

Immigration:  
The Law, Issues, and Plan of Action  
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Immigration has always played a pivotal role in the development of the U.S. However efforts to build an efficient immigration system have been diminished by a number of issues. For over a decade the U.S has built a system that is prone to backlogs, enigmatic legislations, and patchwork programs. Wars, foreign policies, security issues, and a financial crisis have obscured initiatives to overhaul immigration laws (Giovagnoli, 2013). These events have resulted in a rise of angry and misguided support for immigration enforcement instead of reform. Politicians have chosen to emphasize immigration enforcement arguing that by deporting non-citizens a reduction in illegal immigration would be observed (Giovagnoli, 2013). After said reduction, it was presumed more practical statutes would be laid out... Instead, immigration enforcement has produced a number of financial and humanitarian issues. Currently immigration has once again entered the public limelight. This topic is heavily debated yet few know the depth of the issue and even less learn about it.

Under the current law of immigration a large population is living surreptitiously. Insidious statements from politicians have bred a legion of ill-informed citizens on a witch hunt. Ignorance in immigration laws has given rise to myths, misunderstanding and the stigmatization of a diverse population. Branding certain immigrants as illegal aliens has dehumanized them, placed a permanent stigma on their lives, and enabled citizens to justify maltreatment. The current naturalization process has proven so onerous that it instills a sense of trepidation in immigrants and their families. Moreover with backlogs and a price tag well above their incomes, immigrants are often left in limbo. With the constant fear of deportation looming over their heads, many choose instead to remain hidden.

Researchers have shown that immigration reform would increase gross domestic product (GDP), reduce the deficit, raise revenue, increase average wages, and have no impact on native

borne employment (AIC, 2014). Polls have also shown a growing impact of Latino, Asians, and New American voters on American political realm (Giovagnoli, 2013). Though immigration was overshadowed by recent economic recession, research has shown that the contribution from immigrants sped up the economic recovery and that this population was critical to the growth of the GDP (Giovagnoli, 2013).

The Immigration and Nationality Act (INA) of 1952 is an arcane set of laws that designate certain qualifications and categorizes individuals entering the U.S (Giovagnoli, 2013). Although amendments have been made to the INA it continues to be an obstacle for both immigrants and the government. Part of the INA's purpose is to classify the type of individual entering the country since only certain categories of people are allowed into the U.S legally. Refugees are defined as individuals, outside the U.S, who seek protection on the grounds that he or she fears persecution in their home country (Giovagnoli, 2013; USCIS, 2015). Moreover, to fit into the specific classification of refugee, individuals must prove that they have a "well-founded fear of persecution" due to belonging to one of five internationally recognized groups (USCIS, 2015). These groups include race, religion, membership of a social group, political opinion, and national origin. Asylum seekers, on the other hand, are individuals who have already entered the U.S and fear persecution if sent back to their country of origin. The asylum seeker must also prove that he or she has a "well-founded fear of persecution" based on the same grounds as the refugee (Giovagnoli, 2013). Undocumented immigrants, also known as illegal aliens, are individuals who live or are present in the U.S without the permission of the U.S government (Giovagnoli, 2013). These individuals may have entered the country illegally, provided fake documents or overstayed their visa. Non-immigrants are individuals who are permitted to enter the U.S for a limited period of time (USCIS, 2015). This group is usually made up of students,

tourists, or temporary workers (Giovagnoli, 2013). For each of these categories there are certain routes that the individuals may take to obtain residency and citizenship.

Typically foreign born persons who are seeking to become lawful permanent residents (LPR) have three different avenues of approach (USCIS, 2015). Family sponsorship is a popular choice for many immigrants. In this case a U.S citizen can sponsor his or her foreign born spouse, parent (sponsor must be 21 years or older), minor and or adult married and or unmarried children, and or brothers or sisters (USCIS, 2015). An LPR can then in turn sponsor a spouse, minor children, and adult unmarried children (USCIS, 2015). An individual may also seek employment based immigration, in which a U.S employer would sponsor him or her for a specific position where there is a demonstrated absence of U.S workers (USCIS, 2015). Lastly, an individual may seek entry by winning one of a very limited number of immigrant visas available in the annual diversity visa lottery that is open to immigrants from certain countries (USCIS, 2015).

