security, but this fear played a huge role in changing U.S. views towards migrants. Despite the fact that the 9/11 terrorists entered the country legally with student and tourist visas or fake passports, the incident has contributed significantly to the perceived linkage between undocumented immigration and terrorism.⁸⁴ Regardless of the fact that there is no evidence that reveals that terrorists have entered the United States through the U.S.-Mexico border, the border is still viewed as a crossing point for terrorist movement.⁸⁵ Additionally, the perceived threat to national security caused by Mexican migrants has led to changes in internal police enforcement strategies, whereas police officials in states such as Alabama, Florida, Colorado, Virginia and Idaho have “empowered the police to become immigration agents.”⁸⁶ While the blurring between terrorism and migration was prevalent in the 1990’s, especially after the 1993 World Trade Center bombing, today the linkage is much more noticeable. The Department of Homeland

Security, being a byproduct of the 2001 terrorist attacks, has placed border security high on its agenda and has contributed to the blending of migration and terrorism. It is inarguable that threats to national security should be addressed with urgency, however, it is important that there be a distinct separation between migration and terrorism in hopes to eliminate those practices that impede the rights of those who were born in the United States or who have migrated legally.

Not only are migrant communities affected by the securitization of the U.S.-Mexico border, but U.S. residents residing near the border experienced complications as a result of U.S. border enforcement policy. Securitization has caused an increase in congestion at legal border crossings, causing long back-ups of up to several hours, which has dramatically hindered local economies.⁸⁷ For approximately two years after 9/11, retail sales in El Paso, Texas had witnessed economic downturns of up to 50 percent, which led to local officials requesting economic relief from Congress.⁸⁸

Policy Comparisons

Although the United States experiences unique immigration and border security issues, it is important to examine effective ways in which other countries have managed immigration. One aspect of immigration policy that remains consistent for other countries is their focus on human rights. In 2001, the Joint Parliamentary Assembly of the Partnership Agreement between African, Caribbean and Pacific Group of States, and European Community members (ACP-EU) announced a Resolution to tackle issues concerning immigration, the rights of the individual and anti-discrimination.⁸⁹ The Resolution aimed to preserve the fundamental freedoms and human rights of all migrants regardless of the migrant's immigration status.⁹⁰ The Resolution called for higher-income countries to donate a small amount of GDP to "North-South cooperation policies," while developing countries focus 30 percent of their budget for educational, social and health development programs.⁹¹ The Resolution also emphasizes the importance in considering the impact of social, economic and political development of the world's poorest regions can provide structural alternatives to reducing illegal immigration.⁹² Although migratory patterns of African, Caribbean and Pacific states are quite different, the relationship between ACP-EU members is quite similar to that of the United States and Mexico. Whereas, one is a relatively poor and low-income country and the other being a more developed country. It's important to note that the EU is not unburdened by their own share of migration issues, but the Resolution aims to recognize the importance of bilateral cooperation when dealing with immigration. If the United States were to use a human rights framework when constructing border enforcement policy instead of relying on traditional methods, perhaps we may begin to see changes in migratory patterns. In "Mainstream Involuntary Migration in Development Policies," John Harbeson explains that "state-fragility" causes more involuntary migrants than both civil war and conflict.⁹³ He argues that state-fragility is caused by the breakdown of "social contract" between

citizens which undermines the government's ability to act on behalf of their citizens.⁹⁴ He explains how the United States should "lay the groundwork for building stronger, more durable states." *Our Task Force believes that instead of financing expensive border enforcement projects which have been proven to be ineffective, money should be channeled to civil society organizations or NGO's in Mexico in order to help improve infrastructure for education, public health, transportation and other social services.* Policies should contribute to strengthening of the community in more fragile states and should focus on the determinants of migration rather than deterrence.

It is important however, that money be given to organizations who prioritize development and avoid channeling money directly to the Mexican government. The goal of the North American Free Trade Agreement (NAFTA) shared similar goals as to what I presented previously, whereas its aim was to stimulate growth in Mexico, which would help increase wages and employment rates. One of the major faults with NAFTA however, is the fact that the provisions in the agreement relied on governments to behave rationally, which has been proven to be difficult. The agreement, while it enhanced the Mexican middle-class, substantially increased migration from the south of Mexico to the United States border, simultaneously detrimental effected the lower-class. Further, after NAFTA was enacted in 1994, the expectation was that the Mexican government would do its part by investing in education, roads and housing. The government of Carlos Salinas de Gortari assured the Clinton administration that investment in infrastructure would occur after NAFTA was put into place, but the investments were never made.⁹⁵ Shortly after the NAFTA's implementation, Mexico experienced an economic crisis which led to a devaluation of the peso by 120 percent and a 52 percent increase in inflation in 1995.⁹⁶ Although the immediate economic crisis proceeding NAFTA's adoption may have undermined the Mexican government's ability to invest money in infrastructure for roads, education and housing; multilateral commitment to the improvement of infrastructure should remain a primary goal, whether allocated through federal funding or civil society organizations. Therefore, it is paramount that resources be directed to those civil society organizations focused on reshaping the structural determinant of immigration.

Past border enforcement strategies have shown us that concentrated securitization of the border does not result in decreased migration. Therefore, current border enforcement policy must veer away from outdated and ineffective border enforcement trends. So far, the Trump administration's first two executive orders, regarding border enforcement and interior enforcement, have revealed similarities to past immigration policies that have already proven ineffective. However, there is one aspect of the current political climate that stands apart from years past - the use of hostile rhetoric by the executive branch, which has led to a dramatic increase in fear among both documented and undocumented populations and

has further contributed to a misrepresentation of migrants from all around the world. While it is difficult to measure exactly changes in behavior of migrants, it is estimated that 11 million undocumented migrants are being forced to make adjustments to their everyday lives.⁹⁷ Recent policy shifts have led to fewer applications for public benefits - a service entitled to immigrants and their U.S. born children; as well as rising trend in healthcare avoidance.⁹⁸ In order to protect the rights and lives of those targeted by this inflammatory rhetoric, it is important to view the undocumented migration in the greater context of human rights. Furthermore, recent policy changes, though unintended, have caused collateral damage, reaching well beyond undocumented communities. If unchecked the rights and freedoms of both undocumented and documented citizens will be corrupted beyond repair.

SOCIAL SERVICES FOR THE UNDOCUMENTED

Sneha Indrajit

Social Welfare for the Undocumented

The case for providing social welfare services to the undocumented extends beyond appealing to sympathies. It is grounded in a claim for fairness and justice made by a population that contributes significantly to the United States' social security system in the form of taxes; yet, they benefit little from that contribution. It is estimated that the undocumented contributed approximately \$13 billion into the retirement trust fund in 2016, and approximately \$10.6 billion in state and local taxes in 2010.⁹⁹ These funds are collected partially through false documents and fake social security numbers that have no matches within the federal system.¹⁰⁰ The rest of the undocumented populations contribution to social the economy is collected through Individual Tax Identification Numbers (ITIN) which contain information that cannot be shared with immigration authorities, as such they are safe for the undocumented to utilize.¹⁰¹ What is often perceived as an "invisible" population is thus far from it. The undocumented have a hand in shaping the United States' socio-economic landscape. They add to diversity, innovation, entrepreneurship, working population size and tax revenue. In lieu of their contributions to the United States, they deserve to have access to social welfare services that can provide for their healthcare needs, access to a higher education, and a reasonable expectation of safety in the work place.

Healthcare

One of the most pressing needs for undocumented migrants that must be addressed is their lack of access to healthcare. The undocumented are denied public healthcare benefits and are not eligible to enroll in Medicaid, Children's Health Insurance Program (CHIP) or purchase insurance at the ACA marketplaces. This creates a gap in which the undocumented are essentially deprived of affordable healthcare and are expressly excluded from benefits that are provided to U.S. citizens such as Patient Protection and the Affordable Care Act. Undocumented migrants who are uninsured, which accounts for nearly 40% of the undocumented population, are particularly vulnerable, as they receive fewer preventive healthcare services.¹⁰² One such example of a preventive health-care service that undocumented migrants lack access to is prenatal care. This has been correlated to the higher rates of birth complications amongst the undocumented. The birth complications that are highest amongst the undocumented include neonatal morbidity, including, fetal alcohol syndrome, respiratory distress syndrome, and seizures.¹⁰³ It is important to note that since 2002, access to prenatal care differs by state, as states have been given the option to provide prenatal care to women regardless of immigration status by extending CHIP coverage to the unborn child.¹⁰⁴

There are currently six states that provide State-Funded healthcare services to low-income undocumented migrants; these states include California, Illinois, Massachusetts, New York, Washington and the District of Columbia.¹⁰⁵ Besides these state funded initiatives, there are also community-based charity care programs that provide health services to the undocumented.¹⁰⁶ However, these programs are currently at risk as the current administration has not allocated federal funding towards community health centers as of February 2018.¹⁰⁷ Funding for community health programs has been tied to funding towards CHIP since the Obama administration, although the current administration has proceeded with funding CHIP whilst neglecting to guarantee funding for community health programs.¹⁰⁸ This places millions of Americans at risk of not receiving access to healthcare and further denies uninsured undocumented migrants of any healthcare relief they may have once relied on, especially since the loss in federal funding is expected to reduce the budget of community health programs by 52 percent.¹⁰⁹

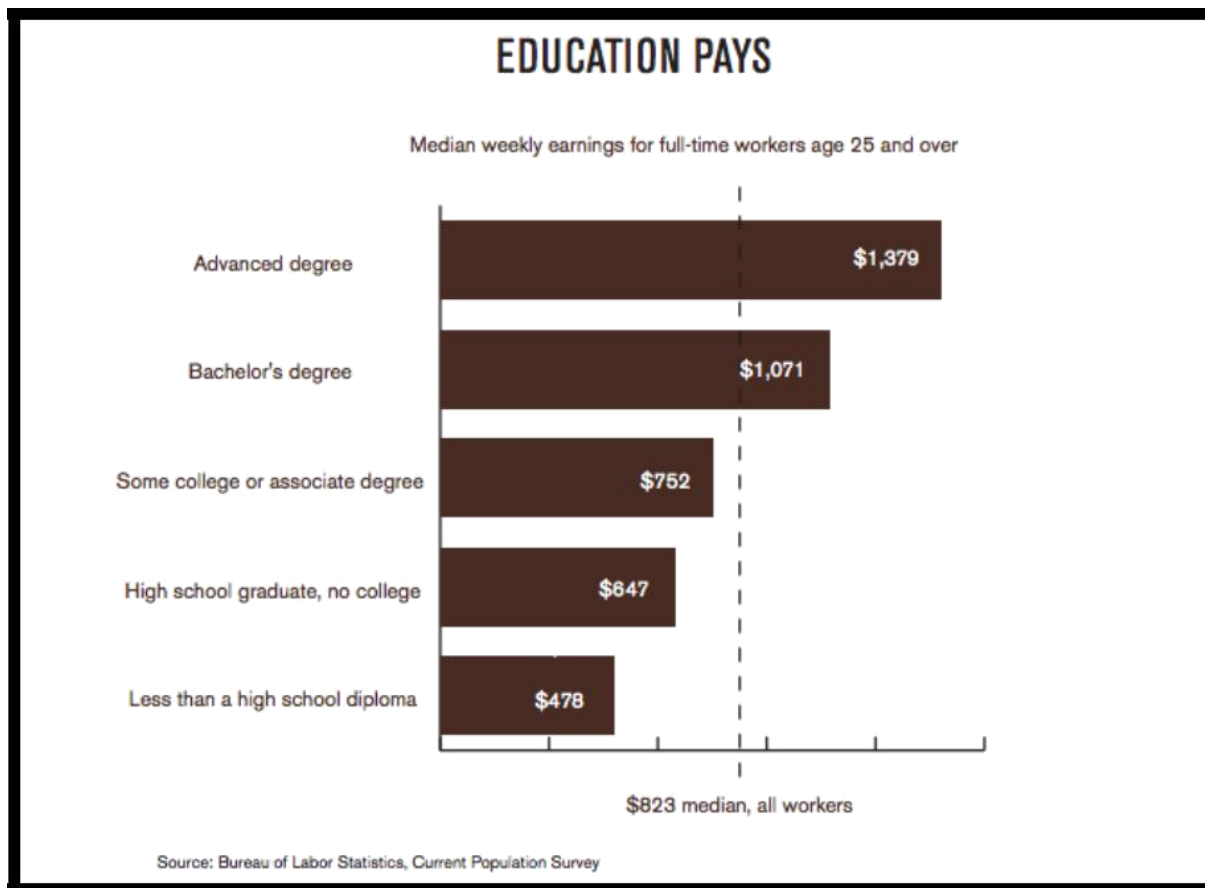
CHIP and community-based charity healthcare programs are critical for the uninsured undocumented as they enable this population to receive preventive care. Lack of preventive care is particularly concerning since the aged undocumented immigrant population is on the rise, if undocumented are unable to receive care for illnesses that have the possibility to be prevented, there is potential for an epidemic.¹¹⁰ Further, hospitals will have to provide this population with emergency care when they inevitably fall sick, which is significantly more expensive to treat than providing basic preventive care.¹¹¹ This is likely to be a greater burden on taxpayers in the long term. For example, in Texas, estimates of kidney dialysis for undocumented migrants costing Texas taxpayers as much as \$10 million a year.¹¹²

Looking to improve healthcare access for the uninsured undocumented cannot be isolated from the larger issue of a lack of access to healthcare for the uninsured as a whole within the United States. There are currently an estimated 46 million American citizens who are uninsured within the United States, nearly all of whom are under the age of 65.¹¹³ The greatest barrier to insurance coverage amongst the uninsured are the high costs of coverage, which prevent the uninsured from seeking healthcare services when needed.¹¹⁴ Often, this leads to a delay in seeking medical help, until one needs emergency care.¹¹⁵ This is especially since access to healthcare for the uninsured is limited to emergency departments which are the only spaces with the legal mandate to provide healthcare regardless of insurance status.¹¹⁶ Providing more comprehensive preventive care for the uninsured will lessen the burden on emergency departments and is likely to increase life expectancy since 70% of the top 10 causes of death in the United States are linked to preventable conditions.¹¹⁷ This suggests that early detection and intervention is likely to lead to reduced spending on more complex and advanced diseases.¹¹⁸

Our Task Force believes that it would be more economically efficient for there to be an increase in federal funding towards community health care programs that provide preventive care for the uninsured within the United States, including both native born citizens and the undocumented. Such preventive healthcare initiatives can include (not exhaustively) childhood immunizations, family planning services, and counseling for problem drinking. The source of funding towards these programs should be stable so that access to healthcare is stable. There should also be educational programs promoting awareness for preventive care specifically targeting the uninsured so that they use these services.

Education

It is a constitutional right for undocumented migrants to receive K-12 public education as a result of the Plyler v. Doe U.S. Supreme Court decision in 1982.¹¹⁹ It was therefore decided that the monetary costs of providing public education to undocumented children who lived within the United States was substantially outweighed by the harms of depriving these children of education.¹²⁰ Plyler v. Doe was a momentous decision that has been indisputably beneficial to undocumented migrants. The major gap in Plyler v. Doe, however, is that it does not extend the constitutional right to education regardless of immigration status to the realm of higher education. This has resulted in a significant population of the United States receiving a public education for 18 years of their lives within the United States and yet being unable to further pursue their education with financial assistance from the government. Given the relative low incomes of undocumented migrants and the substantially high costs of higher education within the United States, lack of financial assistance is one of the highest barriers to education for undocumented migrants.¹²¹ Financial assistance for undocumented migrants is sparse and varied by state. Currently, only 18 states have passed legislation that extends in-state tuition rates to undocumented students who meet specific requirements.¹²² The requirements tend to depend on the length of time the students have attended high school in that state, as well as whether or not they have graduated from a high school within that state.¹²³ These requirements vary by state, but the states that do provide in-state tuition rates include California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, Washington and Wisconsin.¹²⁴ Six states – California, Minnesota, New Mexico, Oregon, Texas and Washington also currently allow undocumented students to receive state financial aid.¹²⁵



The critical issue is that access to higher education can be denied to undocumented migrants based on their immigration status alone. Alabama and South Carolina both ban undocumented students from receiving any public post-secondary educational financial aid, effectively rendering a majority of these students without the means to secure their future.¹²⁶ Preventing undocumented migrants from gaining access to higher education is also likely to negatively impact their performance in secondary education given that these students do not have a pathway to furthering their education after graduating high school. Providing financial aid for undocumented students will not only increase the level of education across the U.S. population as a whole but allow for undocumented migrants to climb the socio-economic ladder and earn a higher income. Higher incomes for the undocumented correlates to higher taxes for the U.S. economy as well as a greater ability for the undocumented to support themselves and their family members with regards to healthcare needs. *Our Task Force believes that the case for providing undocumented migrants with access to in-state tuition for higher education is founded on the basis that it will yield higher returns from a population that the state has already invested a significant amount of resources in.* Harnessing the potential of undocumented students is likely to be more beneficial to the United States in the long term. The one caveat to this is that, these educated undocumented migrants need to be provided with a legal pathway to gain licenses to work within the United States so

that the benefits of a higher education can pay off. This can include work permits, as well as pathways to citizenship.

Employment

Employment for undocumented migrants remains a controversial issue. The possibility of employment is what incentivizes migrants to enter into the United States and remain without official citizenship. It is also what has contributed to the anti-immigration rhetoric within the United States. There has been an undercurrent of fear especially amongst white collar workers, that undocumented migrants will oversaturate the supply of labor and replace native born citizens. While it is true that an increase in undocumented migrants is likely to cause a downward pressure on wages for lower skilled workers, this wage decrease is minimal and compensated for by the economic benefits of migration. The data suggests that migration has a long term positive impact on the growth rate of GDP; it boosts the working age population and stimulates the economy which is much needed in the U.S which has an ageing population.^{127 128}

Undocumented migrants occupy 5% of the United States labor force, and are mainly employed in the industrial, farming and service industries.¹²⁹ Undocumented migrants account for 26% of the workers in farming and 15% in construction. Approximately 36% of plasterers and stucco masons, 30% of agricultural workers, 23% of sewing machine operators and 12% of personal appearance workers (manicurists, pedicurists and make-up artists) are undocumented.¹³⁰ These industries are disproportionately represented by undocumented migrants due to a labor shortage caused by the low demand for these jobs amongst native-born citizens.¹³¹ These jobs are labor intensive and low wage which make them unappealing to the average native-born citizen. Instead, these industries are supported by immigrant labor, a significant portion of which include undocumented workers. Given the shortage of labor in these industries, deporting undocumented workers is likely to lead to an increase in the cost of labor and inflated prices for the goods produced in these industries. The paradoxical issue in employment for the undocumented is that the harder it is to legally work in the United States, the higher the demand for undocumented workers in lower wage, labor intensive sectors of the workforce. The agricultural worker program for instance provides visas to only approximately 130,000 workers annually, yet there are approximately half a million undocumented agricultural workers.¹³² This is partly due to the fact that employers seek to hire workers who can be paid much less, and for whom they can avoid required fees and paper work.¹³³

Employers in labor intensive industries are incentivized to employ undocumented workers due to the lower labor costs incurred by paying these workers' wages below minimum wage. The Federal Labor Department found that 85% of factories in Los Angeles' \$18 billion-dollar garment industry were

breaking wage laws.¹³⁴ Despite the fact that undocumented workers have the same rights to minimum wage as workers with official citizenship and work permits, garment workers in California were being paid approximately half of the minimum wage in California due to their undocumented status.¹³⁵ Wage theft allows for employers to keep the costs of production low so that the prices of their goods remain competitive in the market.

Despite the concerns over undocumented migrants replacing native born citizens in the industries which rely on lower skilled labor, low-skilled immigration has in fact been on the decline since the 2000s.¹³⁶ This trend is likely to continue according to standard migration models which suggest that migration rates are likely to experience a sharp drop in the next few decades.¹³⁷ The issue of employment for undocumented migrants is thus likely to primarily apply to a population that is relatively well-settled within the United States and one that the labor-intensive industries within the United States are reliant on.¹³⁸ *Our Task Force believes that in order to protect and provide for this population of undocumented low-skilled migrants who currently support labor intensive, low wage sectors of the economy, pathways to work authorization and work permits should be provided to this population so that they can legally reside within the United States, and contribute to the economy legally.* This is also likely to minimize wage theft and prevent these workers from being exploited.

Besides low skilled work, approximately 10 percent of undocumented migrants within the United States are small business owners.¹³⁹ *Our Task Force believes that work permits should be provided for undocumented business owners given the net positive impact it is likely to have on the economy.* Small businesses are vital for economic growth and job creation, accounting for almost 60 to 80 percent of all jobs within the United States.¹⁴⁰ Providing a pathway to work authorization for the undocumented will thus encourage the undocumented to create more small businesses which is likely to increase consumption and investment, further boosting economic growth.

To fully protect the undocumented, it is not sufficient to rely solely on providing the undocumented with work permits. That is likely to take time to implement, and in that time, it is also necessary to protect the undocumented who currently do not have work authorization or permits. Undocumented workers are more susceptible to exploitation by their employers compared to workers with work permits or official citizenship due to the fact that they can be deported if their undocumented status is exposed. This fear of deportation prevents undocumented workers from demanding their right to protections under federal law which include their right to minimum wage.¹⁴¹ It is also likely that undocumented workers are unaware that they are protected under federal employment discrimination laws.¹⁴² This includes protections under the Civil Rights Act, Equal Pay Act, Age Discrimination in Employment Act and Americans with Disabilities Act.¹⁴³ They are also protected under the Immigration

and Nationality Act which prohibits discrimination based on citizenship status and national origin, unfair document practices in the employment eligibility verification and retaliation or intimidation.¹⁴⁴ *Our Task Force believes that in order to ensure that undocumented migrant workers are protected from abuses in the work place, there should be educational campaigns spreading awareness of their legal rights.* However, spreading awareness is likely to be difficult given that these individuals often keep their undocumented status secret. *Our Task Force believes that it is essential that there are community networks formed for the undocumented; so as to provide them with a social setting where they are not only accepted, but where they can receive critical information on how they can best protect themselves in the workplace.* These community networks would also be beneficial for undocumented migrants to form a sense of collective identity within the United States so that they are not isolated from society. These networks should prioritize privacy and not share data collected with immigration authorities.

UNAUTHORIZED MIGRANTS AND THEIR CONTRIBUTIONS

Hyesang Kim

The United States has remained home for many differing ethnicities from around the world. There are approximately 11 million unauthorized migrants who have entered into the United States without any legal pathways to citizenship.¹⁴⁵ These pathways to citizenship include family-based immigration, employment-based immigration, and those who are seeking asylum or refugee status. However, many unauthorized migrants are unable to benefit from these avenues to naturalization for several reasons.¹⁴⁶ Further, in regards to family-based immigration, the petitioning family's income level must meet above the poverty level in order to bring their family member to the United States.¹⁴⁷ Although, it is not the case that every petitioning families will maintain their economic stability, due to possibilities of economic hardship, bankruptcy, or even death after their families immigrate to U.S., providing evidence of faults within the current system. Gaps within employment visas rely on whether or not an immigrant can obtain a sponsor who can petition for an employment, and unless the worker possesses exclusive skills that cannot be provided by American workers, or an employer sincerely commits his or her sponsorship, this status can be difficult to obtain.¹⁴⁸ The various legal barriers that make authorized immigration into the United States easily accessible therefore restrict undocumented youth from achieving citizenship status. Many of the undocumented population were brought by their parents at a young age, unaware of how their citizenship status would hinder them in the future. Undocumented youth have participated in American society, received American educations, and are deeply embedded within American culture and identity. When undocumented youth reach an age in which they can participate within the work force, it is evident that their status hinders them from fulfilling a life of quality. The stories of many undocumented children and unauthorized migrants are frequently expressed to Congress, arguing that U.S. immigration policy needs serious reform and pushing for the broken system to be amended by policymakers, to further allow for a change and viable paths to naturalization.

Deferred Action for Childhood Arrival created by the Obama administration was established with the intent of remedying the unintended consequences undocumented youth are subjected to. DACA, is a two-year renewable legal process which grants many undocumented children the ability to live and work in the U.S. and to further be shielded from deportation. Through DACA, the expectation of economic growth within the U.S. increased due to the vast economic contributions DACA recipients made to the U.S. economy. The economic achievements derived from the DACA program has shown that DACA recipients have contributed close to \$42 billion to the annual GDP.¹⁴⁹ Moreover, the mass contribution of DACA recipients provides that the U.S. debt-to-GDP ratio could be reduced through legalization of

unauthorized migrants.¹⁵⁰ The Congressional Budget Office (CBO) score, which is a formal cost estimate system used by the government to determine the applicability of the bills, reported that legalizing unauthorized migrants would reduce federal deficit and increase government revenue; “According to the CBO’s revised score, enacting [the immigration bill] S. 744 would lead to a net savings of about \$135 billion over the 2014-2023 period.”¹⁵¹ This estimation was based on what would happen to the U.S. federal budget deficit if more able unauthorized migrants were legally allowed to work in the U.S. for 10 years of time. Studies from various scholars and researchers prove that if the federal government were to legalize DACA recipients and other unauthorized immigrants the U.S. would be in better economic shape.

Our Task Force believes that the United States should give work permits to unauthorized migrants, and allow accessible paths to permanent residency and/or citizenship, because the legalization of immigrants has the potential of benefiting the U.S. economy. The establishment of the Immigration Reform and Control Act which legalized all unauthorized immigrants who had been continuously present in the U.S. since 1982 provided an increase in the U.S. economy. Michele Waslin, a Senior Research and Policy Analyst at the American Immigration Council, argued that IRCA has permitted nearly 3 million immigrants who passed eligibility requirement and granted 1.3 million unauthorized migrants with legal status based on the agricultural program. Waslin found that giving legal status to the unauthorized migrants improved their lives and boosted the U.S. economy substantially.¹⁵² It is evident that the U.S. has experienced positive economic gains from newly legalized immigrants. Furthermore, it is estimated that positive immigration reform, could potentially lead to a GDP increase of \$1.5 trillion dollars contributed by legalized migrants.¹⁵³ Similar to the past policies such as IRCA, we witness that permitted undocumented individuals have contributed a large share to the GDP, it is evident, that the DACA program has shown vast improvement to U.S. economy as well. Many of undocumented individuals generated additional tax money to the U.S. government, provided exceptional skills for businesses, and have contributed to society from the education that they were able to obtain as a result of the DACA program.¹⁵⁴

In general, immigrants contribute positive benefit to the U.S. socio-economic system. However, as mentioned in the previous chapter, the lack of social services that the undocumented require such as Social Security and Medicare, further impede on the lives of both the undocumented population and native-born citizens. Although, language barriers may pose difficulties for immigrants when it comes to receiving an education, studies have shown that diversity within the education system has been proven beneficial to economic productivity.¹⁵⁵ While immigration has been a positive overall for federal, state and local budgets, in regions where there are concentrated populations of low-income immigrants, statistics have displayed that the taxpayer dollars of native-born that reside within these areas tend to

experience a strain in public resources.¹⁵⁶ Further, if unauthorized immigrants received additional access to social services granted by the federal government, the public resources utilized in communities in which low-income immigrants reside wouldn't be overburdened. Additionally, the percentage of DACA recipients who have received a secondary education have displayed positive benefits towards the U.S. society and economy. The Migration Policy Institute stated in the article, "The Education and Work Profiles of the DACA Population," about two-thirds of the 1.2 million DACA recipients were enrolled in secondary school and approximately one-third are enrolled or completed some college. As our chapter on Social Services for the Undocumented discussed, to provide financial aid for undocumented migrants to receive higher education, extending from DACA recipients, would require increased contributions from both the state and federal government. It is important to note that the short-term costs of the government providing financial resources in the form of social welfare services and financial aid, will overall be beneficial for the United States as a whole as a young and educated undocumented generation would assist in upward economic mobility.¹⁵⁷ Moreover, if we open the door for citizenship for unauthorized individuals, especially Dreamers, the economic gains would generate funds that would overall benefit social services, which is becoming increasingly necessary as Baby Boomers have reached retirement. Immigration reform is crucial towards the advancement of economies around the world in order to finance the burden of growing elderly population.¹⁵⁸ Rescinding DACA would bring huge loss to the U.S. economy as we would have less tax revenue and workforce participation. If ultimately the discontinuation of DACA proceeds, the United States government must consider alternative choices that will allow unauthorized migrants to obtain long-term employment and citizenship.

One proposed alternative that could be examined would be the S. 744 or "Border Security, Economic Opportunity, and Immigration Modernization Act," which was passed by the U.S. Senate on June 2013, but never became a law.¹⁵⁹ Through this bill, there were a strict set of requirements for unauthorized migrants become eligible for Registered Provisional Immigrant (RPI) status for six years, such as not have been convicted of federal crime, pay taxes, pass background test, and exempted from public benefits such as food stamps and Affordable Care Act (ex. Medicaid).¹⁶⁰ The bill intended to give unauthorized migrants extended periods in which they were eligible to work within in the United States. Dissimilar to DACA program, RPI carries stricter requirements to become the U.S. citizen than what the Dream Act proposed. Examining the RPI bill and purposing a similar alternative towards citizenship for the undocumented could provide a middle ground for Americans who side with restrictionist policies and unauthorized migrants. Overall, U.S. could benefit from reducing federal deficit by additional taxes contributed by unauthorized migrants, social benefits, and growing economy and for unauthorized migrants, they can have path to permanent residency to U.S. citizenship.

