

# **Blueprints for An Ideal Legal Immigration Policy**

**Edited By Richard D. Lamm and Alan Simpson**

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# Tale of Contents

- 3.     **Foreword**  
Richard D. Lamm and Alan Simpson
- 5.     **Legal Immigration Reform: Toward Rationality and Equity**  
T. Alexander Aleinikoff
- 9.     **Roy Beck's Numbers**  
Roy Beck
- 17.    **Immigration Policy: A Proposal**  
George J. Borjas
- 21.    **A Legal Immigration Policy For the 21<sup>st</sup> Century**  
Vernon M. Briggs, Jr.
- 27.    **A Prescription for Immigration**  
Peter Brimelow
- 31.    **Give Higher Priority to Refugees**  
John Isbister
- 37.    **Legal Immigration In the 21<sup>st</sup> Century**  
Kevin R. Johnson
- 43.    **My Ideal Immigration Policy**  
Father Brian Jordan
- 47.    **Legal Immigration: What Is to Be Done**  
Mark Krikorian
- 53.    **It's Time to Look at Who We Are Admitting, Not Just How Many**  
Richard D. Lamm
- 59.    **Setting Priorities in Immigration Policy**  
Susan F. Martin
- 63.    **Beyond the Numbers: What Kind of Immigrants Should We Accept?**  
Norm Matloff
- 69.    **A Strategic U.S. Immigration Policy for the New Economy**  
Stephen Moore
- 75.    **Immigration Policy as Random Rationing**  
Alan Reynolds
- 81.    **An Immigration Policy Needs Objectives**  
Dan Stein
- 85.    **In Praise of Huddled Masses**  
The Wall Street Journal

# Foreword

By Richard D. Lamm and Alan Simpson

In a famous African parable, six blind men each encounter a single aspect of an elephant and, unable to observe it whole, nonetheless proclaim with conviction the true nature of the beast. The man who feels the elephant's side concludes that it is like a wall, the man who feels the tusk imagines it a spear, while others feel a snake, tree, fan, or rope, corresponding to their respective encounters with the animal's trunk, leg, ear, or tail.

In much the same way do many lawmakers encounter America's immigration policy. An issue of enormous size and complexity, U.S. immigration policy today is crafted with almost no consideration of its overall shape and impact. Most immigration proposals in Congress today deal only with individual parts of the animal — grants of residency for select groups, increased visas for certain "skilled" immigrants, reorganization of the Immigration and Naturalization Service, and at the most myopic level, private immigration bills intended to benefit specific individuals. Missing from proposals like these is any sense of how they fit into a coherent policy framework animated by basic principles of the national interest.

The piecemeal quality of today's immigration legislation would suggest that members of Congress and the Executive Branch either do not recognize any basic principles governing immigration policy beyond clichés and sentimentality, or they cower at the thought of tinkering with a politically sensitive issue, despite its profound role in shaping America's future. Our long experience in this issue leads us to conclude it is perhaps some of both.

The exception to this tendency proves the rule: The U.S. Commission on Immigration Reform, headed during much of its tenure by Barbara Jordan, did offer in 1995 a comprehensive blueprint for reforming our dysfunctional legal immigration system, animated by clearly articulated principles. Congress chose not only to ignore the Commission's recommendations, but failed to offer any competing blueprint. Thus, most political discourse on immigration today accepts as given the byzantine conglomeration that is current policy.

It is worth noting that other complex issues do not suffer from the fragmentation characteristic of today's immigration policymaking. The debates over health care, Social Security, or education, for instance, are very complex and feature very different points of view, but the participants nonetheless offer comprehensive proposals shaped by their respective beliefs. Even the tax code, larded as it is with loopholes, exceptions, and special provisions, does not escape at least *discussions* of broad reform, such as calls for a flat tax or sales tax.

Capitol Hill and the White House are not alone in their myopic approach to this issue. Media treatment of immigration focuses too often on human-interest stories lacking any broader context. Amid the tales of illegal aliens denied drivers licenses, immigrant entrepreneurs "revitalizing" our economy, or luckless immigrants running afoul of criminal deportation rules, there is little sense of how immigration policy is impacting the nation as a whole — precisely the sort of coverage that might lead lawmakers and the public to the healthy reexamination of the status quo.

It is within this climate that the Center for Immigration Studies solicited essays laying out coherent, transparent policy regarding legal immigration, authored by many of the nation's leading experts on immigration. This publication seeks to step back from heated rhetoric and provide a forum for competing blueprints of a comprehensive U.S. immigration policy. The 15 essays are necessarily brief, given the comparative format, but serve as a distillation of competing views, providing readers the opportunity to explore further, if they desire.

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The Center has sought to represent the full spectrum of opinion regularly articulated by mass immigration's supporters and critics, in order to offer policymakers and opinion leaders as wide a variety of views as possible. And while we are satisfied with the diversity of opinion offered herein, it is important to note that two of the most prominent organizations advocating high levels of immigration, the National Immigration Forum and The National Council of La Raza, refused to participate. Their unwillingness to articulate a comprehensive immigration policy agenda is conspicuous.

In any case, we believe this publication successfully encompasses a wide variety of thinking on immigration and should stimulate fruitful discussion of this contentious topic. With the arrival of a new administration, the time is ripe for a bottom-up reconsideration of policies which so deeply and broadly affect the shape of the country we will bequeath to our children and grandchildren.

Finally, we are indebted to the Center for Immigration Studies for its efforts at recruiting the impressive range of experts contributing to this endeavor. The Center has emerged as a leading voice in the drive to inform policymakers and the public about immigration's far-reaching impacts, and this publication is in keeping with that mission.

*Richard D. Lamm is the former Democratic Governor of Colorado and a professor at the University of Denver.*

*Alan Simpson is a former Republican United States Senator from Wyoming.*

# Legal Immigration Reform: Toward Rationality and Equity

By T. Alexander Aleinikoff

Each year I begin my immigration law class by asking students to devise the outlines of a just immigration policy. I give them no background information on the current confusing list of categories of immigrants, non-immigrants, and refugees, inadmissibility grounds or numerical limitations. The student responses are interesting because of the deep humanitarianism they usually display and because their proposals look so little like our current system. Some — sometimes many — students simply opt for an open-borders policy, arguing that most Americans find themselves citizens of the United States as an accident of birth and that that fact is an arbitrary ground for denying entry and residence to anyone else who wants to join us. Most would limit overall admissions numbers, but would allocate visas based primarily on the need of the would-be immigrant. Thus, refugees would receive the highest preference, persons in dire economic conditions would receive the next, with family members after that. (Workers who would benefit the U.S. economy follow far behind.)

These proposals, of course, are a far cry from our present system, which devotes the vast majority of visas to family members of citizens and permanent resident aliens; authorizes labor-based visas largely for employers who seek particular aliens already known to them; and admits large numbers of persons in refugee status who do not meet the international definition of “refugee.” By the end of the term, students have some familiarity with the rationales for our current immigration categories. But few conclude that the rules form a coherent, or just, whole.

I want to propose two schemes for the reform of the U.S. immigration system. Plan A, perhaps inspired by my students, adopts a long-term perspective. Plan B will yield to political realities, making more modest proposals for the here and now. Plan B could be enacted immediately, with — I would argue — significant gains in rationality. But we should not lose sight of the possibility and ultimate wisdom of Plan A. At the least, we ought to ask ourselves, as we propose changes in our current system, whether it is taking us closer or farther from a grander goal — even as we recognize that policy formulation must answer to on-the-ground realities that theorists sometimes ignore.

## Plan A: Toward a Regional Immigration System

There are deep historical and commercial ties with our northern and southern neighbors. Most Americans are aware that vast portions of the south and west of the United States once belonged to Mexico. Perhaps fewer Americans recall that our original constitution — the Articles of Confederation — provided that Canada could join the new confederation and be “entitled to all the advantages of this union.” Canada and Mexico are our two largest trading partners, and NAFTA has irreversibly linked our economies. It is time to think seriously about a future when travel within North America is largely unrestricted.

For some, such a plan appears unthinkable. Removing the border patrol from our southwest border, they will say, will flood the United States with unskilled workers, overburden the infrastructure of localities, and wreak havoc on our welfare system. But in years ahead what is now viewed as a threat will be viewed as a benefit: because the U.S. population is aging and the ratio of workers to retired persons is decreasing, new immigrant workers will likely be

the key to the economic growth necessary to sustain social security systems and our standard of living.

Admittedly, full implementation of a borderless North America must await further economic development in Mexico and the establishment of stronger Mexican social protections to ensure that flows from Mexico not be greater than the U.S. can productively absorb. But on neither of these fronts should Mexico have to reach parity with the United States before freer travel is instituted. A fuller welfare state in Canada has not caused Americans to move north. Moreover, the fears of a mass flow northward from Greece, Portugal and Spain after their entry into the European Union proved unfounded. As sociologists and anthropologists have long told us, economic advantage alone is usually not a sufficient reason for people to move away from familial, cultural and historical homelands.

The vision here is not the establishment of some supra-national North American state. A borderless North America could retain the distinct (and frequently strongly nationalistic) states of Mexico, the United States and Canada. But these countries will inevitably conclude that the free flow of workers, tourists, and family is in the continent's best interests. The result will be a set of common immigration policies and enforcement strategies vis-à-vis the rest of the world.

A future regional plan should also include coordinated refugee policies. The North American states could establish and maintain safe havens in the region that would provide assistance during times of large refugee flows from the Caribbean. So, too, asylum policies and procedures could be harmonized — so long as such a process is not used as an excuse to weaken protections.

## Plan B: A More Rational and More Just Immigration System

The present system is in dire need of reform. Here are some fixes that could and should be made in our legal immigration policies.

**Family Unification.** If the purpose of our family admissions policy is to unite persons with close, on-going relationships, the categories we have adopted are dramatically under- and over-inclusive.

The law is under-inclusive because the narrow and rigid categories do not reflect modern notions of U.S. families and are often inconsistent with how families are organized in other cultures. No route for entry is provided for the uncle or aunt who lives with and helps support the family; nor may permanent resident aliens sponsor in parents who might serve as primary caretakers of grandchildren. The law ought to be amended to ensure that families — however constituted — may come to the U.S. as a unit. Such a policy would not only be more family-friendly; it would also assist immigrants in entering the workforce and adapting to their new community.

The usual argument against proposals such as this is that it they would provide incentives for fraud: unattached persons could pretend to be close family members. (Our current categories generally define relationships that can be proven with official documents, such as a birth certificate or record of marriage). This is a legitimate concern, but it could be accommodated by imposing a rigorous standard of proof on the sponsoring family to show that other family members have been full and functioning members of the household unit.

U.S. policy should also be changed to permit persons in established same-sex relationships to qualify for benefits accorded to “spouses.” We have come to recognize that same-sex relationships may be as deep, as committed, and as long-standing as opposite-sex marriages. Three years ago the United Kingdom adopted a policy permitting the entry of partners where the sponsor and partner had been living together for four years in a relationship akin to marriage and they intended to live together permanently. Congress ought to amend U.S. law in a similar fashion.

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Current categories are as over-inclusive as they are under-inclusive. The fourth family preference grants visas to brothers and sisters of U.S. citizens, no matter how close or distant the siblings might be. Given the more than 10-year waiting time for such visas for immigrants from most countries (and more than 20 years for siblings from the Philippines), the relationship between sponsor and beneficiary might be quite attenuated. A better system would authorize admission of siblings (and other close relatives) if they can show that they are a member of a fully integrated household unit — either living with the family, dependent on the family or providing important financial support to the family. (Family relationships could also be a factor in the point system described below for labor-based admissions.)

The current law inflicts unjustifiable discrimination against permanent resident aliens (LPRs) in the United States, who — unlike U.S. citizens — face long waiting periods in order to sponsor spouses and minor children. Furthermore, there is no preference at all for the parents of LPRs, no matter how close a relationship they have had with their children (and grandchildren) in the United States. The law ought to be changed to give LPRs the same rights that U.S. citizens have by broadening the definition of immediate relative to include parents and by eliminating the numerical limitations on their admission. It will be argued that the numbers here are too large and that parents of LPRs will impose significant costs on U.S. benefits programs (particularly medical care). The first concern could be alleviated by eliminating the brothers and sisters category or limiting it to unmarried siblings and allocating those numbers to LPR immediate relatives. The second could be met by sponsorship rules that place primary support obligations on family members (provided that the rules apply in a similar manner to parents of U.S. citizens and resident aliens).

A final problem confronting family admissions is the substantial delays in INS processing. Over the past several years perhaps as many as 500,000 persons entitled to receive visas did not do so because of adjudications backlogs. This bureaucratic shortfall constitutes, in effect, a backdoor reduction in overall immigration to the United States (and by failing to get visas to eligible immigrants, it also lengthens their road to citizenship and full integration and may encourage illegal entry and residence). Congress must appropriate adequate funds to ensure that such backlogs do not exist, and that all visas that can be distributed each year in fact are distributed. So what about overall numbers? There is simply no evidence that current admission numbers are contrary to the national interest. The United States has witnessed its longest economic boom at the same time that record numbers of immigrants have come to our shores. Stated another way, the United States has become and remains the world's only superpower during an era of unrivalled levels of immigration. I am not asserting that immigration has produced U.S. dominance; but it surely has not prevented it or weakened national pride. Some op-ed writers may assert that immigration is “disuniting” America, that “patriotic assimilation” — to use Mark Krikorian's phrase — is declining. But where is the evidence? English acquisition is nearly universal for second and third generations. Applications for naturalization are at record levels. Accordingly, there is no reason to cut current immigration levels. Indeed, in order to accommodate parents of LPRs, some increase might be advisable.

**Employment-Based Immigration.** All those involved in labor-based immigration know that the system is broken. It takes too long, poorly serves the goal of protecting U.S. workers, and establishes procedures for labor certifications that look more like a game with arbitrary rules than a rational system for meeting the workforce needs of the American economy. The labor certification process should be scrapped; it is a colossal waste of resources for both employers and the government.

As Demetrios Papademetriou and Steven Yale-Loehr have argued, we need to see immigrants who arrive on work-based visas as permanent additions to the U.S. workforce.

## Center for Immigration Studies

(Government data supports this view: immigrants rarely stay at the jobs for which they were admitted for very long.) Accordingly, we should evaluate persons based on their ability to contribute over the long-term based on a point system that looks at skills, education, language ability, and other relevant criteria.

My proposal would work as follows. Overall admissions numbers would be set each year by an independent government agency based on macro-economic indicators and the needs of particular industries. For example, the agency might conclude that 150,000 workers could productively be admitted in the following year and that they ought to be allocated to several particular industries in which there are labor shortages (such as information technology and health care). Aliens would apply from outside the U.S. for a work-based visa for one or more of the designated industries. The INS would rank applicants according to their total point score and grant visas up to the numerical limits established by the agency. Immigrants receiving visas could apply for any job in the U.S. within the approved list of industries. Employers in those industries could follow usual hiring procedures, selecting among U.S. and visaed immigrant applicants as they saw fit.

It might be advisable to still provide some limited form of labor certification for employers not in the designated industries. But I would impose a very stiff fee on such applications to ensure that such workers are truly needed and that no U.S. workers can be identified for the job. I would also keep the preferences for aliens of exceptional and extraordinary ability whose admission to the U.S. would provide clear benefits to the American economy, or educational or cultural life.

**Refugees.** Refugee admissions are a crucial aspect of U.S. immigration policy. They serve obvious humanitarian interests and also recall us to basic American values. The problem is that U.S. refugee policy has not always admitted those most threatened by persecution, and it still embraces a Cold War emphasis on persons coming from former Communist states. It is time to repeal both the Lautenberg Amendment and the Cuban Adjustment Act (which provides an incentive to dangerous boat trips to the U.S.). Refugee admissions must be more than another form of family unification. The United States should keep its flexible system for establishing annual numerical limits, with a baseline of about 100,000 per year. Priority should go to persons identified as at risk by UNHCR and other international human rights organizations.

The U.S. also needs a coherent strategy for handling mass flows of persons fleeing significant human rights abuses or civil disorder, even if such persons do not come within the strict definition of “refugee.” Our current temporary protection regime is perversely limited to aliens already inside the United States. The U.S. should work with other states in the region to develop offshore safe havens and processing centers for emergencies.

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# Roy Beck's Numbers

## By Roy Beck

The most important public policy issue concerning immigration is the numbers.

This is true in terms of the way immigration affects housing, schools, streets and roads, public transportation, bridges, other infrastructure, wages, social services, taxes, urban sprawl, traffic, natural habitat, air and water quality.