Recently programs such as the DREAM act, DACA, and DAPA have come into play for immigrants and their families. Though they have jumpstarted debates, on immigration these piecemeal programs further demarcate immigrants. The DREAM act (Development, Relief, and Education for Alien Minors Act) introduced in 2011 permits certain immigrant students who have grown up in the U.S to apply for temporary legal status. This temporary status could eventually transition to permanent legal status, and citizenship if they attend college or serve in the U.S military (NILC, 2011). Under this piece of legislation individuals who entered the country at the age of 15 or younger and at least five years before the date of the bills enactment would qualify for conditional permanent resident status upon acceptance to college, graduation for a U.S high school or being awarded a GED in the U.S (NILC, 2011). Those with criminal

histories would not be accepted. DACA and DAPA comprised the second group of programs which are referred to as orders of deferment and are results of executive actions taken by the president. DACA (Deferred Action for Childhood Arrivals) is a program specialized for individuals who entered the country as children (NILC, 2011). This program covers individuals who, as of June 15, 2012, were under the age 31 and have been physically in the U.S since June 15, 2007(NILC, 2011). Furthermore to be approved these youths must provide evidence of graduation, acceptance into a college or university, or military service (NILC, 2011). DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) the most recent executive action in immigration, was made to provide temporary stay with consideration for employment authorization to parents of a U.S citizen or LPR (NILC, 2011). These programs are viable for 3 years after which those individuals may seek a renewal (NILC, 2011). Both DACA and DAPA are contingent on political decisions. Yet therein is the issue if after those 3 years the action is terminated those under the programs would lose the deferment. Currently a federal district court in Texas has temporarily blocked DAPA and extensions for DACA (NILC, 2011). Though the U.S citizenship and Immigration Services (USCIS) is accepting applications for DACA, this injunction will further the backlogs and extend the waiting process for individuals relying on the programs for their schooling and employment. It is conflicting situations such as these that make the case for immigration reform.

Under these sets of laws and programs a greater issue comes to light. These policies demarcate individuals, dividing the family structure into those eligible for sponsorship and those who are not. The separation of families is a prominent issue in immigration. Through deportation of parents, American children become lost to foster care, or may find themselves left to a distant family member. The immediate and often unpredicted loss of a parent, leaves many of these

children with a number of psychological after effects. First, the unpredictable nature of deportation acts as a stressor to a family unit. Constantly watching for police vehicles, the frequent moves to avoid detection, coupled with low incomes, provide a breeding ground for learning deficiencies and poor social skills. Simply put, developmental psychology has shown the effects of children who are left with no parents. These children exhibited lower language, reading comprehension, and mathematical skills. Often they may be erroneously diagnosed with ADHD due to their inability to focus and jittery nature. Other times they are overlooked and their learning falls below the bar. Further down the road these American children become part of the cycle of poverty since they yield higher birth rates, lower education completion, and a dependency on public aid services. Along with these issues, children of deported parents, may also develop hyperactive cortisol release, similar to those exhibited by children of bipolar parents. The cortisol steroid is an adrenal response to stressful situations. Children who had higher levels of cortisol in the hypothalamic- pituitary-adrenal (HPA) axis during their infancy and teenage years were found to have an increased likelihood of developing an affective disorder later in life (Ellenbogen et al. 2010). Deportation not only divides the family unit but it is an economic strain in the long run.