How DACA has Socially Impacted U.S. Society

When DACA was proposed, many focused on how recipients would progress in U.S. society. Robert G. Gonzales, a professor of education at Harvard Graduate School of Education, who focuses on the intersection of race, ethnicity, and policy, stated that there has been a vast contribution from the 800,000 DACA recipients in addition to the gains made for the U.S. economy. Gonzalez argues that DACA recipients have achieved, “increased educational attainment, higher social mobility, and better mental health.”¹⁶¹ Gonzales describes that before DACA, undocumented migrants could not make their step into professional success even though they have attained college degrees and were exceptionally talented in their academic fields, as they did not have access to work permits. Additionally, since undocumented immigrants couldn’t obtain a driver’s license, their mobility was extremely limited. All these frustrating elements can contribute to debilitating mental health, and many who are undocumented frequently experience anxiety or depression. However, soon after DACA was established, approximately 60 percent of Gonzales’ respondents found a new job.¹⁶² Many DACA recipients were easily able to receive bank credit cards since they now had Social Security numbers as well, “Almost one-half of our survey respondents opened up their first bank account after receiving DACA, and a third acquired their first credit card.”¹⁶³ Here it is evident that the U.S. banking sectors benefit, too, when they acquire new credit builders.

Some Americans worry that allowing more DACA recipients to work in the U.S. will take American citizen’s job away, however it is evident that this is not true. Even if a large number of DACA recipients were employed, this did not mean that they will impact wages of other U.S. workers. The MPI has found that DACA recipients are just 1.3 percent of the 48.9 million people ages 16 to 32 in the U.S. labor force in 2014. Compared to total U.S. population, DACA recipients comprise only a small portion. The small number of DACA applicants in the labor force, with their dispersal in occupation roles, indicate that they are not going to influence employment and wages of other U.S. workers.¹⁶⁴ Defunding DACA will only weaken bargaining power of American who work alongside unauthorized workers.¹⁶⁵ If DACA recipients lose their work authorization and illegally continue with their employment, the research has provided that unauthorized migrants will not have access to substantial workers’ rights, making young unauthorized migrants more susceptible to exploitation.

Therefore, removing unauthorized migrants would have detrimental effects on the U.S. economy, whereas the economic gains allocated if unauthorized migrants were eligible for workforce participation would provide long-term economic benefits to the United States. Ending DACA not only will hinder 800,000 young immigrants from jobs, it will shake American labor workforce in losing bargaining power of American low-paid workers. Furthermore, legalizing unauthorized migrants, including undocumented

young immigrants, can benefit U.S. society by providing additional tax money to federal government which can create abundant public benefits for all. The government can face lesser burden in repaying their federal deficit, if more unauthorized migrants are allowed to legally work in the United States. *Our Task Force believes that providing a pathway to permanent residency and legal citizenship will be critical in ensuring that DACA recipients can be integrated into society.*

AUTHORIZED IMMIGRATION POLICY

Immigration in the United States is the act of a foreign national who voluntarily seeks to reside in the U.S. after they fulfill the requirements outlined within the Immigration and Nationality Act (INA), established by Congress in 1965. Among the nearly 45 million foreign-born persons in the U.S., more than two-thirds of the migrants have entered the country legally.¹⁶⁶ In the fiscal year 2015, more than one million people received lawful resident status which enables them to legally live in the U.S., and apply for citizenship status if they choose to.¹⁶⁷ The U.S.'s history of accepting immigrants has manifested into the development of a diverse economic system and sociopolitical atmosphere.

For many immigrants, the most common way of entering the U.S. is to have your family member or employer sponsor you; the family-based and employment-based immigration systems promote a healthy inflow of immigrants who have already been established within a social network in the U.S. In addition, the Diversity Lottery Visa program, which was established in 1990, accepts immigrants who are from countries that have sent fewer than 50,000 immigrants over the past five years. This program has opened up additional immigration pathways for those countries who do not have a strong history of sending immigrants to the United States.¹⁶⁸

While the U.S. has traditionally admitted a large number of immigrants, the election of president Trump in 2016 revealed that a significant number of Americans support an anti-immigrant, nativist approach to immigration.¹⁶⁹ Last year, the president announced his support of the RAISE Act, which seeks to cut the number of legal immigrants currently residing in the U.S. in half, by 2027.¹⁷⁰ Once successfully admitted, immigrants then often face hardship integrating into American society. Without adequate social integration programs, language barrier and cultural difference serve to polarize immigrant communities from the greater population. These obstacles must be tackled with care, in order to create a society that is able to fully accommodate immigrants and support the successful continuance of a time-honored U.S. tradition.

THE INTRICACIES OF FAMILY BASED IMMIGRATION

Vince Geangan

The Intricacies of Family-Based Immigration

When migrants immigrate to the United States, family unity is of primary importance. This priority is evidenced within the family-based immigration laws of the Immigration and Nationality Act of 1965. The INA allows legal U.S. residents to sponsor family members to the United States through immediate family visas or preferred family visas.¹⁷¹ The INA continues to hold per-nation limits but preferences its visa allocation on an individual's skill-set and family ties to U.S. citizens (USC) or legal permanent residents (LPR). Regrettably, these laws contain numerous defects, such as backlogs and the coverture and chastisement of foreign-born spouses, that have devastating effects on immigrants and current U.S. residents. This chapter will cover the underpinnings of family-based immigration in the United States, as well as the issues that come along with it.

The Process of Family-Based Immigration

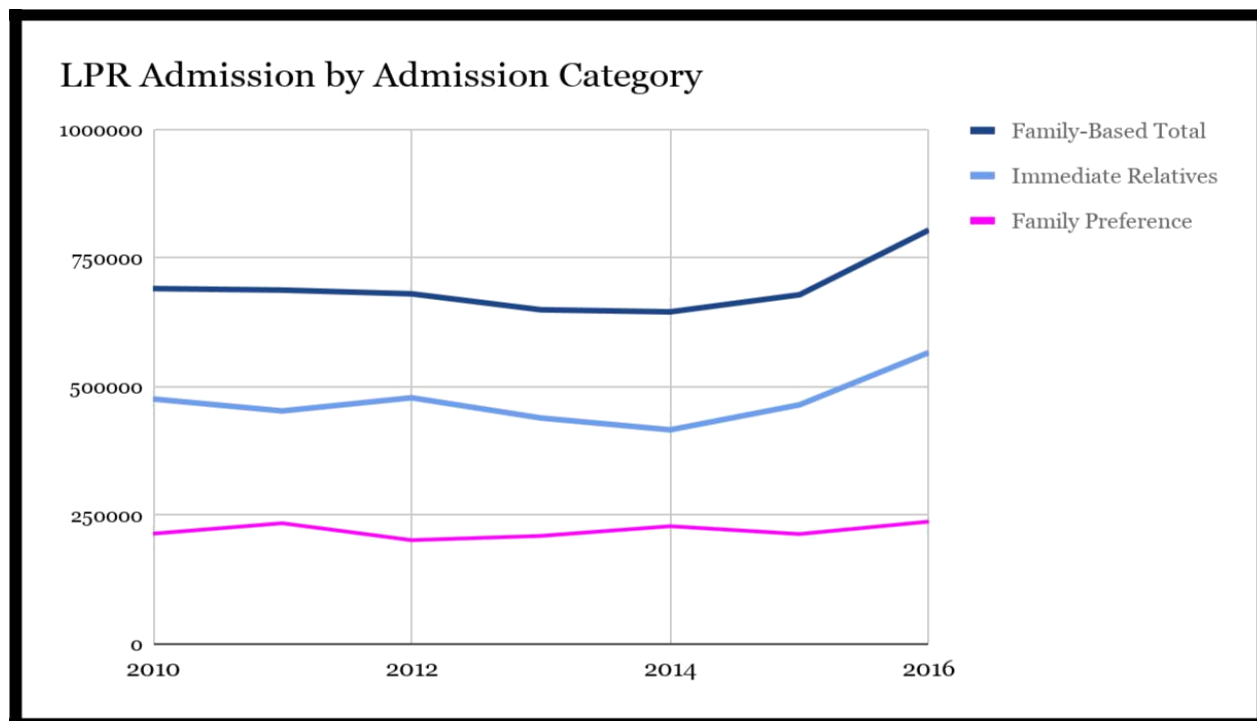
Within the legalized routes to citizenship, family, employment, Diversity Lottery, refugee and asylum, family-based immigration provides the most migrants to the United States.¹⁷² The number of immediate family visas are unrestricted to a USC or a LPR.¹⁷³ Meaning that family members do not have to wait in line for a visa; they just have to wait for all the necessary paperwork to be processed. Relatives included in the family-based allowance are the spouse, children under the age of 21, parents who are at least 21 years old, and widows or widowers of U.S. citizens – so long as the citizen filed a petition before or within two years of his or her death.¹⁷⁴

Family preference visas are for specific, distant, family relationships with a USC or a LPR.¹⁷⁵ Unlike the immediate family visas, family preferences are limited to a specific number each fiscal year. There are four categories known as F1, F2, F3 and F4. Limited to 23,400 per year, Family first preference (F1) refers to the unmarried sons and daughters, and their minor children. Family second preference (F2) refers to the spouses, minor children, and the unmarried sons and daughters of LPRs who 21-years-of-age or over. These visas are limited to 114,200 allotments per year with at least 70 percent granted to spouses and children; the rest are allocated to the applicants unmarried sons and daughters. Family third preference (F3) refers to married sons and daughters, as well as their spouses and minor children, of U.S. citizens. F3 visas are limited to 23,400 migrants per fiscal year. Family fourth preference (F4) refers to the brothers and sisters of U.S. citizens, and their spouses and minor children, granted that the U.S. citizen is at least 21-years-old. F4 visas are limited to 64,000 migrants per fiscal year.¹⁷⁶

Trends in Family-Based Migration

As stated previously, family-based immigration makes up the majority of all legal permanent immigration to the United States. Immediate-family admission remains the most popular route due to the unrestrained number of visas available. Throughout most of the past decade, second-family preference follows family-based migration; followed by first, third, and fourth in that order. However, there was a sharp drop in total lawful permanent admissions starting in 2001 due to a combination of the 9/11 terrorist attacks and administrative backlogs. In the decade since the 9/11 terrorist attacks, fear of more casualties has led to heightened visa controls, screenings of international travelers, the collection and storage of information in new interoperable databases used by law enforcement and intelligence agencies.¹⁷⁷ Meanwhile, the new reforms have caused administrative backlog due to the insufficient, human and financial capital, resources granted to immigration services.¹⁷⁸

More data from the Department of Homeland Security, collected through a study of the trends in lawful permanent admission to the United States, reveals interesting information concerning family-based immigration between the 2010 and 2016 fiscal years. First, admissions of total lawful permanent residents increased by 16 percent over this period, or 691,003 persons in FY2010 to 804,793 persons in FY2016. Second, the number of immediate relatives increased from 476,414 persons to 566,706 persons over this period, the largest increase of all family-based categories. This trend, however, is nothing new. The number of family-based migrants accepted into the United States had continued to increase since the Immigration Act of 1965 abolished national-origin admission quotas, making large-scale migration from Latin America and Asia possible. Third, the data shows, with the exception of some minor fluctuations, that other family-related categories remained somewhat stable with little increase between 2010 and 2016. Partly as a result of these mixed trends, and also as the result of increases in all other lawful permanent admissions, the proportion of family-based admissions to total lawful permanent admissions, remained the same over this period (about 66 percent) with minor fluctuations.¹⁷⁹



Problems with the Current System

Immigration policies of the past have prioritized family-based immigration over employment-based and humanitarian-based immigration, as family reunification accounted for nearly two-thirds of all lawful permanent immigration in the United States in 2012.¹⁸⁰ One of the primary flaws of family-based sponsorship is that a single immigration case takes 10 years, on average, to be processed.¹⁸¹ Each year, the number of foreign nationals petitioning for LPR status through family-sponsored visas exceeds the ceiling number of immigrants who can be admitted into the United States according to the Immigration and Nationality Act.¹⁸² If a U.S. citizen opts to sponsor their adult relative, the immigration process could take years, even decades. There are three reasons that the immigration process has such long wait times.

The minimum waiting periods and family quotas for immediate family immigration and family preference immigration have kept families separated for years. Although immediate family migration is relatively quicker than family preference, immediate family members will still have to wait for all the necessary paperwork to be processed; once the paperwork has been processed, they can migrate immediately. The visa petition can take up to 8 months to be reviewed by the USCIS, and receipt of the paperwork can take another one to three months. Scheduling an interview can take two to four months. If the applicant is already in the US, the whole process can take up to one year.¹⁸³ This means that family members may wait years before they can attain a visa through this route. For example, a U.S. citizen who wished to bring his brother over from the Philippines ended up waiting over 20 years for his petition to

become current and for his brother to apply for a green card.¹⁸⁴ Other immigration routes may not come close to this wait time, but the limits imposed have created multi-year backlogs in many areas.¹⁸⁵

Lengthy background checks are another cause of excessive wait times. Although background checks have become more advanced and swift compared to a decade or two ago, certain checks still take a lengthy amount of time. Many law enforcement agencies collaborate to complete the necessary work. Furthermore, racial discrimination often plays a part in the wait times for obtaining a visa. If the applicant's surname is stereotypically indicative of their country of origin, such as Singh, Rodriguez, Silva, Lee, their case might undergo further vetting.¹⁸⁶

In addition to numerical limits on family preference visas, the INA limits the admissions allowance for LPRs to seven percent of the total number of family-based and employment-based admissions for that year.¹⁸⁷ Further, the per-country limit does not indicate that a country is entitled to the maximum number of visas each year, but only that it cannot receive more than that number. Two exemptions from this rule include, all immediate relatives of U.S. citizens, and 75 percent of all visas allocated to A2 admissions.¹⁸⁸

In addition to the backlogs, there are laws that limit foreign relatives when visiting their families in the United States. The nature of U.S. immigration law presumes that all foreign-born visitors seeking temporary admission to the United States wish to live here permanently, so tourists and other temporary visitors must demonstrate their intent to return to their home countries.¹⁸⁹ As a result, migrants with pending LPR petitions, as well as foreign nationals with U.S. citizen and LPR relatives, who wish to either the United States or visit their United States-based relatives, are often denied a nonimmigrant visa to visit. For example, an unmarried adult Filipina daughter wishing to visit her parents in the U.S. on a tourist visa, would likely face challenges in demonstrating that she intended to return to the Philippines after visiting her parents in the States. If denied a tourist visa, having no occupational options available through employment-based admissions, her only other option for seeing her parents would be to apply for LPR status under the first family preference visa; which would take a minimum of 10 years to process. For the duration of her application's evaluation, she would be unable to visit her parents.

The inherent flaws of the immigration system, exacerbated by the number of family-based applicants, contribute to the long wait times. Some offices and officers are slower in processing cases and applications than others, however, it tends to be more complex than one might think.¹⁹⁰ In some foreign offices files might get lost, officers might get transferred to different departments and leave behind unfinished work, files can be transferred to other service stations to even out the wait times, and many other delays are the consequence of a bureaucracy that requires a strong and experienced navigator.¹⁹¹

Our taskforce believes, in regards to the backlog of family preference immigration, that the quotas in all four family preference categories should be increased, and the bureaucracy of the system simplified, to alleviate backlog and support American values of family reunification.

An overlooked horror within family-based immigration is the coverture of spouse-based immigration laws. Since the conception of spouse-based immigration laws, it has had to bear the burden of coverture and chastisement. Coverture, the legal status of a married woman considered to be under her husband's "protection," establishes total power and control over a wife by a husband. Furthermore, chastisement allows the punishment of a wife by the husband to force obedience. Although chastisement has long been outlawed since the 1870s, foreign-born spouses are still subjected to punishment when resisting or disobeying their patron-husband.¹⁹² Many women who emigrate to the United States at her husband's petition have become the victim in domestic abuse cases.¹⁹³ Spouse-based immigration continues to be predominantly female, and many women are still afraid to go to the police in fear of deportation, or repercussions from her husband should he discover her confession to the authorities. Such arduous possibilities make the likelihood of the women's becoming undocumented extremely likely.

At the turn of the 20th century, legislature for the protection of abused women did not stipulate a rejection of traditional patriarchal control of the married unit.¹⁹⁴ Failure to do so perpetuated the inequality between husband and wife in these situations and has led directly to unpoliced violence against women. The Violence Against Women Act of 1994 (VAWA) amended several provisions of immigration law; such as those which allowed for petitioning for the classification of migrants as relatives eligible to apply for permanent resident status, those that suspended deportation and the evidence necessary to make these applications, and those that addressed battered spouse waiver of the joint petition required to continue the permanent status of conditional residents.¹⁹⁵ These changes intended to ameliorate abuse, but did not alleviate the power and control that is the foundation of the abuse. Meaning that domestic abuse will continue to be a problem in spouse-based immigration so long as there is a difference in status and power between the USC and the foreign-born spouse.

Under VAWA, the abused could file relative petitions for classification of themselves and their children for T-visas, which allows victims to stay in the United States for four years. A T-visa protects recipients from removal and gives them permission to work in the United States. Bona fide T-visa applicants also have access to the same benefits as refugees, including cash assistance, food stamps, and job training.¹⁹⁶ The groups include migrant spouses and migrant children of U.S. citizens or legal permanent residents who were either battered or subjected to extreme cruelty by their spouses or parents.¹⁹⁷ The changes in this law rejected self-petitioning for those who could demonstrate abuse. For the abused, the greatest change in the self-petitioning scheme was the requirement that the victim had to

provide evidence, through continued cooperation with law enforcement, of extreme hardship and show that they were persons of good moral character. Furthermore, the law did not contain a provision for non-citizen spouses, whose citizen resident-spouse maintained power and control by refusing to petition, but whose behavior could not be proven to meet the criteria of battering and extreme cruelty. *Our taskforce believes that an amendment to VAWA must be made for the allowance of self-petitioning for those who could demonstrate abuse.*

In regard to same-sex partners, the INA does not affirmatively define the terms “spouse,” “wife,” or “husband;” the 1996 Defense of Marriage Act (DOMA) declared that the terms “marriage” and “spouse,” as used in federal enactments, exclude same-sex marriage. However, the issue shifted on June 26, 2013. The Supreme Court decision in *United States v. Windsor*, struck down DOMA’s provision defining “marriage” and “spouse” for federal purposes. DHS subsequently approved the first immigrant visa for the same-sex spouse of a U.S. citizen, and then-Secretary of Homeland Security Janet Napolitano directed USCIS to “review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse.”¹⁹⁸ The policy currently remains in effect. *Our taskforce believes that, despite the Supreme Court ruling, an amendment to the INA must be made to explicitly accept same-sex partners as eligible to receive immigrant visas.*

The Trump administration’s hardline view on immigration has the president advocating for the end of “chainlike” migration. Chain migration has been synonymous with immigration to the United States based on familial ties, such as relationships to United States citizens, LPRs, or petitions by green card holders. Conservative news outlets, such as Breitbart, have concluded that a single LPR could bring in an average of 6.4 foreign nationals to the United States.¹⁹⁹ This information, used as a tool in the Trump administration’s immigration policy, has become an excuse to cut down on legal immigration to the United States. The term chain migration is very misleading as it portrays family-based immigration as an uncontrollable process-in which citizens and LPRs who petition for relatives back home will eventually bring hundreds of millions more migrants to the United States. In reality, the numerical caps, in-country quotas, and increasing backlogs have made family-based immigration a very slow process. In reality, new LPRs, on average, petition for just 1.4 relatives.²⁰⁰

In regards to President Trump’s 2018 State of the Union address, he states that U.S. policy should aim to decrease the number of “chain migrants,” and transition towards a “merit” based immigration system.²⁰¹ According to the President, the United States should allow entry for “people who are skilled, who want to work, who will contribute to society, and who will love and respect our country.” Meanwhile, he stated that chain migrants were “low-skilled workers who put downward pressure on wages and increase the deficit while fueling gang violence and terrorism.” This idea of family-based

migrants is an enormous misrepresentation of the issue. If Trump wants more immigrants with advanced degrees who have high-paying jobs ready for them, then it is worth noting that nearly half of all immigrants who come to the United States through the family and diversity programs hold college or graduate degrees, making them more educated than the average U.S.-born citizen.²⁰²

Furthermore, kinship-based immigrants are the most likely to achieve upward mobility of all within the workforce.²⁰³ Whether migrants arrive to the United States as engineers, teachers, or develop their own small businesses, their success is often fueled by support from family.²⁰⁴ Family and community networks can help new immigrants find jobs. Additionally, relatives may offer a place to live, at least until the newcomers have established themselves in their new home, and family members may also provide an extra pair of hands at work or help with child care or elder care at home.

It is evident that the current family-based immigration system has its flaws. The most common question visa applicants ask is in regard to the lengthy processes on their application. One of the most devastating results of the severe backlogs have been the amount of time families are separated from their loved ones. Sometimes lasting for years, the amount of time one must wait depends on their relationship with a USC or a LPR. Immediate family members applications, this includes spouses, children, and parents, take a little bit over a year. While those of distant relatives, including siblings and children over the age of 21, might take decades. Furthermore, numerous gaps in current policy have allowed unacceptable mistakes to be made, including loss of petition files which allows for the continuance of otherwise preventable domestic abuse. This particular issue has been abundant among spouse-based immigration applicants due to the frequently unequal power status between the United States citizens and the foreign-born spouses they seek to sponsor. Meanwhile, the Trump administration continues to perpetuate misconceptions of family-based immigration, exemplified by the recent overuse of the wholly inaccurate term “chain migration” which has led to a misrepresentation of the positive impact these educated migrants have on the U.S. economy and tax revenue. It is imperative that a clear distinction be drawn between the facts and myths of chain migration so that the term does not become co-opted by xenophobia.

MERIT-BASED IMMIGRATION AND H-1B VISAS

Joanna Kao

Immigrants have long been a catalyst for U.S. economic success, but given the dynamics of current U.S. politics, the Trump administration is attempting to establish a more restricted immigration system.²⁰⁵ U.S. employment-based immigration is based upon the principles of admitting skilled immigrants that are valuable to the U.S. economy.²⁰⁶ Despite this, President Donald Trump has taken “a sweeping set of actions on immigration” by overhauling the U.S. employment-based immigration system and implementing new policies that are centered around the idea of merit.²⁰⁷ The merit-based immigration system (otherwise known as the points system) is a proposal which aims to prioritize high-skilled immigrants over lower-skilled immigrants. As mentioned within previous chapter, if President Trump opts to value merit within the family-based immigration evaluation, he will substantially reduce the opportunity for families to reunify.²⁰⁸ H-1B visas, the visas granted to foreign workers with specific skillsets and knowledge to their field, is currently the preference for the current administration and by the United States Citizenship and Immigration Services (USCIS).²⁰⁹ However, stricter regulations on H-1B visas have now been proposed as well, coinciding with the restrictionist goals of Trump’s administration.

One of the most concerning aspects of merit-based immigration is the prioritization of high-skilled workers over immigrants applying for family-based immigration. Since the reunification of family members is a central pillar of the immigration system, prioritization of highly-skilled workers is against the principles of family-sponsorship. Most importantly, stricter H-1B visa regulations which increase the obstacles for highly-skilled workers to get approved by H-1B program is in contradiction to the merit-based immigration system, which aims to hire more skill-based immigrants as well. The following chapter will offer recommendations on how to improve employment-based immigration given Trump’s recently proposed policy changes.

President Trump's Merit-Based Immigration System

On February 28, 2017, President Trump addressed Congress, stating that reforming our current, outdated immigration system by adopting the merit-based system is a way to protect and defend our country and U.S.-born workers.²¹⁰ The fundamental value of the merit-based system is to move away from lower-skilled immigration and prioritize well-educated, highly-skilled migrants.²¹¹ President Trump noted that a surge of low-skilled and unskilled workers has been straining public resources, by stating that more than 50 percent of welfare recipients are from immigrant households, while only 30 percent of U.S. citizen’s households are welfare recipients.²¹² Conversely, immigrants with a college degree, or higher, are less likely to be welfare recipients.²¹³ Therefore, the Trump administration proposed the merit-based

immigration system, similar to Canada's and Australia's, to be applied in the United States to reward applicants with so called "merits."²¹⁴ High-skilled workers are those who have merit, "education, English-language ability, high-paying job offers, past achievements, and entrepreneurial initiative" and are able to come into the country and make their contributions based on their skills and knowledge they possess.²¹⁵ This focus on high-skilled workers will limit low-skilled and unskilled workers from entering the United States.²¹⁶ The concept of "more employable" immigrants has caused a considerable controversy from various perspectives.

The Difficulty of Assessing "Merit"

First, the difficulty of assessing "merit" is the most critical issue. President Trump praised the merit-based immigration system in Canada and Australia, proposing to enforce this system in the United States by reforming an outdated legal immigration system for low-skilled immigrants in the U.S. today.²¹⁷ In 1967, Canada became the first country to adopt the merit-based immigration system, which used a 100-point-scale to rate the eligibility of skilled-workers to enter the country.²¹⁸ Nowadays, the Comprehensive Ranking System (CRS), also known as the point system, is a tool for skilled immigrants to expressly enter Canada.²¹⁹ It gives points for various aspects, including language skills, education, work experience, age, current job offers from a Canadian employer, and adaptability (whether they have visited or studied in Canada previously).²²⁰ One criticism points out that although the point system differentiates top performers from the rest, the overwhelming majority of applicants fall below certain points for entry, and very few are able to meet the admission criteria.²²¹ Critics have suggested that "the challenge with a discretionary performance-based system is where there are significant numbers of people at a certain level some of whom will inevitably feel the discretion has not been exercised fairly."²²² In other words, a discretionary performance-based system may result in "brain waste" if important skills are not recognized or acknowledged. The difficulty of assessing "merit" challenges the efficiency of the system. In particular, English proficiency has never been a requirement for family-based immigration, but it is a new obstacle for immigrants and could potentially reduce the likelihood of their reunification with family members.²²³

The Value of Family-Based Immigration System

Another issue in regard to the proposed U.S. merit-based immigration system is that it prioritizes skilled immigrants over family-based immigrants. President Trump stated the current outdated system, allowing family-based immigrants through family-sponsored preference, should be restricted within the context of the merit-based immigration system.²²⁴ In other words, employability and skills should be prioritized over family ties. This proposal of shifting away from the current family-based immigration

system by applying “merit-based” immigration is the most radical change of the past few decades. Guillermo Cantor, a research director at the American Immigration Council, suggested that the proposal of moving away from family-ties disregards the benefits of the family-focused immigration system.²²⁵ For instance, when new immigrants come to the country, family members are the best tool to facilitate their integration. *Our taskforce believes that the skills and knowledge of a person should never be prioritized as a factor over family ties in family-based immigration system. Although people with family- sponsorship need to go through the family-based immigration system, the merit-based immigration system should not be one of the determining factors.* This policy recommendation is not only to avoid unfair treatment based on the difficulty of accessing merits in the merit-based immigration system, but it would also reaffirm the value of family unity. The concept of prioritizing skilled-based immigrants over family ties is antithetical to the basic principle of the family-based immigration system: the reunification of families is one of “the values that drove the country to adopt it in the first place.”²²⁶ The merit-based immigration system and family-based immigration system are fundamentally apposed and should operate separately as two different systems.

The Demand for Low-skilled Workers

The current employment trends in the U.S. necessitate an increase in low-skilled workers across various industries. The enormous demand of low-skilled laborers has risen in recent years and it will continue to rise in the further decades as great portion of the population ages, and caregiving jobs are high in demand.²²⁷ According to Employment Projections (2016-2026) from the Bureau of Labor Statistics of the U.S. Department of Labor, it suggested that a large amount of low-skilled jobs will be health care industries and associated occupations, such as personal care aides and home health aides.²²⁸ Those service-related jobs are categorized as low-skilled jobs because they do not require a college degree.²²⁹ In addition, the aging population would lead to “a decline in the overall labor force participation rate over the 2016-2026 decade.”²³⁰ The evidence above indicates the increasing demand for low-skilled workers. It is important to avoid the false assumption that low-skilled immigrants are often straining the public resources by understanding the significant demand for low-skilled labor in U.S. economic system. Low-skilled workers are essential and indispensable. If the number of low-skilled visas decline under current circumstances, a labor shortage could develop in important service industries. *Our taskforce believes that the number of low-skilled immigrant laborers should be increased to meet this demand.* Although President Trump asserted that a merit-based immigration system will ultimately accomplish the goal of protecting jobs for our workers and boost U.S. economic prosperity, it is critical to be aware that the merit-based immigration system may cause a long-term damage and danger to the U.S. industrial structure due to the potential labor shortage.