For example, challenges in every one of those issues and the governmental response to them are tremendously different based on which of the following two scenarios from the U.S. Bureau of Census would occur:

**Scenario 1.** If illegal immigration is substantially stopped and our overall legal immigration level is reduced to near the old 1776-1976 annual average of 235,000, that would lead to our U.S. population growing by another 50 million or so by mid-century.

**Scenario 2.** If net annual illegal immigration remains around 225,000 and we average around 800,000 legal immigrants a year (a reduction from the million a year of the 1990s), we would add another 130 million or so to our population.

The difference in the scenarios is 80 million people. Anybody who thinks that is insignificant must not have noticed the post-WWII Baby Boom. That giant bulge of Boomers (I admit, I'm at the front of the class) has changed every aspect of American life. But the numbers added by Baby Boomers were barely a third those that would be added under Scenario 2 above.

Clearly, the overall numerical level of immigration makes all the difference in the world as to what kind of country is being created and as to what governmental entities need to do to prepare.

Yet, each Congress and President for decades has resolutely avoided even discussing what the overall immigration level should be and what differing levels would mean for demands on the government. The result of not discussing has been the inadvertent quadrupling of legal levels to the million a year mark of the 1990s. It would be difficult to identify a major lobby or political force that has specifically advocated that we should have a million immigrants a year or 800,000 a year or 600,000 a year. The overall numbers have been the result of lots of changes of sub-categories without regard to their overall numerical effect.

Thus, it is obvious that not everybody agrees with me that the most important issue concerning immigration is the numbers.

The avoidance of discussing numbers is due to the way the immigration debate occurs in two very different patterns. There is the "numbers debate" among those of us who focus on the overall level of immigration, and the "characteristics debate" among those who focus on the characteristics of the immigrants.

Most discussion of immigration in the news media, by politicians, and by advocacy groups ignores the overall numbers question. All of those are among the "characteristics debaters" who fall on both sides of the issue. One side wants to primarily reduce immigrants who have certain characteristics; the other side wants solely to increase immigrants who have certain characteristics. Both say the overall numbers really don't matter.

Those desiring *reductions* according to characteristics often say they are willing to have the same level of overall immigration — or even higher — if the immigrants getting the green cards have different characteristics than those now getting them. This form of reduction advo-

cacy includes arguments for a lowering of numbers of certain kinds of immigrants based on their culture, race, religion, education, skills, or nationality. These participants in the immigration debate are willing for the overall numbers to come down, but they are also willing to replace the barred immigrants with others who match the cultural, racial, religious, educational, skills or nationality profile the advocate prefers. The overall numbers simply don't matter much.

Those desiring *increases* by characteristic almost never suggest a reduction of any existing flow of immigrants even if they don't particularly like the characteristics of a specific group. They merely want more of their favored immigrants. For some, the characteristic is a particular skill that will enable them to fill jobs more quickly or more cheaply. For others, the characteristic is a culture, race, religion or nationality that usually matches their own. Lobbies and interest groups in this category have been primarily responsible for the escalation of overall numbers as they pushed increases in one sub-category after another. Even though the "characteristics debaters" say they aren't interested in the numbers — or refuse to define their overall numerical goals — everything they do is an attempt to increase the numbers in sub-categories.

"Numbers debaters" also fall on both sides of the immigration issue. Those who desire to reduce the overall numbers do so primarily for reasons dealing with the environment, education, culture, wages, sprawl, congestion, social cohesiveness or national unity. They commonly state specific numerical goals.

On the other hand, those who wish to increase overall numbers are less likely to state numerical goals, but they make appeals for increasing overall numbers in general. The common reasons for favoring overall increases are to expand the economy, hold down wages, provide population growth for real estate and consumer industries, eliminate a cultural or racial majority in the country, move the United States into more equilibrium with other countries in terms of higher population density or lower standard of living, or meet humanitarian goals of bringing in as many poor people as possible.

Picking an actual numerical goal subjects a person or group to criticism both for the potential immigrants who would be excluded because the chosen number wasn't higher and for the Americans who potentially would have their needs less well served because of the chosen number wasn't lower. No matter what number one picks — unless one completely closes the borders or completely opens them — there will be losers in both camps. The only question is how the losses are apportioned between the two groups.

Thus, people or groups who fail to tell the public their numerical goals seek an advantage in the debate by seeming to avoid forcing losses to either potential immigrants or to Americans. But whether or not an overall number is picked, advocacy for any part of immigration policy will result in a specific number — and thus will result in some apportionment of loss to both potential immigrants and to Americans. Refusing to talk about the numbers is intellectually dishonest and should not be honored as a legitimate part of the public policy debate over immigration.

Although simply stating a numerical goal is sufficient to qualify a person or group as serious about immigration policy, I believe it is important to note (1) the principles behind picking the number, (2) the desired optimum level, and (3) a practical level that one would set as an immediate policy goal. Following are my answers to each:

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Clearly, the overall numerical level of immigration makes all the difference in the world as to what kind of country is being created and as to what governmental entities need to do to prepare.

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## Principles

The most important question for Washington is whether a continuing stream of foreign workers and dependents into the country over the next few years will make it more or less difficult to achieve the economic, social or environmental goals of the American people.

In other words, for the first time in decades Washington should consider basing its immigration policy on how many immigrants the nation actually needs. Officials should start the process at the zero level and add only the numbers that actually will help the Americans reach their goals.

The idea of immigration actually having to serve the goals of the American people will be considered somehow selfish by some. But a first principle of democratic nations is that their governments set public policy based on the will of the people. A people can choose goals in all kinds of ways that affect their material prosperity, their social comfort and their humanitarian desires. The government's choices should reflect the needs and desires of the people of this nation.

## Optimum Levels

In examining the research on a number of major societal concerns, I have concluded the following about optimum annual immigration levels:

**American Need: Educational Quality, Optimum Immigration: up to 5,000.** The worst education results in the country tend to be found in the school districts where most immigrants settle. That isn't necessarily the fault of the immigrants; many of the school districts were in bad shape before Congress began filling them with foreign students. But none of them has anything to gain by receiving another immigrant child. Congressional immigration policies may be at their cruelest in the way they diminish the chance that the children of some of America's poorest families will gain at their schools the education, the imagination, and the motivation to work for their share of the American dream.

To the extent that the immigrant children in those districts might receive a significant boost from the work of an especially talented foreign educator, those needs should easily be met if we set aside 5,000 slots each year for foreign professionals with extraordinary skills.

Cutting off all other immigration flow would allow those over-challenged, over-crowded districts to concentrate on educating the native and immigrant students at hand, instead of expending so much energy and money each year trying to accommodate additional students in an ever-expanding array of languages and cultures.

Until urban school districts no longer complain of being over-crowded or of having high dropout rates, any additional immigration is likely to be harmful.

**American Need: Meeting Humanitarian Goals, Optimum Immigration: 15,000 to 50,000.** Americans are an exceptionally generous people, especially in their private gifts to assist citizens of the developing countries. This is driven by a combination of religious, moral, and ethical impulses. I believe most Americans have an emotional or spiritual need to do their share in helping the tens of millions of refugees around the world. The numbers are so huge that one can make a case that it is unethical to spend any money on expensive resettlement of refugees in the United States when the same money would bring so much relief to so many more people in the camps and in assisting refugees to return home.

Nonetheless, the international community has a system for designating refugees who for political reason have virtually no chance of returning to their homelands — or who are in danger if they remain in camps. America's generally recognized fair share of those special needs refugees generally runs between 15,000 and 35,000 per year. Re-settling refugees who

do not meet the special needs criteria not only needlessly squanders limited resources but can create incentives for people to recklessly leave their homes and recklessly resist homeland return efforts. Thoughtful and effective humanitarianism would limit refugee admissions to the fair share of internationally recognized special needs refugees.

Similar considerations should also apply to asylum requests. Permanent asylum should be granted only to those seekers who meet the international standard for fear of persecution and who prove that there is little likelihood they could ever return home. But there should be a second level of temporary asylum that allows the persecuted to stay in America while waiting out the troubles back home but which assures that the asylee will leave the United States once the war is over, the dictator is deposed, or some other needed change has occurred. The United States should not make it easy for regimes to push their dissidents out of the country, nor should it be a magnet that draws such change agents from being part of the solution for their own peoples.

Thoughtful humanitarianism would not extend beyond those two categories. It certainly would not extend to those who would come to increase their consumption of material goods, education or health care. With 4.6 billion people living in countries below the average income of Mexico, there can be no ethical justification for showering a tiny fraction of a percent of the world's needy with U.S. residency at the expense of vulnerable Americans instead of turning all such outward humanitarian attention to the billions of people left behind in the sending countries.

**American Need: Taming Urban Sprawl and the Destruction of Open Spaces, Farmland, and Natural Habitat, Optimum Immigration: Zero.** Americans are absolutely fed up with the sprawl, traffic, congestion, and disappearing open-space opportunities that are the result of adding 1 million people each year. While it theoretically is possible to create so much population growth without those negative societal trends, there are no examples in America of that having occurred. U.S. Census Bureau measurements of changes in urbanized areas indicate that around half of all sprawl is related to population growth. The Census Bureau also shows that most U.S. population growth is the result of recent federal immigration policies.

Until there is a national consensus that our cities no longer have a problem of sprawl, congestion, and disappearing open spaces, the optimum level of immigration would be zero until the U.S. population size is stabilized.

**American Need: Meeting Environmental Goals, Optimum Immigration: Zero.** In a country where nearly half the lakes and rivers do not meet clean water standards and where 40 percent of the citizens live in cities that can't meet clean air standards, anything that adds to the total number of Americans flushing toilets, riding in vehicles, and consuming electricity is anti-environment.

Under current American fertility which is just under replacement level, any immigration over zero during the next few decades will increase the size of the U.S. population and put the country further away from meeting its environmental goals.

It is possible that the current number of Americans could reduce their consumption enough to meet all environmental goals and still have room for more people. But until the American people elect a government to institute the regulations, the taxes, and the enforcement to ensure that consumption is sufficiently reduced, any federal policy that forces U.S. population growth is an anti-environmental policy.

The point here is not that immigrants cause environmental problems but that people cause environmental problems — and federal immigration policy adds millions of extra people each decade.

The optimum level of immigration would be zero until we have substantially met most of the environmental goals that have been set by elected representatives of the American people.

**American Need: Right of U.S. Citizens to Marry or Adopt Overseas, Optimum Immigration: Currently Around 200,000.** The United States has a long tradition of allowing its citizens to adopt orphans from other countries and to marry people in other countries and immediately bring them to America. This is part of the fabric of generous individual liberties that Americans cherish. Before the federal government began its major increases in immigration numbers back in the 1960s, around 40,000 additional immigrants each year moved to the United States based on this right of marriage and adoption. But because of the explosion in immigration, America is filled with a huge pool of foreign-born citizens — and their children — who have a much higher proclivity toward marrying overseas. There has been no limit on how many foreign people can be married and adopted each year so that this category alone surpasses 200,000 a year, almost as large as the entire annual immigration flow in an average year during the country's first 200 years (1776-1976).

Although there should be increased efforts to reduce the thousands of immigrants each year who engage in marriage fraud, the optimum number for the sake of preserving this right of citizens should be the present number with the flexibility to go up or down depending on the demand.

Many people claim that this individual freedom to marry and adopt overseas extends to naturalized foreign-born citizens being allowed to send for their adult brothers, sisters and parents. This strains credulity. Except for the small fraction of the immigrant flow

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The most important question for Washington is whether a continuing stream of foreign workers and dependents into the country over the next few years will make it more or less difficult to achieve the economic, social or environmental goals of the American people.

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that is refugees, immigrants chose to separate from their families by coming here. Nobody forced them. If they have a passionate need to live near their relatives, they should move back. Americans commonly live 3,000 miles from their brothers, sisters and parents inside the United States. There is no legitimate American need for immigrants to nurture a never-ending chain of family migration by sending for close adult relatives

who send for their close adult relatives until in-laws and distant cousins of the original immigrant are coming. That was the wise conclusion of the bi-partisan national Commission on Immigration Reform chaired by the late Barbara Jordan.

Parents of immigrants are a somewhat more difficult question. But generous visitor visas could allow for extended visits that would afford more time together than is the case for large numbers of native-born American citizens and their parents. Also, an immigrant is free to move back home to care for a parent during a crisis.

A final family category to consider is the one containing the spouses and minor children of immigrants who have green cards but who have not yet become citizens. There is quite a backlog right now because Congress has extended three amnesties to illegal aliens beginning in 1986. If a person becomes an immigrant through normal channels, he or she automatically can bring a spouse and minor children. But if an immigrant marries in another country before becoming a U.S. citizen, the spouse and children must wait. Currently, that backlog is whittled down each year. The surest solution to the backlog is for the immigrant to become a citizen. Still there may be reason to study this more to see if the backlog reduction numbers should be increased a bit.

**American Need: Protection of Workers from Wage Depression, Optimum Immigration: Up to 5,000.** No American wage earner benefits from having his or her elected officials import workers who may compete for the same jobs or help to depress wages. That is true whether the American worker is an unskilled lettuce picker, a slightly skilled chicken slaughterer, a skilled construction tradesman, or a college-educated engineer.

## Center for Immigration Studies

The recent spectacle of high government officials and major newspaper editorialists calling for increased immigration in order to hold down wages makes a mockery of the egalitarian ideals of this nation. Until recently, the primary answer to tight labor markets in this country has always been to increase productivity through innovation, invention and capital investment. That traditional style allowed wages to rise so that the vast majority of full-time working Americans could enjoy middle class lives of dignity.

Mass importation of foreign labor also violates American-style egalitarianism by creating vast underclass populations cast semi-permanently into the role of servants. Rising income disparity has always been the result of surges in immigration in this country.

Denying industries the immigrant workers they desire should not be a punitive measure. It is in the best interest of all Americans that our industries succeed - and, for that matter, that entrepreneurs and the owners of capital earn generous profits as they create jobs for the rest of us. The government should provide the industries the means to meet real short-term labor emergencies, as long as they do not impede efforts to train Americans to fill the needs later. Foreign workers given only temporary work visas, not by immigrants allowed to enter the United States for permanent residence, should fill nearly all skilled-job vacancies for which an American cannot be found. And temporary workers should be allowed into the country only after they have signed agreements of understanding that they will return to their home country at the end of the short time it may take to train enough Americans to take the jobs.

An allowance for 5,000 brilliant professionals would more than handle the number of scientists, professors, computer whizzes, and so forth who possess extraordinary genius and whom U.S. industries and universities want to steal from other countries each year.

**American Need: All of the Above, Overall Optimum Immigration: 100,000.** The dilemma in setting the overall numbers is that the optimal numbers for various American needs clash with each other. The American needs to meet environmental goals and to combat sprawl are best met with zero immigration for awhile, but the American need to have the individual liberty to fall in love with anybody in the world and then bring that person to the United States as a bride or groom calls for at least 200,000 immigrants each year. The American need for economic justice in wages and for educational relief for kids in overcrowded, underfunded schools is best met with no more than 5,000 immigrants each year. But the American need to take up our fair share of helping special refugees calls for up to 50,000 a year.

If one left out the issue of overseas marriages and adoptions, one could argue for an optimum immigration level of 55,000 a year.

But in weighing all American needs together, one could make a claim for an immigration level of around 100,000. That represents a compromise between the marriage rights and all other matters affecting Americans' quality of life. Combined with government estimates that more than 200,000 illegal aliens permanently settle in the United States each year, an overall ceiling of 100,000 legal immigrants still would exceed out-migration each year and add significantly to U.S. population growth. And that would further aggravate efforts to improve education, environmental quality, wage fairness and quality of life issues like sprawl. But the level would be relatively mild compared with present conditions.

### Practical Level

Individual liberty often trumps all other needs in the American culture. The optimum immigration numbers noted above would require tens of thousands of citizens to get in a waiting line of perhaps years to marry overseas or to bring a spouse from overseas after marrying. I do not see any practical possibility for limiting the virtually unlimited right of citizens to marry anybody they choose, regardless of home country, and immediately bringing them to this country. I believe Americans will insist on that right even though only a tiny fraction of them

## Center for Immigration Studies

— especially native-born ones — will ever even think about using that right. This is a democracy; if Americans are willing to subjugate many of their other needs and desires to this particular right that is their choice. It also is my reluctant preference.

Thus, my proposed numerical level of overall immigration would be 255,000. That is near the number in the Census Bureau's Scenario 1 noted at the beginning of this essay.

I picked the number based on 200,000 spouses and minor children of U.S. citizens, 5,000 world-class skilled workers and professionals and 50,000 refugees, asylees and nuclear family of permanent resident aliens. If the refugee and asylee admissions fall below 50,000 each year, the leftover green cards could go to reduce the backlog of spouses and minor children of immigrants who have not become citizens.