In addition many immigrants who are in the U.S illegally find that the regular channels of legalization do not include them (IPC, 2013). Even those that are eligible for family based legalization face an onerous and expensive route. To make matters worse employment visas are out of sync with the country's actual needs (IPC, 2013). Though the U.S is in need of lower skilled workers, it has limited the visas provided for those individuals to 5,000 per year (IPC, 2013). Thus service sector jobs have soared with few available to fill those slots. American families have steadily increased their education and reduced the number of children, as a result

demand for low skilled workers has vastly increased. Immigrants would not be the only beneficiaries of a reform. Citizens have had access to cheaper childcare, landscaping, restaurant services, food prices, medical care, and housing due to the current immigrant population (IPC, 2013). A more appropriate reform of exclusion and inclusion criteria has the potential to continue to bolster these amenities.

Along with the political, economic, and psychological issues surrounding immigration is the humanitarian injustice. This population has been marginalized, stereotyped, and held to the mercy of a political endgame. Lobbyists now have more control over politicians than ever. With programs such as DACA and DAPA so attached to political negotiations, the voice of the immigrant is often ignored until election time. As of late politicians are either for or against immigration often ingratiating themselves by providing faulty information to their constituents. This furthers the misunderstanding and breeds a culture of ignorance in the country. This misology further marginalizes immigrants. Furthermore the separations of a family unit is completely against American right wing morals, yet once again laws are built to do exactly that to immigrant families. The issue not only affects immigrants, their children many times American citizens, are accosted held as immigrants themselves. In order to assimilate themselves into the culture many of these children refuse to speak their parent's language or practice any foreign traditions. This loss of culture is obstructive to the progress of American society.

The economic potential of immigration reform has been examined since the executive actions began to take hold. The White House Council of Economic Advisors (CEA) estimated in 2014 that the executive actions would increase the GDP minimally 0.4% (\$90 billion) or as much as 0.9% (\$210 billion) over the next 10 years. The CEA also indicated that these actions would decrease the federal deficits somewhere between the amounts of \$25 to \$60 billion over the next

10 years. Furthermore, over the next 10 years the CEA estimated that the country's tax base would grow in billions of dollars. The executive actions would also raise the average wages for U.S born workers by 0.3% (\$170) (AIC, 2014). The executive actions would also protect immigrants from being taken advantage of by employers. Within the first two years of deferred action for 3.8 million immigrants who are eligible for either DAPA or DACA would increase the labor income by \$7.1 billion (NAID 2014). Impact on native born employment, a common fighting ground for those against reform would see no impact. The CEA reported that it is unlikely that the executive actions would take jobs away from citizens. Empirical research has demonstrated time and time again that there is no correlation between immigration and unemployment. On the contrary, this population has created jobs through their purchasing power and entrepreneurship. The population has bought goods, paid for services from the U.S, and created their own businesses which often remain in the country. The research debunks many misunderstandings of immigrant's effects on the economy of the U.S (AIC, 2014). These modest fiscal impacts of the executive actions, coupled with the fact that many immigrants cannot claim any social services and are job creators, is difficult for many to grasp. Research has demonstrated that the executive actions are indicative of the results that the U.S would see if immigration reform were to occur. If immigration reform were to occur the results would be exponentially greater for both national and local governments (AIC, 2014).

The economic research has observed the benefits of executive action and possible gains of immigration reform. However, crafting a successful legalization program is a daunting task. In 1986 the Immigration Reform Control Act (IRCA) was passed. This piece of legislation was a two-step program that provided a large population of immigrants to become legal in the U.S (Roney, 2013). Presently, for any effort for immigration reform must be kept simple and