Stricter H-1B visa regulations

President Donald Trump's rhetoric on immigration has cast immigration as a threat to both U.S. national security and economic prosperity. The President has taken steps accordingly to showcase the negative aspects of immigration in hopes of justifying the limiting of visas and visa extensions.²³¹ On March 2016, Presidential candidate Trump publicly defined H-1B in his speech as "neither high-skilled nor immigration: these are temporary foreign workers, imported from abroad, for the explicit purpose of substituting for American workers at lower pay... I will end forever the use of the H-1B as a cheap labor program, and institute an absolute requirement to hire American workers first for every visa and immigration program."²³² However, the full definition of H-1B is;

"A particular type of visa that is used in the United States as a visa to allow foreign citizens to temporarily work in the United States. The visa applicant must be sponsored by an employer, and the job must be one in a defined list of job areas, as outlined by the law. The worker can typically stay for a maximum of six years, after filing a three-year extension after the first three years."²³³

H-1B is one of the most common visa routes for highly skilled foreigners to work in the U.S., and most H-1B applicants "must have already attained at least a bachelor's degree [or higher degree] in the related field," in order to be qualified as a H-1B visa holder.²³⁴ That being said, Trump's definition of H-1B does not fully reflect the comprehensive understanding of the H-1B program. H-1B visas are not about substituting American workers at lower pay, rather they are intended to bridge a labor gap in the United States.²³⁵ In other words, when there are an insufficient number of qualified U.S. workers in certain job, constituting a labor gap, the H-1B program would provide permission for qualified foreign candidates to fill the labor gaps that required special knowledge.²³⁶

Pressure on temporary worker programs has been a subject of intense discussion recently. Some would suggest H-1B is used to "aid in outsourcing," which applies the skills of foreign workers that benefit the country, but others point out that H-1B is harmful, as it allows employers to import cheaper foreign labor rather than hiring native workers.²³⁷ Regardless, the principles of the proposed merit-based immigration system are contradicted H-1B regulations and impose more restrictions on high-skilled workers.

Current Circumstance on H-1B Visas

The H-1B program, which is one of the most pressing topics amongst the U.S. immigration policy makers, requires a high level of scrutiny be paid to applicants for the purpose of impeding a damaging immigration stream.²³⁸ Compared to 2016, H-1B applications in 2017 have requested additional evidence

from applicants to get approved, and this tighter scrutiny has increased H-1B denials from 8 percent in 2016 to 18 percent 2017.²³⁹ Previously, if an applicant remained at the same job position while extending their visa, they were not “subject to a thorough review during renewal.”²⁴⁰ Nevertheless, the Trump administration has even tightened up the process for renewing, so now H-1B renewals at the same job position in 2018 need to go through “the same level of scrutiny as initial applications.”²⁴¹ As a matter of fact, the burden of proof will be required with every renewal process that takes place in and after 2018, making an already complicated process more inaccessible.²⁴² Besides, on April 18, 2017, President Trump signed the executive order named “Buy American and Hire American.” This order clearly stated, “the annual statutory limit for approved petitions is 85,000,” which toughens the regulation on H-1B visas, challenging many American employers’ ability to hire foreign tech talents from all over the world.²⁴³ The number 85,000 is absolutely insufficient for the demand with “over 236,000 H-1B petitions during the filing period” in FY 2017.²⁴⁴ The evidence proves that the Trump administration has placed what amount to unnecessary restrictions on H-1B visas.

H1-B Visas: Filling the Demand for High-Skilled Professionals

Based on the nature of the H-1B program, specialized and complex knowledge is required for performing job duties by these visa holders.²⁴⁵ The top three occupations for H-1B holders are computer systems analyst, software developer, and computer programmer. According to the record from the United States Citizenship and Immigration Services (USCIS), 345,262 H-1B Visas were approved in 2016.²⁴⁶ Computer-related occupations had 273,837 petitions for H-1B visas and Engineering-related had 27,836 petitions, which indicates that well over three-quarters of applications certified for H-1B were in the high-technology industry.²⁴⁷ Given such a high demand on H-1B visas petitions, big companies that involve high-technology, from tech giants Facebook and Amazon to Bank of America and Caterpillar, have argued that an 85,000 annual cap on H-1B is too low.²⁴⁸ Furthermore, a number of studies point out that highly-skilled workers with abilities and talents complement U.S.-born workers, indicating a need for increase the annual cap on H-1B visas rather than restricting them even more.²⁴⁹ Taking into account the needs of a certain field and the excess amount of H-1B petitions: 199,000 during the first week of FY 2018, this taskforce believes that the annual statutory limit for approved petitions should be higher than 85,000 to meet the demand of foreign talents in the labor market in the United States. The principle of merit-based immigration aims to promote the high-skilled workers to the U.S. to make contributions, but the tough new regulations on H-1B are obstacles for those high-skilled to stay and work. The inconsistency between increasing the rate of high-skilled immigrants and erecting the regulations for impeding high-skilled workers is putting the U.S. employment-based immigration system into a dilemma that ultimately lead to the labor shortage of both high-skilled and low-skilled workers. Other than the

concern over the ability of hiring foreign talents, the contradiction between the merit-based immigration system and the stricter H-1B visa regulations has been clearly demonstrated.

The Spouses of H-1B Visa Holders: H-4

Another unclear issue regarding H-1B is whether the spouses of H-1B visa holders should be allowed to work in the U.S. under H-4 dependent visas.²⁵⁰ Employment Authorization for Certain H-4 Dependent Spouses was allowed under the Obama administration since May 26, 2015.²⁵¹ This H-4 Employment Authorization Document (EAD/Form I-766) is for the purpose of retaining highly skilled foreign workers in the United States by allowing their spouses to work.²⁵² The Department of Homeland Security states “the Trump administration will propose revoking a rule that makes spouses of thousands of immigrant workers eligible to work [and] propose ending a rule allowing spouses of H-1B holders to work in U.S.” Despite the fact that a formal decision has not yet been made, Jonathan Withington, spokesman for the Department of Homeland Security’s U.S. Citizenship and Immigration Services, stated “a number of policy and regulatory changes to carry out the President’s Buy American, Hire American Executive Order, including a thorough review of employment-based visa programs.”²⁵³ If that is the case, it is highly speculated the new rule may not allow any H-4 dependent to work in the U.S. since President Trump’s continuously implanting new restricted regulations against immigrants. That being said, if the rule, made by the Trump administration, is preventing the spouses of H-1B holders from work authorization, a number of high-skilled workers may be deterred from staying in the U.S. Additionally, their exceptional skills and knowledge are not going to contribute to the U.S.²⁵⁴ This ties back to the principle of family-based immigration system, the reunification of family member. Above all, it is essential to be aware of the value of the family unit, including spouses and minor children, since the concept of family ties is the most significant consideration in the immigration system. *Our taskforce believes that the spouses of H-1B visa holders should be allowed to work with an approved H-4 EAD.*

A new era for employment-based immigration system has been raised by the Trump administration’s new reforms and regulations. The U.S. economy, and the rights of its workers, has been President Trump’s main concern. As such, it is important to discuss what actions must be taken to ensure the best for our country. As for the immigration system, the principle of family reunification should always take priority. Equally important, after a thorough analysis of the data from different immigration departments, there is a clear need for both high-skilled and low-skilled laborers in the U.S. economy. The employment-based immigration system is one of the most crucial elements of our country’s economy as a whole. A sense of pride for the undeniable contributions immigrants have given this country must be reestablished in the national consciousness in order for the United States to maintain prosperity.

DIVERSITY LOTTERY VISAS

Minari Omura

The Diversity Lottery Visa is one of the least conditional ways of obtaining a Green Card. While the initial form of the program was created in the mid-1980s, the current Diversity Visa system was established in 1990.²⁵⁵ Today, the program sets the capacity at 50,000 immigrants who can be accepted as Green Card holders. Within the fiscal year of 2017, more than 18 million applicants have been rejected.²⁵⁶ Immigrants from Africa currently benefit most from the lottery-based visa; Asian immigrants follow close after them.²⁵⁷ Obtaining a Green Card creates the opportunity for immigrants to receive U.S. citizenship, which allows more benefits than simply being a permanent resident with a visa, including access to jobs typically available only to U.S. citizens, the ability to travel with the U.S. passport, and the right to vote in local and state elections.²⁵⁸ However, this Diversity Lottery Visa system remains controversial. On October 31st, 2017, a 29-year-old Uzbek driver, Sayfullo Saipov, struck pedestrians on a road in Manhattan, killing 8 people and leaving 11 injured.²⁵⁹ Saipov entered the U.S. after having won the lottery in 2010, and this incident led President Donald Trump to immediately comment on Twitter; "We are fighting hard for merit-based immigration, no more Democrat lottery systems. We must get MUCH tougher (and smarter)."²⁶⁰

This section highlights the background as well as the history of Diversity Lottery Visa, comparing and contrasting its modern role to its original aim. It seeks to convey the difficulty the lottery System is now facing as its role in U.S. society continues to change over time, and it argues for an improvement to the policy that will match the needs of the immigrants, as well as U.S. society.

Historical Background

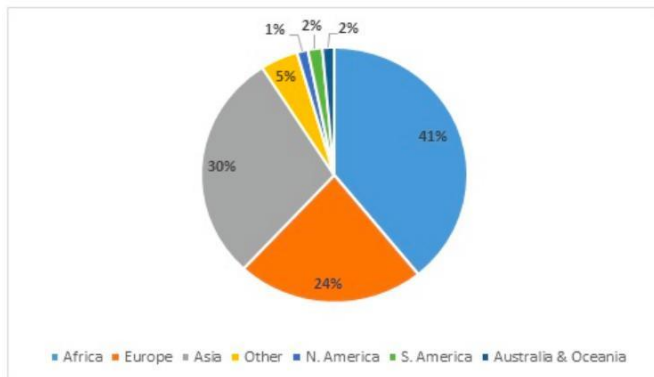
The Diversity Lottery Visa was established through the Immigration Act of 1990, but, with a look at previous decades, important details are revealed concerning the debate that surrounding the initial establishment of the program. The Immigration Act of 1965 abolished the restrictions on immigrants according to their race, ethnicity, or national origin.²⁶¹ While this act was not expected to bring a dramatic change in the demographics of immigrants, the act rapidly increased the number of immigrants from Asia and Latin America, rather than Europeans, who were the largest group of immigrants until 1960s (Figure 1 and 2). Irish immigrants, especially, had a strong effect on the U.S. society. By the late nineteenth century Irish farmers migrated to the U.S. for various reasons including crop failures, falling agricultural prices and redundancy of petty farmers. Unlike their earlier generations, however, the Irish immigrants were no longer poor.²⁶² In fact, they were primarily middle class and gradually gained influence in local Catholic churches, higher ranks of labor, and the Democratic Party.²⁶³

The 1965 Immigration Act also ruled that immigrants who had no close relatives in the U.S. must obtain labor certification. The result of this legislation was a decrease in the number of Irish immigrants admitted to the U.S.²⁶⁴ Until 1965, many Irish immigrants utilized the non-preference immigration system, in which they could enter the U.S. without a close relative as their sponsor. After the act, however, the immigrants with no family sponsor had to obtain a labor certificate. This caused the inflow of Irish immigrants to decline, as many of them did not have direct family members or highly skilled labor capabilities.²⁶⁵ After many years of Irish-American members of Congress attempting to create a program that would benefit their countrymen, a bill to serve visas outside of family or employment-based programs passed through Congress in 1987. At this point, however, the visas were issued to immigrants on a first-come, first-served basis, and Irish people seeking immigration to the U.S. were able to gain great support from the state as they tried to apply for their visa.²⁶⁶ As a result, the Irish immigrants won nearly 40 percent of the diversity visas shortly after 1987, later prompting the movement to create a lottery-based system that equally benefits immigrants from underrepresented countries.²⁶⁷ Today Ireland is not among the top countries of origin for diversity visa recipients. The Diversity Lottery visa now primarily benefits Africans and Asians.

The history and the controversy that has surrounded the Diversity Lottery visa for nearly half a century did not start off with the intention of promoting diversity but has mostly been shaped by the efforts of people from different countries and regions who fought for fair immigration status. Today, the proposed threat Diversity Visa holders pose to society is a major focus of the immigration debate. In fact, the attack by the Uzbek Diversity Visa holder is not the first case that led to this controversy; in 2002, an Egyptian man killed two people in Los Angeles International Airport. His wife had won the diversity visa in 1997, which enabled him to become a legal U.S. resident.²⁶⁸ These attacks have called into question the legitimacy of the Diversity Lottery Visa, prompting many to question if the Lottery should have been implemented in the first place.

Figure 1

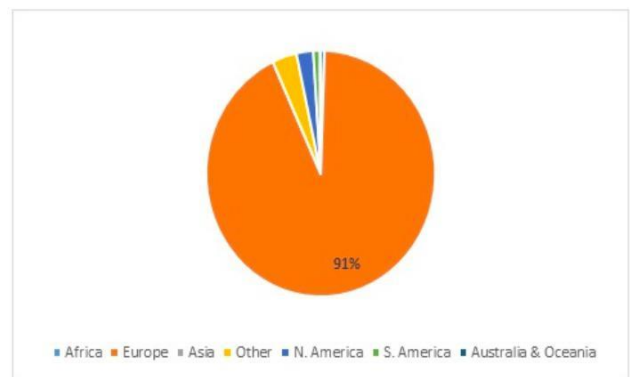
Diversity Visa Admissions by Continent of Origin, 2015



Sources: State Department and Department of Homeland Security.

Figure 2

Diversity Visa Admissions by Continent of Origin, 1993



Sources: State Department and Department of Homeland Security.

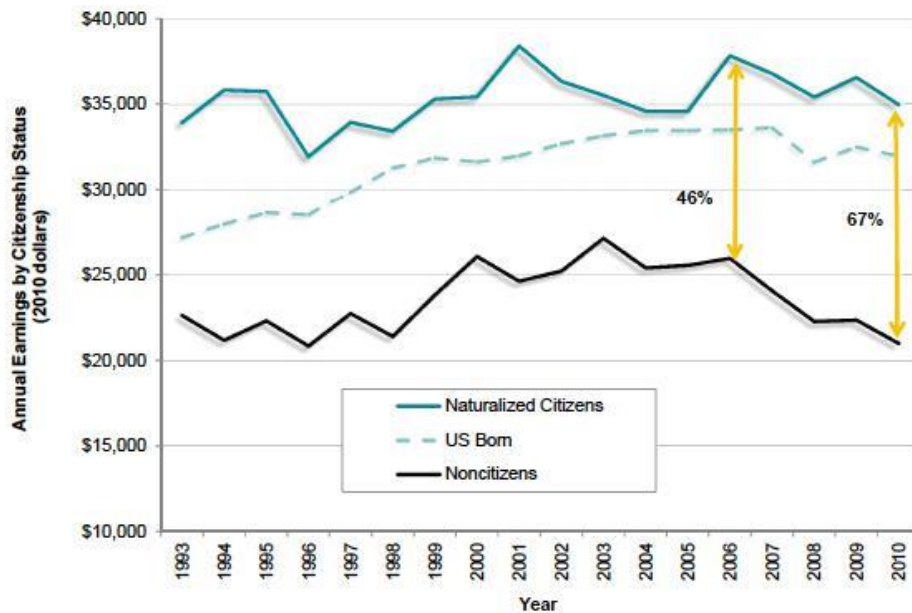
Current Issues

Compared to family-based or employment-based immigration, the benefits of the Diversity Lottery Visa are less obvious for U.S. citizens and migrants alike. Whether or not the program is really necessary in today's U.S. immigration system is the question that is the most pressing question concerning the Diversity Lottery system today.

In order to assess the advantages and disadvantages of the Diversity Lottery Visa system, it is important to look back at the recent incident in Manhattan. While the attack caused by the truck driver, Sayfullo Saipov, led president Trump to criticize Chuck Schumer, a senior Democratic Party Senator in New York who initially proposed the Diversity Lottery system in 1990, it would be too premature to conclude that the Diversity Lottery Visa directly led to the increase in terrorism or felonies by lottery winners. The report by the U.S. Government Accountability Office concluded that while the diversity visa system may indeed have some discrepancy in its security screening, there is not enough evidence to conclude that the terrorists are specifically utilizing the Diversity Lottery Visa as a way to obtain citizenship.²⁶⁹ With a one-in-188 chance of winning the lottery, as of 2015, combined with rigorous vetting processes, the Diversity Visa is never an easy visa to obtain.²⁷⁰ Moreover, it has been said that the majority of the terrorist attacks that occurred in the U.S. since 9/11 have been planned by homegrown terrorists, the terrorists who have radicalized despite being born and raised in the U.S.²⁷¹ Therefore, it cannot be said that the Diversity Lottery system is a dangerous loophole in American the immigration

system, or that the threat of terrorism should be a large concern in the discourse surrounding Diversity Lottery Visa.

Nevertheless, the risk of terrorism is not the only potential issue that the Diversity Lottery Visa faces today. There are ongoing debates on the political, economic and societal contribution immigrants make within U.S. society, and immigrants with the Diversity Visa are often made vulnerable by this question. Unlike immigration through family reunification or employment-based immigration, the winners of the Diversity Lottery Visa are able to enter the U.S. without having a job or closely related family members in the country. This can lead to unemployment and poverty amongst many Diversity Visa immigrants who do not have a strong support system or guaranteed employment when they arrive. Though it is required for Diversity Lottery winners must obtain a signature from either a U.S. citizen or a lawful permanent resident that have adequate income or otherwise must prove that they have enough funds to take with them until they obtain a job, whether or not the immigrants can sustain on those funds alone is unclear; especially considering the time it can take for them to obtain work.²⁷² The Diversity Lottery applicants only need either two years of work experience or a high school diploma, which means that there can be a substantial number of immigrants who will be allocated to lower-skill occupations.²⁷³ Consequently, immigrants who enter the U.S. using Diversity Visa often find the life in the U.S. different



Note: Arrows indicate the percentage gap between naturalized and noncitizen immigrants. Excludes immigrants who have been in the United States for fewer than ten years. Source: MPI analysis of CPS data, 1994-2011, adjusted for inflation using the BLS Consumer Price Index.

Figure 3: Annual Earnings by Citizenship Status (by 2010 Dollars) 1993-2010

from what they had imagined; with only routine or tiresome jobs available for them, their life experience in the U.S. can get stressful and challenging.²⁷⁴ And even if they wish to go back to their home country, the investment they have made in the U.S. can make this difficult.

After obtaining a Diversity Visa, lottery winners can seek to become an American citizen after entering the U.S. by obtaining Green Card and becoming a permanent resident of the country, the immigrants will have a much higher chance of obtaining citizenship status. Naturalized citizens receive 50-70 percent more wage than immigrants who are non-citizens. Further, some research indicates that immigrants who are in the U.S. with Diversity Visa are less likely to experience improvement in their occupational status compared to other immigrants (i.e. immigrants using family visa or employment visa).²⁷⁵

This task force suggests reducing the number of Diversity Visa recipients and increasing support for lottery winners' integration and incorporation in American society. It is crucial that those who need to integrate into the society receive enough support to do so. In order to improve the Diversity Visa immigrants' quality of life, and to increase their contribution to American society, it is essential to be able to invest enough funds for each one of them, especially for those with very few social connections. If we decrease the number of lottery winners, the state as well as local authorities will be able to provide more in-depth support for each immigrant with more affordable price. This support includes career training, which must be a long-term approach that offers training opportunity to the immigrants.

The possible counterargument to this recommendation is that, as the opportunity to legally live in the U.S. shrinks, there would be an increase in the number of immigrants who would attempt to enter the U.S. illegally. However, people from the top sending countries of unauthorized immigrants in 2013 – Mexico, El Salvador, Guatemala, China and Philippines, are not eligible to apply for the 2020 Diversity Visa lottery except for those from Guatemala.²⁷⁶ This data shows that tightening the number of the Diversity Visa winners will not directly result in an increase in the number of unauthorized immigrants.

Diversity Visa is not the only type of visa that operates the lottery system; the H1B employment visa also holds lottery annually in order to randomly select immigrants who have high skills and specialized knowledge. One of the alternative options for the curb in the number of Diversity Visa lottery winners would be to increase the number of H1B visa lottery winners, in order to accommodate more immigrants who, have stronger social network and higher skills. While it cannot be said that Diversity Visa holders are a serious threat to the U.S. national security, limiting their entrance to the U.S. should still take place to provide adequate support and enhance the upward mobility of the lottery winners.

This task force recommends continuing the allowance of immigrants' spouses and children to

enter the country after the immigrants obtain secure housing and employment status. Currently, the Diversity Immigrant Visa Program rules that the winners of the Diversity Visa Lottery are able to bring their spouse and minor unmarried children to the U.S, which do not count towards the 50,000 cap.²⁷⁷ This allowance must be maintained in order to promote family unification. In order to prevent the whole immigrant family from suffering from poverty in the U.S., however, immigrants should be restricted from inviting their family members until they have reasonably established themselves in the United States. For example, local city governments might require immigrants to turn in their housing and employment status regularly and can issue permission to provide visas for the family members once it has been confirmed that the immigrant is able to support their family financially.

INTEGRATION AND NATURALIZATION

Martin Gunawan

As large percentage of immigrants obtain permanent U.S. citizenship, and previous generations, such as Generation X and the Baby Boomers have begun shifting into retirement, immigrants remain more than ever a positive to the U.S. economy. Although some native-born citizens claim that immigrants may increase competition in the labor markets, the benefits that immigrants bring to the U.S. economy evidently outweigh the cost. Immigrants help substitute the labor in the primary economic sector, giving native-born U.S. citizens the opportunity to access higher paying jobs.²⁷⁸ Throughout U.S. history, immigrants have assisted with the U.S. economy by creating jobs, stabilizing demographic challenges, paying taxes, further supplying skilled workers, and establishing long term investment.²⁷⁹ Not only have immigrants substantially benefited the economy, migrants from all across the world have become a part of the American identity. The 19th and 20th centuries marked the evolution of American culture; many foods, art works, and cultural celebrations recognized today as “American” are originally stemmed from international cultures, brought to the United States by immigrants. Immigrants have contributed to the vibrancy and innovation of American culture as artists, engineers, and entrepreneurs, with a quarter of American Nobel Prize winners since 2004, and a similar proportion of MacArthur ‘Genius’ Awardees, represented by immigrants to the United States.²⁸⁰

Across the U.S., in the lack of government policies that focus on immigrant integration, philanthropists, organizations, foundations, and small businesses have been the catalyst to integrate immigrants into U.S. society. However, while the United States Citizenship and Immigration Services office (USCIS) support integration efforts through the financing of NGOs via the Citizenship and Integration Grant Program, gaps still remain within the integration processes for migrants. In order to improve the integration rate amongst immigrants, a distinct focus needs to be placed on the relationship and funding between U.S. federal government and non-governmental actors, literacy rate and education levels of immigrants, and community-based integration.

Relationship Between US Federal Government and Non-Governmental Actors in Promoting Immigrant Integration

The challenge for immigrant integration across the United States, since the successive waves of immigration from Europe during the early 1900s, is the lack of government policy to integrate immigrants into the society, market, and political sphere.²⁸¹ The standout underlying issue that remains is that the U.S. federal government, has been lacking in providing clear guidelines and strategies for local government

and non-governmental actors for promoting the immigration integration efforts. In accordance to non-governmental organizations such as Migration Policy Institute, Massachusetts Immigrant and Refugee Advocacy, and Refugee Advocacy Coalition, which has conducted in-depth research on immigrant integration:

“Immigration integration efforts vary in different regions of the country, and that it would be helpful if the federal government had better guidelines on what constitutes immigrant integration and what is expected of organizations providing immigrant integration services. Additionally, government officials for three cities noted that in the absence of federal guidance for immigrant integration, state and local governments have been setting immigration policies independently, some of which set a negative tone toward immigrants, making it difficult to successfully integrate immigrants.”²⁸²

The need for the federal government to forge a universal strategy for immigration integration into American society is essential. As previously stated, in an effort to boost immigration integration, in 2009, the USCIS established a Citizenship and Integration Grant Program and established partnership with hundreds of public and private nonprofit organizations, primarily aiming to provide information and education to equip immigrants for citizenship preparation and naturalization.²⁸³ The implementation of Citizenship and Integration Grant Program conducted by the USCIS, was ineffective in providing citizenship education and naturalization preparation. The failure of this program was due to the lack of capacity and high demand for services, in 2010, the program was only able to facilitate 34,227 out of 566,576 legal immigrants.²⁸⁴ According to the USCIS;

“Limited resources are often a barrier to providing the variety of services an immigrant requires to fully integrate into the civic life of the community...seven communities that participated in the focus groups are strongly committed to improving their assistance to immigrants, and although they bring many strengths to this task, they consistently cited insufficient resources to meet the demand as one of their greatest challenges.”²⁸⁵

To combat the current issues within the lack of resources allocated towards integration programs, the U.S. federal government should further work with NGOs to provide more tools for immigrants who are in need of assistance with the integration processes. Furthermore, *our task force believes that federal government should increase the budgets for USCIS, and provide more resources for the integration efforts.*

Role of Education on Immigrant Integration

As English is the official language within the United States, it has become essential within the naturalization processes. In order to pass citizenship tests, become an informed voter, and have overall success within American society, basic English proficiency is necessary. According to the national survey conducted by the American Community Survey, about 60% of immigrants that speak a foreign language at home have full proficiency in English in 2015 which is an 56% increase since 1980. However, while the majority of immigrants have proficiency in English, it is essential that the U.S. provides adequate resources for those who are categorized as Limited English Proficient (LEP).²⁸⁶ Having the ability to speak English well assists with the integration processes for immigrants substantially. Furthermore, across the United States, higher education has been the gateway for access to better job and higher earning. Statically speaking, generally, LEP adults were less educated than English-proficient adult immigrants. In 2015 studies found that 45% of LEP adults 25 and older lacked a high school diploma, with only 15% having obtained a bachelor's degree or higher.²⁸⁷ Higher education such as earning is essential for improving earnings and living standards. As mentioned within our chapter regarding Social Services for the Undocumented, according to U.S. Bureau of Labor Statistics, the difference in the unemployment rate and median weekly earnings between those with only high school diploma and college graduates are 5.5% and \$613.²⁸⁸ Higher education has become evidently important, as suggested by analysis of 1990-2014 data from U.S. Census Bureau, within having accesses to skilled jobs, as the market for labor has become more competitive. From 1990 to 2014 the number of immigrants participating in higher education skyrocketed from 3.2 million to 10.5 million people.²⁸⁹ The bottom-line being that resources need to be set aside to assist within the integration processes for immigrants to solidify their English-speaking skills in order to have a broader access to education and thus a higher quality of life.

Community-Based Integration

Diaspora communities have many successful stories in supporting the integration of immigrants. Given that diaspora communities share similar culture, tradition, and have experience the integration process upon arrival to the U.S., they understand how to further assist with integration processes. When immigrants reside in areas concentrated with similar ethnicities, it provides an empowering remedy for empowering immigrant's wellbeing, and can assist with self-sufficiency within U.S. society as well as provide psychological support. For example, in the U.S., Indian diasporas communities have worked together to effectively assist newly arrived Indians for integration. Expanding on this, Indian-American diasporas have seen success within the economy through small businesses, such as hotels and convenience stores, with 77,000 convenience stores and 17,000 hotel, owned by Indian-Americans. These establishments have provided employment for over 1 million people, including the newly-arrived Indians²⁹⁰ Further, Indian-Americans have established the Silicon Valley Indian Professional Association,

this assist skilled Indian immigrants in building their professional network, exchanging their knowledge, and opening business opportunities via corporate leaders and venture capitalists.²⁹¹ To promote the effort of diaspora communities we could examine the Corporate Social Responsibility (CSR) model, to assist with the immigration integration processes. background should *establish partnership with U.S. Small Business Administration and start integration initiative by offering micro-financing loans for new immigrants to start-up business*. For instance, through Corporate Social Responsibility, the Walmart Foundation granted \$1.5 million to support approximately 19,000 immigrants in integrating with American culture and tradition. Furthermore, Walmart also launched the “Bienvenidos” project to provide employment for non-naturalized immigrants.²⁹² Various NGOs also have assisted within the integration processes with up to 533 Immigrant-serving organizations operating in the District of Columbia, Maryland, and Virginia. These organizations help assist immigrants not only to break through the cultural barrier and language barrier, but also to achieve economic stability and self-sufficiency before becoming legal permanent U.S. citizens, such as setting up bank accounts, setting up small business, and providing education, housing, health care, and legal assistance.²⁹³ With the current capacity of non-governmental organizations in aiding immigrants integration efforts has been successful, there still remain sufficient gaps within the integration processes.

REFUGEE AND FORCED MIGRATION POLICY

“Our values and our interests dictate that the protection of the most vulnerable is a critical component of our foreign policy. We have a moral imperative to save lives. We also have interest in sustaining U.S. leadership, which enables us to drive the development of international humanitarian principles, programs, and policies like no other government in the world. Such efforts promote reconciliation, security, and well-being in circumstances where despair and misery threaten stability and critical U.S. national security interests.”

~ President Barack Obama on World Refugee Day

As one of the global leaders in resettling refugees, the United States’ tradition of safeguarding the world’s most vulnerable and persecuted people has provided millions of victims with, at the very least, temporary protection.²⁹⁴ Even so, our current programs for resettlement, and those programs evolving under the current administration, are insufficient. Leading the effort in protecting the world’s displaced people and actualizing more robust institutions to safeguard the protection of forced migrants is in the interests of the U.S. as well a moral and humanitarian obligation. The current degradation of American standards for the treatment of forced migrants threatens the safety and livelihood of refugees in every corner of the earth. As former Florida Governor, Jeb Bush said, “when American standards erode, refugees face greater risks everywhere.”²⁹⁵ A stricter refugee policy motivated by fear, prejudice, and misconceptions about the reality of forced migration demotes the U.S. as a figure of moral leadership in this issue and imperils all present and future displaced people.

Extending refuge to targets of racial, ethnic, religious, national, and political persecution is one of the most integral threads in the national identity of the U.S. as defenders of freedom, liberty, and opportunity. With the Refugee Act of 1980, the U.S. cemented its devotion to protect against violent, hateful persecution into domestic legislation. This was manifested in the creation of a legal conduit to seeking asylum as well as a formal way of resettling refugees that operates in conjunction with faith organizations, state governments, and American civil society. While the U.S. has a long history of responding to instances of forced migration from all over the world, there are many ways that the domestic law of the U.S. regarding its refugee and asylee policy can improve in order to ensure solace for the world’s most vulnerable people and to encourage successful integration of displaced people after arriving in the U.S.