Since the citizens' spouses and minor children category would go up and down each year, my number really is not a rigid 255,000 but a formula that would currently produce a number like that. The formulas would be: 55,000 a year, plus an unlimited number of spouses and minor children of U.S. citizens.

Trends suggest that my number might rise fairly close to 300,000 before it began coming down strongly. But as the years progressed and we had fewer and fewer recent immigrants in the marrying pool, my overall number should in a decade or two move back to the traditional immigration average, and maybe eventually even toward the 100,000 optimum level.

I am not pleased with the number I have had to pick because it will lead — according to Census projections — to at least another 50 million Americans by mid-century and at current fertility rates won't stop pressuring urban sprawl, congestion and natural habitat destruction until the next century. If not for a federal government that has refused to look at the effect of overall immigration numbers while constantly making decisions that increased them for four decades, those of us who are Baby Boomers would have lived to see the fruits of a stable population. Now I have already lost the chance to live in a stable America, but I feel guilty about denying the opportunity to my great-grandchildren. I have picked an annual immigration number so high that it compromises their future, as well as every generation in between. But I have picked the best number that I believe is possible. All who pick higher numbers — or who refuse to pick a number at all — propose to only accelerate the future damage from massive additional population growth.

*Roy Beck is Director of NumbersUSA.com and author of The Case Against Immigration (Norton, 1996).*



# Immigration Policy: A Proposal

By George J. Borjas

Any proposed immigration policy must address and answer two distinct questions: How many immigrants should the United States admit? And which types of persons should be awarded the scarce entry visas? Because many more persons will want to enter the United States than there will be visas available, only a few visa applicants will be admitted, and those lucky few will share certain characteristics that the United States deems desirable in some form. Therefore, it is useful to think of immigration policy as a formula that gives points to applicants on the basis of various characteristics, and that sets a passing grade to limit the number of entrants.

To a large extent, the point system that has regulated entry into the United States since 1965 uses a formula that has only one variable, indicating whether the visa applicant has a family member already residing in the United States. In very rough terms, an applicant who has a relative in the country gets one hundred points, passes the test, and is admitted. An applicant who does not gets zero points, fails the test, and cannot migrate legally. In addition, the post-1965 policy does not set strict restrictions on the number of immigrants. Instead, the number of visas allocated to particular groups (such as the ones granted to close relatives of U.S. citizens) expands with demand.

The debate over immigration policy reform is a debate over the type of point system that the United States should adopt. Before engaging in such a debate, however, one must first determine what it is that the United States is trying to accomplish through its immigration policy. Different assumptions of what constitutes the “national interest” will inevitably lead to different proposals for the point system that the country should adopt. In this article, I delineate the implications of a very simple definition of the national interest: suppose that the United States wishes to pursue an immigration policy that maximizes the economic well-being of its native population.

My conjecture that immigration policy should serve the economic needs of the native population is certainly debatable. Nevertheless, this approach provides a good starting point for organizing one’s thoughts about the type of immigration policy that the United States should pursue. And, more importantly, economic factors have always played an important role in the immigration debate, have helped to frame the debate, and have been used to justify many policy reforms.

Suppose then that the goal of immigration policy is to maximize the economic well-being of the “native” population, where the native population includes all persons currently residing in the United States. And suppose that native economic well-being depends both on per-capita income and on the distribution of income in the country. In other words, immigration should make natives wealthier, but should not increase the income disparity among persons already in the country. What type of immigration policy would the United States then pursue?

The extensive empirical literature that examines the economic impact of immigration on the United States provides a straightforward answer to the question of which types of immigrants the country should admit. In particular, the evidence suggests that the national interest-as I have defined it-would best be served by admitting immigrants who are relatively skilled. The admission of skilled immigrants would generate the largest increase in the per-capita income of the native population. In addition, skilled immigrants would earn more, pay higher taxes, and require fewer social services than less-skilled immigrants. Put differently, there is little doubt that skilled immigration would lead to the largest increase in the size of the economic pie accruing to natives. In addition, the admission of skilled workers would narrow-rather than

widen-the extent of income inequality in the United States. In short, the twin economic goals of a larger economic pie and a more equitable splitting of the pie are attained by the same policy action: admitting skilled immigrants.

How can the United States select skilled persons from the pool of visa applicants? In the past few decades, Australia, Canada, and New Zealand have all instituted point systems that reward certain socioeconomic traits in the admissions formula. Canada, for example, grants points on the basis of the visa applicant's age, occupation, proficiency with either the English or the French language, work experience, and family links with Canadian residents.

Despite their inherent arbitrariness, these skill-based point systems perform a useful function: they select those immigrants who best serve the national interest. By restricting the entry of persons who are "too old" or "too unskilled" or "doing the wrong kind of job," the point system attempts to match immigrant skills with labor market needs and reduces the fiscal burden that immigration would place on the host country's system of social assistance.

A point system has many imperfections. Government bureaucrats must decide which characteristics will enter the admissions formula, which occupations are the ones that are most beneficial, which age groups are to be favored, how many points to grant each desired characteristic, and so on. The point system also emphasizes easily observable characteristics in the admissions formula-such as age, education, experience, and occupation. These characteristics help determine our economic opportunities, but they are not the only things that matter. Because the point system must inevitably rely on characteristics that are easy to measure, it misses those intangibles that are often the main determinants of what makes some workers successful and some not.

Despite these imperfections, the point system has one thing going for it: It works. The Canadian experience suggests that the United States could increase the skill

level of its immigrant population by adopting a point system that relies on just a few socioeconomic characteristics-such as education (more points to more educated applicants), age (more points to applicants in their prime working years), and English proficiency (more points to applicants who can speak English). The formula could also award points to applicants who have a job offer prior to entry and to those who have relatives living in the United States. In other words, the adoption of a skills-based point system need not mean that family connections with U.S. residents will cease to matter in awarding entry visas. Rather, it would mean that family connections will no longer be the only things that matter. Finally, the exact weighting of these variables in the formula should change as economic conditions in the United States change. For example, if particular sectors of the economy are expanding greatly, the point system should be adjusted to favor the entry of workers who possess those urgently needed skills.

How many immigrants should the United States admit? Put differently, what should be the passing grade in this new-and-improved admissions formula? Even though the evidence on the economic impact of immigration provides a clear road map for thinking about the type of immigrant who should be admitted into the country, it provides few guidelines for coming up with the "magic number" of immigrants.

I have argued that skilled immigration serves the national interest by both increasing the size of the economic pie and by narrowing income inequality in the United States. As the United States admits more immigrants, however, it quickly encounters a policy dilemma: how much narrowing of the income distribution is in the national interest?

During the 1990s, the United States admitted just under 1 million legal immigrants per year. Suppose that the country adopts a point system that favors the entry of skilled workers. Are 1 million skilled immigrants "too many" or "too few"?

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**Skill-based point systems perform a useful function: they select those immigrants who best serve the national interest.**

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A flow of 1 million skilled workers per year would likely have a large impact on the economic opportunities of skilled workers already in the country. Suppose, for instance, that the United States enacted an immigration policy that admitted only college graduates. In two decades, this policy would add about 15 million skilled workers to the workforce-increasing the supply of college graduates by 50 percent. The huge increase in the number of college graduates would likely generate a sizable reduction in the wage of college graduates, which, in turn, would influence the college enrollment decisions of many native students. College enrollment rates would fall substantially-and the enrollment rates of disadvantaged native students would probably be most sensitive to the decline in the returns to college. These are the students, after all, who can least afford to attend college and who would quickly discover that the shrinking returns to a college education do not justify the cost.

It would be difficult to argue that such an outcome is in the national interest. Even though some narrowing of the wage gap between skilled and unskilled workers may be desirable, too large a narrowing is not. There is, therefore, some limit to the number of skilled immigrants who should be admitted. Choosing the correct number of skilled immigrants-that number where the nation gains from immigration and where the distributional impact can be handled within the existing political framework-is bound to be a painful process of trial and error. A good place to start might be to let in around 500,000 legal immigrants per year-roughly the number recommended by the Commission for Immigration Reform. This number also happens to be the average number of immigrants who entered the United States during the

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**The twin economic goals of a larger economic pie and a more equitable splitting of the pie are attained by the same policy action: admitting skilled immigrants.**

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1970s, a period of high immigration (relative to earlier decades) when the debate focused solely on the perceived problem of illegal immigration.

It also makes little sense to legislate a magic number that would be set in concrete, unresponsive to changing economic conditions in the United States. The size of the immi-

grant flow should contract when the economy is weak, and expand when the economy is strong.

Up to this point, the proposed point system has not addressed the issue of the national origin mix of the immigrant population. The national origin mix of immigrants may directly affect the economic well being of the native population in one important way. The available evidence suggests that socioeconomic differences among ethnic groups persist longer when the groups are isolated in ethnic enclaves. Although there is little direct quantitative evidence on the cost of ethnic isolation, many students of ethnic relations suspect that this cost is large. It seems prudent to conclude that the United States should pursue policies that discourage the balkanization of the American population into ethnic groups with competing interests and different cultures.

How can immigration policy influence the long-run dynamics of social mobility? The simplest way is to encourage diversity in the national origin mix of immigrants. As the size of a particular ethnic group increases, immigrants and their descendants find it more profitable to isolate themselves into enclaves and create parallel markets that coexist with the mainstream economy. For the most part, members of the ethnic group remain within the enclave, where they work, buy goods, and make most of their social and economic exchanges. The fact that the enclave provides many social and economic opportunities means that the immigrants have few incentives to learn the tools, including the language and cultural norms, of the mainstream economy. As a result, the native population gains little from the presence of these immigrants, and may lose much as the country becomes a collection of separate and distinct ethnic groups.

The cultural and economic hold of the ethnic enclave on its members could be greatly reduced by putting a limit in the number of visas that are granted to any particular national origin group. Immigrants living in relatively small enclaves would quickly learn that it pays to

## Center for Immigration Studies

become integrated with the mainstream economy. The point system could encourage ethnic diversity-and faster assimilation-by limiting the number of visas granted to applicants from any given country to 5 percent of the total number available. Ironically, “diversity pays” in a sense that is at complete odds with what is typically implied by those who favor multiculturalism. Diversity pays because it ensures commonality!

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# A Legal Immigration Policy For the 21<sup>st</sup> Century

By Vernon M. Briggs, Jr.

Historically, the evolution of the immigration policy of the United States centered on its quantitative aspects: the acquisition of a population and labor force of sufficient size to build a viable economy. At times the effort was stained by social concerns over the ethnic composition of the immigrant flow. But as the nation enters the 21<sup>st</sup> century, the quantitative need for more people and workers is no longer compelling, and the discriminatory role of policy formulation is untenable for the world's pre-eminent superpower. Circumstances have changed, and so must the design of the nation's immigration policy. At this juncture, its *raison d'être* should be on the qualitative contributions that immigration can make to the American economy and society.

Accordingly, the nation's immigration policy should reflect national priorities; be flexible to changing economic circumstances; be fair; be minimally legalistic in its administration; and be firm in its enforceability.

## Labor-Shortage Immigrants

A dynamic economy like the United States' can at times experience job shortages among its skilled occupations. These domestic shortages should primarily be seen as being signals to the nation's educational and training institutions of demonstrated needs to which they should respond. Priority must always be given to re-train or to relocate citizens (and permanent resident aliens) in the labor force to fill the jobs that are being created if it is possible to do so. Only after such efforts are made should consideration be given to using immigration as a means of filling a small portion of any estimated labor shortfall. Such would-be immigrant workers should already possess the needed skills and have already had work experience in these occupations. Immigration of skilled workers should never be the first recourse or be used to eliminate the total shortage. Using immigration to completely fill all shortages can only discourage the creation of a responsive human resource development system. Moreover, such usage would neutralize the critical effects of wage and employment indicators needed in a free labor market to signal the need to allocate more resources for the needed human capital preparation and to motivate internal labor migration propensities of qualified job applicants. Filling a small portion of existing job vacancies for skilled labor, however, is an appropriate role for immigration policy to assume. Immigration policy, however, should never be used as a method to reduce wage pressures *per se*. This is because there is a hysteresis-effect associated with immigration policy. Once people relocate to the United States and qualify for citizenship (i.e., become resident aliens), they acquire citizenship rights to remain in the country that cannot be revoked when economic conditions change. Immigration policy is not a form of fiscal or a monetary policy. Its proper role is to serve as a form of human resource policy designed to fill some legitimate job vacancies until the mainstream human resource institutions can perform their skill empowerment functions.

## Distinguished Merit and Ability Immigrants

The enrichment of the nation's labor force and population can be achieved by the admission each year of a *limited* number of persons of distinguished merit and ability. Such persons should have achieved international prominence in their respective fields of endeavor or demonstrated their value by virtue of writings, inventions, research, talents or executive skills.

## Nuclear Family Reunification

Because the United States is an open society, there are instances in which citizens and permanent resident aliens as well as those admitted to meet labor force needs or as refugees will have immediate family members who understandably need to be admitted regardless of whether they have requisite jobs skills.

Immediate family member means spouses and minor children (those under age 21 years old). Older children should only be admitted to the degree they can qualify under the needed skills, distinguished merit, or refugee categories. Elderly parents could be included if a majority of their children are already U.S. citizens and if their children agree to be financially responsible for their housing and medical expenses of their relatives (as recommended in 1997 by the U.S. Commission on Immigration Reform). Extended family members (such as adult children of U.S. citizens and adult brothers and sisters of U.S. citizens and permanent resident aliens) who presently qualify for admission should no longer be eligible for such privileged admissions (as was also recommended by the U.S. Commission for Immigration Policy for deletion). Policy should be designed to reflect the national interest, not the private interests of individuals.

## Humanitarian Immigrants

Refugees should continue to be admitted under the provision of the Refugee Act of 1980. The explicit criteria should be that the individual has been the subject of persecution or the threat of persecution on the basis of his race, religion, nationality, membership in a particular group, or political opinion. The persecution criteria should not be generalized to cover groups. Immediate family members (including elderly parents) should be allowed to accompany eligible refugees or to be subsequently admitted. Determination of actual refugee eligibility status should be done exclusively outside of the United States prior to actual admission.

The number of refugees to be admitted in any one year should be included in the annual number of immigrants to be admitted. Should an international emergency occur, the President could admit additional refugees, but the excess numbers should be subtracted from the following year's established refugee number.

For those individuals who arrive in the United States and request political asylum, the general case should be that they are held in detention centers until their applications can be heard and a final determination decision rendered. Persons with obvious cases of persecution could be granted asylum at the time of their entry, without being detained. Asylum should only be granted to those who actually qualify as being legitimate refugees. Asylum cases should be handled entirely by administrative processes with court appeals restricted only to failure by the designated authorities to follow prescribed procedures. Appeals to the court system should not be permitted over substantive issues. Applicants who are approved by the administrative authority should be granted resident alien status. Those who are not approved should be returned to their homeland or to any other nation that will admit them. Anyone who entered the United States by way of passage through third country should be returned to that last country upon arrival and would be ineligible to apply for asylum status to the United States.

## Center for Immigration Studies

In order to maintain approximate control of the total number of immigrants who are admitted each year, the number of approved asylum applicants each year should be deducted from the number of refugee slots sought in the following year.

### Flexible

There is no magic number of immigrants (including refugees) to be admitted each year. It makes no sense to continue the process of legislating numbers that are the result of dubious political compromises at one time but which subsequently remain in effect for a generation or more. Therefore, the annual number of admissions should be set in advance by the administrative agency responsible for immigration policy. Congress could set a boundary ceiling that could not be exceeded, if it feels the necessity to maintain control on the total flow. Otherwise, the administrative agency should be free to set (say by July 1<sup>st</sup> each year) the actual number of immigrants who can be admitted during the subsequent fiscal year (which currently extends from October 1<sup>st</sup> to September 30 of the next calendar year). The number could be as low as zero or as high as the ceiling set by Congress, if there is one, or, if not, whatever level the agency deems appropriate.

The agency responsible for setting the annual admission ceiling and for administering the system should be the U.S. Department of Labor (DOL). This agency had responsibility for immigration policy from 1913 through 1940 when it was “temporarily” shifted to the U. S. Department of Justice for national security reasons associated with World War II. Returning the administration of immigration policy to DOL would have the effect of recognizing the most fundamental impact of immigration on the U.S. economy is its labor market effects. The level of immigration affects the size of the supply of labor. It also affects the geographical distribution of available labor and the skill composition of that labor force. All of these considerations require synchronization with prevailing labor market (demand) and labor force (supply) considerations. Presently, there is no coordination in the design or implementation of immigration policies with actual labor market and labor force conditions.