affordable. The first stage of this reform must include enticements, such as an initial registration period that grants temporary status employment authorization and permission to travel. These would be needed to distill mistrust and trepidation (Roney, 2013). The second stage of the program would have to be a path to permanent residence (Roney, 2013). This stage would include proof of payment of assessed taxes along with learning the English language. For this legislation to effectively work, inclusion of a large number of immigrants is needed. To facilitate inclusion, the initial enticements must be given (Roney, 2013). Family units cannot be separated through the process and the period of time for the process must be sufficient to register the large population. The initial process must be long enough to demonstrate its efficiency and allow individuals raise necessary funds (Roney, 2013). Making the process affordable is a large deciding factor when it comes to whether or not the reform will work. The application fee should be within reach of the applicant and not pose a financial threat to them (Roney, 2013). For any penalties, the individuals should have a period of time to acquire the amount send the program must be non-threatening to these individuals. As such, community and other nongovernmental groups must play a role in informing and aiding immigrants through the application process (Roney, 2013). This will reduce the fear and increase the number of applications. The administration of such a legal program will be difficult, however, this is one program which must exude administrative efficacy (Roney, 2013). In order for reform to be efficient, technology must be used to keep applications processed in a timely manner. Thus it is pivotal that the legislation provide enough time for the USCIS to prepare for the application it would be receiving. Lastly for reform legislation to work it must include a complimentary process that support and serve the same goals (Roney, 2013). Unfortunately IRCA failed to have such a strategy. Though many were legalized, there was no change to the immigration system. Comprehensive immigration

reform must include changes to the current immigration system, one which will make it a human issue again, and will address American ethics, and labor market needs. This piece of legislation must also be clear on what social services and health benefits would be made available and at what stage of the legalization process applicants may seek them out (Roney, 2013). Reformation must also make it easy for U.S employers to correctly determine whether or not an individual is authorized to work (Roney, 2013). Only through changing the laws will the U.S be able to protect its borders and have an understanding of who is in the country and those who are seeking admittance.

Legalization is an arduous process often requiring legal aid. An individual seeking to legalize his or her parents will likely have to pay for three different applications of consideration. These applications are then reviewed by USCIS which informs the applicant whether or not they may continue the process. From there background checks, fingerprints, and exams will raise the price exponentially. Further along the process, the immigrants are put into a long waiting period. These stressors adds to the emotional, psychological, and financial fears that these immigrants face. The process is often beyond their understanding, and few seek legal advice. This system is riddled with opportunities for scammers. The low level skill worker asks for little clarification from their legal aid advisor and will sign almost anything put in front of them. Coupled with the language deficiency, immigrants are prime targets for fraud. This monetary loss is a considerable issue for immigrants who most of the time work paycheck to paycheck. These paychecks may be under the table cash from employers who seek to underpay immigrants. Employers gain more bodies to work, do not have to provide them with benefits, and hold leverage against those immigrants. The current laws are an economic disaster. With the current deficits present in the country, immigration reform presents an excellent source of income. The initial application

process could provide state governments with enough income to provide better education, hospitals, parks, and living conditions to name a few. The benefits of reform already exist all that has to be done is to look past the stereotypes and learn about our own laws.

### References

- American Immigration Council: Immigration Policy Center. (2013). *Perspectives: Overhauling immigration law: A brief history and basic principles of reform*. Washington, DC: Giovagnoli, M.
- American Immigration Council: Immigration Policy Center. (2013). *Perspectives: Crafting a successful legalization program: Lessons from the past*. Washington, D.C: Roney, L.S.
- American Immigration Council. (2014). *A guide to the immigration accountability executive action*. (Special Report). Washington, DC.
- American Immigration Council. (2014). *Only the beginning: The economic potential of executive action on immigration*. Washington, DC.
- Ellenbogen, M.A, Santo, J.B, Linnen A.M, Walker, C.D, Hodgins, S. (2010). High cortisol levels in the offspring of parents with bipolar disorder during two weeks of daily sampling. *Bipolar disorders*. 77-86.
- Homeland Security: Office of Immigration Statistics. (2014). *Refugees and asylees: 2013*. (Annual Flow Report). Washington, DC: Martin, D.C, Yankay, J.E.
- Homeland Security: Office of Immigration Statistics. (2014). *Immigration enforcement actions: 2013*. (Annual Report) Washington, DC: Simanski, J.F.
- Justice For Immigrants. (2013) *Immigration basics*. Washington, D.C.