According to U.S. law and the 1951 Refugee Convention, refugees are defined as:

Migrants who are able to provide evidence that they have been persecuted, or have reasonable fear of being persecuted, on the basis of one of five “protected grounds”: race, religion, nationality, political opinion, or membership in a particular social group.²⁹⁶

Despite functioning as protection for some cases of displacement, current patterns of forced migration and future predictions of displacement show a necessity for more inclusive and progressive criteria.²⁹⁷

Due to the gaps in “refugee” protection, created by the language of current U.S. policy, along with the multiplicity of causes of displacement, it is necessary to establish that all future policy and legislation seek to address the needs of all displaced people as “forced migration.” This seeks to expand the scope of protection that the U.S. offers to ‘forced migrants.’ Working toward policy that indiscriminately provides refuge for all forcibly displaced peoples is a feasible measure in which the U.S. could implement more immediate, inclusive, efficient, and successful security. While legal categorial statuses such as “refugee,” “asylee,” and “Temporary Protected Status” are an attempt to regulate protection objectives, the accepted labels do not capture the multiplicity of causes for displacement and thus, deny many in dire need of protection the opportunity to be resettled.²⁹⁸ The following chapters illustrate how moving toward “forced migration” policy would commit the U.S. to a more just and comprehensive mechanism of affording persecuted people with protection that ultimately falls more in line with the values of the United States.

Challenges such as admission thresholds, vetting, integration and social services, future instances of mass forced migration, as well as the United States’ responsibilities in the resettlement of the displaced, are all fragments of legislation that need renovation. As the Trump Administration is actively moving forward to further dismantle the advancements that the former administrations made to fortify the United States’ commitments to refugee protection, the endeavor of enhancing our institutions is paramount.

AN HONEST APPROACH TO REFUGEES, ASYLYEES, AND NATIONAL SECURITY

Kevin Rini

The discourse today regarding refugee policy in the United States is centered around concerns of national security and the processes of admitting refugees in the United States. This issue reached a peak during the 2015 refugee crisis, when millions of Syrian refugees fled their war-stricken country to nearby countries and Europe, along with additional refugee flows from Sub-Saharan Africa and Afghanistan. As the situation worsened, debates occurred in the United States on whether or not they should limit the acceptance of refugees. Former President Obama's answer to this question was to raise the limit on how many refugees could come to the United States between 2015 and 2016. This new cap on refugee admittance was conditioned by a vetting policy that was established in 1980 and became extremely rigorous after the September 11 attacks in 2001.²⁹⁹ When Donald Trump was elected president, he promised to impose even tighter restrictions on admitting refugees in the United States and promised to lower the limit of refugees that could be admitted to the US on an annual basis. President Trump followed through on that promise, but the debate remains on how refugee policy should be handled. This chapter will examine the process of admitting refugees in the US, its links to national security, and what impacts refugees have on the United States.

The Refugee Admittance Process

If one wanted to come to the United States as a refugee, they must go through seven stages of processing and vetting before arriving in the United States for resettlement, according to the U.S. Department of State;

1. Refugees are typically referred to the U.S. Department of State by the UN High Commissioner for Refugees (UNHCR). The State Department receives various basic background information about prospective refugees from the UNHCR and allows them to apply for resettlement. Then the State Department conducts an interview with the applicant.
2. After the interview, the State Department enters the information from the refugee applicant into a database and cross-references it. Relevant information is sent to various US agencies to conduct a background check. National security agencies, such as the National Counterterrorism Center, the FBI, the Department of Homeland Security (DHS), the Department of Defense, the State Department, and various agencies from the intelligence community, such as the CIA and NSA,

screen refugee applicants. If the refugee is from Syria, additional screening and vetting occurs between all of these agencies.

3. The DHS interviews the refugee. If there are any problematic results or new information from this interview, refugees must go through additional security checks.
4. Refugees go through a biometric security check, where they get their fingerprints collected and are screened by the FBI, the DHS, and the Department of Defense.
5. Refugees finally take cultural orientation classes and get a medical examination.
6. Refugees get a resettlement assignment, but before arriving to the United States they must go through screening once more from US Customs and Border Protection, and the Transportation Security Administration (TSA).
7. Refugees finally arrive to the United States, where they meet one of nine representatives from domestic resettlement agencies who start the resettlement process.³⁰⁰

In 2017, The New York Times released an article that claimed there are up to 20 steps in the process for vetting refugees, which critically breaks up the seven stages into more steps, calling into question whether the State Department was downplaying the intensity of this process.³⁰¹ Regardless of how the refugee vetting process is characterized, it is a long and comprehensive process which takes about 18 to 24 months to complete. In comparison, the refugee background checks in Canada take just four months on average.³⁰² The process of admitting refugees takes so much time due primarily to national security concerns from both the United States government and its people. Much of this is attributed to post-9/11 fears of terrorism, but also the growing Syrian refugee crisis has made people fearful that some refugees could be covert ISIS members plotting attacks against the United States. The result of this fear has been heightened demand for vetting in both the Obama and Trump administrations. President Trump has demanded “extreme vetting” for all refugees calling for an even more rigorous system of security checks and background checks on refugees. Under the Obama administration, the target for 2017 was to increase the number of refugees to come to the United States from 80,000 to 110,000.³⁰³ When Trump took office, he reversed course, slashing the cap from 80,000 to 50,000 in 2017; the imposed limit was reached mid-way through the year.³⁰⁴ Trump intends to further lower the refugee-cap to 45,000 in 2018.³⁰⁵ The motive for President Trump to do this runs consistent with the message of his presidential campaign, which took a much more restrictionist stance on immigration and refugee policy. Nationalist and nativist rhetoric from President Trump and his supporters heavily influenced this approach. Much of this rhetoric (especially regarding refugees) stems from national security concerns, but how much of a threat do refugees actually pose to national security?

When analyzing the statistics and the evidence, the answer to that question is actually that there is a very small threat posed to national security. Between September 11, 2001 and October 2015, three of the 784,000 refugees resettled by the United States were arrested for planning terrorist attacks. Two of the three arrested were planning attacks outside the country.³⁰⁶ Even though the third arrest was planning an attack against the United States, the plans of this attack were viewed as barely credible.³⁰⁷ In other words, one could argue that since 9/11 there has only been one in 784,000 refugees who planned a terrorist attack against the United States, and there have been zero *credible* terrorist attacks planned by refugees. According to the Cato Institute, the odds of being killed by a refugee in a terrorist attack are one in over 3.64 billion.³⁰⁸ The probability is so low because there are ways to get in the U.S. that require far less screening and vetting, such as the process of obtaining a tourist visa.

The discussion of refugees and national security also exists within the greater context of the general national security debate, namely President Trump's assertion that we are allowing unsafe people into the United States and putting the country at risk of terrorist attacks. Recent terrorist attacks in Europe (such as Paris, Brussels, and Nice) from ISIS, and other radical Islamists in Europe, focused the fear of potential terrorist attacks in the United States on Muslims. The Trump Administration and its supporters called for tighter screening of anyone coming to the United States, especially if they were from Muslim countries. This rhetoric was not necessarily new, as islamophobia in the United States has existed for quite some time, especially after 9/11. These recent attacks however, added new fuel to the fire for President Trump and his supporters to demand stricter border security and stricter policy on allowing foreigners into the United States. In January 2017, Trump instituted a travel ban on primarily Muslim-majority countries, which was soon struck down by the courts and revised twice before the Supreme Court temporarily upheld the ban in December. The court is expected to make a final ruling on the ban sometime in 2018. The countries named in the current ban are Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. Aside from North Korea and Venezuela, the rest are Muslim-majority countries. The Trump administration insists that this ban is not a Muslim ban, but a ban on countries that are considered failed states and/or have not adequately proved that their citizens can comply with basic security requirements to enter the United States. Preventing potential terrorist attacks has been an oft-cited reason for banning these particular Muslim-majority countries. The argument that the Trump administration provides is dubious at best. There are plenty of other countries that could be considered "failed states," or that might not meet the security standards that the Trump administration desires that are not included on the list of banned countries. Saudi Arabia, the home country of Osama bin Laden and other perpetrators of the 9/11 attacks, is not included on the list even though terrorists from that country have been found responsible for the deadliest terrorist attack ever perpetrated on American soil.

The shift in refugee policy by the Trump administration comes in stark contrast to the reality of refugee crises worldwide. The number of displaced persons worldwide continues to increase, with 17.2 million people displaced from their homes across international borders due to conflict or persecution in 2016.³⁰⁹ Historically, refugee resettlement rates from the United States have matched global trends, rising and falling as refugee crises come and go. Even though tighter vetting policies extended the time that refugees had to wait for resettlement in the United States after 9/11, refugee arrivals still managed to follow worldwide trends.³¹⁰ The United States is considered a “third country” of refugee resettlement, meaning that it is the third (and final option) as a possible destination for refugees. “First country” is the country of origin, where refugees may eventually return to if the crises that caused the refugees to flee in the first place subside, and the home country is safe enough to return. “Second country” would be the neighboring or nearby countries, which typically host the vast majority of refugees. These countries typically do not intend for refugees to stay there permanently, though some do end up integrating in these countries’ societies. However, many typically live in refugee camps. “Third country” resettlement is for countries like the United States, who are far removed from the crises that forced refugees to flee their homes and is an option that very few refugees have the chance to choose. The U.S. has consistently been the leader in resettling refugees under the “Third country resettlement” category from 1980 to 2016, resettling over three million, establishing a historical trend of admitting around 0.6 percent of the world’s population of refugees.³¹¹ Even though that number seems quite small, it is the highest percentage among “Third countries” for resettlement. In 2016, the United States resettled 51 percent of the 189,000 refugees that were resettled worldwide, far more than the next two countries, Canada (14 percent) and Australia (11 percent).³¹² Trump, however, has begun to change the role of the United States in refugee resettlement. Due to the decision to lower the annual refugee-cap, the U.S. is reducing its commitment to refugee resettlement at a time when the population is increasing beyond anything that we have seen in history. As the United States is reducing its role in helping refugees, other countries have stepped in to fill the void. As such, if the global refugee population keeps rising, it will harm our relationship with our allies in Europe and the Middle East who may have to keep taking in more refugees than they wish to or are able to. Under the Trump administration’s new policy, the United States is entering uncharted territory by not following worldwide trends of refugee resettlement, and by choosing to admit fewer refugees at a time when the United States should be letting in more, it risks relationships with its international allies and partners.

Asylum seekers also face significant challenges as they attempt to seek asylum in the United States. The decision to grant or reject asylum depends greatly on where and who looks at the case. A Reuters report highlights this issue perfectly, which discusses two near equivalent asylum cases, resulting in two different outcomes. Both asylum seekers were from Honduras; mothers that were facing violence

from gangs because they dared to stand up against them to protect schools from gang influence. One asylum seeker had her case processed in a court in San Francisco, while the other had hers processed in Charlotte. The case in San Francisco resulted in approval, while the case in Charlotte resulted in a denial. These results come as no surprise when looking at the history of the judges. The judge in San Francisco, Dalin Holyoak, orders deportation of 43 percent of asylum seekers. Stuart Couch, the judge in Charlotte, has a deportation rate of 89 percent. Charlotte and San Francisco also maintain contrasting views on asylum cases across the board, with Charlotte having a deportation rate of 84 percent compared to San Francisco's 36 percent. Disparity in deportation rates are an issue nationwide. A judge in Pompano Beach, Florida orders deportation 98 percent of the time, while a judge in New York has a deportation rate of just 7 percent. Between those extremes, deportation rates not only vary from region to region, but judge to judge. Cities like New York, Los Angeles, Phoenix, and Houston even have judges within those courts that have vastly different deportation rates when processing asylum cases.³¹³

The issue of consistency in evaluating asylum cases is quite complex, as it does not just include the views of the judge. The United States will treat asylum seekers differently depending on their country of origin, and courts in different regions are bound by precedents set by their respective appellate courts. However, these nationwide disparities, when factoring in the realities that judges face do not nullify the different views judges and regions have on asylum cases. The report found that an immigrant was still four times as likely to be granted asylum in San Francisco than in Charlotte. The report also found that male judges were more likely to order deportation than female judges.³¹⁴ Attempts to reform this process have failed to this point. The Executive Office of Immigration Review (EOIR) held training sessions in 2008 and 2009 to address disparities and establish a system to file complaints against judges. In 2016, the U.S. Government Accountability Office (GAO) found little change in the EOIR despite receiving 624 complaints between 2012 and 2016. Only 102 were resolved, and just three of those 102 complaints resulted in any kind of discipline. The GAO also found that 39 of the cases resulted in ordering corrective actions, such as "additional training" or "counseling."³¹⁵ The training sessions did not appear to be effective either, however, as they only lasted two days when they were implemented.

Even though there was an attempt to address the disparity of deportation rates, it proved inadequate. The steps taken to find a solution were logical, but not well executed. While there is now a system that allows complaints to be filed, there is very little accountability, meaning that those voices are not heard, and little is actually being done to try and implement any kind of consistency across the board. While there have been attempts to retrain judges, two days does not appear to be substantial enough. *This task force believes that the United States should ensure consistency in judging asylum cases by conducting more comprehensive training sessions to address disparities, as well as acting more strongly*

on complaints filed against judges. The right steps are being taken to solve this problem, but the execution is missing, and having real accountability and more serious attempts to implement consistency should have a positive impact on ensuring fair hearings for asylum seekers.

In addition to the inconsistency of asylum judgements, there is a significant backlog that makes asylum cases much longer to fully process. The issue of asylum case backlog predates the Trump administration. Starting under Obama's first term, the consistent threshold of 200,000 pending cases was eclipsed, and quickly increased to 620,000 pending asylum cases in 2016.³¹⁶ President Trump has made the backlog issue even worse with his policy changes. With the policy of expanding enforcement priorities, Trump has increased immigration-related arrests by 38 percent for 2017, with adjudication rates remaining the same.³¹⁷ Because the immigration arrests have been skyrocketing, the Trump administration has decided to shift immigration court resources to processing those increased cases instead of processing asylum requests. This decision has further increased the backlog of pending asylum cases, with the total number increasing by 82,000.³¹⁸ Before this policy was implemented, asylum seekers would have to wait from three to five years before their case was processed. Now it threatens to drastically increase, and will continue to increase, if something is not done soon. In 2017, Attorney General Jeff Sessions pledged to hire 50 new judges for 2017, and 75 more for 2018, to deal with the backlog. This increase however, will not be enough to reduce the backlog, as the number of judges who may potentially retire stands at 300, or 39 percent of all sitting judges.³¹⁹ It is estimated that the United States will need 524 judges and support staff to eliminate the backlog by 2024, or else will face a backlog of a million cases by 2026.³²⁰ *Thus this Task Force believes that In order to end the backlog of asylum requests, the United States must commit to hiring more judges and support staff along the lines of those aforementioned numbers.*

Despite some belief in the Trump administration's actions as beneficial to the United States and its interests, the U.S. is at a disadvantage by refusing to admit people to the country who have proven in the past to be a great benefit to the U.S. economy. Both as earners and taxpayers, resettled refugees are significant contributors to the economy. In 2015, refugees had \$56.3 billion in disposable income, while contributing \$20.7 billion in taxes.³²¹ In 18 states (such as California, New York, Minnesota, and Washington), refugees hold over \$1 billion in spending power.³²² All these states that hold significant refugee populations benefit from a demographic that is thriving very well and is an integral part of their economies. The spending power that refugees have and the tax contributions they make help fund government programs and grow U.S. businesses. Refugees also want to be beneficial participants in our economy as entrepreneurs, having an entrepreneurship rate of 13 percent in 2015, which is higher than other non-refugee immigrants that enter the United States (11.5 percent).³²³

A counterargument to resettling a high number of refugees annually in the United States is that they will depend greatly on government assistance programs. While it is certainly true that refugees need substantial assistance from the government as they start their lives in the United States, refugees tend to greatly increase their income each year after resettlement. Refugees start with a median household income of \$20,000 within their first five years in the United States, but that figure triples after 25 years. In their 25th year after resettlement, refugees boast a median income of \$67,000 dollars, which is \$14,000 more than the overall median income in the U.S.³²⁴ Refugees end up having a homeownership rate that is similar to the overall rate in the United States, at 57.4 percent.³²⁵ Once refugees arrive to the United States, they firmly establish themselves in U.S. society, with 84 percent obtaining citizenship after 16-25 years of resettlement.³²⁶

Resettling refugees presents an incredible opportunity to offset demographic shifts that will negatively impact the U.S. economy. The United States is not quite facing a demographic crisis like Germany, but by 2030 20.3 percent of the U.S. population will be 65 or older, which will be an 8 percent increase from 2000.³²⁷ An aging population with less people working will put the United States in a tough position to adequately pay government assistance programs such as Medicare and Social Security. By admitting more refugees, the United States can add more working-age citizens who are able to contribute taxes that will fund these programs. Currently, 77.1 percent of refugees are working-age, which is 28 percent higher than the U.S.-born population, and slightly higher than non-refugee immigrants.³²⁸ If the United States is willing to resettle and invest in refugees who wish to come here, then it will continue to enjoy the myriad of economic benefits that refugees provide.

Knowing all the economic benefits, in addition to the well-established low security risks for admitting refugees, the United States should change its vision for refugee policy. Historically speaking, the United States has traditionally been a leader in accepting refugees as a third country of resettlement and should seek to reclaim that role. *This Task Force believes the United States should raise the refugee-cap and readjust them to match historical trends of accepting 0.6 percent of the global refugee population. In addition, the United States should strongly consider raising that percentage even higher, due to the extremely low security risk refugees pose and the substantial economic benefits they provide.* In terms of raw numbers, if the U.S. wanted to implement a specific number for 2018, they should raise the refugee-cap to 103,200 refugees (which is currently 0.6 percent of the global refugee population) and strongly consider making that cap even higher for 2018 or the near future, as the refugee population continues to grow worldwide.

Our Task Force believes that the United States turn away from extreme vetting, and instead seek to reform its refugee vetting process to reduce waiting times for refugees to enter the United States. Given

the current process of screening refugees, it is difficult to understand how the Trump administration could possibly make the vetting process more rigorous than it already is, yet the Trump administration still intends to find a way to do so. These concerns are completely unfounded, as the current system can arguably be considered “extreme” already. Getting into the United States as a refugee is profoundly more difficult than going to the U.S. via a tourist visa or any other type of legal entry, yet there is still somehow concern that a potential terrorist slips through the cracks. However, the odds of this happening are astronomically low, and don’t warrant the kind of extreme vetting that President Trump demands. Furthermore, the current system has been extreme enough that it makes refugees wait a very long time to come to the United States, when they are possibly in dangerous predicaments waiting for U.S. approval. Reforming vetting procedures to expedite the process would greatly benefit refugees who wish to come here, as it gets them out of precarious situations and into a safe country.

Canada is an excellent example which the United States could use as a model for reforming its policy. The two countries already have very similar vetting processes, yet the time it takes for a refugee to come to Canada is significantly lower (four months for Canada compared to 18-24 months for the U.S.) When looking at the Canadian process, it takes similar steps that the United States takes, such as interviews, background checks, and biometric checks.³²⁹ But the main difference between the two countries is that Canada uses less agencies to screen refugees than the United States, therefore expediting the process significantly. While this may seem like Canada is taking a huge security risk by going through fewer agencies (and therefore, less background checks), The New York Times reported that some of the excessive background checks conducted by the United States are due to the long amounts of time it takes between the initial checks and the final checks.³³⁰ If the process was made more efficient, with fewer agencies involved, the initial background checks would be deemed more relevant and additional screening would not be necessary. Canada’s shorter process is considered to be extensive enough, according to Canadian officials, and they say that no stones are left unturned, despite taking much less time to complete the process of screening than the United States.³³¹ By centralizing the process, making it more efficient, and reducing the unnecessary checks, refugees will be able to arrive much quicker to the United States.

Refugees come from dire situations, fleeing from devastating conflict and persecution. Instead of opening our arms to help and protect these people, the Trump administration has decided that the United States should close its doors and turn these people away. This is not only detrimental to refugees who wish to find a safe place to live and thrive, it is also detrimental to the United States’ national interest. Refugees are filled with untapped potential, which could actually contribute to our economy and our society if we choose to invest in them. They are a vital part of the U.S. economy and when given the

opportunity to thrive, they have successfully integrated into U.S. society. So, it is not only morally wrong, but economically ill-advised to take a restrictionist approach to refugees. The Trump administration's policy suggestions are based on an unfounded and overstated fear of terrorism and concern for national security. Raising the annual number of refugees who can come to the United States, especially in a time where the global refugee population is increasing, will not only be good for them, it will be beneficial for us.

A NEW BEGINNING FOR REFUGEE INTEGRATION AND SOCIAL SERVICES

Sundus Baig

Under conditions of persecution, conflict, and unsuitable living situations, millions of people have been forced to leave their homes to seek refuge in distant countries. By the end of 2013, 16.7 million displaced persons were refugees.³³² Just three years later the figure had risen to 22.5 million persons.³³³ Worldwide, the U.S. is accepting the majority of the refugee population, where in 2016 they accepted two-thirds of the total.³³⁴ The U.S. refugee resettlement program was established after the Refugee Act of 1980 was passed and since then, the U.S. has accepted an approximate of 3 million refugees.³³⁵

The objectives of this Act are to provide a permanent and systematic procedure for the admissions to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.³³⁶

The Act essentially provides for refugees of vast circumstances, with the overarching aim of successful acceptance into their societies and complete resettlement. Most of the world's refugees come from ten major countries: Syria, Afghanistan, Somalia, Sudan, South Sudan, the Democratic Republic of the Congo, Myanmar, Iraq, Colombia, and Central African Republic. Under the United Nations High Commissioner for Refugees (UNHCR) mandate, Syrian's account for the largest refugee population and they are followed by Afghans, coming in second place.

Resettlement and Related Criteria

The U.S. Refugee Resettlement Program paves the way for refugees to achieve self-sufficiency and effectively integrate into their designated societies. For these to pan out, the program clarified their intended objectives. "The goals of the U.S. resettlement program are twofold: to protect vulnerable populations and to offer them the prospect of long-term integration."³³⁷ To reach these objectives, the program is partnered with the state, federal government, and nine nonprofit resettlement agencies who are otherwise known as voluntary agencies (VolAgs). Beginning in 2011, and continuing to 2015, the level of overall funding and federal assistance received had declined due to events that raised a red flag to U.S. national security. Given this lack in aid, the U.S. has had to rely on the resources from VolAgs, the state, NGOs, and local communities to make up for the shortcomings.

The primary functions of the agencies in partnership with the U.S., are to receive refugees and then resettle them into communities. This process is done by examining each refugee's biographical information along with other records to best pair them with services they are in dire need of, for example, English classes, medical care, and housing. Several factors are held under consideration when allocating refugees throughout the region such as: healthcare services, education, affordable housing options, availability of work, and the cost of living.³³⁸ VolAgs only receive basic information about each refugee; this allows for gaps in the reintegration process in terms of the resettlement in areas without compulsory resources or lack thereof. The resettlement process works to assign refugees throughout the country to ensure relatively even distribution. When determining the demographic appearance of the placement of refugees, keeping families near one another is taken into account to relieve a few tensions throughout the duration of the integration process. On the contrary, refugees without any relations to others, are paired with a host family and referred to as "free cases". For such people who are categorized as free cases, integration is comparatively more difficult than those with family ties due to their inability to form similar networks in the community.

The U.S.'s efforts to promote self-sufficiency and secure employment as quickly as possible in order to reduce the need of government support, comes into conflict with the Bureau of Population, Refugees and Migration (PRM), whose objective it is to admit the most vulnerable populations. These include refugees who have experienced severe trauma, have mental disabilities or physical injuries, or those who have little experience in the labor market.³³⁹ Refugees who fall into these categories are often offered jobs at slower rates due to their need for additional assistance. The tensions between the goals of the PRM and the government become quite apparent when refugees received from vulnerable populations struggle to achieve self-sufficiency, and encounter problems with acceptance within their local communities. In order to satisfy both objectives and continue to accept a wide range of refugees, it is important to accept a mix of populations ranging from the most vulnerable to the most susceptible to change and quick to obtain a job.

In order to qualify for refugee resettlement in the United States, refugees must meet certain qualifications which include: "(1) be among those refugees determined by the President to be of special humanitarian concern to the United States; (2) meet the definition of a refugee pursuant to Section 101(a)(42) of the INA; (3) not be firmly resettled in any third country; and (4) be otherwise admissible under the U.S. law."³⁴⁰ For one to qualify for refugee status, they must meet specific criteria. The process of obtaining such status can be lengthy and draining, with no guarantee of being granted it at the end.

Social Services

The first step of the Refugee Resettlement Program is to provide refugee populations with employment services through the Office of Refugee Resettlement (ORR). These services are designed to assist refugees with acquiring work by giving them the knowledge, skills, and opportunity to assure their success in the labor market. These programs provide services that resolve issues with employment obstacles such as needing interpreters, day care for children, social adjustment, and citizenship. The ideal goal is to have refugees employed within one year of being in the program. The order of priority for employment services is as follows: new arrivals in their first year in the U.S., refugees receiving cash assistance, unemployed and not receiving cash assistance, and employed refugees who need services to help them become economically independent.³⁴¹

Before refugees move into their new housing, VolAgs are mandated to provide them with basic necessities. These include items such as one fork, spoon, knife, plate, and glass per person. Aside from kitchenware, they are also provided furnishings, linens, household supplies, cleaning supplies, and toiletries in amounts that satisfy the rudimentary needs of an individual and their families.³⁴² In addition, they are provided with cultural orientation that each adult on a case must undergo. Each VolAg performs their orientation differently in terms of the number of class and their duration in time that each refugee is required to attend. For example, Jewish Family Services splits their orientation into two classes while World Relief offers their classes on Fridays in one-hour sessions which each refugee must attend four of these sessions to satisfy this requirement.³⁴³ The process varies between agencies, but the material covered in the overall program are essentially the same and umbrella the fifteen important topics outlined on the following page.

Cultural Orientation Provisions:

<p>Role of RST Agency: Notifying refugees that the funding for refugee assistance is limited. They are then informed about the resources provided by the agency; after which their success is dependent on their personal efforts during resettlement in conjunction with the assistance of the agency.</p>	<p>Health: The importance of immunizations and health screenings are explained while being informed of mental health resources. Only the most critical health needs will be cared for during their initial weeks while the rest will not be tended to.</p>	<p>Cultural adjustment: Discusses norms in the U.S., expectations to be followed, values, and importance of self-sufficiency. Refugees are made aware of resources within the community that can support them during their transitional period of resettlement.</p>
<p>Learning English: The value of learning English is presented in terms of day-to-day life as well as the resulting increase in job availabilities if they become fluent.</p>	<p>Safety: Walk through the roles that the police and emergency services play in the safety of one’s self. It is then ensured that each refugee has access to their address and phone numbers.</p>	<p>Public Assistance: Run through the public assistances most applicable to their needs while reaffirming that the agency will provide services to assist in the application process.</p>
<p>Transportation: Form an understanding of the different modes of transportation available as well as the responsibility that comes with owning a vehicle.</p>	<p>Hygiene: Explain personal hygiene items, why it is important to keep their home clean, and norms associated with personal and oral hygiene.</p>	<p>Education: Parents are explained that children who are of school age, must be enrolled in school. They then discuss continuing their own education, the benefits associated to it, and their options is they deem feasible.</p>
<p>Housing: They are given an overview of tenant and landlord responsibilities, housing options, safety inside their homes, and its maintenance.</p>	<p>U.S. Law: Discuss requirements for Selective Service, AR-11, LPR, and Citizenship. Reiterate that the U.S. is governed by laws and that following them is of utmost importance.</p>	<p>You New Community: Walk through community services in place to help residents, inform them of local members with the same religious or ethnic affiliation, and give them some background of their new community.</p>
<p>Budgeting / Finance: Explanation about banks, paying bills on time, managing personal finances, setting money aside for savings, loan repayment, estimating expenses beforehand, and their legal obligation to pay taxes.</p>	<p>Refugee Status: Review the rights associated with having refugee status. Then they are given an overview of the family unification option, the naturalization and permanent residency processes.</p>	<p>Employment: Informed that their first job may not be in the field of their choosing and stress the importance of accepting the first job offered to them. Discuss job retention, work ethics, culture, responsibilities, and the rights of employees in the U.S.³⁴⁴</p>

Each of these topics are an integral part of cultural orientation and must be checked off for each adult refugee. The specific topics and subtopics encompassed in this service vary between each VolAg but are overall very similar in content. During the few hours of required orientation, refugees are expected to retain all the above listed information and be able to apply it. As the transition is challenging enough, the limited time expended on these critical topics add additional strain. With the prominence of these topics in the lives of newly integrating refugees, it is vital that more time is spent fortifying these ideas. *Our Task Force recommends an extension of the orientation time to more than a few hours, refugees will gain ample knowledge of the previously stated systems and be able to adequately understand them, their role, and importance.*

Refugee Integration and Success

Refugee Integration is a term that defines a process in which refugees are resettled into a society where they are not only accepted as a group of people, but also as individuals. Successful integration relies on two-sided integration. While refugees are the only ones that receive cultural orientation and training prior to integrating into the society, the preexisting communities have not received any sort of orientation. For integration to be successful, it is important that both sides have a fundamental understanding of one another and receive such orientations which can improve assimilation results. Two-sided integration would be carried out for refugees in the same way with the addition of voluntary community awareness programs that the locality may attend. As funding is lacking as it is, these programs would need to either be funded by the community itself, or community centers can be established by the government to educate the public. For those who choose to attend these programs, they will have the opportunity to learn about the newcomers in their area, the kind of a resources they can be to them, and cultural orientation. The intent here is that; by educating the community and refugees about one another, it may lead to a smoother integration process.