In setting the annual number of immigrants, the administrative agency would also assign numbers to each of the sub-categories discussed. For each category the process would be as follows:

### Labor Shortages

Labor shortages can be either those that are skills-specific or those that are geographic-specific. Unfortunately, the labor market information system of the United States does not presently collect information on job vacancies. Until this critical labor market data is collected, proxy indicators would have to be used. The administrative agency, therefore, would compile a list of unemployment rates for 100 occupations and/or geographic localities. In each instance, the overall unemployment rate for any listed occupation or geographic area should be at least 50 percent lower than the overall national unemployment rate for the preceding year.

Applicants from abroad could apply at U.S. consular offices maintained and staffed abroad by officials of the administrative agency responsible for immigration policy administration (i.e., the U.S. Department of Labor). To be considered for one of the identified eligible occupations, or labor shortage areas, a computer job bank would be established to match would-be applicants for the identified occupations or geographic areas. Potential U. S. employers of workers in these certified occupations or certified localities could apply to the computer job bank to recruit applicants from the lists of eligible foreign job seekers. As an offer is accepted, the remaining number of available openings would be reduced.

Job offers would be expected to be for permanent positions with employment guaranteed for at least six months at prevailing wage and benefit levels as certified by the respective state employment services in the United States. Those admitted would be considered to be on

a probationary status for this six month period in that they would be asked to waive the right to quit the jobs for which they were admitted to fill unless there is due cause (i.e., an employer fails to provide the promised wages and benefits, the employer goes out of business, or if the employee claims to be working under verifiable conditions of duress.) After six months, the probationary status would expire and the individual would be granted permanent resident status and be free to seek work wherever he or she wishes. If during the probationary period the applicant is found to be incompetent to perform the prescribed duties or is no longer willing to perform the duties, the applicant's probationary status would be immediately revoked. The applicant would be expected to return to his or her homeland within a reasonable period of time (e.g., 30 days). Such individuals would not be eligible to look for work elsewhere in the United States.

It is implicit that job shortage immigration is a last resort option. Citizens and permanent resident aliens should have first access for all job openings. To be eligible to hire from the immigrant job bank, a U. S. employer would have had to have placed his or her job openings with the respective state employment services and demonstrated that qualified applicants did not come forth in a reasonable period of time.

Applicants would be expected to be fluent in English and to complete applications in English. The requirement could be waived by the agency if an insufficient pool of applicants cannot be otherwise developed and the occupational shortage is deemed by the U.S. Secretary of Labor to be sufficiently significant to the nation's needs.

Foreign applicants would be expected to have achieved the specific educational credentials or training certification *before* entering the United States as well as to have the specific job experience that would qualify them upon arrival for available positions. Those deemed qualified and certified to be so by an interview by DOL officials stationed in the country of origin of the applicant would be listed on the computerized job bank in order of their application approval. They could remain on the list for up to three years. No names or files would be maintained for occupations that are not listed by the DOL as being shortage occupations or labor shortage geographic areas. As the total number would never exceed 100 occupations or areas (often less), the numbers of eligible applicants should be manageable.

No U. S. employer, however, should be permitted to recruit abroad or to use an independent labor contractor to recruit foreign workers to apply for job openings in the United States with their enterprises. This was the law of the United States from 1885 until 1952 and it should again be part of U.S. immigration law.

### Distinguished Merit and Ability Immigrants

The annual ceiling in this category is, of necessity, arbitrary. But as the qualifications are very high, the numbers should normally be quite low and often may not be achieved. Eligible persons would be expected to be employed independently or to be able to secure their own employment opportunities.

### Family Reunification Immigrants

Immediate family immigrants would likewise apply for admission abroad to the out-stationed officials of the administrative agency in their homelands. No applications could be made or received by persons already living in the United States at the time. They would be admitted without annual numerical restriction. It is assumed that this number could be estimated based on past trends but it would mean that the annual ceiling could be pierced if the official annual estimate of their numbers is too low. If, on the other hand, the estimated number in any year exceeds the actual number of applicants, there should be no compensating effort to fill the numerical deficiency by adding the difference to other categories. It would be understood that some variations upward or downward from the anticipated level will occur but, over time, they should balance out.

## Refugees

The refugee number would be set by the administrative agency in annual consultation with the U.S. Department of State (i.e., the President) and with Congress (as is the present case). Refugee admissions would continue to be seen as an *ex gratia* act by the people of the United States so that there is no expectation that the annual number is actually achieved. If the number is not met, the unused numbers would be left vacant. They would not be carried forward to subsequent years. As discussed earlier, if an emergency case developed, the President could allow the ceiling to be exceeded in one year but reductions would be required in the establishment of the figure for the succeeding year. The federal government should be expected to cover the settlement cost (e.g., housing, subsistence, instruction in English, etc.) of all persons admitted as refugees (including those whose political asylum requests are approved) for up to three years after their authorized admission. Local communities should not be expected to carry these costs. Refugees are admitted by national policy decisions and, accordingly, the federal government should bear these settlement costs.

## Fairness

No provisions of the immigration system should give any preference or recognition to either ethnicity or geographic factors in the selection of would-be immigrants. Likewise, there should not be any restrictions imposed on individual immigrants that are based on the ethnicity or geographic origins of any would-be immigrant.

## Minimally Legalistic

The intention of the previous discussion is to simplify the administration of the nation's immigration system. Every effort should be made to minimize the necessity to involve the nation's legal system in admission decisions.

The administrative agency (i.e., the U.S. Department of Labor in the present context) should have exclusive authority to determine admission eligibility and to carry out its decisions. Appeals to the legal system should be restricted to concerns that procedures were not adhered to.

## Enforceability

There is no reason to establish a controlled admission system if its restrictions are easily breeched. Enforcement of the law is what gives meaning to the importance of the law itself.

## Border Management

Appropriate resources and staffing are essential to manage the physical borders of the United States. All apprehended foreign nationalities should be identified and returned to the last country from which they last used to enter the United States. No person who has entered the United States illegally should be subsequently allowed to adjust his or her status to become an U. S. citizen for a minimum of 10 years under any circumstance.

## Work Site Enforcement

The key to stopping illegal immigration from making a mockery of the legal immigration system is to rigidly enforce the eligibility to work standards of the nation's labor force protection laws. A job and its associated wages and working conditions are the most important economic benefits that the nation has to offer to its citizens and permanent resident aliens. With the specific exceptions of certain foreign workers who are given explicit permission to

work temporarily in the United States, the opportunity to work is limited only to citizens and permanent resident aliens. But expressing this principle in law (as is presently the case) is meaningless unless work site enforcement is aggressively practiced. Such is presently not the case.

## Verifiable Identification System

The most gaping hole in the prevailing enforcement system is the lack of a credible verification system as to who is eligible to work in the United States. The establishment of a telephone call-in system (as recommended by the U.S. Commission on Immigration Reform) to verify the authenticity of social security numbers is a logical first step. But in the emerging electronic age in which identification theft is approaching epidemic proportions, the creating of a national identification system is only a matter of time. In the employment context, the only time that a person would be asked to verify his/her identity would be after a job offer is actually made. No one would be required to carry such identification with him or her so the verification system would only be used on those few occasions over one's lifetime when the individual seeks employment and is actually offered a job.

## No Future Amnesties for Persons Who Illegally Enter or Who Overstay a Temporary Visa

The United States provided a general amnesty for illegal immigrants in 1986 because its public policies were unclear as to the status of illegal immigrants in its labor force prior to that time. Since 1986, the law has been clear. The right to work in the U.S. labor market is restricted to only those who are U.S. Citizens, permanent residents aliens and certain foreign nationals in possession of temporary visas issued by the U.S. government.

At times since 1986, political pressures have led to amnesties being given to selected groups of persons from certain countries due to special circumstance associated with misapplication of refugee policies as well as other special programs to provide "temporary" protected status to certain groups. These amnesties have raised the hopes of others who have violated the nation's immigration laws that they too can expect another amnesty in the future. An immigration policy for the 21<sup>st</sup> century should include a provision stating affirmatively that there will be no future amnesties for those who enter the United States in violation of its laws.

# A Prescription for Immigration

By Peter Brimelow

*...the tradition of British medical science is entirely opposed to any emphasis on this part of the subject [treatment]. British medical specialists are usually quite content to trace the symptoms and define the cause. It is the French, by contrast, who begin by describing the treatment and discuss the diagnosis later, if at all. We feel bound to adhere in this to the British method, which may not help the patient but which is unquestionably more scientific.*

C. Northcote Parkinson, “Injelititis, or Palsied Paralysis,” *Parkinson’s Law* (1958).

Future historians will no doubt decide that the Second Great American Immigration Debate really began sometime between 1990, when legislation further increasing immigration passed with little controversy, and 1994, when Californians overwhelmingly approved Proposition 187, seeking to cut off illegal immigrants from tax monies, despite massive resistance from the political and media elite.

Like the First Great Debate, which culminated in a decision to end the First Great Wave of immigration, this debate seems likely to be long and tortuous. The First Great Wave was finally ended by legislation in 1921 and 1924, but President Cleveland had vetoed a serious effort at restriction – by imposing a literacy test – as early as 1894. However, this Second Great Debate will continue and ultimately dominate American politics because it is driven by an ineluctable objective reality: the transformation of the U.S., in a way that is unprecedented in the history of the world, by the Second Great Wave of immigration accidentally unleashed by the paradoxical workings of the 1965 Immigration Act.

Currently, the immigration debate is stuck in what C. Northcote Parkinson would have recognized, in the terms of the epigraph above, as a “French” stage. The prescription, immigration, is seen as an end in itself. The details of its effects, and even of the inflow itself, are immaterial.

But from a “British” medical perspective, the cause and the symptoms of the post-1965 immigration disaster are now undeniable.

**The numbers are too large.** Notoriously, the inflow has been far larger than the sponsors of the 1965 legislation promised at the time. Less appreciated: the inflow is unprecedentedly large relative to the growth rate of the native-born population, which is otherwise settling at replacement. Public policy is in effect second-guessing the American people on population size, with the result that there could be 500 million people in the U.S. by 2050, maybe 200 million of whom will be post-1965 immigrants and their descendants. This is as at least as big a pig as the American python has ever had to swallow. Virtually every contemporary American problem – urban sprawl, overcrowded and ineffective schools, the environment, the presence of a troubling minority without health care insurance – has an immigration dimension, albeit typically unreported.

**The benefits are too meager.** Argument over the economic consequences of the current inflow was effectively ended by the National Academy of Science’s 1997 report “The New Americans,” which was designed to establish the consensus among labor economists. The report found that the post-1965 inflow had in aggregate brought essentially no net benefit to Americans (perhaps \$1-\$10 billion in a \$7 trillion economy). In fact the inflow was imposing a significant fiscal cost (perhaps \$20 billion annually – amounting to nearly \$1200 per native-born family in California). The basic reason for this shocking result: the paradoxical bias towards less skilled immigrants in the 1965 Act.

**The racial balance is too skewed.** The 1965 Act effectively choked off immigration from Americans' traditional European homelands. Now up to three-quarters of legal immigrants are the results of "family reunification" chain migration from an arbitrarily-selected handful of Third World countries. As a result, the U.S. racial balance is shifting rapidly. President Clinton, to his considerable credit, is virtually the only public figure to note the inevitable result, for example in his 2000 State of the Union Address: sometime after 2050, there will no longer be a majority race in the U.S. The government is quite literally abolishing the people and electing another.

The American public class finds this policy-induced transformation impossible to discuss. Yet it has profound consequences. President Clinton, for example, believes it requires more pervasive government, in the form of "hate" legislation and quotas. Those who dislike pervasive government must face this new rationale for its necessity.

Another consequence of the policy-induced shift in the racial balance is political. Because voting is highly correlated with race, it is a matter of simple arithmetic to compute the point at which current immigration will bury the Republican Party, for which most whites vote. (See Peter Brimelow and Ed Rubenstein, "Electing A New People," *National Review*, June 17, 1997 - we estimated three more Presidential Election cycles.) This might be a good or a bad thing. But it is undeniably a thing, brought about by public policy. Curiously, the Republican Party itself has not yet commented publicly on its impending murder by migration. Yet no political party would allow a new state into the Union without the most minute calculation of the partisan consequences.

Why is the Second Great Immigration Debate so tortuous? Several factors became painfully obvious to me during my own checkered career in it (I wrote a 14,000-word immigration cover story for *National Review* magazine in 1992, inaugurating a brief but glorious period when the magazine took a stand on the issue, and followed up with a book, *Alien Nation: Common Sense About America's Immigration Disaster*, in 1995.) At least one of these factors directly influences my policy recommendations here.

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Much current policy is apparently driven by concepts of immigrant entitlement ("family reunification"), Olympian responsibility for world problems (the refugee programs) or a vague feeling of that everyone should have a chance (the diversity programs).

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Briefly, the most important of these factors: (1) intellectual inertia — modern mass immigration only began in the late 1960s, when many contemporary pundits and politicians were already adults, with their ideas fixed; (2) stupidity — immigration is a complex and demanding subject; (3) cowardice — the hysterical fear of being called racist that dates back to the civil rights movement and ultimately to World War II, which is why current policy can fairly be termed "Hitler's Revenge" upon the U.S.; (4) moral corruption — a disingenuous determination to suppress any debate on immigration, in order to protect various special deals that have been smuggled into current law, and which could never withstand serious scrutiny.

Of these four factors, I believe that the last — moral corruption — is the least appreciated, and yet probably the most important.

An example: some time ago, I took the negative side in a fairly heated public debate on immigration. My opponent was a former Democratic congressman with long experience in immigration legislation. Afterwards, we fell to discussing Spencer Abraham, the Republican Senator from Michigan who played a key role in undercutting his own party's immigration reform bill in 1995-96, and who subsequently, as Chairman of the Immigration Subcommittee, has made very sure the party stays far away from the issue.

The former Congressman, a good liberal, disliked Abraham intensely because of his relatively "conservative" stand on budget and welfare issues. I asked about immigration — on which, after all, the two in effect agree. My opponent replied dismissively:

*Oh, that's just because of the extended family preferences. He just wants to keep bringing Arabs in [Abraham is the grandson of Lebanese immigrants and Detroit has the largest Arab communities in the U.S.] Everyone knows that if the law is opened up, the extended family preferences will go.*

I have never seen this allegation appear in print (not for want of trying to put it there — another case of the paralysis wrought on American editors by Hitler's Revenge.) But it is certainly a reasonable conclusion given the facts, and the very perfunctory justifications Senator Abraham has given for his extraordinary behavior.

What this means: *in immigration policy, the wages of virtue is life.* It is precisely those aspects of current law defended by special interests that must be attacked. Only as and when these special interests are excised from the immigration debate will it be conducted in a rational fashion.

What would an "American" medical approach (regardless of insurance coverage) be to immigration policy? I begin by stipulating one goal: *the purpose of immigration policy is to benefit America.* This is a significant innovation. Much current policy is apparently driven by concepts of immigrant entitlement ("family reunification"), Olympian responsibility for world problems (the refugee programs) or a vague feeling of that everyone should have a chance (the diversity programs). Yet it is also a moral goal. How not? We applaud the mother who puts

the welfare of her family ahead of any presumed obligation to trust total strangers.

I also enter a caveat: *we can't get there from here.* The structure of immigration policy is fundamentally flawed. It cannot be corrected by minor tinkering.

Ideally, immigration policy should be modeled after the Canadian system: a points system, with credit given for desired attributes,

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A moratorium would give Americans time to answer the question that has not been put to them: do they actually want to see their country transformed and, if so, how?

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such as needed skills and fluency in English. The overall inflow should be set by executive action each year, according to labor market conditions. Administration should be in the hands of the Department of Labor, rather than the Department of Justice with its irrepressible tendency to view immigration in a civil rights framework. The objection that this would somehow mean an un-American rule by bureaucrats is obviously absurd. For better or worse, large areas of American life are now controlled by bureaucracies (the Environmental Protection Agency, the Food and Drug Administration). Moreover, consider the awful alternative: rule by lawyers.

It is because such a major overhaul of immigration policy will take years that a temporary moratorium — no net immigration — is unavoidable. A moratorium would give Americans time to answer the question that has not been put to them: do they actually want to see their country transformed and, if so, how?

However, "No Net Immigration" may well prove to be Americans' long-term answer too. Virtually all problems caused by immigration go away if the numbers are brought down low enough. In particular, lower numbers would mean that the policy-induced shift in the U.S. racial balance would effectively stop. The only alternative approach is some sort of racial quota system — the mere broaching of which might get you lynched in the current climate.

Some 200-300,000 people are thought to leave the U.S. every year. So, analyzing the 1999 inflow:

**Immediate relatives of U.S. citizens (spouses, parents, children): 284,270.** Arguably, this is the only category of immigrants who must be admitted. Of course, much of this inflow is the direct result of recent immigration — for example relatively few adult native-born citizens can have foreign parents. So it would tail off quickly, allowing room for skilled immigration.

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Moreover, many “spouses” are actually the result of marriages contracted by immigrants after they become citizens — perhaps as many as half, judging from the number of parents being imported. This is not family “reunification” since these families have never been united. It should not be an untrammelled right.

**Unmarried sons/daughters, married sons/daughters, siblings of U.S. citizens; spouses and children of resident aliens: 191,480.** “U.S. citizens” in this case are in fact recent immigrants. These are the “extended family preferences” that comprise most chain-migration. The chain must be broken. Extended family preferences must be abolished.

Note: this does not mean that siblings etc. will be unable to immigrate to the U.S. at all. But, to the extent that future U.S. immigration policy favors skills, the siblings will have to show they have skills, rather than entering by right of family connections.

**Employment-based preferences: 77, 517.** This (pitifully small) number can be left intact – *if* family-reunification immigration is below the 250,000-300,000 No-Net-Immigration threshold.

**Diversity Program: 45,499.** Out, obviously — the idea of selecting future members of the national community by a lottery is decisive proof of current policy’s moral bankruptcy.

**Refugees and Asylees: 54,709.** The U.S. should not be some sort of international Kleenex, mopping up world problems. And in fact it is not even trying – the current “refugee” program is actually an expedited, subsidized immigration program for groups powerful in domestic politics. Out.

Harsh? Two generations of bad policy will leave many victims. Some palliatives, such as guest worker programs, might help.

But the point of prescription must be borne in mind: that among these victims should not be numbered the American nation itself.

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# Give Higher Priority to Refugees

By John Isbister

I think the number of legally admitted immigrants, roughly 800,000 in a typical year, is about right. What needs changing is not the overall number, but the priority given to the different categories of immigrants. Family and employer sponsored immigration should be cut, and the number of refugees increased.

I come to this recommendation by trying to think about the question from the perspective of the least well off people. The gap between rich and poor, both within countries and between countries, has grown enormously, and it constitutes a severe social injustice. Perhaps justice does not require each person in the world to have an equal income, but it surely requires each person to have roughly equal opportunities. When some children are born into affluent families and countries, while others are born into life-threatening and impoverished circumstances, the ideal of equal opportunity is so far from reality as to be a joke. American immigration policy could make a contribution to equal opportunity in the world, although it could not by itself solve the problem.

The difficulty with using equality of opportunity as the criterion for designing an immigration policy is that it leads in different directions. Some observers—most notably political theorist Joseph H. Carens, in a series of influential papers<sup>1</sup>—argue that justice requires completely open borders. Carens' central proposition is that immigration controls restrict access to privilege. Americans live a privileged life, not because we deserve it on account of our merits, but because we have been born to it. By erecting border controls, with armed guards, we protect our privilege and prevent others from sharing in it. We have no more right to keep foreigners out of our country, he implies, than we do to keep fellow citizens off a public beach.

The argument for open borders has a certain weight, but it is countered by another argument based on social justice that leads in the opposite direction. Americans are not responsible for all the inequalities that exist in the world, the latter argument goes, but we are responsible for the inequalities among our fellow citizens. Massive immigration would likely exacerbate domestic inequalities, lowering the wages of the unskilled while raising profits and the return of capital. *The Wall Street Journal* regularly calls for open borders, not, one presumes, out of its deep regard for the plight of the world's most disadvantaged, but out of a commitment to the prosperity of American businesses. Those whose priorities are different often argue that immigration hurts the plight of minorities and less skilled people in the American labor market. This sort of argument leads to a recommendation to eliminate or at least greatly restrict immigration.

In resolving this conflict, I think we must grant that American policymakers have a greater responsibility at home than to justice abroad — in the same way that parents have greater obligations to their own children than to other people's children. They must be concerned with justice abroad, since American policies have such an enormous impact on the rest of the world, but they should not sacrifice the interests of the least-well-off Americans in pursuit of global justice. An immigration policy that harmed low-income Americans would not be morally justified.

The welfare of the disadvantaged at home is the only grounds, I think, on which the American government is justified in controlling the overall flow of immigration. Immigration restrictions are not justified because the newcomers bring unfamil-

lar languages and cultures with them; the genius of American society almost from its beginnings has been the ability to absorb many of the world's cultures and mold them into a functional mosaic. Restrictions are not justified merely on the grounds that immigration might lower Americans' average standard of living. It would probably not have this effect, since any reduction in average wages would be balanced by an increase in profits, and in any case Americans already have one of the world's highest average standards of living. Neither are restrictions justified on the grounds that immigrants exploit American taxpayers by absorbing more in government services than they contribute in taxes; the weight of the evidence is that they do not. The problem of justice that would result from unlimited, or greatly increased, immigration is that in all likelihood rich Americans would become richer and poor Americans poorer, and this is the opposite of what they both deserve.

This leads me to think that the current number of immigrants is about right. Of course it could be changed somewhat in either direction without grave consequences for social justice, but it should be neither halved nor doubled. When illegal immigration is added to the legal flow, the American population grows by a little over a million newcomers a year. A million is a lot of people, every year, to be given the opportunity to improve their life circumstances substantially by relocating. It is not an insignificant way in which the United States contributes to the world's welfare. Analysts argue about whether the current level of immigration hurts the economic prospects of the country's poor people. Different sorts of reasoning lead to different sorts of answers. I am most persuaded by the great majority of careful, cross-sectional econometric studies that show virtually no impact by today's immigration upon the economic circumstances of Americans. These studies, conducted by many different economists and using a variety of methodologies, have looked at the impact of immigration on both wages and employment, and have considered Americans generally, low-income Americans, Americans in particular locations, and Americans of different races. Almost without exception, they find either trivially small or zero effects.

It appears, therefore, that the current level of immigration does not harm the prospect of low-income and disadvantaged Americans. If the level were to be greatly increased, however, all bets would be off, and the impact on the standard of living of poor Americans would begin to be harmful. I think we would be taking a serious risk, therefore, by greatly relaxing immigration controls.

The problem with our immigration policy is not the overall number, but rather the distribution of the number. Currently two-thirds of the available slots go to relatives of American citizens and residents, while about 10 percent are allocated to employer-based preferences and, in a typical year, 15 percent to refugees. The proportion available to refugees should be greatly increased.

Refugees are the victims of civil and international warfare and persecution, almost always innocent victims. Michael Walzer describes the precarious situation of people who are members of no state:

*. . . [They] are vulnerable and unprotected in the marketplace. Although they participate freely in the exchange of goods, they have no part in those goods that are shared. They are cut off from the communal provision of security and welfare. Even those aspects of security and welfare that are, like public health, collectively distributed are not guaranteed to non-members: for they have no guaranteed place in the collectivity and are always liable to expulsion. Statelessness is a condition of infinite danger.*

"Statelessness is a condition of infinite danger," and think how refugees become stateless. They are persecuted and sometimes tortured, their homes are destroyed and their relatives are killed. They are told that they are useless, or if not useless, a threat to the state and to the state's

legitimate citizens. Sometimes they are attacked for their political views, sometimes simply for their ethnicity or other characteristic over which they have no control. For one who has not been a refugee, it is hard to imagine the terror. They are the victims of warfare and oppression in the former Yugoslavia, in Somalia, in Rwanda, in Vietnam, in East Timor, in Afghanistan, in Chechnya, and in many other parts of the world. In some of the former Nazi concentration camps a single marker has been erected saying the same thing in different languages—*nie wieder, never again, plus jamais*—yet the dislocations and exterminations go on.

No one knows with certainty how many refugees there are. The estimates made by the United Nations High Commissioner for Refugees are over 20 million in most years. Those numbers are certainly undercounts, however, because the definition of a refugee with which the High Commissioner must work is a restrictive one. It does not include “internal refugees,” people who have been driven from their homes but are still within the boundaries of their own country. It also does not include “economic refugees,” people who have had to flee because of persecution or warfare but because of economic catastrophe. Whatever these other groups are called, some of them are just as desperate as the people who fall within the official definition of refugees. Taken together, the number of refugees, broadly defined, is certainly greater than the total number of immigrants who are going to be admitted by the United States or even by all the rich, developed countries taken together. Still, they are among the neediest people in the world, and they are surely the neediest of the applicants for immigration. The

norm of equal opportunity cries out for the world to come to their aid.

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An argument against refugees is that they often prove more difficult than other immigrants to integrate smoothly into American life. They usually do not have family members in the country who can help them make the transition to a new culture, certainly when the refugee flow from a certain area first begins. They are more likely than other

immigrants, therefore, to require public assistance. For a country to accept refugees is to take on a burden for a period of years. This is a burden, however, that people in a rich country can bear.

What about family-sponsored immigration? Family reunification is a worthy goal. It is painful to be separated from one's family, and the pain can be overwhelming if the separation is thought to be permanent. The American immigration system responds to the needs of families; sometimes the entire purpose of immigration is described as being the unification of families. It is hard to see, though, why the state should favor a few of our families to the exclusion of meeting other justifiable social goals, as it does when it reserves two-thirds of the immigration slots for family reunification. The problem with family reunification is not that it is an unworthy goal, but that it squeezes out other worthy goals. Each immigrant who arrives leaves behind many relatives in the home country, and when some of them arrive, they too leave different family members behind. We are enmeshed in intricate family networks that can overwhelm the immigration system in a kind of chain reaction.

While family reunification is a just goal of immigration policy, it should predominate only if one takes a perspective on justice that completely excludes obligations to foreigners. Taken as a group, refugees are far more needy of the help that American residence could provide than are the typical relatives of U.S. residents. The latter are separated from some of their loved ones, and that is a serious matter, but their lives are not in danger if they stay home.

It is hard to justify employment-based immigration. For the most part, but not always, this category of immigration speaks to narrow special interests, not to the national interest, and it has the potential to harm Americans. To begin, immigrants sponsored by an employer are typically the least needy of the applicants. From the point of view of a country's obliga-

tions to disadvantaged foreigners, they should rank last. Even from a national perspective, a compelling case for their services seldom really exists. This is not, of course, how employers see it. They face expanding markets on the one hand and a labor shortage on the other; if they cannot fill their labor needs they will not be able to meet the market demand. From a broader perspective, though, a labor shortage is almost always a positive phenomenon. Faced with a shortage of labor, employers have alternatives to using immigrants, alternatives that will benefit Americans. They can raise wages, in order to attract people to the jobs, they can provide on-the-job training so that people not presently qualified for the job can acquire the needed competency, and they can develop productivity-enhancing technology. Without the incentive of labor shortages, they are unlikely to take these measures.

Sometimes the need for immigrant workers is defended on the grounds that particular foreigners will bring skills so valuable to the workplace that they will enhance production, improve its quality, and even generate jobs in ways that American workers could not. This may sometimes be the case, and when it is a few employer-sponsored slots are justified. It is not typically the case, however, at least with technically skilled immigrants. They normally are paid salaries lower than Americans of comparable training receive, and this would not likely be the case for a person who was the crucial link in her production chain.

I suggest that the United States adopt the principle that half its immigration slots go to refugees and asylees. Whatever the total number of immigrants, they would get half. This policy would have the salutary effect that, if interest groups in the country succeeded in raising the family and/or employment categories, they would necessarily raise the refugee numbers as well. Presuming for the moment, however, that the total remains at 800,000, this would mean that 400,000 would be allocated each year to refugees. In order to free up the needed positions, family-sponsored immigration should be reduced to 350,000 slots, or about 44 percent of the total, down from two-thirds. With very few exceptions, family immigration should be restricted to spouses and unmarried minor children of citizens and legal residents. Employment-based immigration should be cut drastically, to 20,000 or 2.5 percent, leaving only enough positions to respond to exceptional opportunities that would be created by the arrival of a newcomer. This would leave about 30,000 slots to be used for a lottery or for other emergencies.

Whatever the limit on refugees, the Attorney General should always have the authority to permit exceptions, in cases of grave danger. The United States should never again be in the position, as it was with the Jewish refugees from Nazi Germany, of turning away people from its borders to a likely death.

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## Notes

Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49 (1987): 251-273. Carens' extensive contributions to the argument for open borders are reviewed in Peter C. Meilaender's, "Liberalism and Open Borders: The Argument of Joseph Carens," *International Migration Review* 33 (1999): 1062-1081.

Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 31-2.



# Legal Immigration in the 21<sup>st</sup> Century

By Kevin R. Johnson

The following proposals for reform of U.S. immigration law operate on the following basic principles.

**First.** Consistent with modern civil rights sensibilities in the United States, our immigration laws should not discriminate on the basis of race or national origin. Nor should the laws seek to shield the nation from the racial, ethnic, religious, and cultural diversity found throughout the world. Such discrimination has no place in the U.S. immigration laws or in their enforcement.

**Second.** In fashioning effective legal immigration proposals, immigration law and policy must take into account undocumented immigration. When the demand for migration far outstrips the numbers of immigrants who may be lawfully admitted, undocumented immigration, either through visa overstays and violations or through entries without inspection, will flourish. For example, if per country limits delay the immigration of nationals of certain countries with family in the United States for lengthy periods, those immigrants-to-be will have strong incentives to circumvent the immigration laws. Similarly, if the refugee admissions program remains inaccessible to citizens of nations embroiled in political violence, such as El Salvador and Guatemala in the 1980s and Haiti in the 1990s, persons from those countries will flee, often to the United States, regardless of the law. A coherent immigration policy must take into account modern political, economic, and social realities, including the pressures of undocumented immigration.

**Third.** Mexico is the leading country of origin of legal and undocumented immigrants to the United States. Regularizing the flow of immigrants – particularly undocumented immigrants – from Mexico obviously is critical to making a legal immigration system work effectively and efficiently. Importantly, regional migration pressures in an increasingly globalizing world economy appear unlikely to subside in the foreseeable future. The ideal legal immigration system must account for these pressures.

**Fourth.** We must strive to integrate all immigrants into the political, economic, and social fabric of American life. To accomplish that goal, however, the U.S. government should not demand that immigrants “assimilate” or “Americanize” — ill-defined terms that carry emotional baggage among certain national origin minorities because of the unfortunate history of mandatory assimilation programs. We instead should strive to ensure respect for the cultures of immigrants and naturalized citizens and to guarantee equal citizenship for all in the United States.

## Proposals

Under current political conditions in the United States, an open borders policy does not appear politically viable. Assuming that the political process demands limits on immigration, we must ensure that such limits do not invidiously discriminate and that the U.S. government does not selectively enforce the laws against citizens of certain nations.

**Current Law.** Current law recognizes four basic categories of immigration: family, employment, diversity, and refugee. In addition, several forms of relief from removal allow foreign citizens in the country to secure lawful immigrant status. I offer two possible alternatives, which if properly crafted could work in tandem, to the current system: (1) a labor migration agreement between the United States and Mexico; and (2) a point system for allocating immigrant visas.

**Alternative 1: Labor Migration Agreement Between the U.S. and Mexico.** Reform of the legal immigration system will prove effective only if we are able to regularize labor migration from Mexico to the United States. As a nation, we must seriously consider a labor migration agreement between the United States and Mexico, combined with efforts to develop the Mexican economy in order to reduce economic incentives for Mexican citizens to leave their homeland.

As Europe has come to realize with the evolution of the European Union, trade and migration between neighboring nations are inextricably linked. A labor migration arrangement has worked relatively well in the European Union, which for the most part permits labor migration between member nations.

Although the United States, Canada, and Mexico entered into the North American Free Trade Agreement in 1994, the countries missed a historic opportunity to squarely address labor migration. Formidable challenges to a labor migration agreement between the United States and Mexico include the fact that the economic disparities and cultural differences between the peoples of those nations appear more dramatic than those between the populations of the member nations of the European Union. We must overcome the fears of these differences and the belief that a “flood” of immigrants from Mexico will come if given the opportunity.

A labor migration agreement between the United States and Mexico should not include a numerical cap, although it might require proof of employment or self-sufficiency for a migrant to enter the United States. A labor migration pact would effectively recognize that, absent draconian enforcement measures inconsistent with a modern constitutional democracy, undocumented immigration cannot completely be halted. The allure of jobs, combined with the pull of family and social networks established by generations of migration from Mexico to the United States, remains too strong.

**Alternative 2: A Point System.** For migration not covered by a regional agreement, a simple point system, allocating points based on family ties, educational attainment, employment skills, and related factors, with foreign citizens with certain point totals eligible for an immigrant visa, would represent an improvement over the current system. Canada’s point system offers a ready model. However, while Canada’s system focuses primarily on employment skills, an American version should allocate points more heavily on family reunification, the central organizing principle of the current immigration laws.