Local communities in which refugees integrate, as well as the government, play a significant role in the success rates of refugee integration. When a refugee is placed into a different environment, it is imperative that it is a multicultural one where they are exposed to people of different race, religion, and lifestyle than their own, while also being in an environment with those similar to them. This is important because while they will find comfort in the people with similarities, they will also begin to adapt to those with differences. A multicultural atmosphere is necessary since the U.S. is much more diverse than the countries they left.

Gaps: Refugee Resettlement and Integration Processes

The combined resources and services provided by refugee resettlement agencies and VolAgs have been able to assist countless refugees. While this is true, these agencies are severely lacking in numerous areas due to lack of funding. Due to this issue, the system forms gaps that disallow refugees the access to more comprehensive services. As previously explained, VolAgs such as Jewish Family Services and World Relief are only required to address each refugee case for ninety days.³⁴⁵ During this time, they are brought to the agency for aid in the social security process, explained U.S. law, attend cultural orientation, begin English learning courses, build a resume, begin a job search, and so on. So many components must be cleared for each refugee in a very minimal timespan. Three months are naturally not enough to fully grasp new information, and then apply all the knowledge and skills they obtained.

The home that refugees abandon to seek sanctuary in regions drastically different from their own, pose an important question regarding the gaps in the orientation processes. The cultural shock can be overbearing after integration, as some refugees come from backgrounds of limited education, lack of technology in their daily lives, and minimal interactions with diverse populations of religion, race, and ethnicity. Refugees, before attaining such status, already have pre-existing gaps in their overall knowledge of the above listed topics, as well as minimal exposure to resources in comparison to those living in more developed countries. When integrating into a third country resettlement such as the U.S., refugees often have to familiarize themselves with its advanced technologies, modes of transportation, and cultural norms of the society, while comprehending English well. Given the extensive amount of information refugees must take in to best integrate, three months is not satisfactory. The purpose of these resettlement agencies and VolAgs are to raise refugees to a standard where they become self-sufficient and no longer need to depend on government resources.

Our Task Force believes that doubling the integration process from three months to six months or higher; the success rates of refugee assimilation will increase and their contributions to the economy will grow as a result. The overall ease of integration will rise to provide refugees with a little extra time to intake what they are being taught and implement it. VolAgs currently lack funds to provide refugees with all the necessary trainings and resources. By extending the required time in which VolAgs provide assistance, less aid will be available in its entirety and may cause a decrease in the number of refugees accepted and assisted. In addition to this, the quality of assistance will drop due to further lack in funds and the obligation to comply with additional time allocation per refugee. The number of services or items offered will be faced with a possibility of further reductions; potentially leading to gaps similar to those in three-month services. For this new extended system to perform well, the amount of funding for VolAgs must be increased to adhere to such a policy.

The next gap in the system, is within the services provided for children and the elderly. Because the system focuses primarily on adults who can rapidly acclimate within U.S. society, children and the elderly are often excluded given that children are too young to seek employment, and the elderly have less likelihoods of learning English and culturally adjusting. Children are assisted with public school enrollment, but they are not given English classes to ease their learning curve. Given that adults are the heads of family and the main sources of financial support, assistance is focused primarily on them. It is the belief that children will develop English and other necessary skills through their schooling.³⁴⁶

It is however not recognized that the minds of children are still growing and susceptible to holding new information at a higher capacity. Schooling alone cannot provide the same sort of training that children need to be mentally and culturally aware of their surroundings and adapt to it. It is easy for refugee children to fall behind in school when acclimating into an American education, due to a lack of English comprehension and fluency, as well as cultural shock. Children must be simultaneously provided services such as summer camps or after school programs, which parallel the core of what's covered for adults while tailoring it to the needs of children and their success in school. Another predicted benefit stems from the idea that children retain information quicker than adults. If they are able to quickly pick up the English language or apply some of the things they learn in training, they can teach their parents and offer extra support. This would provide for a more holistic integration process for all those who are striving to best assimilate in the current climate and geographic regions in which they are assigned.

Another fairly large gap in the system are services to women; which should include sexual assault counseling, free medical exams for STDs, support groups, informed of abortion resources, and etc. A few other gaps which could serve as potent if filled are: more affordable housing options, more staff at refugee resettlement agencies who are culturally competent, and an increase in the money granted for rent assistance. The bilingual abilities of staff members within agencies are limited as it is and as new crisis emerge, the urgency of staff on hand who speak the same language as refugees soon to arrive, is not being fulfilled.³⁴⁷ Refugees speaking Ukrainian, Russian, Somali, Malaysian, Farsi, Pashto, and so on are being processed at slower rates because of the need to schedule interpreters and have them be present each step of the way. Interpreters are generally assigned to refugees by gender classifications to ensure comfort in communication while also respecting cultural differences refugees may have. Though, sometimes this cannot be met due to the lack of women interpreters.

Once refugees are accepted and enrolled in Volags, they receive orientation, training, and aid. Within 90 days, they are required to have not only retained all this information, but also be able to use it. The result of such rushed integration processes is an exceeding number of practical knowledge gaps

among vulnerable populations. Reintegration programs for children, women, and the elderly are all noticeably lacking in the quality of service they provide. If these defaults are allowed to continue, integral services, like sexual assault counseling, will fail to provide for women, and services for the elderly will remain overlooked. It is imperative that these gaps be filled, as they are essential for the achievement of holistic refugee integration.

REJECTION OF REFUGEES AND THE CONSEQUENCES OF CONTINUED ADURATION

Angela Chen

Providing refuge to the world's most vulnerable individuals and communities is essential to the foreign policy and international relations of the United States.³⁴⁸ Shrinking the protections offered to Convention Refugees based on prejudices informed by fear and that hide behind the façade of “national security” interests sends a message to the rest of the world that may be interpreted as a sign that they too can and should scale back the support they extend to refugees.³⁴⁹ Historically, the U.S. has resettled an unmatched number of refugees, which has fortified our position as a leader of humanitarian issues within the international community and displays our solidarity and goodwill with allied countries.³⁵⁰ In response to the curtailed admissions of refugees in the nascent stages of Trump's presidency, the Migration Policy Institute asserted that “The United States' willingness to share the responsibility of providing solutions for refugees sends an important signal to allies and adversaries alike that U.S. policy stands firmly against persecution.”³⁵¹ Therefore, the process of diminishing refugee admissions, destroying the Temporary Protected Status program (TPS), and denying asylum is antithetical to the national image the U.S. strives to maintain as the defender of freedom, justice, and liberty.

Convention refugees have certain international rights established by the UNHCR because of the efforts by political leaders of western countries that saw the necessity of managing the unprecedented refugee crisis in their nations following World War II.³⁵² To reject the protection of displaced peoples that we historically have promised by restricting absolute admissions and implementing even more extreme vetting is tantamount to demeaning and rejecting our own history as a country that other nations, especially in the European Union, look to for collaboration and agency in times of international crisis.³⁵³ At its core, the international refugee resettlement system hinges on multilateral cooperation where withdrawing previous support is parallel to disengaging from global teamwork, and where abjuring responsibility is equivalent to abandoning the most vulnerable persons whose ability to survive depends on finding a new home.³⁵⁴

In the Interest of the State - Refugee Impacts on U.S. Civil Society

It is an injustice that refugees are regularly misrepresented by populist leaders and rhetoric as a stereotyped group that is perpetually dependent on welfare assistance. Rather than perpetuating this notion, it is imperative that the U.S. discontinues describing its commitments to resettling forced migrants

as a “burden.” Not only is illustrating the admission and integration of forced migrants as a “burden” hurtful to those it is directed to describe, but it is also incorrect and misleading.³⁵⁵

The Department of Health and Human Services reported that between 2005 and 2014, refugees contributed \$269.1 billion in revenue to all levels of government through local, state, and federal taxes.³⁵⁶ Furthermore, The National Bureau of Economic Research analyzed the economic behaviors of adult refugees in the United States and found that the amount they pay in taxes on average exceeds relocation costs and social benefits by \$21.³⁵⁷ With these statistics, it is clear that refugees are far from burdens to their country of resettlement. Instead, spending money on resettling and integrating forced migrants should be viewed as an investment opportunity for the United States’ economy and society.

Moreover, because most of the refugees who are resettled in the United States are relatively young and capable of working, they are an important asset to the U.S. labor force.³⁵⁸ Accepting more refugees can help alleviate “the burden on the public finances caused by” decreasing fertility rates and increasing life expectancies.³⁵⁹ Despite populist beliefs on their perpetual dependency, refugees resettled in the U.S. are often highly educated entrepreneurs.³⁶⁰ Their tendency to supplement the U.S. labor force, bring in new ideas and innovations, and provide economic inputs acts as a multiplier that expands “the capacity and productivity of the receiving area’s economy.”³⁶¹ Aside from strictly economic benefits, refugees bring social capital into their host countries.³⁶²

The reduction of forced migrants as nothing more than a “burden” that the economies and cultures of wealthier states must sustain is an unjust misconception of the way that refugees impact their host societies. The assumption that they are parasitic to local and federal economies is false and its proliferation fails to serve as a way of achieving economic growth within the U.S. and acts as a catalyst for anti-immigrant populist beliefs.

Forced Migrant Policy is Inextricably Connected to Foreign Relations and International Stability

For years, millions of Convention refugees have sought sanctuary in the west with the hope of finding a haven from persecution and violence that often is generated from violent dictatorships, civil wars and mass atrocities. Despite the persistence of events causing displacement, and the ubiquitous devastation that it conceives, the current refugee resettlement regime only meets the needs of less than one percent of the world’s refugee population.³⁶³ David Miliband, President of the International Rescue Committee, argues that historical trends reveal “the power of democracy as a refuge from dictatorship” and fascism and warns that we throw away our support, and thusly our devotion against oppression and violence, to the world’s most endangered community “at our own peril.”³⁶⁴ Embracing a stronger, more

inclusive mechanism to protect displaced people is a method of reinforcing the value of democracy and international cooperation in the eyes of other nations.

When the government of the United States enacts laws to manipulate migration flows, the conditions that cause refugees to flee do not change. Consequently, the laws provoke “the legal, and especially illegal, movements of peoples” which in turn, influences the relations between the U.S. and the countries with diasporic communities.³⁶⁵ Presently, this holds to be particularly true for the United States and countries from Central America, South America, and the Caribbean and in international relationships where a clear asymmetry of power exists.³⁶⁶ Historically, the U.S. has used migration and refugee policy as a tool to influence the political ideology, mobilization of wars and foreign policy in these regions.³⁶⁷

The United States must keep in mind that many of the events that cause refugees to flee have historically been either directly or indirectly evoked by U.S. actions or interests. Residual consequences of territorial conquests and the Cold War can still be identified as possible causes of forced migration today.³⁶⁸ Proxy battles in Africa, East Asia, and South America during the Cold War eroded political and economic stability that contributed to the failures of states to protect their citizens. It is in the interest of the United States to set a high moral standard by repairing damages when it had a hand in creating systemic fractures that in turn, spawned forces that cause displacement.

This is not an argument that suggests past foreign policy errors can be mended or forgiven by humanitarian action, but altruistic humanitarian leadership to preserve human life is a way to manifest our support and solidarity with other national entities after years of action that worked counter to this aim.³⁶⁹ If international security and stability is a priority, it would be prudent to show other regions that we are receptive of their challenges, and that we are willing and ready to help.³⁷⁰ As the destruction from the Syrian Civil War is long from over, “vigorous refugee assistance and re-settlement are the best available ways for the United States to demonstrate its commitment to the Syrian people.”³⁷¹ Similarly, securing policies that widen the aperture of protection afforded to displaced people would “make an important contribution toward bolstering the Atlantic alliance” with nations in the European Union as they continue to struggle to confront mounting refugee pressures.³⁷²

Climate Change - Forced Migration and Adaptive Protection

Just as we are obligated to take care of refugees from countries in which we have intervened, we must assume responsibility for our enormous contribution to climate change and thusly, the ramifications that follow. The U.S. is the world's largest cumulative polluter in history and must be ready to answer to forced migration in a capacity that is commensurate with our national contribution to the accelerated pace of climate change and the displacement that it will engender.³⁷³ Our position as the most influential agent

in climate change since the Industrial Revolution necessitates that we assume a leading role in protecting those that are disproportionately vulnerable to the human-induced climate instability. This is an issue that must be quickly resolved as climate change and its consequences for human livelihood is no longer a question, but reality demanding “more coherent and consistent approaches at the international level to meet the protection needs of people displaced.”³⁷⁴ Studies conducted by the Internal Displacement Monitoring Center (IDMC) on the effects of climate change on migration assert that “the likelihood of displacement due to climate disaster is 60 percent higher today than it was four decades ago.”³⁷⁵ Therefore, current political paralysis on both the recognition of climate change and on immigration reform will not suffice in providing the no fewer than 10 million people expected to be displaced over the course of the next 30 years with adequate protection.³⁷⁶

The drastic changes in our climate that have been directly induced by human activity is already placing many communities in danger and will continue to render some parts of our world uninhabitable and as a consequence, cause displacement of their citizens, force migration, and require a system of planned relocation.³⁷⁷ The effect that climate change will have on migration is not evenly spread, and certainly some regions will be exposed to more climate-related hazards. Low-lying island atolls, coastal cities, and flood prone areas are facing the impending rise of ocean waters.³⁷⁸ Uneven distribution and consumption of freshwater resources is another challenge that has been threatening the livelihoods and local economies of millions of people living in fragile rural areas of Bolivia, Senegal, and Tanzania. We also can take the 34 million people in East Africa who have been suffering crop-destroying droughts, or the rising sea levels threatening island nations like the Maldives or Kiribati as a testimony to the dangers of impending climate change and the necessity of a refugee system and programs that respond to climate displacement that will be able to adequately manage instances of mass human diaspora.³⁷⁹ Of course, the pervasive dangers of climate change are not limited to just these regions and is, and will continue to be, a fierce threat to communities that are vulnerable to climate instability.

While there are more refugees forced to flee based on environmental and geophysical factors than political refugees fleeing wars and conflicts, the issue of climate refugee displacement is not treated with the same reverence.³⁸⁰ Currently, there is no international law or U.S. legislation that provides a transparent and secure ground for protection for communities forced to evacuate their homes as a result of natural disasters, much less as a result of climate change.³⁸¹ In devising mechanisms for the U.S. to offer a viable source of protection for those displaced by climate change, several gaps in the United States’ current system on refugee protection must be reconsidered.

Firstly, refugee status is not granted to those whose claims are interpreted as a case of “voluntary” migration rather than “forced” migration and because environmental change is not one of the five protected grounds under the 1951 Refugee Convention, “those displaced across international borders as a

result of natural disasters are unlikely to be protected.”³⁸² In nearly any case of climate induced flight, there is no way to separate “voluntary” from “forced” or “involuntary” movement. Experts at the Nansen Initiative suggest that instead of drawing a sharp distinction, that the motivation to flee certain regions due to climate change should be recognized as “a continuum with “voluntary” at one end of the spectrum, in a gradual transition to “forced” at the other.”³⁸³ This gradient is a more accurate model of how “voluntary” and “forced” should be discussed in political spheres because motivations to migrate are multifaceted and nearly impossible to neatly fit inside the category of “voluntary” or “forced.”

Secondly, it is imperative for the U.S. to accept that cross-border movement is nearly never monocausal and that environmental degradation also works in tandem with socioeconomic factors to exacerbate displacement.³⁸⁴ In cases where lives are actively being threatened by the deprivation of basic needs such as food, water, and shelter as a result of climate change – such as the aforementioned hot, island, and dry regions – testing the habitability or possibility to stay should not determine the extension of aid.³⁸⁵ Instead, recognizing that catalysts to migration are multidimensional is an important legal change that would offer more displaced persons safety.

Lastly, compensation in the form of financial foreign aid from the world’s largest polluters is not enough to make up for the loss of place that climate refugees experience. While it is important that we provide foreign aid to nations suffering from natural disasters and resource scarcity, the U.S. must consider resettling those who are forced by safety concerns and threats caused by climate change. Subsidizing the cost of adaptation through compensation is helpful but does not prevent the suffering and loss of life that natural disasters frequently cause.³⁸⁶

The countries that are most liable for the destruction of climate stability are seldom the countries that are paying for it in damage to their safety and livelihoods. Thus, it is “central to the protection of people displaced by natural disasters” that the U.S. implements a systematic process, a “rights-based” disaster management framework that treat those “affected or displaced by natural disasters as rights-holders, not as beneficiaries of disaster relief.”³⁸⁷ Although most of the displacement caused by climate change will be temporary and within national borders, programs such as the Nansen Initiative demonstrate the clear necessity for addressing long term or permanent cross-border flight due to habitat destruction.³⁸⁸ The United States should seek to work with the Nansen Initiative’s signatories to foster international solidarity and cooperation in solving the displacement crisis that human-induced climate change creates. Based on the model of the Nansen Initiative, the United States’ administration should also support legislation that creates standards for the treatment of forced migrants regarding their admission, stay, and status as well as a procedure of actions that should be taken in the aftermath of a climate disaster. Because the magnitude of devastation and displacement that climate change is projected to

engender, we must do far more to ensure that early recovery measures are funded and implemented as quickly as possible in the face of disasters where the community can quickly return.

Temporary Protection Status

The United States has given Temporary Status Protection (TPS) to 17 countries since 1990, of which only five have been for environmental or geophysical reasons.³⁸⁹ This is an underutilized mechanism that can be made more responsive to unlivable conditions caused by natural disasters, resource loss, crop failure or other temporary circumstances that require time to remedy.³⁹⁰ Allocating TPS to countries that are severely debilitated by climate change and applying it as a method to respond to resettling communities displaced by unendurable changes in their ecosystems is a viable way of spearheading this issue and fulfilling the United States' obligation to meet the needs of current and future forced migration brought on by climate change.³⁹¹

In circumstances where an environmental disaster results in a temporary, though substantial, disruption of living conditions, employing the Temporary Protected Status program would be a tenable and decisive way for the United States to manage the challenge of displacement caused by climate change in an international framework that does not offer explicit protection against destruction of habitat.³⁹² Granting TPS to areas suffering from environmental change is a durable method of providing refuge from life-threatening disasters without changing current legislation. The temporary devastation that earthquakes, hurricanes, floods, crop failures, fishery collapses, and other natural disasters inspired by climate change are not permanent and thus, the impermanent nature of TPS serves as an appropriate measure in addressing certain categories of environmental change that cause displacement.³⁹³

Utilizing TPS more permissively is a way of showing the United States' strong commitment and leadership in the protection of forced migrants. Such a gesture would set a higher standard for international cooperation that climate change displacement demands. Additionally, data collected on recipients of TPS show that status holders "from El Salvador, Honduras, and Haiti contribute a combined \$4.5 billion pre-tax wages or salary income annually to our nation's gross domestic product. Total Social Security and Medicare contributions of those individuals is estimated at more than \$6.9 billion over a decade."³⁹⁴ Making use of TPS to manage the issue of temporary displacement from natural disasters is not only in line with the United States' humanitarian efforts to alleviate devastation related to habitat destruction, but is also congenial to the national interests of investing in communities that are economically valuable to the U.S. and maintaining symbiotic international relationships.

From Refugee Policy to Forced Migrant Policy

The United States' immigration laws include bars for refugee protection with the premise of preventing dangerous or "terrorist activity" by precluding protection from those who have engaged in serious crimes or acts of violence that are condemned under international and U.S. law.³⁹⁵ Although this goal is legitimate and consistent with the agreements of the Refugee Convention, according to multiple publications by Human Rights First, the continual reinterpretation of "terrorist" and "terrorist activities" within U.S. refugee policy entangles victims of persecution without history or connection to terrorism.³⁹⁶ In the wake of the tragic terror attack on September 11, 2001, Congress sought to amplify the definition of "terrorist activity" found in the Immigration and Nationality Act and enacted legislation that in practice, was so ambiguous that certain interpretations served to include actions that are in fact not related to terrorism.³⁹⁷ These provisions for admissibility are known as the "Terrorism-Related Inadmissibility Grounds" (TRIG) and under its criteria, refugees who were victims of human trafficking, forced to support terrorists with either money or services, or even children manipulated and coerced into working for organizations categorized as "terrorist" groups would not be able to receive refugee status.

In 2007, a bipartisan coalition, headed by Senators Patrick Leahy and Jon Kyl, passed an amendment to the Immigration and Nationality Act (INA) that authorized the Administration to grant case-by-case exemptions to those applying for Convention Refugee status who were barred for illegitimate accusations of terrorist activity.³⁹⁸ Although this provision functions in offering a narrow margin of acceptance, "the sweeping nature of the law, and the Administration's slow implementation of its authority to grant exemptions" caused thousands of people outside of the U.S. to be "stuck in a legal limbo by immigration laws of "terrorism" that are widely acknowledged to be needlessly harming refugees that the United States should be protecting."³⁹⁹ In order to prevent barring future forced migrants from resettlement, the INA's definition of "terrorist organization" and "terrorist activity" in section §212(a)(3)(B) should be amended to target actual instances of terrorism.⁴⁰⁰ Reducing the expansive definition of "terrorist activity" in section 212(a)(3)(B)(V)(b) to target only cases of individuals taking up armed violence against other citizens would be an important step in preventing the miscategorization of forced migrants without a deliberate association with terrorism.⁴⁰¹

The overgeneralization of terrorism is just one of several cavities in the United States' agenda on refugee policy. A critical deficiency in protection of forced migrants is the plethora of legal categories, criteria, and terms that chronicle U.S. legislation. The proliferation of classifications such as "refugees", "IDPs," "asylum seekers," "TPS holders," and other recognized divisions of forced migrants not only convolutes U.S. law, but also behaves as an instrument of exclusion.⁴⁰² Furthermore, those whose

experiences fit the specified criteria for each of these categories are more likely to find rescue whereas those on the corollary are often denied reprieve.⁴⁰³ The political process of labelling is an attempt at standardizing and regulating legal objectives but for victims of persecution, fitting into definitive labels is the difference between life and death.⁴⁰⁴ The proliferation of criteria and categories of forced migrants “at best, nuances interpretation and at worst, discriminate and detaches claimants from the core attribute of being a refugee – International protection.”⁴⁰⁵ Adding labels is a strategy for entry control that the U.S. exercises that ultimately convolutes our legal systems and makes it more difficult for refugees to be resettled in the United States.⁴⁰⁶

Replacing the current refugee policy with “Forced Migrant” policy would be a way of revolutionizing and revitalizing a system that was built on exclusionary measures.⁴⁰⁷ Adopting a policy that is receptive to all causes and consequences of displacement creates a more inclusive and transparent parameter for protection that will also function as a way of anticipating future forms of forced migration.⁴⁰⁸ The aforementioned proposals offer an overarching method for the recognition and acceptance of forced migrants that aims to uphold the most important objective of refugee policy – the defense of vulnerable people from threats to their livelihood. The nomenclature that determines the status of someone who needs protection currently fails to represent the multifaceted identities of forced migrants, or the causes of their displacement.⁴⁰⁹ As such it is necessary for the betterment of U.S. national interests that the policy be reevaluated in light of the established historical precedence referenced in this report, as well as the overwhelming condemnation of current policy by international allies.

POLICY RECOMMENDATIONS

Lenna Fleetwood and Katarina Schrag

The collaborative research and intentions of our Task Force members have come to the general consensus that the following policy recommendations would best achieve positive migration policy change within the United States. The United States' current stance on immigration and refugee policies have remained inconsistent, leaving migrants vulnerable and the international community questioning the Trump Administration's restrictionist values. Multidimensional migration policy reform is necessary not only for the economic productivity of the United States, but to also assure that the United States addresses migration with a humanitarian approach as the globalization of migration continues to increase. As a nation founded by immigrants, and built by the decedents of immigrants, it is important that the United States remains true to the core of its national identity. Therefore, this Task Force's recommendations follow:

Improve standards for immigration detention by terminating contracts with privately owned detention centers and allocate more resources for the immigration court system. The United States' current policies surrounding immigration detention have proven to be unsuccessful and inhumane. The inverse relationship between privately owned prison corporations such as Geo Group and CoreCivic and government officials, provides evidence that the housing of immigrants within privately owned detention centers is driven by profits. Privately owned detention centers continuously participate in the exploitation of migrants and are for-profit facilities. As our report suggests, the economic benefits contributed by migrants for the overall U.S. economy provide more incentive for alternatives to detention, rather than detaining migrants who often times haven't committed any other crimes than overstayed visas. Furthermore, the immigration court system's violation of the right to due process is has remained a prevalent issue in regards to detention policy, keeping immigrants detained for indefinitely without trial.

Create a multilateral integration process that would benefit all migrants, while adjusting the current integration process for refugees to a two-sided policy that focuses on cultural orientation and training to assist with successful integration within their assigned residency. Currently, the United States' lacks any policy that has the potential of easing the integration of refugees into their assigned residencies. This Task Force concludes that one of the best ways to ensure the successful integration of refugees is to create a policy that recognizes the duality of integration processes. This is to say that since a refugee must be integrated into a community or a culture, it stands without reason to overlook the influence that community is likely to have upon them. As such, it is necessary for the United States to

expand its approach to integration by developing a two-side integration strategy. Preferably one that has the potential to instill within the receiving communities a greater understanding and compassion for the people who hope to assimilate to the local way of life.

Develop comprehensive training programs with Customs and Border Protection, Immigration and Customs Enforcement, and police officers to curb discretionary power that enables racial profiling.

The amount of power currently granted to all forms of law enforcement has proven extremely dangerous for undocumented immigrants, and documented individuals or citizens who are assumed to be undocumented. As such, it is necessary for a series of training programs to be implemented in order to ensure that Customs and Border Protection, Immigration and Customs Enforcement, and police forces develop an educated understanding of the negative impacts of unchecked discretionary power and racial profiling. Not only are these practices harming U.S. citizens and undocumented individuals, they also serve to diminish the legitimacy of police forces in general. Instead of using U.S. tax revenue on the construction of a border wall or for an increase in border patrol, the funds should be used to increase the efficacy, objectivity and compassion of current law enforcement.

Increase the cap of on admittance for refugees into the United States and reshape the qualifications and vetting processes necessary to obtain refugee status, by comprising a broader 'Forced Migrant' policy that would include both Convention Refugees and forced migrants. The rapidly increasing number of globally displaced persons, and the escalation of many humanitarian disasters in recent years, as well as the likely development of more devastating disasters as a result of global warming, all necessitate a speedy return to the previous refugee admittance cap and a reconceptualization of who deserves the protection of foreign governments. The current trajectory of humanitarian and natural disasters requires a broader 'forced migrant' policy, as opposed to 'refugee' policy. At a time when an increasing number of governments are daily facing a heartening influx of asylum seekers across their borders, the United States must decide whether or not resume its historic position as a world leader in refugee admittance.

Move away from the current administration's proposal for merit-based immigration in favor of prioritizing family-based immigration and modify the current system to include same-sex marital partners, as well as addressing the system's enabling of gender-based violence. The proposal setting merit-based immigration as a priority over family-based immigration does not coincide with the United States traditional immigration values embedded in family unification. Despite the current political rhetoric surrounding chain migration that portrays family-based immigration as uncapped and straining to the immigration system, this report provides evidence that supports the contrary. Recipients of visas through family reunification contributed positive benefits to both the fabric of U.S. society and the overall

economy. The current immigration system systematically enables gender-based violence through coverture regulations. If domestic violence is present within a marriage, spouse-based immigration laws offer little support for victims. Often times the barriers from spouse-based immigration leads to the victims do not report abuse due to the fear of deportation, or further abusive repercussions from their abusers.

Offer protection to all current DACA recipients and development of a more accessible path to citizenship for all undocumented persons, while reducing barriers that prohibit adequate access to social services and work permits. It is evident within this Task Force's findings that the socioeconomic benefits derived from the DACA program, as well as undocumented citizens, are overwhelmingly positive to U.S. society. The lack of access to naturalization processes for the undocumented have left the population 11.4 million vulnerable to restrictionist policies and crimmigration tactics, as undocumented migrants are repeatedly stigmatized and criminalized by law enforcement and border security. Additionally, the lack of access to work permits and social services in the long-run has resulted in negative effect on native-born U.S. citizens.

CONCLUSION

Katarina Schrag

This Task Force report strives to focus on the future of U.S. migration policy, while keeping the current immigration system in mind, to determine a number of recommendations based on the evaluation of available data and the United States' historical engagement with immigration. The consensus centers largely on forward thinking conceptualization of what the U.S. involvement with matters on immigration and forced migration should look like. In regard to the structure and purpose of United States' policy toward these populations, this Task Force contends that the country's leadership must seek a progressive and inclusive approach to reform. Generally, as detailed within the report, there is agreement that without a major overhaul of the current policy and systems, the United States will soon have forfeited its best option for conveying to its allies a willingness and a capability of continuing in a position of global leadership.

A little over a year ago, Donald Trump was elected to office following one of the most divisive campaigns this country has ever seen. The result of his campaign strategy was an affirmation of just how polarized the United States has become. Since his election, the controversy surrounding immigration has risen as one of the most prominent issues in current events.