## Limited Reforms

If the previous two proposals prove not to be politically feasible, the following incremental reforms to the current immigration system should be considered.

**Numerical Limit.** Assuming that the political process requires an annual numerical limit on immigrants to the United States, we must recognize that such a limit cannot be anything but arbitrary. Joining Alan Greenspan, chair of the Federal Reserve Board, I believe that current immigration levels have helped the booming U.S. economy. From my vantage point in California, the largest immigration state in the Union, I see little, if any, evidence of social decay resulting from immigration and many indications that immigrant communities are making

positive contributions to the community. Immigration, of course, has brought cultural and social change and, to some extent, has stressed the existing social order.

Others obviously differ with my observations about the impacts of immigration. We should keep in mind that immigration history reveals that restrictionists often have claimed the equivalent of “the sky is falling,” only to be proven wrong by the passage of time.

My view is that if a numerical limit is necessary, a relatively high ceiling is most appropriate. A limit of two (2) million immigrants a year (not including refugees and others who have fled persecution, as well as others who qualify for relief from removal, see below), less than one (1) percent of the total U.S. population, would be sustainable in the United States. This would represent a modest increase in current levels of immigration.

**Family Immigration.** Family reunification, a virtue of the U.S. immigration laws, should remain a core value. Many current calls for reform advocate limiting the definition of “family” that may serve as the basis for immigration in the name of family reunification. However, rather than adopt a “one-size-fits-all” definition of family, the U.S. immigration laws should be changed to recognize the diversity of family and kinship ties that exist in various societies. In many cultures, extended families occupy central importance in social life. Indeed, many nuclear families in the United States lament the inability to integrate extended family members into everyday life.

Same sex marriages and domestic partnerships qualify as a “family” in other countries, as well as in some jurisdictions in the United States. Our immigration laws must recognize the reality and legitimacy of such family units.

In sum, the definition of “family” in the U.S. immigration laws should be expanded to include extended family and alternative kinship arrangements recognized in different societies in the world. As we generally respect the privacy of family arrangements in this country, we should do the same for those common to other cultures.

**Employment Based Immigration.** As the U.S. Commission on Immigration Reform recommended, the current employment visa system must be streamlined. The labor certification required for certain employment visas has proven to be unduly burdensome, overly technical, time-consuming, and expensive. The perception exists that skillful attorneys can “game” the system.

Legal and undocumented immigrants for the most part come to the United States to work. An immigration system that permits admission of immigrants showing proof of employment or self-sufficiency would represent a significant improvement over the current cumbersome system. With the labor market allowed to operate more efficiently, the U.S. economy would likely benefit.

More incremental change should include elimination of the so-called “million dollar” investment visas. The popular view that those visas essentially were “for sale” taints the public perception of the entire employment visa system. Given that this visa category is under-subscribed, its elimination would not be a great loss.

**End the Diversity Visa Program.** Congress designed the diversity visa program, with 55,000 visas per year, to offer a special preference to immigrants from Europe. In so doing, Congress hoped to “diversify” the immigrant stream, which had become increasingly dominated by immigrants from Asia and Latin America after the 1965 abolition of the discriminatory national origins quota system. The diversity visa program constitutes a thinly veiled effort to “whiten” the cohort of immigrants coming to the United States. By favoring white migration, the program decreases the diversity of the U.S. population and might more aptly be called the “anti-diversity” visa program.

**Refugees.** U.S. law should not impose numerical limits on the admission of persons who satisfy the definition of “refugee” under international law, that is, those who have suffered persecution, or who can establish a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. Our humanitarian spirit, as well as the dictates of international law, militate against numerical limits on the admission of persons who have fled persecution.

Unfortunately, most observers consider the overseas refugee admissions program to be a foreign policy tool rather than a true humanitarian effort. Congress must overhaul this program to ensure that refugee admissions are fair, equitable, and based on fears of persecution, not partisan politics. Refugees should not be pawns used by the President, or the Congress, to further foreign policy goals.

The U.S. immigration laws should not limit the number of asylees or others who, after coming to this country, establish eligibility under the law for relief from removal. Such persons have overcome many hurdles and deserve humanitarian treatment through refuge in the United States.

Congress should try to avoid country-specific legislation that offers asylum-like relief to citizens of particular countries. Such laws often create inequities by treating similarly situated persons from different countries in different ways. For example, 1997 legislation providing relief from removal to Nicaraguans and Cubans provoked a firestorm of controversy due to the failure to offer the same relief to similarly situated Haitians. Congress passed a law covering Haitians in 1998. Currently, immigrant rights advocates seek expansion of this relief to Salvadorans, Guatemalans, and other Latin American immigrants. As this demonstrates, country-specific laws often create inequities that fuel calls for legislative expansion of the countries covered. A country-neutral, objectively-defined form of relief avoids such problems.

**Abolition of Per Country Limits.** The current immigration law imposes annual limits on the number of immigrants from each country for certain immigrant visas. This system disparately impacts potential immigrants from some nations, such as Mexico and the Philippines, with significant numbers of citizens seeking to reunite with family members in the United States. The wait for certain categories of immigrants may be over five years, while similarly situated persons from most countries will be admitted immediately. Such disparate treatment, which results from nothing other than the fortuity of national origin, undercuts the family reunification and employment-based goals of the U.S. immigration laws and encourages undocumented immigration.

**Relief From Removal.** Congressional amendments to the immigration laws in 1996 significantly restricted relief from removal for undocumented persons in the United States. To obtain “cancellation of removal,” undocumented persons, even those with deep family and community ties, must demonstrate that removal would result in “exceptional and extremely unusual hardship to the alien’s spouse, parent or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.” The law does not impose this heavy burden on lawful permanent residents facing removal. The “exceptional and extremely unusual hardship” requirement should be eliminated from the law, thereby affording the same discretion to the immigration courts that they possess when deciding whether to grant relief from removal to lawful permanent residents.

Congress should remove numerical limits on the number of persons eligible for relief from removal. Such ill-advised caps have proven difficult to administer and create the potential for serious inequities.

**Judicial Review.** State Department consular officers in U.S. embassies all over the world make visa determinations for prospective immigrants. Denials of visa applications are cur-

## Center for Immigration Studies

rently made with minimal administrative and no judicial review. Even the most highly trained, professional, and well-intentioned consular officers err. The stakes for a foreign citizen seeking to immigrate to the United States are extremely high — a family, job, an entire way of life. Congress should amend the immigration laws to guarantee some form of judicial review.

In 1996, Congress amended the immigration laws in an attempt to bar judicial review of certain removal orders. The court stripping provisions in the 1996 amendments have resulted in great uncertainty, much litigation, and undue hardship. Congress should guarantee judicial review of all removal orders.

**Temporary Worker Programs.** A legal immigration scheme should not include a “temporary” worker program. Past programs, such as the “Bracero Program,” which allowed Mexican workers to enter the United States from the 1940s to the early 1960s, provided cheap labor to agricultural growers while minimum wage and fair working condition provisions proved unenforceable. It created an exploitable and exploited cheap labor force while denying workers the legal rights and obligations of lawful permanent residents and U.S. citizens. There is no reason to believe that a new “temporary” worker program would be any different. In any event, experience teaches that family ties and economic networks established by temporary worker programs create future migration pressures. Such unintended consequences militate in favor of great caution in contemplating programs designed to bring “temporary” workers to the United States.

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# My Ideal Immigration Policy

By Father Brian Jordan

After serving among immigrants and refugees for over 15 years as a Franciscan priest, it has occurred to me that migration must not be looked at in isolation but within the political and economic context of a world divided between a minority of wealthy, powerful nations and the majority of poorer nations. Since the majority of the undocumented immigrants are Roman Catholic and a substantial number of legal immigrants are Roman Catholic, the Catholic Church has played a pivotal role as an advocate for the rights of immigrants and refugees.

## Background

The Roman Catholic Church respects the immigration laws of the United States, although it does not always agree with some of them. Contrary to popular perception, the Catholic Church does not encourage open borders nor promote undocumented immigration. In fact, there is a Vatican document that states that those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate simply to improve their position (Pontifical Council, 1992). The Catholic Church is ruled by divine law and abides by the Biblical mandate in Exodus 3:1-20 in which God is revealed as liberator. God sends Moses to free the people from religious, economic, and political oppression.

Historically, the Roman Catholic Church in the United States began as an immigrant church during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. During that period, the Church experienced periods of exclusionary reactions to its members characterized by nativism, ethnic and religious chauvinism, and racism. This occurred despite the fact that such reactions contradicted this nation's commitment to freedom, justice, and equality that are fundamental to the American political community. As a result, the Catholic Church has sustained its immigrant legacy by continuing to reach out to the newly arrived in this current age. Presently, the Roman Catholic Church is the largest single denomination in the United States, with more than 60 million members. Its governing body is the National Catholic Conference of Bishops, its policy arm is the United States Catholic Conference, and its social service agency is led by Catholic Charities. Their headquarters are located in the metropolitan Washington, D.C. area.

## Catholic Social Teaching

The teaching of the Catholic Church on immigration is found mainly in her documents on social issues. The first principle of Catholic social teaching is the affirmation of the dignity of the human person, created in the image of God, capable of knowing and loving the Creator, and entrusted with the stewardship of the earth. The local church is called to welcome immigrants and greet them with warm hospitality. Although, the Church prefers to emphasize the right to work for all who are able to do so.

Various church documents in the last one hundred years support the rights of families to emigrate in order to fulfill one's duties for the physical, spiritual, and religious welfare of the family. The government, for its part, has the duty to accept such immigrants and help further the aims of those who may wish to become members of a new society (Blume, 1995). The right to emigrate includes the right to be with one's family. The Catholic Church fully supports family reunification since family members are vulnerable to the negative aspects of emigration. Everything connected with the human person takes priority over production and profit.

Speaking for myself and not for the U.S. Catholic Conference, I fully support family-based preferences as primary consideration for legal immigration to the United States. My argument is based on the fact that the family is the basic unit of society. Sound families

produce healthy societies. I am not advocating the exclusion of other categories for legal immigration, but families need to be reunified and fortified with a productive, socioeconomic environment. Realizing the controversy surrounding annual legal immigration numbers, I would permit an annual quota of 750,000 legal immigrants each year. Of that number, I would allocate 500,000 entries based on the three levels of family-based preferences. One hundred thousand visas would be set aside for work-related entries such as high technology workers. Another 100,000 visas for refugees and asylees. Fifty thousand visas for diversity entries, especially for those countries that do not have a substantial representation in the United States. I would also add a stipulation to allow a greater number of refugees and asylees into the United States if they demonstrate well-founded fear of persecution or torture.

## Root Causes

Faced with the growing number of migrants and refugees, the nations of the world must address the root causes of why so many people leave their homelands. The Roman Catholic Church offers a long-term and a short-term solution. First, the Church supports the genuine, socioeconomic development of all nations as a long-term solution. Pope John Paul II writes from one of his recent encyclicals, "It is necessary to break down the barriers and monopolies which leave so many countries on the margin of development and to provide all individuals and nations with the basic conditions which will enable them to share in development." (Centesimus Annus, 1993.) The Catholic Church strongly believes that if there is marked improvement in the just distribution of wealth in the world, the chances are more than likely that people from developing nations would want to stay in their homeland rather than depart for an industrialized nation like the United States.

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Second, a short-term solution is for the Catholic Church to show hospitality to the newcomers whether they are documented or not. Again, the Catholic Church does not encourage undocumented immigration but responds with the Biblical mandate to welcome and comfort the stranger in our midst. Catholic Charities and other church-related social service agencies are virtually overwhelmed and do not have the sufficient resources to meet the needs of all who come to their doors regardless of their race, color, or creed. The Catholic Church realizes that Federal authorities cannot guard every step of the borders, watch every ship, or carefully examine every single airport. The real solution, again, is having a marked improvement in a just distribution of wealth throughout the world. Developing nations who make these improvements will more than likely keep their members from leaving their homelands for industrialized nations like the United States.

## Immigration Policy and Immigrant Policy

Immigrant policy refers to policies aimed at facilitating the social and economic integration of immigrants. (Fix and Passel, 1994.) Immigrant policy is distinguished from immigration policy, which is concerned with regulating who enters the United States and in what numbers. The Catholic Church does not regulate U.S. immigration policy. However, the Catholic Church does promote a sound immigrant policy in light of changing demographic trends. By the year 2040, one in four Americans will be an immigrant (first generation) or the child of immigrants (second generation), and by 2010, children of immigrants will account for 22 percent of the school age population. (Fix and Passel, 1994.)

Unlike immigration policy, immigrant policy has not been a priority in the United States. Even though there has been a substantial increase in the number of legal immigrants in

the last 20 years, there has been a sharp decrease in social service assistance programs for that same population. For example, the recent Personal Responsibility and Welfare Reform Act of 1996 attempts to discourage new immigration by denying a range of social welfare benefits to all foreign-born non-citizens currently residing in the United States. Although there have been recent amendments to lessen the impact of this harsh law, legal immigrants are still suffering the consequences of a genuine lack of a sound immigrant policy.

I argue for a national immigrant policy on the grounds that previous U.S. welfare policies toward immigrants have been inconsistent and which resulted in the fragmentation of services. As a result, this erratic system of assistance involves a combination of services targeted specifically for immigrants but limits access to mainstream social services. For too long, state and local communities have been forced to take a large role in providing health, education, and social services to immigrants.

What troubles me is that many social services are provided through voluntary agencies rather than public agencies, either through contractual agreements with government entities or through private and religious donations. (LeDoux and Stephen, 1992.) As mentioned earlier, Catholic Charities and other church-related social service agencies are already overextended due to the fact that the federal government has been dumping off its responsibility to religious organizations as one way to balance the Federal budget. It is now time for the government to accept its responsibility and work with religious organizations to form a viable national immigrant policy.

For example, over more than 100 years, the Catholic school system has saved billions upon billions of dollars in U.S. taxpayer money by educating Catholic and non-Catholic schoolchildren alike. The Federal government never permitted tax tuition credits for parents who paid both tuition to parochial schools and taxes to the government for public schools they never used. By way of analogy, church-related social service agencies have been saving the Federal government lots of work and money through their services. Rather than asking for financial compensation, these same agencies would prefer a sound immigrant policy in which they would gladly cooperate with the Federal government to assist immigrants and refugees.

## Proposal

Ideally, I would propose that the Federal government heavily subsidize the six states that have the clear majority of immigrants for a three-year period. Recent statistics indicate that more than 75 percent of immigrants reside in California, Florida, Illinois, New Jersey, New York, and Texas. After a series of reports and careful analysis, determine if this subsidy program served as a success or failure. After an extensive period of evaluation, then decide whether to renew this subsidy program or not. Similar experimental programs can be set in other states that have a substantial amount of immigrants and refugees. The point is not to have a national subsidy program but to provide subsidies for key states that need it. Other training programs or other forms of assistance can be given to other states that require help with immigrants.

## Conclusion

The 1986 U.S. Catholic Bishops' Pastoral Letter, *Principles of Economic Justice*, was a prophetic message to comfort the afflicted and to afflict the comfortable. The bishops contend that every person has a right to work and has a right to participate in the economic life of society. While admitting that the United States alone cannot solve the problems of the Third and Fourth Worlds, the bishops believe that the U.S. does have special responsibilities. Among them:

## Center for Immigration Studies

First, to call upon other industrialized nations to assist in the economic development of other nations. Second, to promote an equality of trade for both the buying and selling nations. Third, find creative ways to pay the debt of poor nations. Lastly, to address seriously the food shortage crisis that many nations are facing. If these four objectives were somehow met, I guarantee that the U.S. would not be in the midst of its present immigration controversies.

Although the Catholic Church does not dictate the immigration policy of any country, including the United States, it does advocate a sound immigrant policy that effectively deals with immigrants while they reside in this great nation. Catholic social teaching abides by the divine mandate to assist those in dire need, whether they be a long-standing U.S. citizen or those who recently arrived on our shores.

*Father Brian Jordan works with Voices for Immigrant Justice.*

## Notes

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<sup>3</sup> Henriot, Peter J. (ed.) (1990) *Catholic Social Teaching: Our Best Kept Secret*. New York: Orbis Books.

<sup>4</sup> Illegal Immigration Reform and Responsibility Act of 1996.

<sup>5</sup> John Paul II. (1991) On the Hundredth Anniversary of Rerum Novarum: Centesimus Annus. An Encyclical Letter. Washington, D.C.: The United States Catholic Conference.

<sup>6</sup> LeDoux, C. and Stephen, K.S. (1992) Refugee and Immigrant Social Service Delivery: Critical Management Issues. In A.S. Ryan (ed.), *Social Work with Immigrants and Refugees* (pp. 31-45). New York: Haworth.

<sup>7</sup> National Conference of Catholic Bishops. (1986) Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy. Washington, D.C.: The United States Catholic Conference.

<sup>8</sup> Padilla, Yolanda C. (1997) Immigrant Policy: Issues for Social Work Practice. *Social Work*, vol. 42, no. 6. pp. 595-605.

<sup>9</sup> Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

<sup>10</sup> Pontifical Council for the Pastoral Care of Migrants and Travelers. (1992) "Refugees: A Challenge to Solidarity." *Origins* 22, 305, 307-313.

# Legal Immigration: What Is to Be Done

## By Mark Krikorian

The United States is in the midst of the greatest immigration wave in its history. We grant permanent residence to 800,000 to 900,000 legal immigrants each year (half of whom are already here) and permit the settlement of 400,000 illegal immigrants. The total foreign-born population stands at about 28 million (6 million of them illegal), accounting for 10 percent of our country's population. Given the scale of immigration and the breadth and depth of its impact on America, one would expect our immigration policy to be the result of careful analysis and sober deliberation.

Nothing could be further from the truth.

Even by the standards of lawmaking in a democracy, immigration policy has developed in a remarkably haphazard, politicized, and aimless fashion. A ground-up re-examination is warranted. (This essay will examine only *immigration* policy, i.e., who we take and how many, rather than *immigrant* policy, which governs how we treat people already here.)

In considering from scratch what should be our nation's legal immigration policy, we must first announce some principles:

**Principle One:** The purpose of immigration is to create Americans. Whatever the costs and benefits of immigration, we need to remember that strangers should be admitted to live among us only if we intend for them, after adequate preparation, to become members of the American people. The alternative is fundamentally anti-republican: a country with two classes of people, one group consisting of citizens (and citizens-to-be), the other a permanent class of servants. Guestworker schemes and tacit acceptance of illegal immigration are incompatible with this principle.

**Principle Two:** Our preferences for immigration categories should match our tolerance for total immigration. In other words, we need to decide what categories of people we want to admit, and then admit all of them each year. Currently, we hold out the possibility of immigration to millions, but admit only a fraction, resulting in huge waiting lists and in illegal immigration. Honesty and forthrightness demand that we promise only what we are willing to deliver, and deliver what we promise.

**Principle Three:** Immigration must serve the national interest. Today's immigration is not doing this, since the level is too high and the educational attainment of immigrants is too low, exacerbating serious economic, fiscal, demographic, political, and social problems. To briefly list a few of mass immigration's harmful impacts:

- At a time when upward mobility requires increasingly high levels of education, the arrival of poorly educated immigrants limits the opportunities of America's own poor, complicating efforts to help improve their condition. The native poor have seen their wages reduced or held back through immigrant competition, while immigrant households have seen steadily increasing poverty rates and are accounting for a disproportionate share of the total poor population.
- However it has been reformed, and may yet be further reformed, the welfare state is a permanent fact of modern life. And, as Milton Friedman has said, "It's just obvious that you can't have free immigration and a welfare state." Large-scale immigration of

people without the tools to succeed in a modern economy has placed severe fiscal burdens on state and local governments.

- Immigration and children born to recent immigrants account for the overwhelming majority of our population growth, negating the American people's voluntary embrace of smaller families. In effect, the federal immigration program is a social engineering project that rivals the population policies of Ceaucescu's Romania.
- The combination of multiculturalism with advanced communications and transportation technology impedes the Americanization of today's immigrants. Though immigrant acquisition of English is almost inevitable given our country's hegemony over global mass culture, the development of a visceral, emotional attachment to America and its history is not. Such "patriotic assimilation" is increasingly unlikely when the schools and the culture at large are skeptical, even hostile, to patriotism and when technology enables immigrants to maintain strong psychological and physical ties to their countries of origin.

## Categories and Numbers

Most immigration, regardless of the source or destination, has three components —family, employment, and humanitarian:

**Family-based Immigration.** The family-based categories in current law account for the overwhelming majority of immigration, averaging more than two-thirds of green-card recipients over the past four years (this does not include the family members of immigrants admitted under non-family categories). Currently, we offer special immigration rights to the spouses, children, parents, and siblings of Americans, plus the spouses and children of permanent residents. Because the number of immigrants admitted under many categories is limited, with per-country caps for some categories, the result is huge waiting lists; perhaps as many as 4 million people have been approved to immigrate, but must wait up to 40 years for their numbers to come up.

Simply reducing the number of people admitted under each of the family categories would serve to reduce overall immigration, but would do so simply by increasing the waiting lists, making our immigration process even more dishonest and opaque. Keeping all the family categories, but avoiding waiting lists, would require a dramatic increase in immigration. The only way to construct a transparent system that admits fewer family immigrants is to eliminate entire categories, and admit everyone in the remaining categories.

Thus, family immigration should be limited to the spouses and minor children of Americans. Husband, wife, and young children constitute the family core, and these should be the only relationships should trigger immigrant admission. Most of the other relationships—adult sons and daughters of citizens or permanent residents, parents and siblings of citizens—cover people who are adults, with their own lives, for whom the "family reunification" rationale for this element of immigration policy is a misnomer. Because immigration is not a right and because those waiting in these categories to be eliminated are adults, there should be no grandfathering of those already on waiting lists (though honor demands that their application fees be refunded).

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Even by the standards of lawmaking in a democracy, immigration policy has developed in a remarkably haphazard, politicized, and aimless fashion.

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Admitting only spouses and minor children of Americans would reduce family immigration by more than half. The average number of spouses and minor children of citizens admitted from fiscal years 1995 through 1998 was about 220,000.

The remaining question regarding family immigration is what to do about the spouses and minor children of permanent residents. If an unmarried person immigrates, understanding that he cannot later get married overseas and bring his spouse here until he becomes a citizen, he has nothing to complain about. But if immigrants have come here with the expectation that they can marry a foreigner and bring that spouse here before becoming citizens, then changing the law ought to take that into account. There is no right to immigrate, but prudence suggests that we not contribute to the separation of spouses and young children.

Therefore, permanent residents who acquired green cards before a change in the law should continue to be able to petition for their spouses and minor children for a period of five years. Of course, if they were to become citizens, this limitation would no longer apply. Such grandfathering of prior immigrants is particularly needed since many non-citizens petitioning for the entry of their spouses and minor children were illegal aliens legalized under the Immigration Reform and Control Act of 1986 (IRCA), which offered amnesty only to principals, not to dependants, as is the case with other recipients of green cards.

An average of about 132,000 spouses and minor children of permanent residents received green cards each year from fiscal years 1995 through 1998. In accordance with Principle 2, all people who qualify should be admitted each year; this would lead to a spike in this category of immigration

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### The purpose of immigration is to create Americans.

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for a couple of years, followed by a gradual reduction in numbers, until the category was eliminated altogether after five years.

**Employment-based Immigration.** This component of the immigrant flow selects people based on education, skill, or experience, often with specific offers of employment. An average of 93,000 immigrants a year were admitted under these categories from 1995 through 1998, accounting for approximately 12 percent of the total flow (though the majority of those admitted are family members of the skilled immigrants).

The five employment-based categories, with their numerous subcategories, are commonly imagined to provide for the immigration of the world's best and brightest—"Einstein" immigration, if you will. In fact, in addition to a handful of Einsteins, the employment-based categories admit a wide array of ordinary people who should not receive special immigration rights.

To ensure that employment-based immigration actually admits only people with unique, remarkable abilities, it should be limited to the first two categories in existing law—(1) "priority workers" and (2) "aliens who are members of the professions holding advanced degrees or aliens of exceptional ability." An important exception is that the priority workers subcategory for multinational executives or managers (which accounts for about 60 percent of the priority workers category) should be eliminated, leaving only "aliens of extraordinary ability" and outstanding professors and researchers.

The 1995-98 average number of immigrants admitted annually under this more-targeted definition of skilled workers was about 24,000, and so a cap of 25,000 would be more than adequate. Such a refinement would eliminate the largest of the employment-based categories, the third employment-based preference, which admits people with little, if any, skills; in addition, the catch-all "special immigrants" category and the investor-visa category would be eliminated.

**Humanitarian Immigration.** This broad component of immigration has three parts: refugee resettlement (bringing refugees from overseas), grants of asylum (classifying as a refugee someone who is already here illegally or on a temporary visa), and cancellation of removal (a grant of amnesty to an illegal alien whose deportation would cause “exceptional and extremely unusual hardship.”).

The Refugee Act of 1980, which incorporated the international definition of a refugee into U.S. law, foresaw an annual intake of 50,000 refugees and asylees per year. Needless to say, the number has always exceeded this target. The average annual number of refugees resettled from 1995 through 1998 was about 80,000, and in 1998 about 16,000 people were granted asylum.

The number of refugees to be admitted in the coming year is set by the president in consultation with Congress and thus varies; but the number of asylum grants is out of the government’s control, since there is theoretically an objective standard by which to judge asylum claims. Likewise, cancellation of removal would appear to be potentially unlimited, depending on judicial interpretation of “exceptional and extremely unusual hardship,” though Congress in 1996 placed a limit of 4,000 such grants per year.

To introduce some predictability and control over the numbers, it would be advisable to set an overall ceiling for humanitarian immigration of 50,000 per year, with the element over which we have the most control—refugee resettlement—dependent on the numbers of asylum grants and cancellations of removal. In other words, an increase in asylum and/or cancellation of removal would trigger a reduction in available slots for refugee resettlement; conversely, fewer grants of asylum or cancellations of removal would free up more slots for refugee admission.

A further problem is that many of those admitted as refugees are simply not refugees. In FY 98, nearly half the refugees resettled were from the former Soviet Union and Vietnam, few of whom were genuine refugees; they were admitted because of the Lautenberg Amendment, a Cold-war relic which in effect grants presumptive refugee status to certain groups from these countries. This creates such a large pool of potential “refugees” that the State Department method of triage is to give preference to those with close relatives in the United States, in effect turning refugee resettlement into a family immigration mechanism.

Instead, refugee resettlement needs to be made available only to genuine refugees in immediate danger who have no hope whatsoever of another solution. The United Nations High Commissioner for Refugees already tracks such people, called “refugees of special concern”—they are roughly comparable to Priority One in the State Department’s refugee processing priorities. Given the fact that there are more than 13 million refugees in the world, the only morally defensible approach is to resettle those who are the most desperate, not those who are the most appealing or politically connected.

**Other.** The other major element of the legal immigration flow is the visa lottery, formally known as the diversity visa program. Under this scheme, 50,000 green cards are granted to people from “under represented” countries that send relatively few immigrants, supposedly to help diversify the immigrant flow. The lottery was originally inserted in IRCA as an affirmative action program for white immigrants in general and, specifically, as an amnesty for Irish illegal aliens (ironically, very few Irish now come under this program). With seven million people applying each year, the lottery does little but create new immigration networks and new opportunities for illegal immigration. It has no defensible rationale and should be discontinued immediately.

**Temporary Immigration.** A consideration of legal immigration policy must also include “nonimmigrant,” or temporary, visas, since they are the source of much of permanent immigration (in 1998, about half of the green card recipients were already living in the United States). In FY 1996, 25 million non-immigrants were admitted. Though most went home (19

## Center for Immigration Studies

million came as tourists, 3.8 million as business travelers), hundreds of thousands of people use nonimmigrant visas as a prelude to permanent immigration, even though they formally affirm to our visa officers that they have no such intent.

The main types of temporary visas that lead to permanent immigration are F visas (students who, together with their families, numbered about 460,000 in FY 1996), H visas (temporary workers and trainees—280,000), and J visas (exchange visitors—256,000). To end the practice of using temporary visas for permanent immigration, long-term nonimmigrant visas (good for more than six months) should be made available only to those countries whose nationals do not adjust from temporary visitor to permanent immigrant. This would be modeled on the Visa-Waiver Pilot Program, which allows short-term visa-entry to people from countries whose nationals do not end up overstaying their visas and becoming illegal immigrants.

Even if they somehow did not lead to permanent legal immigration, guestworker programs should never be instituted; whether the guestworkers are tomato pickers or computer programmers, such schemes are subversive of republican government, since they lead to the creation of a helot class and inevitably promote illegal immigration.



# It's Time to Look at Who We Are Admitting, Not Just How Many

By Richard D. Lamm

There are two common paradigms that are employed in the debate about U.S. immigration policy. Proponents of high levels of immigration hark back to the latter part of the 19<sup>th</sup> century and the early part of the 20<sup>th</sup> century as the “golden age” of immigration. They like to point out, correctly, that America absorbed large numbers of immigrants and that within a generation or two, the offspring of those immigrants were making remarkable contributions to this country.

For advocates of reduced immigration, America’s “golden age” of immigration was the period from the mid-1920s to about 1970. During these years immigration was low in absolute and relative terms, while the United States emerged as the dominant world economic and military power. Moreover, this period saw the emergence of robust middle class and real economic and social gains for American blacks.

The two paradigms share one important characteristic: they both have their eyes fixed firmly in the rear view mirror. There are lessons to be learned from both epochs, but they are both largely irrelevant to the debate about immigration policy at the dawn of the 21<sup>st</sup> century.

The fact that America, more or less, successfully assimilated the great wave of immigration of a century ago tells us little that is useful to our present situation. The fact that America made enormous social and economic progress during a period of low immigration is similarly an interesting but moot point.

For better or worse, the United States and the world have entered a new era, and there is no going back. Technology has irrevocably changed how we live and work, and will ultimately transform notions of community and nationhood. That is not to suggest, as avid free-marketeers seem to believe, that national and social identity will have to give way to the global community and economic expedience. It does mean, however, that Americans and most everyone else will find their lives more directly and immediately affected by a much broader array of factors.

While technology is revolutionizing many aspects of our lives, it cannot change essential human nature. As workers and consumers our needs and desires change. As human beings, our basic needs and desires for freedom, security, and identity are immutable. Technology and globalization have spurred economic growth that has improved the material life of most Americans. But there is more to life than faster computers, smaller cell phones, and a rising Dow Jones.

The challenge for government in formulating immigration policy in the coming years will be to take advantage of the global economy without becoming enslaved to it. A nation is more than an economy, and citizens are more than workers and consumers. While a robust economy is vital to any nation, social harmony, national and cultural identity, open space and other factors are also part of the equation that measures quality of life.

Far from eliminating the purpose of the nation-state, the globalization of business accentuates the need for entities that protect other aspects of people’s lives. Defining who comprises a nation (and, therefore, whose interests it protects) will become more important as commerce becomes more global and less accountable to any one nation or community. Because immigration plays a critical role in defining the nation, the policies that

govern the movement and settlement of people will take on added significance in the new century.

Designing a new policy for immigration in the 21<sup>st</sup> century ought to start with a simple, but often overlooked, principle: immigration policy is a public policy and it must serve the public interest. In other words, it must do the greatest good for the greatest number of American citizens.

Some years ago, John Tanton, one of the founders of the modern immigration reform movement, posed the three essential questions of American immigration policy:

1. How many immigrants should be admitted?
2. Who should they be?
3. How do we enforce the rules?

The first two questions apply to legal immigration policy, while the third deals with illegal immigration. Answering these questions remains essential to formulating an immigration policy that serves the national interest, but they have been posed, I would suggest, in the wrong order.

Immigration reform advocates have been far too focused on the “How many?” question, without first answering the “Who?” question. It is a little like going on a shopping trip and asking, “How much money will I need to bring?” before asking, “What do I want to buy?” An immigration policy that is clear about who it wants will have a far easier time setting limits because in defining who we want, we also define who we don’t want.

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Anyone who has been involved in formulating policies learns very quickly that there are no ideal policies, only better and worse ones.

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Currently our immigration policy is driven by three factors: The desire of people in other countries to live here; the desire of individuals to bring a particular relative to join them in this country; and the desire of individual employers or industries to gain access to foreign labor. None of these factors by themselves meets the litmus test of good public policy. Moreover, the omission of public interest considerations from the equation makes it virtually impossible to set firm limits. Without an overarching public interest definition, it is hard to justify setting numerical limits and sticking to them.

An immigration policy that serves the national interest would be one that admits people whose presence here is likely to create economic benefit and opportunity for Americans and who have the ability to adapt most easily to the culture and language of their new country. There are a limited number of people who would like to be immigrants to the United States who meet these criteria, just as there are a limited number of people who meet the criteria for admission to Harvard or for employment at Microsoft.