The diversity within American society is part of the national identity. Yet, some native-born citizens fear for a loss of culture, for national security, and for lack of accessible employment. Others fear for migrants and their voices which the current administration continuously seeks to silence. Though all these worries are valid, what this Task Force report has shown, is that there is actually little cause for concern; when it comes to security, the job market, or an extinguishing of American values. As it happens, immigrants aid the economy, and their active participation in U.S. society positively contributes to a celebration of cross-cultural diversity and understanding. Further, owing in part to excessive applicant screening procedures, migrants are not a threat to U.S. citizens safety. Yet, many still aim to further restrict their access to the U.S. and even their liberties while residing here.

At the core of the current administration's anti-immigrant agenda is the notion, expressed to the world through President Trump's rhetoric, that the United States needs to transition to an isolationist migration policy. This individualistic idealism which once truly distinguished this country's advancement, now threatens to ruin it. The reality, in modern day more than ever, is that no country can stand alone. Thus, the rhetoric of American exceptionalism must be thrown out, or risk invalidating any claim the U.S. still has to global leadership.

With upwards of 17 million people currently displaced in the world, and an economic order of global dependence, change is imperative.⁴¹⁰ The policy recommendations conveyed in this report serve as a guide for that change. They stand to inform the most pressing issues of our time and offer a chance for the United States to reclaim its position as a respected leader of the international community.

BIBLIOGRAPHY

- Abrego, Leisy, Mat Coleman, Daniel E. Martínez, Cecilia Menjivar, and Jeremy Slack. "Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era." *Journal on Migration and Human Security* 5, no. 3 (2017): 694-715.
- Ace, Gregory and Pamela Loprest. "Employers in the Low-Skill Labor Market." *Entry-Level and Next-Step Jobs in the Low-Skill Job Market*, November 2008, 1-5. Accessed February 5, 2018. doi:10.3386/w15150.
- Ackleson, Jason. "Constructing Security on the U.S.-Mexico Border." *Political Geography* 24, no. 2 (2005): 165-184. doi:10.1016/j.polgeo.2004.09.017.
- ACP-EU. Resolution on Migration. *Official Journal* 78. (2002): 58-60.
- Ahmed, Bayes. "Who Takes Responsibility for the Climate Refugees?" *Institute for Risk and Disaster Reduction*, University College London 10, no. 1 (January 2017): 5-26.
- Alpert, Megan and Haisam Hussein. "By the Numbers: The United States of Refugees." *Smithsonian.com*. April 01, 2017. Accessed January 17, 2018. <https://www.smithsonianmag.com/history/by-numbers-united-states-refugees-180962487/>
- American Immigration Council. 2014. "Asylum in the United States." *American Immigration Council*. August 27, 2014. <https://www.americanimmigrationcouncil.org/research/asylum-united-states>.
- "Analysis of Immigration Detention Policies." *ACLU*, Accessed January 14, 2018. <https://www.aclu.org/other/analysis-immigration-detention-policies>.
- Bagley, Rebecca. "Small Business = Big Impact". *Forbes*. May 15 2012. <https://www.forbes.com/sites/rebeccabagley/2012/05/15/small-businesses-big-impact/#1125066875cd/>.
- Baker, Bryan. "Immigration Enforcement Actions: 2016." *Department of Homeland Security*, December 2017. https://www.dhs.gov/sites/default/files/publications/Enforcement_Actions_2016.pdf.
- Barder, Owen and Euran Ritchie. "Refugees Are a Boon Not a Burden: Here's How to Get the Best Results for Everyone." *Center for Global Development*, December 18, 2018. http://www.chicagomanualofstyle.org/tools_citationguide/citation-guide-1.html
- "Bars & Security Screening in the Asylum & Refugee Processes," Fact Sheet, Human Rights First. <http://www.humanrightsfirst.org/wp-content/uploads/HRF-Security-Safeguards.pdf>
- Beckwith, Ryan T. "What President Trump Got Wrong About the New York City Attacker." *TIME* online, November 1, 2017. <http://time.com/5005261/donald-trump-new-york-city-diversity-immigrant-visa/>.
- Binder, John. "DACA Amnesty May Trigger Flood of 4-6M Nationals, Not 800K." *Breitbart*, 2017.
- Bove, Vincenzo, and Leandro Elia. "Why Mass Migration is Good for Long Term Economic Growth". *Harvard Business Review*. April 18 2017. <https://hbr.org/2017/04/why-mass-migration-is-good-for-long-term-economic-growth>

- Brown, Anastasia, and Todd Scribner. "Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States," *Journal on Migration and Human Security* 2, no. 2 (2014): 107
- Burkett, Maxine. "The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era." *Climate Law* 2, no. 3 (2011): 345-374.
- Burnett, John. "Big Money as Private Immigrant Jails Boom" *NPR*, November 21, 2017. <https://www.npr.org/2017/11/21/565318778/big-money-as-private-immigrant-jails-boom>.
- Burnett, John. "Undocumented Irish Caught in Trump's Immigration Dragnet." *NPR*, January 22, 2018 <https://www.npr.org/2018/01/22/578930256/undocumented-irish-unexpectedly-caught-in-trumps-immigration-dragnet>.
- Burnett, John and Scott Neuman. "10-Year-Old Girl is Detained by Border Patrol After Emergency Surgery." *NPR*, October 26, 2017. <https://www.npr.org/sections/thetwo-way/2017/10/26/560149316/10-year-old-girl-is-detained-by-ice-officers-after-emergency-surgery>.
- Bush, Jeb, Thomas F. McLarty III, and Edward Alden. "U.S. Immigration Policy." *Independent Task Force Report*, no. 63 (2009): 3-140.
- "By the Numbers; FY2017." *Immigration and Customs Enforcement*, accessed January 18, 2018. <https://www.ice.gov/topics/fy2017>.
- Calvert, R. "Criminal and civil liability in husband-wife assaults." in *Violence in the Family* (Suzanne K. Steinmetz and Murray A. Straus, eds.), *Harper & Row*, New York, 1974.
- Calvo, Janet. "A Decade of Spouse-Based Immigration Laws: Coverture's Diminishment, but Not Its Demise." *Northern Illinois University Law Review* 24, 2004, 153-821.
- Campbell, Alexia. "The Truth about Undocumented Immigrants and Taxes". *The Atlantic*. September 12 2016. <https://www.theatlantic.com/business/archive/2016/09/undocumented-immigrants-and-taxes/499604/>
- Capps, Randy., and Kathleen Newland. *The integration outcomes of US refugees: Successes and challenges*. Washington DC: Migration Policy Institute, 2015.
- Capps, Randy and Michael Fix. "Ten Facts about U.S. Refugee Resettlement." *Migration Policy Institute*. October 2015. <https://www.migrationpolicy.org/research/ten-facts-about-us-refugee-resettlement>.
- Capps, Randy, Michel Fix, and Jie Zong. "The Education and Work Profiles of the DACA Population." *Migration Policy Institute*. August (2017): 1-17. <https://www.migrationpolicy.org/research/education-and-work-profiles-daca-population>.
- "Characteristics of H-1B Specialty Occupation Workers." *FY 2015 Annual Report to Congress*, March 17, 2016. Accessed February 5, 2018. doi:10.1787/428068113214.
- Chishti, Muzaffar and Claire Bergeron. "Post-9/11 Policies Dramatically Alter the U.S. Immigration Landscape." *Migration Policy Institute*. <https://www.migrationpolicy.org/article/post-911-policies-dramatically-alter-us-immigration-landscape>.

- Chishti, Muzaffar and Jessica Bolter. "The Trump Administration at Six Months: A Sea Change in Immigration Policy." *Migration Information Source*, July 19, 2017, <https://www.migrationpolicy.org/article/trump-administration-six-months-sea-change-immigration-enforcement>.
- Chishti, Muzaffar and Michelle Mittelstadt. "Unauthorized Immigrants with Criminal Convictions: Who Might Be a Priority for Removal?" *Migration Information Source*, November 2016, <https://www.migrationpolicy.org/news/unauthorized-immigrants-criminal-convictions-who-might-be-priority-removal>.
- Connor, Phillip. 2017. "U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows." *Pew Research Center's Global Attitudes Project* (blog). October 12, 2017. <http://www.pewglobal.org/2017/10/12/u-s-resettles-fewer-refugees-even-as-global-number-of-displaced-people-grows/>.
- Connor, Phillip. "Applications for U.S. visa lottery more than doubled since 2007." Pew Research Center, March 24, 2017. <http://www.pewresearch.org/fact-tank/2017/03/24/applications-for-u-s-visa-lottery-more-than-doubled-since-2007/>.
- "Consideration of Deferred Action for Childhood Arrivals (DACA)." USCIS. Accessed January 28, 2018. <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>.
- Cornelius, Wayne A. "Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy." *Population and development Review* 27, no. 4 (2001): 661-685.
- Cornelius, Wayne A. "Reforming the Management of Migration Flows from Latin America to the United States." *Brookings Institution*, June 2008.
- Costa, Daniel. "How Ending DACA Hurts All Low-Wage Workers." *Inthesetimes.com*. Accessed February 19, 2018. <http://inthesetimes.com/working/entry/20480/DACA-Donald-Trump-Jeff-Sessions-low-wage-workers-immigrants>.
- Council on Foreign Relations. 2017. "How does the US Refugee System Work?" *Council on Foreign Relations*. October 10, 2017. <https://www.cfr.org/backgrounder/how-does-us-refugee-system-work>
- Cowger, Sela., Jessica Bolter, and Sarah Pierce. "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration." Migration Policy Institute. April 2017. Accessed February 05, 2018. <https://www.migrationpolicy.org/research/first-100-days-summary-major-immigration-actions-taken-trump-administration>.
- CRS presentation of data from 2002 through 2013 Yearbook of Immigration Statistics, Office of Immigration Statistics, Department of Homeland Security. "Family-Based Immigrant Visas." *United States Department of State- Bureau of Consular Affaires*. <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/family-based-immigrant-visas.html>.
- "Cultural Orientation (CO) Provision Form." Private Collection of Jewish Family Services, 2017.
- "DACA and DREAM Act 101." World Relief. September 7, 2017. <https://www.worldrelief.org/blog/daca-and-dream-act-101>.

- Dabrowski, Nathan. "Fresh Drought in East Africa Heralds New Wave of Refugees." *International Policy Digest*, July 18, 2017. <https://intpolicydigest.org/2017/01/21/fresh-drought-east-africa-heralds-new-wave-refugees/>
- Davenport, Christina., Will Moore, and Steven Poe. "Sometimes You Just Have to Leave: Domestic Threats and Forced Migration, 1964-1989." *International Interactions* vol. 29, no. 1 (2003): 33.
- Davis, Julie H., and Somini Sengupta. "Trump Administration Rejects Study Showing Positive Impact on Refugees," *New York Times*, September 18, 2018. <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html?auth=login-email>
- "Deferred Action for Childhood Arrivals (DACA) Data Tools." Migration Policy Institute. December 13, 2017. <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.
- "Deportation." Findlaw Immigration, Accessed January 21, 2018. <http://immigration.findlaw.com/deportation-removal/deportation.html>.
- "DHS Immigration Enforcement: 2016." *Department of Homeland Security*, December 2016. <https://www.dhs.gov/sites/default/files/publications/DHS%20Immigration%20Enforcement%202016.pdf>.
- Domínguez, Jorge I. "Immigration as Foreign Policy in U.S.-Latin American Relations," *Westview Press* (1990): 150-166. <http://www.tinyurl.com/k7ecdhs>
- "Do you qualify to enter the American DV-2020 Green Card Lottery?" United States of America Green Card Lottery. <http://www.usadiversitylottery.com/requiremnts.html>
- "The Dream Act, DACA, and Other Policies Designed to Protect Dreamers." *American Immigration Council*. October 12, 2017. <https://www.americanimmigrationcouncil.org/research/dream-act-daca-and-other-policies-designed-protect-dreamers/>.
- Duleep, Harriet Orcutt and Mark C. Regets. "Admission Criteria and Immigrant Earnings Profiles." *International Migration Review*, Vol. 30, 1996.
- "The Effects of Immigration on the United States' Economy." Accessed February 19, 2018. <http://budgetmodel.wharton.upenn.edu/issues/2016/1/27/the-effects-of-immigration-on-the-united-states-economy/>.
- "Employment Authorization for Certain H-4 Dependent Spouses." USCIS. July 03, 2017. Accessed February 05, 2018. <https://www.uscis.gov/working-united-states/temporary-workers/employment-authorization-certain-h-4-dependent-spouses>.
- "Employment Projections: 2016-26 Summary." U.S. Bureau of Labor Statistics. October 24, 2017. Accessed February 05, 2018. <https://www.bls.gov/news.release/ecopro.nr0.htm>.
- Eschbach, Karl, Jacqueline Hagan, and Nestor Rodríguez. "Deaths during Undocumented Migration: Trends and Policy Implications in the New Era of Homeland Security." *In Defense of the Alien* vol. 28, (2003): 37-52.
- Executive Office of the President. "Fixing Our Broken Immigration System. The Economic Benefits of Providing a Path to Earned Citizenship." August 2013.

- <https://obamawhitehouse.archives.gov/sites/default/files/our-broken-immigration-system-august-2013.pdf>.
- “Family-Based Immigrant Visas.” *United States Department of State- Bureau of Consular Affairs*. <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/family-based-immigrant-visas.html>.
- Ferris, Elizabeth. "Trump's 1st State of the Union: Refugee policy and what will likely go unsaid," *Brookings Institute*, January 24, 2018, <https://www.brookings.edu/blog/fixgov/2018/01/24/trumps-1st-sotu-refugee-policy-and-what-will-likely-go-unsaid/>
- Ferris, Elizabeth. “On Climate Change, Migration, and the Incredibly Complicated Task of Influencing Policy.” Brookings Institution Conference. July 2015.
- “Fiscal Year 2017 ICE Enforcement and Removal Operations Report.” ICE (2018). Accessed January 2018. <https://www.ice.gov/removal-statistics/2017>
- Fix, Michael, Kate Hooper, and Jie Zong. How are Refugees Faring? Integration at U.S. and State Levels. Washington DC: *Migration Policy Institute*, 2017.
- Fottrell, Quentin. "Undocumented immigrants are most likely to work in these jobs." MarketWatch. March 16, 2017. <https://www.marketwatch.com/story/undocumented-immigrants-are-most-likely-to-work-in-these-jobs-2017-03-16>.
- "Free US Citizenship Naturalization Civics Test." United States of America Green Card Lottery. <http://www.usadiversitylottery.com/us-citizenship-test/>
- Fritz, Carolina. “Climate Change and Migration: Sorting Through Complex Issues.” *Migration Policy*, March 4, 2010. <https://www.migrationpolicy.org/article/climate-change-and-migration-sorting-through-complex-issues-without-hype>.
- Foutz, Julia, Anthony Damico, Elle Squires, and Rachel Garfield. "The Uninsured: A Primer – Key Facts about Health Insurance and the Uninsured Under the Affordable Care Act." The Henry J. Kaiser Family Foundation. December 14, 2017. <https://www.kff.org/uninsured/report/the-uninsured-a-primer-key-facts-about-health-insurance-and-the-uninsured-under-the-affordable-care-act/>.
- Gaiba, Francesca. "I'm a White Immigrant and I Benefited From a Racist Visa Lottery." *TIME* online, December 8, 2016. <http://time.com/4593985/immigration-visa-lotter-racism/>
- Gelatt, Julia. "The RAISE Act: Dramatic Change to Family Immigration, Less So for the Employment-Based System." *Migrationpolicy.org*. August 21, 2017. Accessed February 05, 2018. <https://www.migrationpolicy.org/news/raise-act-dramatic-change-family-immigration-less-so-employment-based-system>.
- Gelatt, Julia. "Top 10 of 2017 – Issue #1: Under Trump Administration, United States Takes Steps to Narrow Legal Immigration." *Migrationpolicy.org*. December 20, 2017. Accessed February 05, 2018. <https://www.migrationpolicy.org/article/top-10-2017-issue-1-under-trump-administration-united-states-takes-steps-narrow-legal>.

- Gillis, Justin and Nadja Popovich. "The U.S. Is the Biggest Carbon Polluter in History. It Just Walked Away From the Paris Climate Deal." *The New York Times*, June 01, 2017. <https://www.nytimes.com/interactive/2017/06/01/climate/us-biggest-carbon-polluter-in-history-will-it-walk-away-from-the-paris-climate-deal.html>
- Gonzales, Roberto, and Sarah Rendon-Garcia. "Understanding the Deferred Action for Childhood Arrivals (DACA) impact on young adults' well-being." *American Psychological Association*. November 2016. <http://www.apa.org/pi/families/resources/newsletter/2016/11/deferred-action.aspx>.
- Gonzalez, Roberto G. "DACA's beneficiaries landed good jobs, enrolled in college, and contributed to society." *Vox*. Accessed Feb 19, 2018. <https://www.vox.com/2017/9/2/16244380/daca-benefits-trump-undocumented-immigrants-jobs>.
- Goodman, H. A. "Illegal immigrants benefit the U.S. economy." *TheHill*. February 04, 2016. <http://thehill.com/blogs/congress-blog/foreign-policy/203984-illegal-immigrants-benefit-the-us-economy>.
- Gowie, Renata Ann. "Driving While Mexican: Why the Supreme Court Must Reexamine *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975)." *Houston Journal*.
- Government Accountability Office, United States. "Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program: Report to the Chairman, Committee on Homeland Security, House of Representatives." Washington, D.C.: *U.S. Govt. Accountability Office*, 2007.
- Government of Canada – Immigration and Citizenship. 2015. "#WelcomeRefugees: Security and Health Screening." Government of Canada. November 24, 2015. <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees/security-health-screening.html>
- Government of Canada, Immigration, Refugees and Citizenship Canada, Communications Branch." Comprehensive Ranking System (CRS) tool: skilled immigrants (Express Entry)." Government of Canada, Immigration, Refugees and Citizenship Canada, Communications Branch. June 06, 2017. Accessed February 05, 2018. <http://www.cic.gc.ca/english/immigrate/skilled/crs-tool.asp>.
- "A Guide to S. 744 Understanding the 2013 Senate Immigration Bill." *Immigration Policy Center American Immigration Council*, July 2013. https://www.americanimmigrationcouncil.org/sites/default/files/research/guide_to_s744_corker_hoeven_final_12-02-13.pdf.
- Gusmano, Michael K. "Undocumented Immigrants in the United States: Demographics and Socioeconomic Status." The Hastings Center. February 8, 2012. <http://undocumentedpatients.org/issuebrief/demographics-and-socioeconomic-status/>.
- Hanley, Christine and Jack Leonard. "Neighbors Describe Gunman as Aloof, Devout." *Los Angeles Times*, July 6, 2002. <http://articles.latimes.com/2002/jul/06/local/me-shooter6>.
- Hanson, Gordon, Chen Liu, Craig McIntosh. "Along the watchtower: The rise and fall of U.S. low-skilled immigration." *Brookings Papers on Economic Activity*. March 23-24, 2017. https://www.brookings.edu/wp-content/uploads/2017/03/2_hansonetal.pdf/.
- Harbeson, John. "Mainstream Involuntary Migration in Development Policies." *CMS Essays* (2016)

- Harvard Graduate School of Education. "Roberto Gonzalez." Accessed February 19, 2018. www.gse.harvard.edu/faculty/roberto-gonzales.
- "Health Coverage of Immigrants." The Henry J. Kaiser Family Foundation. December 13, 2017. Accessed January 27, 2018. <https://www.kff.org/disparities-policy/fact-sheet/health-coverage-of-immigrants/>.
- HG Legal Sources. "Is There a Difference between a Visa and a Green Card." HG.org. <https://ww.hg.org/article.asp?id=28885>.
- Hinojosa-Ojeda, Raul. "The Economic Benefits of Comprehensive Immigration Reform." *Cato Journal* 32, no. 1 (2012): 175-200. http://knowyourvisa.com/pdf/the_economic_benefits_of_cir.pdf.
- "House Judiciary Committee Urged to Reject Bill Targeting Refugees and Asylum Seekers During Today's Hearing." Human Rights First, May 18, 2017. <https://www.humanrightsfirst.org/press-release/house-judiciary-committee-urged-reject-bill-targeting-refugees-and-asylum-seekers>
- "Housing and Material Needs Checklist." Private Collection of Jewish Family Services, 2017.
- "How Long Does It Take for an Immigrant to Legally Come to the United States?" U.S. Immigration Software Online. <https://www.us-immigration.com/us-immigration-news/us-immigration/how-long-does-it-take-for-an-immigrant-to-legally-come-to-the-united-states/>.
- "How the United States Immigration System Works." American Immigration Council. August 12, 2016. Accessed February 05, 2018. <https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>.
- Hudak, John J, Elaine C. Kamarck and Christine Stenglein. "Hitting the Wall: On Immigration, Campaign Promises clash with Policy Realities." The Brookings Institute, June 2017.
- Huettman, Melanie. "The Causes of Our Immigration Court Backlog, and How We Can Fix It." Niskanen Center. July 19, 2017. <https://niskanencenter.org/blog/causes-immigration-court-backlog-can-fix-2/>
- Hughes, Anwen. "Denial and Delay: The Impact of the Immigration Law's Terrorism Bars on Asylum Seekers and Refugees in the United States." Edited by Eleanor Acer. Human Rights First, November 2009, 1-91.
- "H-1B Frequently Asked Questions." H-1B Specialty Workers. Accessed February 05, 2018. http://drexel.edu/studentlife/get_involved/international_students_scholars/hiring-fn/h1b-temp/h-1b-faq/.
- Ignatieff, Michael, Juliette Keeley, Betsy Ribble, and Keith McCammon. "The refugee and migration crisis: Proposals for action, U.N. Summit 2016," *Brookings Institute*, (2016): 1-7.
- "Immigration Detention Services – Multiple Areas of Responsibility." Federal Business Opportunities. October 12, 2017. https://www.fbo.gov/index?s=opportunity&mode=form&id=40a164d0787d7df00cebc917439d5e86&tab=core&_cview=0.
- "Immigration Detention 101." Detention Watch Network. Accessed January 2018 <https://www.detentionwatchnetwork.org/issues/detention-101>.

- Inserra, David. "The Diversity Visa Is Bad, but the Real Problem Is Homegrown Terrorism." The Heritage Foundation, November 3, 2017. <https://www.heritage.org/immigration/commentary/the-diversity-visa-bad-the-real-problem-homegrown-terrorism>
- IPCC, 2013: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 1535 pp, doi:10.1017/CBO9781107415324.
- IRIN. "A fresh start for climate change refugees." Reliefweb, June 12, 2014. <https://reliefweb.int/report/world/fresh-start-climate-change-refugees>.
- Jacobsen, Karen. "Can Refugees Benefit the State? Refugee Resources and African Statebuilding." *The Journal of Modern African Studies* 40, no. 4 (2002): 577-96. <http://www.jstor.org/stable/3876026>.
- Jastram, Kate. "Warm World, Cold Reception: Climate Change, National Security and Forced Migration." *Vermont Journal of Environmental Law* 15, no. 4 (2014): 752–765. www.jstor.org/stable/vermjenvilaw.15.4.752.
- Jerabek, Zuzana. "Fact Sheet: Temporary Protected Status." National Immigration Forum, February 8, 2018. <http://immigrationforum.org/blog/fact-sheet-temporary-protected-status/>
- Johnson, Gene. "UN Experts Concerned about Deportation of US Activists." *The Washington Post*. February 14, 2018. https://www.washingtonpost.com/national/un-experts-concerned-about-deportation-of-us-activists/2018/02/14/a6e24a52-11ca-11e8-a68c-e9374188170e_story.html?utm_term=.df5f459e8332.
- Johnson, Jeh Charles. "Policies for the Apprehension, detention and Removal of Undocumented Immigrants." Official Memorandum, Washington DC: Department of Homeland Security, 2014.
- Johnson, Kevin R. "September 11 and Mexican Immigrants: Collateral Damage Comes Home." *DePaul Law Review* 52, no. 3 (Spring 2003): 849-870.
- "Jumping through hoops – why merit-based pay is becoming the norm at top law firms." *LegalWeek.com*. April 04, 2014. Accessed February 05, 2018. <http://www.legalweek.com/sites/legalweek/2014/04/04/jumping-through-hoops-why-merit-based-pay-is-becoming-the-norm-at-top-law-firms/>.
- Karasapan, Omar. "Refugees displaced from the Paris Climate Agreement?" Brookings, December 7, 2015. <https://www.brookings.edu/blog/future-development/2015/12/07/refugees-displaced-from-the-paris-climate-change-agreement/>
- Keung, Nicholas. "Refugee Vetting in U.S. and Canada Already 'Extreme,' Experts Say." *The Toronto Star*, February 24, 2017. <https://www.thestar.com/news/immigration/2017/02/24/refugee-vetting-in-us-and-canada-already-extreme-experts-say.html>
- Kliff, Sarah. "Congress has quietly created a new health care crisis for 26 million Americans." *Vox*. February 02, 2018. <https://www.vox.com/policy-and-politics/2018/2/2/16936916/community-health-centers-congress>.

- Krogstad, Jens Manuel, Jeffrey S. Passel, and D’Vera Cohn. "5 facts about illegal immigration in the U.S." *Pew Research Center*. April 27, 2017. <http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/>.
- Krogstad, Jens Manuel, and Ana Gonzalez-Barrera. "Key Facts about U.S. Immigration Policies and Proposed Changes." *Pew Research Center*, 26 Feb. 2018, www.pewresearch.org/fact-tank/2018/02/26/key-facts-about-u-s-immigration-policies-and-proposed-changes/.
- Kuznetsov, Yegeny. "Diaspora Networks and the International Migration of Skills." World Bank Publications. January 1, 2006.
- Lauby, Fanny. "Broken Promises? NAFTA, Immigration, and ‘Shadow’ Regionalism." *Automne* (2011): 1-36.
- Law, Anna O. "The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy." *Journal of American Ethnic History* 21, no. 4 (2002): 3-29.
- "LAWS & POLICIES IMPROVING ACCESS TO HIGHER EDUCATION FOR IMMIGRANTS." National Immigration Law Center. October 2017. <https://www.nilc.org/issues/education/eduaccesstoolkit2b/#model>.
- Lee, Esther Yu His. "Definitive Proof ICE is going After Immigrants who have Lived in the US for Decades." *Think Progress*, August 8, 2017. <https://thinkprogress.org/private-prison-profits-55f9d7dfebaa/>.
- Lee, Esther Yu His. "Trump Plans to Expand Number of Detention Centers to Hold More Immigrants." *Think Progress*, October 17, 2017 <https://thinkprogress.org/trump-admin-expand-detention-centers-2aa8807f6dd3/>.
- LoBreglio, Kiera. "The Border Security and Immigration Improvement Act: A Modern Solution to a Historic Problem?" *St. John’s Law Review* 78, no. 3 (Summer 2004): 933-964.
- Lowell, Lindsay B., and Micah Bump. "Projecting Immigrant Visas: Report on an Experts Meeting." Washington, DC: *Institute for the Study of International Migration*, Georgetown University, October 2006, p. 6.
- Macías-Rojas, Patrisia. "Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996." *Journal on Migration and Human Security* 6, no. 1 (2018).
- Martinez, Julia C., Martha P. King, and Richard Cauchi. "Improving the Health Care System: Seven State Strategies." *NCSL: Strong States, Strong Nation*, July 2016. doi:10.18411/a-2017-023.
- Martinez, Omar, Elwin Wu, Theo Sandfort, Brian Dodge, Alex Carballo-Diequez, Rogeiro Pinto, Scott D. Rhodes, Eva Moya, and Silvia Chavez-Baray. "Evaluating the Impact of Immigration Policies on Health Status Among Undocumented Immigrants: A Systematic Review." *Journal of Immigrant and Minority Health / Center for Minority Public Health*, (June 2015). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4074451/#R10>.
- Mason, Jeff, and Lazaro Zamora. "Merit-Based Immigration System." *Bipartisan Policy Center*. April 11, 2017. Accessed February 05, 2018. <https://bipartisanpolicy.org/blog/merit-based-immigration/>.

- Massey, Douglas S. "The Counter Productive Consequences of Border Enforcement." *Cato Journal* 37, no. 3 (Fall 2017): 539-554.
- Mass, Steve. "What Happens When Refugees Come to the United States." *National Bureau of Economic Research*, August 2017. <http://www.nber.org/digest/aug17/w23498.shtml>
- May, Patrick. "Trump tightens H-1B visa rules: What you need to know." *The Mercury News*. October 26, 2017. Accessed February 05, 2018. <https://www.mercurynews.com/2017/10/25/trump-tightens-h-1b-visa-rules-what-you-need-to-know/>.
- "Migration Policy Debates". OECD. May 2014. <https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%20.pdf/>.
- Miliband, David. "The Refugee Crisis Is a Test of Our Character." Filmed April 2016 at TED, Vancouver, BC, video. https://www.ted.com/talks/david_miliband_the_refugee_crisis_is_a_test_of_our_character/detail.
- Mirandé, Alfredo. "Is There a 'Mexican Exception' to the Fourth Amendment?" *Florida Law Review* 55 (2003): 365-389.
- Miroff, Nick. "To Curb Illegal Border Crossings, Trump Administration Weighs New Measures Targeting Families." *The Washington Post*, December 21, 2017. https://www.washingtonpost.com/world/national-security/to-curb-illegal-border-crossings-trump-administration-weighs-new-measures-targeting-families/2017/12/21/19300dc2-e66c-11e7-9ec2-518810e7d44d_story.html?utm_term=.a583d74d632e.
- Mitchell, Travis. "Occupations of unauthorized immigrant workers." Pew Research Center's Hispanic Trends Project. November 03, 2016. <http://www.pewhispanic.org/2016/11/03/occupations-of-unauthorized-immigrant-workers/>.
- "NANSEN PRINCIPLES." Nansen Initiative (2011). http://www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen_prinsipper.pdf
- National Immigration Forum Staff. "Immigration Backlogs Are Separating American Families." National Immigration Forum, 2012. <http://immigrationforum.org/blog/immigration-backlogs-are-separating-american-families/>.
- New American Economy. 2018. "From Struggle to Resilience: The Economic Impact of Refugees in America." New American Economy Research Fund. Accessed January 25, 2018. <http://research.newamericaneconomy.org/report/from-struggle-to-resilience-the-economic-impact-of-refugees-in-america/>
- Newland, Kathleen and Alexander Aleinikoff. "The U.S. Refugee Resettlement Program as an Unsuitable Target." *Migration Policy Institute*, January 2018, <https://www.migrationpolicy.org/news/refugee-resettlement-program-unsuitable-target>.
- Newland, Kathleen. "The U.S. Record Shows Refugees Are Not a Threat." *Migration Policy Institute*. October 5, 2015. <https://www.migrationpolicy.org/news/us-record-shows-refugees-are-not-threat>
- Nowrasteh, Alex "Guide to the Diversity Visa: Demographics, Criminality, and Terrorism Risk." CATO Institute, November 2, 2017. <https://www.cato.org/blog/guide-diversity-visas-demographics-criminality-terrorism-risk>.

- Nowrasteh, Alex. "Terrorism and Immigration: A Risk Analysis." *Cato Institute*. September 13, 2016. <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis>.
- Office of Immigration Statistics, "2016 Yearbook of Immigration Statistics." Official website of the Department of Homeland Security, November 2017. <https://www.dhs.gov/sites/default/files/publications/2016%20Yearbook%20of%20Immigration%20Statistics.pdf>
- Office of Refugee Resettlement, Refugees Social Services. Accessed January 17, 2018. <https://www.acf.hhs.gov/orr/programs/refugee-social-services>.
- Obama, Barack. "Statement by the President on World Refugee Day." Speech. Washington D.C., June 20, 2011.
- Onoso, Imoagene. "Affecting Lives: How Winning the US Diversity Visa Lottery Impacts DV Migrants Pre and Post-Migration." *International Migration* 55, no. 6 (2017): 170-83.
- Park, Haeyoun. "Refugees Entering the U.S. Already Face a Rigorous Vetting Process." *The New York Times*, January 29, 2017. <https://www.nytimes.com/interactive/2017/01/29/us/refugee-vetting-process.html>.
- Patler, Caitlin, Jorge Cabrera, and Dream Team Los Angeles. "From Undocumented to DACAmented: Benefits and Limitations of the Deferred Action for Childhood Arrivals (DACA) Program, Three Years Following its Announcement." *EScholarship*, University of California. October 30, 2015. <https://escholarship.org/uc/item/6b56v27p>.
- Peña, Kristie De. "Asylum Court Backlogs Exacerbated by the Trump Administration." Niskanen Center, January 10, 2018. <https://niskanencenter.org/blog/asylum-court-backlogs-exacerbated-trump-administration/>.
- Pierce, Sarah, and Andrew Selee. "Immigration Under Trump: A Review of Policy Shifts in the Year Since the Election." *Migration Information Source* (December 2017): 1-15.
- Pinto, Nick. "ICE is Targeting Political Opponents of Deportation." *The Intercept*. February 9, 2018. <https://theintercept.com/2018/02/09/ravi-ragbir-ice-immigration-deportation/>.
- "Profile of the Unauthorized Population - US." *Migrationpolicy.org*. January 01, 2018. <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US/>.
- "Public Education for Immigrant Students: Understanding Plyler v. Doe." *American Immigration Council*. Accessed February 9, 2018. <https://www.americanimmigrationcouncil.org/research/plyler-v-doe-public-education-immigrant-students/>.
- Pub. L. No. 104-208, 110 Stat. 3009 (1996)
- "Refugee Admissions." Bureau of Population, Refugees and Migration, U.S. Department of State. <https://www.state.gov/j/prm/ra/>.
- "Refugees." *United Nations*. Accessed January 22, 2018. <http://www.un.org/en/sections/issues-depth/refugees/>.

- "Remarks by President Trump in Joint Address to Congress." *The White House*. February 28, 2017. Accessed February 05, 2018. <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-joint-address-congress/>.
- Reuters. 2017. "For U.S. Asylum Seekers, Some Judges Are a Better Bet than Others." Reuters. Accessed February 6, 2018. <http://www.reuters.com/investigates/special-report/usa-immigration-asylum/>.
- Robertson, Lori. "The Facts on DACA." *FactCheck.org*. Accessed January 22, 2018. <https://www.factcheck.org/2018/01/the-facts-on-daca/>.
- Rosenblum, Marc and Ariel R. Soto. "An Analysis of Unauthorized Immigrants in the United States by Country and Region of Birth." *Migrationpolicy.org* (2015). www.migrationpolicy.org/research/analysis-unauthorized-immigrants-united-states-country-and-region-birth/.
- Ryder, Jennifer (Pre-Arrival Services Coordinator with Jewish Family Services). Interview by Sundus I. Baig, January 26, 2018.
- Salomon, Gisela, and Claudia Torrens. "Tensions Rise Among Undocumented Business Owners in the United States". Inc. August 17, 2017. <https://www.inc.com/associated-press/business-owners-without-legal-status-us-selling-business.html>
- Scribner, Todd. "You are Not Welcome Here Anymore: Restoring Support for Refugee Resettlement in the Age of Trump." *Journal on Migration and Human Security* 5, no. 2 (2017): 263-84.
- Secretary of Homeland Security Janet Napolitano. Statement on Implementation of the Supreme Court Ruling on the Defense of Marriage Act, July 2, 2013.
- Shalit, Avner. "Climate Change Refugees, Compensation, and Rectification." *The Monist* 94, No. 3 (July 2011): 310-328.
- Slack, Jeremy, Daniel E. Martínez, Alison Elizabeth Lee, and Scott Whiteford. "The Geography of Border Militarization: Violence, Death and Health in Mexico and the United States." *Journal of Latin American Geography* 15, no. 1 (2016): 7-32.
- Song, Young Hoon. "International Humanitarianism and Refugee Protection: Consequences of Labeling and Politicization." *Journal of International and Area Studies* 20, no. 2 (2013): 1-19. <http://www.jstor.org/stable/43107254>.
- Spickard, Paul R. *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity*. New York: Routledge, 2007.
- "Sponsor for the Green Card Lottery Winner." United States of America Green Card Lottery. <http://www.usadiversitylottery.com/sponsor-green-card-lottery-winner.php/>.
- Sugden, Joanna. "Donald Trump Says He is Changing on H-1B Visas." *The Wall Street Journal*, March 04, 2016. <https://blogs.wsj.com/indiarealtime/2016/03/04/donald-trump-says-hes-changing-on-h-1b-visas/>.
- Sumption, Madeleine and Sarah Flamm. "The Economic Value of Citizenship for Immigrants in the United States." *Migrationpolicy.org*, 2015. www.migrationpolicy.org/research/economic-value-citizenship.

- "Sustaining Progress in 2017: Providing Health Care for Undocumented Residents - CHCS Blog." *Center for Health Care Strategies*. March 31, 2017. <https://www.chcs.org/sustaining-progress-2017-providing-health-care-undocumented-residents/>.
- Swarns, Rachel. "Local Officers Join in Search for Illegal Aliens." *The New York Times*, April 12, 2004, A14.
- "S. 744 - 113th Congress: Border Security, Economic Opportunity, and Immigration Modernization Act." Accessed February 19, 2018. <https://www.congress.gov/bill/113th-congress/senate-bill/744/>.
- Tillerson, Rex W. "U.S. Ends Participation in the Global Compact on Migration." *U.S. Department of State*, U.S. Department of State, 3 Dec. 2017, www.state.gov/secretary/remarks/2017/12/276190.htm.
- Tekleab, Hailu, Mendoza Bernadette, Lahman Maria and Richard Veronica. "Lived Experiences of Diversity Visa Lottery Immigrants in the United States." *The Qualitative Report* 17, no. 51 (2012): 1-17.
- Thomas, Alice. "Protecting People Displaced by Weather-Related Disasters and Climate Change: Experience from the Field." *Vermont Journal of Environmental Law* 15, no. 4 (2014): 803–832. www.jstor.org/stable/vermjenvilaw.15.4.803/.
- Torbati, Yeganeh. "US Deportations down in 2017 but Immigration Arrests Up." *Reuters*, December 5, 2017. <https://www.reuters.com/article/us-usa-immigration/u-s-deportations-down-in-2017-but-immigration-arrests-up-idUSKBN1DZ2O5/>.
- Trimbach, Sam. "Giving the Market a Microphone: Solutions to the Ongoing Displacement of U.S. Workers Through the H1B Visa Program." *Northwestern Journal of International Law & Business* 37, no. 2 (2017): 275-300.
- Trump, Donald J. Executive Order 13768. "Enhancing Public Safety in the Interior of the United States."
- Trump, Donald. Twitter Post, Nov. 1, 2017, 4:30am. https://twitter.com/realDonaldTrump/status/925686558304464897?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Ftime.com%2F5005261%2Fdonald-trump-new-york-city-diversity-immigrant-visa%2F.
- Trump, Donald J. "President Donald J. Trump Backs RAISE Act." August 2, 2017. Accessed February 05, 2018. <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-backs-raise-act/>.
- Uchitelle, Louis. "NAFTA Should Have Stopped Illegal Immigration, Right?" *The New York Times*, February 18, 2007.
- "Undocumented Student Tuition: Overview." *National Conference of State Legislatures*. October 29, 2015. <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>.
- "Undocumented Workers." *Workplace Fairness*. Accessed January 28, 2018. <https://www.workplacefairness.org/undocumented-workers/>.
- UN General Assembly. Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html> [accessed 20 February 2018].

- UN General Assembly. "In safety and dignity: addressing large movements of refugees and migrants." A/70/59. Accessed February 20, 2018.<http://www.refworld.org/docid/5732e34e4.html/>.
- "UN Summit for Refugees and Migrants 2016 | Refugees and Migrants." *United Nations*, United Nations, refugeesmigrants.un.org/summit.
- UNHCR Population Statistics - Data - Overview. Accessed January 17, 2018. http://popstats.unhcr.org/en/overview#_ga=2.236047490.2049336799.1516240001-575930414.1516240001.
- "The Uninsured: Access To Medical Care // ACEP." American College of Emergency Physicians. 2016. <https://www.acep.org/News-Media-top-banner/The-Uninsured--Access-To-Medical-Care/#sm.00001ndofkqo7ke47pgvu5x5uqlt>.
- United States Citizenship and Immigration Services. "Immigration Relief for Vulnerable Populations: Human Trafficking, Crime Victims, Domestic Violence and Child Abuse." Department of Homeland Security, 2011. <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/T-U-VAWA-relief.pdf>.
- United States Department of Homeland Security. Office of Inspector General, Author. ICE Deportation Operations. Washington, DC: U.S. Department of Homeland Security, Office of Inspector General, 2017. April 13 2017.
- United States Government Accountability Office, "Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program: Report to the Chairman, Committee on Homeland Security, House of Representatives." Washington, D.C.: U.S. Govt. Accountability Office, 2007.
- U.S. Congress. Sen. R. 9927. 108th Cong., 1st sess., July 25, 2003.
- U.S. Const. amend. IV.
- "USCRI Joins 25 organizations to oppose the "SAFE ACT" in U.S. House hearing." Announcement, U.S. Committee for Refugees and Immigrants, May 2017.<http://refugees.org/news/uscri-joins-25-organizations-oppose-safe-act-u-s-house-hearing/>.
- U.S. Department of State. "U.S. Refugee Admissions Program." United States Department of State. Accessed January 16, 2018. <https://www.state.gov/j/prm/ra/admissions/index.htm>.
- "The U.S. Economy Still Needs Highly Skilled Foreign Workers." American Immigration Council. March 30, 2011. Accessed February 05, 2018. <https://www.americanimmigrationcouncil.org/research/us-economy-still-needs-highly-skilled-foreign-workers/>.
- U.S. Government, Country Chapter: The United States of America, in UNHCR Resettlement Handbook. Geneva: UNHCR, 2014. 4. www.unhcr.org/3c5e5a764.html.
- "U.S. Temporary Foreign Worker Programs." *Council on Foreign Relations*. Accessed January 27, 2018. <https://www.cfr.org/backgrounder/us-temporary-foreign-worker-programs>.

- Varas, Jacqueline. "The Fiscal Implications of the DACA Program." *American Action Forum*. Accessed January 27, 2018. <https://www.americanactionforum.org/research/fiscal-implications-daca-program/>.
- Wasley, Caitin (Director of Resettlement Services at World Relief Seattle). Interview by Sundus I. Baig, January 26, 2018.
- Waslin, Michele. "Remembering the Benefits of IRCA, 25 Years Later." *Immigration Impact*. Accessed February 19, 2018. <http://immigrationimpact.com/2011/11/07/remembering-the-benefits-of-irca-25-years-later/>.
- "What is H-1B visa?" *Business Dictionary*. Accessed February 05, 2018. <http://www.businessdictionary.com/definition/H-1B-visa.html>.
- "Why Don't They Just Get In Line? There Is No Line for Many Unauthorized Immigrants." *American Immigration Council*. (August 2016): 1-3. <https://www.americanimmigrationcouncil.org/research/why-don%E2%80%99t-they-just-get-line/>.
- Wides-Muñoz, Laura, "Family-Based Immigration has 'Merit' Too." *The Washington Post*, 2018. https://www.washingtonpost.com/news/posteverything/wp/2018/02/05/family-based-immigration-has-merit-too/?utm_term=.97c227524852.
- Wiltz, Teresa. "Aging, Undocumented and Uninsured Immigrants Challenge Cities and States." The Pew Charitable Trusts. Accessed February 10, 2018. <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/01/03/aging-undocumented-and-uninsured-immigrants-challenge-cities-and-states>.
- Wright, Jessica. "AN EXPOSE OF THE UNITED STATES' IMMIGRATION DETENTION POLICY AND ITS FAILURE TO COMPLY WITH INTERNATIONAL STANDARDS ON TORTURE." *Intercultural Human Rights Law Review* 12 (2017): 338.
- York, Harlan, "Why Does My Immigration Case Take So Long? 5 Reasons You Need to Understand." *Harlan York and Associates*, 2016. <https://immigrationlawnj.com/why-does-my-immigration-case-take-so-long-5-reasons-you-need-to-understand/>.
- Zapotosky, Matt and Chico Harlan. "Justice Department says it Will End Use of Private Prisons." *The Washington Post*, August 18, 2016. https://www.washingtonpost.com/news/post-nation/wp/2016/08/18/justice-department-says-it-will-end-use-of-private-prisons/?utm_term=.e8b6d7c4d71a/.
- Zetter, Roger. "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization." *Journal of Refugee Studies* 20, no. 2 (2007): 172-92. doi:10.1093/jrs/fem011.
- Zong, Jie, Jeffery Hallock, and Jeanne Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States." *Migration Policy Institute*. February 8th, 2018.
- 8 U.S. Code § 1357(a)(3)

NOTES

[i] Zong Jiem, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” Migration Policy Institute, February 8, 2018.

[ii] “UN Summit for Refugees and Migrants 2016,” UN, 2018.

[iii] “U.S. Ends Participation in the Global Compact on Migration,” U.S. Department of State, December 3, 2017.

[iv] Krogstad, Jens, “Key facts about U.S. immigration policies and proposed changes,” Pew Research Center, February 26, 2018.

[v] Zong Jiem, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” Migration Policy Institute, February 8, 2018.

¹ “The Dream Act, DACA, and Other Policies Designed to Protect Dreamers.” American Immigration Council. October 12, 2017.

² “Consideration of Deferred Action for Childhood Arrivals (DACA).” USCIS.

³ Bryan Baker, “Immigration Enforcement Actions: 2016” Department of Homeland Security, December 2017.

⁴ “Fiscal Year 2017 ICE Enforcement and Removal Operations Report,” ICE January 2018.

⁵ Donald J. Trump, Executive Order 13768, “Enhancing Public Safety in the Interior of the United States.”

⁶ “FY2017 ICE Enforcement and Removal Operations Report,” ICE.

⁷ “By the Numbers; FY2017,” Immigration and Customs Enforcement, Accessed January 18, 2018.

⁸ Muzaffar Chishti and Jessica Bolter, “The Trump Administration at Six Months,” Migration Policy Institute, July 19, 2017.

⁹ John Burnett, “Undocumented Irish Caught in Trump’s Immigration Dagnet,” NPR January 22, 2018.

¹⁰ Chishti and Bolter, “Trump Administration at Six Months.”

¹¹ John J Hudak, “Hitting the Wall: On Immigration, Campaign Promises clash with Policy Realities,” June 2017; John Burnett, “Undocumented Irish Caught in Trump’s Immigration Dagnet.”

¹² Chishti and Bolter, “Trump Administration at Six Months.”

¹³ Trump Executive Order 13678.

¹⁴ Hudak et al, “Hitting the Wall: On Immigration, Campaign Promises clash with Policy Realities.”

¹⁵ Ibid.

¹⁶ Jeh Johnson, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” Department of Homeland Security.

¹⁷ Ibid.

¹⁸ Hudak et al., “Hitting the Wall: On Immigration, Campaign Promises clash with Policy Realities.”

¹⁹ Baker, “Immigration Enforcement Actions: 2016.”

²⁰ United States, DHS, Office of Inspector General, “ICE Deportation Operations” April 13, 2017.

²¹ “FY2017 ICE Enforcement and Removal Operations Report” ICE; John Burnett and Scott Neuman, “10-Year-Old Girl Detained by Border Patrol after Surgery,” NPR, October 26, 2017,

²² Chishti and Bolter, “Trump Administration at Six Months.”

²³ Leisy Abrego et al., “Making Immigrants into Criminals,” Journal on Migration and Human Security, September

18, 2017.

²⁴Esther Yu Hsi Lee, “Trump Plans to Expand Number of Detention Centers,” Think Progress, October 17, 2017.

²⁵Office of Inspector General, “ICE Deportation Operations.”

²⁶Ibid.

²⁷Gene Johnson, “UN Experts Concerned about Deportation of US Activists,” The Washington Post, February 14, 2018.

²⁸Ibid; Nick Pinto, “ICE is Targeting Political Opponents for Deportation,” The Intercept, February 9, 2018.

²⁹Ibid.

³⁰Gene Johnson, “UN Experts Concerned about Deportation of US Activists.”

³¹Yeganeh Torbati, “US Deportations down in 2017 but Immigration Arrests Up” Reuters, December 5, 2017.

³²“By the Numbers; FY2017,” ICE.

³³Baker, “Immigration Enforcement Actions: 2016.”

³⁴Hudak et al., “Hitting the Wall: On Immigration, Campaign Promises clash with Policy Realities.”

³⁵Baker, “Immigration Enforcement Actions: 2016.”

³⁶“Immigration Detention 101,” Detention Watch Network, Accessed January 14, 2018.

³⁷Patrisia Macías-Rojas, “Immigration and the War on Crime,” Journal on Migration and Human Security, 2018.

³⁸“Analysis of Immigration Detention Policies,” ACLU, Accessed January 14, 2018; Jessica Wright, “An Expose of the United States’ Immigration Detention Policy,” Intercultural Human Rights Law Review, 2017.

³⁹“Analysis of Immigration Detention Policies,” ACLU.

⁴⁰Macías-Rojas, “Immigration and the War on Crime.”

⁴¹“Immigration Detention 101,” Detention Watch Network.

⁴²“Analysis of Immigration Detention Policies,” ACLU; Wright “Expose of the United States’ Immigration Detention Policy.”

⁴³“Analysis of Immigration Detention Policies,” ACLU.

⁴⁴Ibid.

⁴⁵Wright, “Expose of the United States’ Immigration Detention Policy.”

⁴⁶Ibid.

⁴⁷Wright, “Expose of the United States’ Immigration Detention Policy.”

⁴⁸Johnson, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.”

⁴⁹Wright, “Expose of the United States’ Immigration Detention Policy.”

⁵⁰Nick Miroff. “To Curb Illegal Border Crossings, Trump Administration Weighs New Measures Targeting Families,” Washington Post. December 21, 2017.

⁵¹Wright, “Expose of the United States’ Immigration Detention Policy.”

⁵²“Immigration Detention 101,” Detention Watch Network.

⁵³Matt Zaptosky and Chico Harlan, “Justice Department says it Will End Use of Private Prisons,” The Washington Post, December 21, 2017.

⁵⁴“Immigration Detention Services – Multiple Areas of Responsibility,” Federal Business Opportunities, October 12, 2017.

⁵⁵Esther Yu Hsi Lee, “Definitive Proof ICE is going After Immigrants who have Lived in the US For Decades,”

Think Progress, August 8, 2017.

⁵⁶Ibid.

⁵⁷John Burnett, "Big Money as Private Immigrant Jails Boom," NPR, November 21, 2017.

⁵⁸Ibid.

⁵⁹Muzaffar Chishti et al., "The Trump Administration at Six Months: A Sea Change in Immigration Policy," Migration Information Source, July 19, 2017.

⁶⁰Karl Eschbach et al., "Deaths during Undocumented Migration: Trends and Policy Implications in the New Era of Homeland Security," *In Defense of the Alien* 28, (2003): 38.

⁶¹Ibid.

⁶²Pub. L. No. 104-208, 110 Stat. 3009 (1996).

⁶³Kevin R. Johnson, "September 11 and Mexican Immigrants: Collateral Damage Comes Home," *DePaul Law Review* 52, no. 3 (Spring 2003): 851.

⁶⁴Kiera LoBreglio, "The Border Security and Immigration Improvement Act: A Modern Solution to a Historic Problem?" *St. John's Law Review* 78, no. 3 (Summer 2004): 940.

⁶⁵Douglas S. Massey, "The Counter Productive Consequences of Border Enforcement," *Cato Journal* 37, no. 3 (Fall 2017): 539.

⁶⁶Sarah Pierce et al., "Immigration under Trump: A Review of Policy Shifts in the Year Since the Election," Migration Information Source, December 7, 2017.

⁶⁷Wayne A. Cornelius, "Reforming the Management of Migration Flows from Latin America to the United States," *Brookings*, June 2008.

⁶⁸Eschbach et al., "Deaths during Undocumented Migration," 40.

⁶⁹Ibid., 39-40.

⁷⁰Massey, "The Counter Productive Consequences of Border Enforcement," 552.

⁷¹Wayne A. Cornelius, "Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy," *Population and Development Review* 27, no. 4 (2001): 661-685.

⁷²Jeremy Slack et al., "The Geography of Border Militarization: Violence, Death and Health in Mexico and the United States," *Journal of Latin America Geography* 15, no. 1 (2016): 16.

⁷³Cornelius, "Death at the Border," 669.

⁷⁴LoBreglio, "The Border Security and Immigration Improvement Act," 943.

⁷⁵U.S. Const. amend. IV.

⁷⁶Alfredo Mirandé, "Is There a 'Mexican Exception' to the Fourth Amendment?" *Florida Law Review* 55 (2003): 368.

⁷⁷8 U.S.C. § 1357(a)(3).

⁷⁸Renata Ann Gowie, "Driving While Mexican: Why the Supreme Court Must Reexamine *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975)," *Houston Journal of International Law* 23, no. 2 (2001): 234-235.

⁷⁹Leisy Abrego et al., "Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era," *Journal on Migration and Human Security* 5, no. 3 (2017): 697-698.

⁸⁰Ibid., 698.

⁸¹Muzaffar Chishti et al., "Unauthorized Immigrants with Criminal Convictions: Who Might Be a Priority for Removal?" Migration Information Source, November 2016.

⁸²Abrego et al., "Making Immigrants into Criminals", 709.

-
- ⁸³ Jason Ackleson, "Constructing Security on the U.S.-Mexico Border," *Political Geography* 24, no. 2 (2005): 176.
- ⁸⁴ *Ibid.*
- ⁸⁵ *Ibid.*
- ⁸⁶ Rachel Swarns, "Local Officers Join in Search for Illegal Aliens." *The New York Times*, April 12, 2004, A14.
- ⁸⁷ *Ibid.*
- ⁸⁸ *Ibid.*
- ⁸⁹ LoBreglio, "The Border Enforcement and Immigration Improvement Act," 957-958.
- ⁹⁰ Resolution on Migration, *Official Journal* 78, (2002): 58.
- ⁹¹ *Ibid.*
- ⁹² *Ibid.*
- ⁹³ John Harbeson, "Mainstream Involuntary Migration in Development Policies," *CMS Essays* (2016).
- ⁹⁴ *Ibid.*
- ⁹⁵ Louis Uchitelle, "NAFTA Should Have Stopped Illegal Immigration, Right?" *New York Times*, February 18, 2007.
- ⁹⁶ Fanny Lauby, "Broken Promises? NAFTA, Immigration, and 'Shadow' Regionalism," *Automne* (2011): 13.
- ⁹⁷ Pierce et al., "Immigration Under Trump", 6.
- ⁹⁸ *Ibid.*
- ⁹⁹ Campbell, Alexia. "The Truth about Undocumented Immigrants and Taxes". *The Atlantic*. September 12 2016.
- ¹⁰⁰ *Ibid.*
- ¹⁰¹ *Ibid.*
- ¹⁰² 13, 2017 Dec. "Health Coverage of Immigrants." *The Henry J. Kaiser Family Foundation*. December 13, 2017.
- ¹⁰³ *Ibid.*
- ¹⁰⁴ *Ibid.*
- ¹⁰⁵ "Sustaining Progress in 2017: Providing Health Care for Undocumented Residents - CHCS Blog." *Center for Health Care Strategies*. March 31, 2017.
- ¹⁰⁶ *Ibid.*
- ¹⁰⁷ Kliff, Sarah. "Congress has quietly created a new health care crisis for 26 million Americans." *Vox*. February 02, 2018.
- ¹⁰⁸ *Ibid.*
- ¹⁰⁹ *Ibid.*
- ¹¹⁰ Wiltz, Teresa. "Aging, Undocumented and Uninsured Immigrants Challenge Cities and States." *The Pew Charitable Trusts*. January 3, 2018.
- ¹¹¹ *Ibid.*
- ¹¹² *Ibid.*

-
- ¹¹³"The Uninsured: Access To Medical Care // ACEP." American College of Emergency Physicians. 2016.
- ¹¹⁴Foutz, Julia, Anthony Damico, Elle Squires, and Rachel Garfield. "The Uninsured: A Primer – Key Facts about Health Insurance and the Uninsured Under the Affordable Care Act." The Henry J. Kaiser Family Foundation. December 14, 2017.
- ¹¹⁵American College of Emergency Physicians. 2016.
- ¹¹⁶Ibid.
- ¹¹⁷Martinez, Julia C., Martha P. King, and Richard Cauchi. "Improving the Health Care System: Seven State Strategies." NCSL: Strong States, Strong Nation, July 2016. doi:10.18411/a-2017-023.
- ¹¹⁸Ibid.
- ¹¹⁹"Public Education for Immigrant Students: Understanding Plyler v. Doe." American Immigration Council. October 24, 2016.
- ¹²⁰Ibid.
- ¹²¹Gusmano, Michael K. "Undocumented Immigrants in the United States: Demographics and Socioeconomic Status." The Hastings Center. February 8, 2012.
- ¹²²"LAWS & POLICIES IMPROVING ACCESS TO HIGHER EDUCATION FOR IMMIGRANTS." National Immigration Law Center. October 2017.
- ¹²³Ibid.
- ¹²⁴"Undocumented Student Tuition: Overview." National Conference of State Legislatures. 29 October 2015.
- ¹²⁵Ibid.
- ¹²⁶National Immigration Law Center. October 2017.
- ¹²⁷Bove, Vincenzo, and Leandro Elia. "Why Mass Migration is Good for Long Term Economic Growth". Harvard Business Review. April 18 2017.
- ¹²⁸"Migration Policy Debates". OECD. May 2014.
- ¹²⁹Mitchell, Travis. "Occupations of unauthorized immigrant workers." Pew Research Center's Hispanic Trends Project. November 03, 2016.
- ¹³⁰Fottrell, Quentin. "Undocumented immigrants are most likely to work in these jobs." MarketWatch. March 16, 2017.
- ¹³¹Goodman, H. A. "Illegal immigrants benefit the U.S. economy." TheHill. February 04, 2016
- ¹³²"U.S. Temporary Foreign Worker Programs." Council on Foreign Relations.
- ¹³³Ibid.
- ¹³⁴Hamilton, Valerie. "California's undocumented workers help the economy grow – but may pay the cost." Public Radio International. March 6, 2017.
- ¹³⁵Ibid.
- ¹³⁶Hanson, Gordon, Chen Liu, Craig McIntosh. "Along the watchtower: The rise and fall of U.S. low-skilled immigration." Brookings Papers on Economic Activity. March 23-24, 2017.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Salomon, Gisela, and Claudia Torrens. “Tensions Rise Among Undocumented Business Owners in the United States”. Inc. August 17 2017.

¹⁴⁰ Bagley, Rebecca. “Small Business = Big Impact”. Forbes. May 15 2012.

¹⁴¹ “Undocumented Workers.” Workplace Fairness.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Varas, “The Fiscal Implications of the DACA Program.”

¹⁴⁶ “Why don’t They Just Get In Line? There is No Line for Many Unauthorized Immigrants.”

¹⁴⁷ Ibid.

¹⁴⁸ “Why don’t They Just Get In Line? There is No Line for Many Unauthorized Immigrants.”

¹⁴⁹ Varas, “The Fiscal Implications of the DACA Program.”

¹⁵⁰ Ibid.

¹⁵¹ “A Guide to S. 744 Understanding the 2013 Senate Immigration Bill,” 19.

¹⁵² Waslin, “Remembering the Benefits of IRCA, 25 Years Later.”

¹⁵³ Hinojosa-Ojeda, “The Economic Benefits of Comprehensive Immigration reform,”

¹⁵⁴ Gonzalez, “DACA’s beneficiaries landed good jobs, enrolled in college, and contributed to society.”

¹⁵⁵ “The Effects of Immigration on the United States’ Economy.”

¹⁵⁶ Ibid.

¹⁵⁷ “The Effects of Immigration on the United States’ Economy.”

¹⁵⁸ Ibid.

¹⁵⁹ “S. 744 – 113th Congress: Border Security, Economic Opportunity, and Immigration Modernization Act.”

¹⁶⁰ “A Guide to S. 744 Understanding the 2013 Senate Immigration Bill,” 7.

¹⁶¹ Gonzalez, “DACA’s beneficiaries landed good jobs, enrolled in college, and contributed to society.”

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Capps, Randy, Michel Fiz, and Jie Zong, “The Education and Work Profiles of the DACA Population,” 5.

-
- ¹⁶⁵Costa, “How Ending DACA Hurts All Low-Wage Workers.”
- ¹⁶⁶D'vera, Cohn "5 key facts about U.S. lawful immigrants" Pew Research Center.
- ¹⁶⁷Ibid.
- ¹⁶⁸Instructions for the 2019 Diversity Immigrant Visa Program (DV-2019) Travel. State Gov.
- ¹⁶⁹Phillip, Connor and Gustavo, López "5 facts about the U.S. rank in worldwide migration" Pew Research Center.
- ¹⁷⁰Emma, Talkoff "Here's How the White House Would Cut Legal Immigration in Half" TIME Online.
- ¹⁷¹Immigration and Nationality Act, Pub. L. No. 89-236, 79 Stat. 911.
- ¹⁷²Jie Zong and Jeanne Batalova, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” Migration Policy Institute.
- ¹⁷³“Family-Based Immigrant Visas,” United States Department of State- Bureau of Consular Affairs.
- ¹⁷⁴Ibid.
- ¹⁷⁵Ibid.
- ¹⁷⁶Ibid.
- ¹⁷⁷Muzaffar Chishti and Claire Bergeron, “Post-9/11 Policies Dramatically Alter the U.S. Immigration Landscape,” Migration Policy Institute.
- ¹⁷⁸National Immigration Forum Staff, “Immigration Backlogs Are Separating American Families,” National Immigration Forum, 2012.
- ¹⁷⁹CRS presentation of data from 2002 through 2013 Yearbook of Immigration Statistics, Office of Immigration Statistics, Department of Homeland Security.
- ¹⁸⁰“Family-Based Immigrant Visas,” United States Department of State- Bureau of Consular Affairs
- ¹⁸¹Harlan York, “Why Does My Immigration Case Take So Long? 5 Reasons You Need To Understand,” Harlan York and Associates, 2016
- ¹⁸²Ibid.
- ¹⁸³“How Long Does it Take for an Immigrant to Legally Come to the United States?” U.S. Immigration Software Online.
- ¹⁸⁴Harlan York, “Why Does My Immigration Case Take So Long? 5 Reasons You Need To Understand,” Harlan York and Associates, 2016.
- ¹⁸⁵Ibid.
- ¹⁸⁶Ibid.
- ¹⁸⁷INA §202(a)(2).
- ¹⁸⁸INA §202(a)(4).
- ¹⁸⁹INA §214(b).
- ¹⁹⁰Harlan York, “Why Does My Immigration Case Take So Long? 5 Reasons You Need To Understand,” Harlan York and Associates, 2016.
- ¹⁹¹Ibid.

-
- ¹⁹²R. Calvert "Criminal and civil liability in husband-wife assaults", in *Violence in the family* (Suzanne K. Steinmetz and Murray A. Straus, eds.), Harper & Row, New York, 1974.
- ¹⁹³Janet Calvo, "A Decade of Spouse-Based Immigration Laws: Coverture's Diminishment, but Not Its Demise," *Northern Illinois University Law Review* 24, 2004, 153-821.
- ¹⁹⁴*Ibid.*
- ¹⁹⁵Violence Against Women Act of 1994 §§ 40701-40702.
- ¹⁹⁶TVPA § 107(b)(1)(A); 22 U.S.C. § 7105(b)(1)(A).
- ¹⁹⁷8 U.S.C. §§ 1154(a)(1)(A), 1154(a)(1)(B) (1994).
- ¹⁹⁸Secretary of Homeland Security Janet Napolitano, Statement on Implementation of the Supreme Court Ruling on the Defense of Marriage Act, July 2, 2013.
- ¹⁹⁹John Binder, "DACA Amnesty May Trigger Flood of 4-6M Nationals, Not 800K," *Breitbart*, 2017.
- ²⁰⁰B. Lindsay Lowell and Micah Bump, "Projecting Immigrant Visas: Report on an Experts Meeting," Washington, DC: Institute for the Study of International Migration, Georgetown University, October 2006, p. 6.
- ²⁰¹TRUMPS STATE OF UNION ADDRESS (NEEDS TO BE ADDED TO BIB TOO)
- ²⁰²Laura Wides-Muñoz, "Family-Based Immigration has 'Merit' Too," *The Washington Post*, 2018.
- ²⁰³Duleep, Harriet Orcutt and Regets, Mark C., "Admission Criteria and Immigrant Earnings Profiles," *International Migration Review*, Vol. 30, 1996.
- ²⁰⁴*Ibid.*
- ²⁰⁵Sela Cowger, Jessica Bolter, and Sarah Pierce, "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration", Migration Policy Institute, April 2017.
- ²⁰⁶"How the United States Immigration System Works." American Immigration Council. August 12, 2016.
- ²⁰⁷Sela Cowger, Jessica Bolter, and Sarah Pierce, "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration", Migration Policy Institute, April 2017.
- ²⁰⁸Julia Gelatt, "The RAISE Act: Dramatic Change to Family Immigration, Less So for the Employment-Based System", Migration Policy Institute, August 2017.
- ²⁰⁹Sela Cowger, Jessica Bolter, and Sarah Pierce, "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration", Migration Policy Institute, April 2017.
- ²¹⁰"Remarks by President Trump in Joint Address to Congress", The White House, February 28, 2017.
- ²¹¹*Ibid.*
- ²¹²"President Donald J. Trump Backs RAISE Act", The White House, August 2, 2017.
- ²¹³*Ibid.*
- ²¹⁴*Ibid.*
- ²¹⁵*Ibid.*
- ²¹⁶"President Donald J. Trump Backs RAISE Act", The White House, August 2, 2017.
- ²¹⁷Sela Cowger, Jessica Bolter, and Sarah Pierce, "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration", Migration Policy Institute, April 2017.
- ²¹⁸Lazaro Zamora, "Merit-Based Immigration System", Bipartisan Policy Center, April 11, 2017.
- ²¹⁹"Comprehensive Ranking System (CRS) tool: skilled immigrants (Express Entry)", Government of Canada, June 6, 2017.
- ²²⁰*Ibid.*

-
- ²²¹ Lazaro Zamora, “Merit-Based Immigration System”, Bipartisan Policy Center, April 11, 2017.
- ²²² “Jumping through hoops – why merit-based pay is becoming the norm at top law firms”, Legal Week, April 4, 2014.
- ²²³ Julia Gelatt, “The RAISE Act: Dramatic Change to Family Immigration, Less So for the Employment-Based System”, Migration Policy Institute, August 2017.
- ²²⁴ Ibid.
- ²²⁵ Ibid.
- ²²⁶ Julia Gelatt, “The RAISE Act: Dramatic Change to Family Immigration, Less So for the Employment-Based System”, Migration Policy Institute, August 2017.
- ²²⁷ “Employment Projections 2016-2026”, The Bureau of Labor Statistics of the U.S. Department of Labor, October 24, 2017.
- ²²⁸ Ibid.
- ²²⁹ Gregory Acs and Pamela Loprest, “Entry-Level and Next-Step Jobs in the Low-Skill Job Market”, The Urban Institution, Brief No. 1, November 2008. <https://www.urban.org/sites/default/files/publication/32206/411801-Entry-Level-and-Next-Step-Jobs-in-the-Low-Skill-Job-Market.PDF>
- ²³⁰ Ibid.
- ²³¹ Julia Gelatt, “Top 10 of 2017 – Issue #1: Under Trump Administration, United States Takes Steps to Narrow Legal Immigration”, Migration Policy Institute, December 20, 2017.
- ²³² Joanna Sugden, “Donald Trump Says He’s Changing on H-1B Visas”, The Wall Street Journal, March 4, 2014.
- ²³³ “H-1B visa Definition”, Business Dictionary, January 23, 2018.
- ²³⁴ Sam Trimbach, “Giving the Market a Microphone: Solutions to the Ongoing Displacement of U.S. Workers Through the H1B Visa Program”, Northwestern Journal of International Law & Business, April 1, 2017, Vol.37(2), p.275-300
- ²³⁵ Ibid.
- ²³⁶ Ibid.
- ²³⁷ Sam Trimbach, “Giving the Market a Microphone: Solutions to the Ongoing Displacement of U.S. Workers Through the H1B Visa Program”, Northwestern Journal of International Law & Business, April 1, 2017, Vol.37(2), p.275-300.
- ²³⁸ Ibid.
- ²³⁹ Ibid.
- ²⁴⁰ Ibid.
- ²⁴¹ Ibid.
- ²⁴² Patrick May, “Trump tightens H-1B visa rules: What you need to know”, The Mercury News, October 25, 2017.
- ²⁴³ Sela Cowger, Jessica Bolter, and Sarah Pierce, “The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration”, Migration Policy Institute, April 2017.
- ²⁴⁴ “USCIS Completes the H-1B Cap Random Selection Process for FY 2017”, United States Citizenship and Immigration Services (USCIS), Dec 2016.
- ²⁴⁵ “H-1B Frequently Asked Questions”, Drexel University, January 24, 2018.
- ²⁴⁶ Homeland Security, “Characteristics of H-1B Specialty Occupation Workers”, United States Citizenship and Immigration Services (USCIS), October 1, 2015- September 30, 2016.
- ²⁴⁷ Ibid.
- ²⁴⁸ Ibid.

-
- ²⁴⁹Fact Sheet, "The U.S. Economy Still Needs Highly Skilled Foreign Workers", American Immigration Council, March 30, 2011.
- ²⁵⁰"Employment Authorization for Certain H-4 Dependent Spouses", United States Citizenship and Immigration Services (USCIS), July 3, 2017.
- ²⁵¹"Employment Authorization for Certain H-4 Dependent Spouses", United States Citizenship and Immigration Services (USCIS), July 3, 2017.
- ²⁵²Ibid.
- ²⁵³Sela Cowger, Jessica Bolter, and Sarah Pierce, "The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration", Migration Policy Institute, April 2017.
- ²⁵⁴Ibid.
- ²⁵⁵Ryan Teague Beckwith, "What President Trump Got Wrong About the New York City Attacker" TIME online; Francesca Gaiba, "I'm a White Immigrant and I Benefited From a Racist Visa Lottery" TIME online.
- ²⁵⁶Phillip Connor, "Applications for U.S. visa lottery more than doubled since 2007" Pew Research Center
- ²⁵⁷Office of Immigration Statistics, "2016 Yearbook of Immigration Statistics"
- ²⁵⁸Madeleine Sumption and Sarah Flamm, "The Economic Value of Citizenship for Immigrants in the United States." Migrationpolicy.org
- ²⁵⁹Beckwith, "What President Trump Got Wrong About the New York City Attacker" (see footnote 1)
- ²⁶⁰Trump, Donald. Twitter Post. November 1, 2017, 4:30 AM.
https://twitter.com/realDonaldTrump/status/925686558304464897?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Ftime.com%2F5005261%2Fdonald-trump-new-york-city-diversity-immigrant-visa%2F
- ²⁶¹Law, Anna O. "The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy" *Journal of American Ethnic History* 21, no. 4 (2002): 3-29.
- ²⁶²Spickard, Paul R. *Almost All Aliens : Immigration, Race, and Colonialism in American History and Identity*. New York: Routledge, 2007.
- ²⁶³Ibid.
- ²⁶⁴Law, "The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy."
- ²⁶⁵Ibid.
- ²⁶⁶Ibid.
- ²⁶⁷Gaiba, "I'm a White Immigrant and I Benefited from a Racist Visa Lottery" (see footnote 2)
- ²⁶⁸Christine Hanley and Jack Leonard, "Neighbors Describe Gunman as Aloof, Devout" *Los Angeles Times*, July 6, 2002.
- ²⁶⁹United States. Government Accountability Office, "Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program: Report to the Chairman, Committee on Homeland Security, House of Representatives."
- ²⁷⁰Alex Nowrasteh, "Guide to the Diversity Visa: Demographics, Criminality, and Terrorism Risk" CATO Institute
- ²⁷¹David Inserra, "The Diversity Visa Is Bad, but the Real Problem Is Homegrown Terrorism" The Heritage Foundation
- ²⁷²"Sponsor For the Green Card Lottery Winner" United States of America Green Card Lottery
- ²⁷³Nowrasteh, "Guide to the Diversity Visa: Demographics, Criminality, and Terrorism Risk."
- ²⁷⁴Hailu, Tekleab et al. "Lived Experiences of Diversity Visa Lottery Immigrants in the United States." *The Qualitative Report* 17, no. 51 (2012): 1-17.
- ²⁷⁵Imoagene, Onoso. "Affecting Lives: How Winning the US Diversity Visa Lottery Impacts DV Migrants Pre- and

Post-Migration." *International Migration* 55, no. 6 (2017): 170-83.

²⁷⁶"Do you qualify to enter the American DV-2020 Green Card Lottery?" United States of America Green Card Lottery; Marc Rosenblum and Ariel Ruiz Soto, "An Analysis of Unauthorized Immigrants in the United States by Country and Region of Birth" Migrationpolicy.org.

²⁷⁷Nowrasteh, "Guide to the Diversity Visa: Demographics, Criminality, and Terrorism Risk" (see footnote 17)

²⁷⁸University of Pennsylvania. "The Effects of Immigration on the United States Economy." Penn Wharton Budget Model. June 27, 2016. Accessed February 4, 2018. <http://budgetmodel.wharton.upenn.edu/issues/2016/1/27/the-effects-of-immigration-on-the-united-states-economy>.

²⁷⁹New American Economy. "From Struggle to Resilience: The Economic Impact of Refugees in America." New American Economy. June 2017. Accessed January 26, 2018. http://research.newamericaneconomy.org/wp-content/uploads/sites/2/2017/11/NAE_Refugees_V6.pdf.

²⁸⁰"The Integration of Immigrants into American Society." National Academies Press: OpenBook. 2015. Accessed January 23, 2018. <https://www.nap.edu/read/21746/chapter/3#20>.

²⁸¹<http://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/timeline/progress/immigrant/>

²⁸²United States Government Accountability Office. "IMMIGRANT INTEGRATION: U.S. Citizenship and Immigration Services Could Better Assess Its Grant Program." Government Accountability Office. December 2011. Accessed February 7, 2018.

²⁸³U.S. Citizenship and Immigration Services. "Citizenship and Assimilation Grant Program." USCIS. 2017. Accessed January 11, 2018.

²⁸⁴U.S. Department of Homeland Security. 2010 Yearbook of Immigration Statistics. PDF. Washington DC: U.S. Department of Homeland Security, 2011.

²⁸⁵U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, and Office of Citizenship. Helping Immigrants Become New Americans: Communities Discuss the Issues. PDF. Washington DC: U.S. Citizenship and Immigration Services, September 2004.

²⁸⁶Batalova, Jeanne, and Jie Zong. "Language Diversity and English Proficiency in the United States." Migration Policy Institute . November 11, 2016. Accessed February 13, 2018.

²⁸⁷Batalova, "Language Diversity."

²⁸⁸LEARN. "How Important Is a Bachelor Degree?" Learn.org. Accessed January 26, 2018.

²⁸⁹Zong, Jie, "College-Educated Immigrants in the United States." Migration Policy Institute, 2016.

²⁹⁰Kuznetsov, Yevgeny. "Diaspora Networks and the International Migration of Skills," 2006.

²⁹¹Ibid.

²⁹²Walmart. "Walmart Foundation Grants \$1.5 Million in Support of Immigration Integration Programs Helping Hispanic Immigrants." Walmart Corporate - We save people money so they can live better. September 26, 2013.

²⁹³Leon, Erwin De, Matthew Maronick, Carol De Vita, and Elizabeth T. Boris. COMMUNITY-BASED ORGANIZATIONS AND IMMIGRANT INTEGRATION in the Washington DC Metropolitan Area. PDF. Washington DC: The Urban Institute , November 2009.

-
- ²⁹⁴Megan Alpert, and Haisam Hussein, "By the Numbers: The United States of Refugees," *Smithsonian*, April 01, 2017.
- ²⁹⁵Jeb Bush, Thomas F. McLarty III, and Edward Alden, "U.S. Immigration Policy," Independent Task Force Report no. 63 (2009): 31.
- ²⁹⁶UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.
- ²⁹⁷UN General Assembly. In safety and dignity: addressing large movements of refugees and migrants, 21 April 2016, A/70/59.
- ²⁹⁸Roger Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization," *Journal of Refugee Studies* 20, no. 2 (2007): 185.
- ²⁹⁹Connor, Phillip. "U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows." Pew Research Center's Global Attitudes Project (blog), October 12, 2017.
- ³⁰⁰U.S. Department of State. "U.S. Refugee Admissions Program". United States Department of State. Accessed January 16, 2018.
- ³⁰¹Park, Haeyoun. "Refugees Entering the U.S. Already Face a Rigorous Vetting Process." *The New York Times*, January 29, 2017.
- ³⁰²Capps, Randy and Michael Fix. "Ten Facts about U.S. Refugee Resettlement". Migration Policy Institute. October 2015.
- ³⁰³Council on Foreign Relations. "How does the US Refugee System Work? Council on Foreign Relations. October 10, 2017.
- ³⁰⁴*Ibid.*
- ³⁰⁵Connor, "U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows."
- ³⁰⁶Capps and Fix.
- ³⁰⁷Newland, Kathleen. "The U.S. Record Shows Refugees Are Not a Threat." Migration Policy Institute. October 5, 2015.
- ³⁰⁸Nowrasteh, Alex. "Terrorism and Immigration: A Risk Analysis." Cato Institute. September 13, 2016.
- ³⁰⁹Connor, "U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows."
- ³¹⁰*Ibid.*
- ³¹¹*Ibid.*
- ³¹²*Ibid.*
- ³¹³"For U.S. Asylum Seekers, Some Judges Are a Better Bet than Others." Reuters. Accessed February 6, 2018.
- ³¹⁴*Ibid.*
- ³¹⁵*Ibid.*
- ³¹⁶"Asylum in the United States." American Immigration Council, August 27, 2014.
- ³¹⁷Huettman, Melanie. "The Causes of Our Immigration Court Backlog, and How We Can Fix It." Niskanen Center, July 19, 2017.
- ³¹⁸Peña, Kristie De. "Asylum Court Backlogs Exacerbated by the Trump Administration." Niskanen Center, January 10, 2018.
- ³¹⁹Huettman, "The Causes of Our Immigration Court Backlog, and How We Can Fix It." 2017.
- ³²⁰Peña, "Asylum Court Backlogs Exacerbated by the Trump Administration."
- ³²¹New American Economy. "From Struggle to Resilience: The Economic Impact of Refugees in America." New American Economy Research Fund. Accessed January 25, 2018.

-
- 322 Ibid.
- 323 Ibid.
- 324 Ibid.
- 325 Ibid.
- 326 Ibid.
- 327 Ibid.
- 328 Ibid.
- 329 Government of Canada – Immigration and Citizenship. “#WelcomeRefugees: Security and Health Screening.” Government of Canada. November 24, 2015.
- 330 Park, “Refugees Entering the U.S. Already Face a Rigorous Vetting Process.”
- 331 Keung, Nicholas. “Refugee Vetting in U.S. and Canada Already ‘Extreme,’ Experts Say.” The Toronto Star, February 24, 2017.
- 332 UNHCR Population Statistics - Data - Overview, accessed January 17, 2018,
- 333 “Refugees,” United Nations, accessed January 22, 2018.
- 334 Randy Capps and Kathleen Newland. The integration outcomes of US refugees: Successes and challenges, Washington DC: Migration Policy Institute, 2015.
- 335 Fix, Michael, Kate Hooper, and Jie Zong, How are refugees faring? Integration at U.S. and state levels, Washington, DC: Migration Policy Institute, 2017.
- 336 Refugee Act of 1980.
- 337 Fix, Hooper, and Zong, How are refugees faring? 2017.
- 338 Ibid.
- 339 Anastasia Brown; Todd Scribner, “Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States,” Journal on Migration and Human Security 2, no. 2, 2014.
- 340 U.S. Government, “Country Chapter: The United States of America,” in UNHCR Resettlement Handbook, Geneva: UNHCR, 2014.
- 341 Office of Refugee Resettlement, “Refugees Social Services,” accessed January 17, 2018.
- 342 “Housing and Material Needs Checklist” (private collection of Jewish Family Services, 2017).
- 343 Jennifer Ryder, Jewish Family Services, Pre-Arrival Services Coordinator, interview by Sundus I. Baig, January 26, 2018; Caitin Wasley, World Relief Seattle, Director of Resettlement Services, interview by Sundus I. Baig, January 26, 2018.
- 344 “Cultural Orientation (CO) Provision Form” (private collection of Jewish Family Services, 2017).
- 345 Ryder, Jennifer and Catlin Wasley, interviews by Sundus I. Baig.
- 346 Jennifer Ryder, interview by Sundus I. Baig.
- 347 Ibid.
- 348 Michael Ignatieff, Juliette Keeley, Betsy Ribble, and Keith McCammon, “The refugee and migration crisis: Proposals for action, U.N. Summit 2016,” Brookings, (2016): 2.
- 349 Elizabeth Ferris, “Trump’s 1st State of the Union: Refugee policy and what will likely go unsaid,” Brookings Institute, January 24, 2018.
- 350 Ignatieff, Keeley, Ribble, and McCammon, “The refugee and migration crisis.”
- 351 Kathleen Newland and Alexander Aleinikoff, “The U.S. Refugee Resettlement Program as an Unsuitable Target,” Migration Policy Institute, January 2018.

-
- ³⁵²David Miliband, "The Refugee Crisis Is a Test of Our Character," filmed April 2016 at TED, Vancouver, BC, video, 11:37.
- ³⁵³Ignatieff, Keeley, Ribble, and McCammom, "The refugee and migration crisis."
- ³⁵⁴Ferris, "Trump's 1st State of the Union."
- ³⁵⁵Owen Barder and Euran Ritchie, "Refugees Are a Boon Not a Burden: Here's How to Get the Best Results for Everyone," Center for Global Development, December 18, 2018.
- ³⁵⁶Julie H. Davis and Somini Sengupta, "Trump Administration Rejects Study Showing Positive Impact on Refugees," New York Times, September 18, 2018.
- ³⁵⁷Steve Mass, "What Happens When Refugees Come to the United States," National Bureau of Economic Research, August 2017.
- ³⁵⁸Barder and Ritchie, "Refugees Are a Boon Not a Burden."
- ³⁵⁹Ibid.
- ³⁶⁰Karen Jacobson, "Can Refugees Benefit the State? Refugee Resources and African State building," *The Journal of Modern African Studies* 40, no. 5 (2002): 585.
- ³⁶¹Ibid., 585.
- ³⁶²Ibid., 584.
- ³⁶³"Refugee Admissions," Bureau of Population, Refugees and Migration, U.S. Department of State. Scribner, Todd. "You are Not Welcome Here Anymore: Restoring Support for Refugee Resettlement in the Age of Trump," *Journal on Migration and Human Security* 5, no. 2, 2017.
- ³⁶⁴Miliband, "The refugee crisis is a test," 11:59.
- ³⁶⁵Jorge I. Domínguez, "Immigration as Foreign Policy in U.S.-Latin American Relations," Westview Press (1990), 150.
- ³⁶⁶Ibid.
- ³⁶⁷Ibid.
- ³⁶⁸Domínguez, Jorge I. 1990. "Immigration as Foreign Policy in U.S.-Latin American Relations."
- ³⁶⁹Miliband, "The refugee crisis is a test," 12:38.
- ³⁷⁰Miliband, "The refugee crisis is a test," 11:59.
- ³⁷¹Ignatieff, Keeley, Ribble, and McCammom, "The refugee and migration crisis", 2.
- ³⁷²Ibid.
- ³⁷³Justin Gillis and Nadja Popovich, "The U.S. Is the Biggest Carbon Polluter in History. It Just Walked Away From the Paris Climate Deal," *The New York Times*, June 01, 2017.
- ³⁷⁴"NANSEN PRINCIPLES," Nansen Initiative, 2011.
- ³⁷⁵Omar Karasapan, "Refugees displaced from the Paris Climate Agreement?," Brookings, December 7, 2015,
- ³⁷⁶Karasapan, "Refugees displaced from the Paris Climate Agreement?"; Maxine Burkett, "The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era," *2 Climate Law* 2, no. 3 (2011) 350.
- ³⁷⁷IPCC, "Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change," Cambridge University Press (2013), 9.
- ³⁷⁸Alice Thomas, "Protecting People Displaced by Weather-Related Disasters and Climate Change: Experience from the Field," *Vermont Journal of Environmental Law* 15, no. 4 (2014): 806.

-
- ³⁷⁹Nathan Dabrowski, "Fresh Drought in East Africa Heralds New Wave of Refugees," *International Policy Digest*, July 18, 2017.
- ³⁸⁰Bayes Ahmed, "Who Takes Responsibility for the Climate Refugees?" *Institute for Risk and Disaster Reduction* 10, no. 1 (January 2017): 6.
- ³⁸¹Thomas, 811.
- ³⁸²*Ibid.*, 810.
- ³⁸³"NANSEN PRINCIPLES."
- ³⁸⁴Elizabeth Ferris, "On Climate Change, Migration, and the Incredibly Complicated Task of Influencing Policy," *Brookings Institution Conference*. July 2015.
- ³⁸⁵Thomas, 815.
- ³⁸⁶Avner Shalit, "Climate Change Refugees, Compensation, and Rectification," *The Monist* 94 no. 3 (July 2011): 317.
- ³⁸⁷Thomas, 825.
- ³⁸⁸Thomas, 814.
- ³⁸⁹Kate Jastrom, "Warm World, Cold Reception: Climate Change, National Security, and Forced Migration," *Vermont Journal of Environmental Law* 15, no. 4 (Spring 2014): 764.
- ³⁹⁰*Ibid.*
- ³⁹¹*Ibid.*
- ³⁹²IRIN, "A fresh start for climate change refugees," *Reliefweb*, June 12, 2014.
- ³⁹³Carolina Fritz, "Climate Change and Migration: Sorting Through Complex Issues," *Migration Policy*, March 4, 2010.
- ³⁹⁴Zuzana Jerabek, "Fact Sheet: Temporary Protected Status," *National Immigration Forum*, February 8, 2018.
- ³⁹⁵"House Judiciary Committee Urged to Reject Bill Targeting Refugees and Asylum Seekers During Today's Hearing," *Human Rights First*, May 18, 2017.
- ³⁹⁶"Bars & Security Screening in the Asylum & Refugee Processes," *Fact Sheet*, *Human Rights First*.
- ³⁹⁷Michael John Garcia and Ruth Ellen Wasem, "Immigration: Terrorist Grounds for Exclusion and Removal of Aliens," *Report for Congress, Congressional Research Service*, January 12, 2010: 1.
- ³⁹⁸"USCRI Joins 25 organizations to oppose the "SAFE ACT" in U.S. House hearing," *Announcement*, U.S. Committee for Refugees and Immigrants, May 2017.
- ³⁹⁹*Ibid.*
- ⁴⁰⁰*Ibid.*
- ⁴⁰¹INA
- ⁴⁰²Roger Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization," *Journal of Refugee Studies* 20, no. 2 (2007): 185.
- ⁴⁰³Young Hoon Song, "International Humanitarianism."
- ⁴⁰⁴Zetter, "More Labels, Fewer Refugees," 185.
- ⁴⁰⁵*Ibid.*, 176.
- ⁴⁰⁶Young Hoon Song, "International Humanitarianism and Refugee Protection: Consequences of Labeling and Politicization," *Journal of International and Area Studies* 20, no. 2 (2013): 3.
- ⁴⁰⁷Zetter, "More Labels, Fewer Refugees," 189.
- ⁴⁰⁸*Ibid.*, 176.

⁴⁰⁹Ibid., 189.

⁴¹⁰Connor, “U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows.”

**THE HENRY M. JACKSON
SCHOOL OF INTERNATIONAL STUDIES**

UNIVERSITY *of* WASHINGTON

The Henry M. Jackson School of International Studies
jsis.washington.edu
Phone: (206) 543-6001 Email: jsis@uw.edu