It is quite clear what economic path this country must take if we wish to sustain our pre-eminence in the new century. One need not be a rocket scientist or a software engineer to figure out which would-be immigrants are best suited to succeed in the emerging economy. While some might condemn this as an elitist immigration policy, much of public policy is elitist. Governments at all levels make capital investments to attract industries they believe are likely to return money to their community in terms of jobs and tax revenues, while choosing not to spend money to keep or attract businesses they do not value as highly.

The likelihood of immigrants succeeding economically in this country correlates directly to their likelihood of successfully assimilating into the cultural and linguistic mainstream. Even under the best of circumstances, people who are uprooted from their native lands and

customs encounter a degree of culture shock when they immigrate to a new country. These difficulties are compounded when immigrants find themselves marginalized economically as well. When we admit people whom we know are likely to be trapped at the low end of the economic ladder, we are deliberately sowing the seeds of alienation and social tensions.

There is no doubt that the United States, a nation of 275 million people, could get along just fine with no immigration at all. However, that's not going to happen. Immigration in the 300,000 to 500,000 per year range is all but inevitable. The admission of immediate family members of U.S. citizens and legitimate refugees alone accounts for nearly 300,000 people annually. And though we could live without any additional immigration beyond immediate family and refugees, there are people out there whose contribution to the overall welfare of the nation outweighs their impact on the environment, or even on citizens with whom they directly compete.

After two decades of lobbying for reducing immigration for its own sake, it is evident that the effort has no political traction. By avoiding the "Who?" question, immigration reform advocates have failed to put forward a public interest vision for immigration policy. Stating a preference for lower levels of immigration is not a substitute for stating a purpose for immigration.

Those who have been advocating immigration reform have attempted to craft a policy based on what they don't want to happen. They don't want population growth, or they don't

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Defining who comprises a nation (and, therefore, whose interests it protects) will become more important as commerce becomes more global and less accountable to any one nation or community.

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want job displacement, or they don't want to lose the cultural and linguistic unity of the country. It is important to define what we don't want a policy to do, but it is critical to define what we do want it to achieve.

Anyone who has been involved in formulating policies learns very quickly that there are no ideal policies, only better and worse ones. If we were to adopt immigration policies that admitted zero immigrants, we would have no immigrant poverty or crime, no native job displacement, no expensive bilingual education programs, and no immigrant-generated population growth. On the other hand, we would gain none of the benefits that *some* immigrants create by their presence in this country.

Up to a point, we tolerate a certain number of highway fatalities and air pollution in exchange for the enormous benefits that automobiles have added to our lives. We live with the knowledge that occasionally airplanes fall out of the sky and kill people, because the benefits of air travel are self-evident. There is a price to be paid for everything, and some moderate level of immigration-related problems can and should be tolerated for an immigration policy that is geared toward bringing people here who will have a significantly positive economic and social impact.

The cost/benefit ratio for immigration can be vastly improved upon. By paying closer attention to whom we admit to this country, we can substantially reduce the cost part of the equation, without reducing (and perhaps even enhancing) the benefits.

Among the unacceptably high costs of our current policy are:

- A federal prison population that is 25 percent foreign-born.
- An earnings gap of 23 percent between immigrants and native-born.

## Center for Immigration Studies

- A public assistance dependency rate among immigrant-headed households of 21 percent, compared with only approximately 14 percent among native-headed households.
- Nearly 40 percent of immigrants falling into the bottom quintile of wage earners.
- A 44 percent loss in wages among American workers with a high school diploma or less attributable to competition from immigrants.

Closer attention to whom we are admitting would bring down every one of these, and other fiscal and social costs of immigration. The only “cost” that cannot be directly addressed by emphasizing the “who?” over the “how many?” is the impact on population growth. Indirectly, however, because the pool of potential immigrants would be substantially smaller under such a policy, and because better educated, more affluent people have fewer children, even that “cost” will ultimately be reduced.

Researchers and scholars such as Lawrence Harrison and George Borjas have done extensive research into what characteristics lead to the likelihood of immigrant success. While Borjas found, alarmingly, that some 40 percent of immigrants are at the very bottom of the income ladder, he also found that 14 percent are in the top fifth.

People who can come here and wind up in the top 20 percent on the income structure are people this country should want. Whatever transitional difficulties may arise, whatever short-term displacement of a small number of Americans that may result, whatever impact they may have on the environment, is more than offset by the obvious human capital they possess.

A brief outline of an immigration policy that conforms to the principles of good public policy would include the following:

1. A heavy emphasis on personal skills and entrepreneurship. In a highly competitive global economy, people who can innovate are highly valued and will expand opportunities for everyone around them. On balance, people with sophisticated technical and management skills will tip the cost/benefit scale in the right direction. Identifying people who possess such characteristics should be the focus of our immigration policy.
2. Limiting family-based immigration to the immediate nuclear family. Automatic immigration entitlements to family members beyond spouses and unmarried minor children are both unsustainable and violate the principle of serving the public interest. More distant relatives who wish to immigrate to this country should be judged on their own qualifications and on an objective assessment of their likelihood to be substantial contributors to American society.
3. A uniform, electronically verifiable Social Security card. Even the most well designed immigration policy will fail if it lacks an effective enforcement mechanism. In the modern age, with hundreds of millions of people entering and leaving our country every year, mostly for very legitimate reasons, there must be a secure and effective means of distinguishing who is entitled to live and work here, and who is not. Government must apply the same technology that banks and credit card companies employ every day, with almost 100 percent accuracy.

## Center for Immigration Studies

As we hurtle toward greater global economic integration the role of the nation must be refined and adjusted, not abandoned. The United States, like all other nations, must have an immigration policy that is flexible enough to take full advantage of the new opportunities that technology and globalization present, but which bears in mind that people are more than just economic units and that a healthy society is more than just the sum of its GNP.

*Richard D. Lamm is the former Democratic Governor of Colorado and a professor at the University of Denver.*



# Setting Priorities in Immigration Policy

## By Susan F. Martin

For most of U.S. history, the American public has been ambivalent about immigration. Proud of their own immigrant forebears, Americans tend to worry that the current wave of immigrants is different and, hence, less likely to adapt to their new society. While such fears have not proved justified in the past, the integration of immigrants is by no means an easy, straightforward process. The burden of integration is largely on immigrants themselves, who must often learn a new language, new skills, and new civic values. But U.S. society must also adapt to the presence of newcomers who present opportunities as well as challenges for the broader society.

Immigration produces both winners and losers. Much of the recent research on its impacts agrees that the nation as a whole benefits from the presence of immigrants, who add as much as \$10 billion annually to the national economy, a small but still tangible contribution. Although not an answer to the looming Social Security crisis, immigration slows down the aging of the population and increases the ratio of workers to retirees (at the same time, increasing the number of dependent children to workers). Immigration contributes to U.S. competitiveness in a global economy, allowing multinational corporations to integrate their operations, move executives and managers from one location to another, and recruit skills, when needed, from a global labor force.

Because of the geographic concentration of immigrants and their skills distribution, the costs of immigration tend to be felt most acutely in the communities with large numbers of immigrants and by the workers who compete directly with new arrivals for jobs and economic advancement. States and localities with large numbers of immigrants often experience significant financial costs (for example, for education) that are not offset by increased tax revenue (much of which flows to the federal government). Similarly, highly concentrated immigration poses challenges to communities in terms of land and water use, transportation, infrastructure development, community relations and a host of other issues generated by any type of rapid population expansion.

Immigrants tend to be concentrated at the top and bottom of the educational ladder, with about one-quarter exceeding average U.S. educational levels and about forty percent having significantly lower levels. While immigrants do not compete with most Americans for jobs, having greatly different skills, they do affect the employment and earnings of those U.S. residents who most closely resemble immigrants in their educational attainment. Of most concern is the negative impact of new immigrants on those with less than a high school education; the most adversely affected population is the immigrant community already resident in the United States, particularly those who compete with new arrivals willing to work at lower wages. During a booming economy with a tight labor market, the impacts may be minimal, but any economic decline will likely hit unskilled immigrant workers very severely.

In adopting policies for the future, policy makers should take into account these complex impacts, generally positive at the national level but potentially burdensome for specific communities and segments of the population. These research findings argue for continued immigration but a redirecting of priorities to enhance the benefits while addressing many of the costs. Even more so, they argue for new immigrant policies to help ensure the full integration of the millions of immigrants already in the United States, too many of whom are living in poverty with too few opportunities for advancement.

The findings and recommendations that follow reflect my five-year experience as Executive Director of the U.S. Commission on Immigration Reform, which issued its report on legal

immigration policies in 1995. My recommendations differ in some respects from the Commission's, reflecting changes in the economy that have occurred in the past five years as well as worsening inefficiencies in the immigration system.

**There is no a priori, correct number of legal admissions.** The research does not point to a magic number of immigrants whose admission, if above or below that number, serves or impedes the national interest. The impact of immigration, as shown, depends largely on the skill levels of those admitted and where and in what concentrations they settle. One million immigrants spread equally throughout the country will have vastly different effects than one million immigrants settled in one county. The effects of the same number of newly arriving immigrants may be positive during an economic boom and problematic during a recession. Immigration policy should retain sufficient flexibility to respond to changing situations. The ceilings established for immigrant admissions should be re-examined and, if needed, revised at least at three to five year intervals. The Executive Branch should take the lead in revising admission ceilings, based on statutory criteria and in consultation with Congress. Such other immigration countries as Canada and Australia undertake periodic reviews of their admission targets.

**The priorities for admission should drive numbers, not artificial ceilings.** At present, U.S. policy takes a top down approach; the Congress establishes a ceiling on overall admissions and then allocates sub-ceilings to a large number of different categories, many of which have far greater demand than supply of visas. The overall ceiling may be pierced if demand within the category of immediate relatives of U.S. citizens exceeds a pre-specified level but waiting lists are established to handle the other excess demand. Per-country ceilings also serve to impede timely admission for members of some nationalities, regardless of the closeness of the applicants' ties to the United States or the economic role that the immigrant may play. The result is a system managed by backlogs rather than national interests, with some high-priority applicants waiting years before a number is available. Some backlogs are so lengthy that they strain the credibility of the immigration system. The waiting time for siblings of adult U.S. citizens from certain countries already exceeds 20 years.

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Immigrants do affect the employment and earnings of those U.S. residents who most closely resemble immigrants in their educational attainment. Of most concern is the negative impact of new immigrants on those with less than a high school education; the most adversely affected population is the immigrant community already resident in the United States, particularly those who compete with new arrivals willing to work at lower wages.

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**Family reunification should continue to be the cornerstone of U.S. immigration policy, with highest priority going to the spouses and minor children of U.S. citizens and legal permanent residents.** Sufficient slots should be available to admit all spouses and minor children within one year of application. Such a policy has both humanitarian and practical benefits, recognizing the important role that the family unit plays, for example, in child development, stabilizing communities, and increasing household income when two wage earners have access to legal work. These benefits accrue regardless of whether the petitioner is a citizen or permanent resident; hence, the national interest is not served by differentiating the right to nuclear family reunification on the basis of citizenship. Provisions should be made as well for admission of other close family members who are dependent on the petitioning U.S. resident—for example, parents and adult children who are financially dependent on their parents. In these cases, the government should continue to require a binding affidavit showing

that the petitioners are able to fulfill their financial commitment. The annual number of applicants in these categories is unlikely to exceed manageable levels. The large waiting list today is a one-time phenomenon, composed primarily of the spouses and minor children of immigrants legalized under the Immigration Reform and Control Act, whose amnesty pertained only to the principal applicant and not his or her family members. Family categories that do not involve a close, dependent relationship, particularly siblings of adult U.S. citizens, should be eliminated following a brief transition period. Certainly, no new applications should be taken for these unmanageable categories. As stated above, the sibling category strains credibility because of the exceedingly long waiting list, numbering more than 1.5 million. At the current ceiling on sibling admissions (65,000), it would take about 25 years for everyone in the backlog to be admitted. The median age of the principal applicants on admission is already in the 50s, reflecting the lengthy waiting times. Moreover, in an era of eased international travel and communication, admission to the United States is no longer needed to enable siblings to maintain close contact with each other.

**Employment-based categories should provide enhanced opportunities for the admission of highly skilled foreign workers, including executives, managers, researchers and professionals, while instituting meaningful incentives for companies to recruit and train U.S. workers whenever possible.** In contrast to family categories that are heavily oversubscribed, the 140,000 visas available for employment-based admissions are significantly

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While policies regarding control of unauthorized migration fall outside of this article, it bears mentioning that unlawful immigration must be addressed, in no small measure because it undermines our legal admissions system.

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underused, largely because of administrative barriers. At present, it can take as many as five years to gain approval from the State Employment Services, Department of Labor and Immigration and Naturalization Service, a timeline that makes no sense relative to typical hiring practices. Many businesses hire workers on temporary visas while going through this labyrinth process, putting addi-

tional pressures on ceilings within the nonimmigrant categories, but some are finding it impossible to complete all steps within the time that the temporary visa is valid. An alternative to labor certification is needed, one using market forces rather than bureaucratic inefficiencies to test the validity of the employer's request. The Commission on Immigration Reform proposed such a model, later adopted in part for the H-1B temporary worker program. Employers would attest to paying prevailing wages and otherwise abiding by recognized labor standards and they would affirm their need for the foreign worker by paying a significant fee that supports training of U.S. workers in high demand fields.

**The protection of refugees worldwide requires sustained leadership from the United States, with a generous and principled resettlement and asylum program serving as an important but by no means exclusive ingredient of such leadership.** In the past decade, the United States has taken significant steps to reorient its refugee admissions program and asylum system away from serving Cold War ideological purposes and towards serving broader humanitarian and protection purposes. These promising trends include improved training and professionalization, use of a broad array of human rights information, and greater consultation with the UN High Commissioner for Refugees on refugee populations requiring the protection or durable solutions to their plight through resettlement. To encourage other nations to follow our lead, the Executive Branch should establish numerical targets for future refugee admissions. There should be no statutory cap on refugee admissions, however; the refugee system should retain sufficient flexibility to respond to new crises, both in directing its priorities for admission towards those most in need of protection as well as in setting annual admission levels.

## Center for Immigration Studies

These recommendations show a distinct preference for admission of foreigners, to the extent possible, in the permanent legal entry categories. There is a role to be played by temporary admissions category. Certainly, many foreign workers seek temporary assignments in U.S. universities, research centers and businesses with no intent to remain in the United States. Multinational corporations often move executives from one location to another, with no intent to relocate them permanently. Temporary protection of persons fleeing conflict may be justified, at least until it becomes clear whether they will be able to return home in safety or will require more permanent solutions. Overreliance on temporary categories has risks, however. As experience has taught, it is difficult to remove temporary workers when their labor is no longer needed. Moreover, while in temporary status, the workers are more vulnerable to exploitation, particularly if the employer holds their ability to remain in the country at hand.

The genius of U.S. immigration policy throughout our history has been the opportunity afforded to immigrants for full membership, including but not limited to citizenship. In fact, establishing credible priorities for the admission of newcomers is merely the first step in building an immigration system that benefits the country. Even as such reforms are made in the legal admissions system, greater policy attention should be focused on immigrant policy, aiming at the full social, economic and civic integration of new immigrants. Significant numbers of immigrants live in poverty, unable to benefit from the great economic opportunities offered in this country. Demand for English language instruction exceeds supply of affordable classes in many locations. Even with the greatly increased number of naturalization applications, many immigrants still experience barriers to citizenship resulting from administrative delays and lack of access to civics and language training programs. Communities receiving significant numbers of new immigrants require help in responding to the needs of their new population.

The principal responsibility for helping immigrants integrate rightly rests on those who seek their entry, generally the families and businesses that sponsor them and the communities in which they reside. Historically, this process has worked well, with local educational and religious institutions, as well as businesses, supporting language training, civics education and mutual assistance. The federal government must play a role as well, particularly since immigration policy is a federal responsibility.

An important step that the federal government can take to increase integration is to reverse the welfare reform provisions adopted in 1996 that base eligibility for safety net programs on citizenship. These provisions leave many immigrants without access to food stamps and other programs that help the working poor. They also make false and invidious distinctions between citizens and legal immigrants. They are false in that many immigrant-headed households include U.S. citizen children who are also adversely affected by the new rules; they are invidious in implying that immigrants — who pay taxes, serve in the military and otherwise contribute to the country — are any less deserving of assistance than citizens.

It has become something of a cliché to say that immigration policy should serve the national interest. That makes it no less important a point, however. The United States has benefited greatly from immigrants who contribute economically, scientifically, culturally, and in many other ways. Nevertheless, as with most goods, the benefits of immigration come at a cost, in this case to specific communities and populations. While immigration policy reform can help mitigate some of these costs, the millions of immigrants already in the country require attention as well. They and their children are the citizens of tomorrow.

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# Beyond the Numbers: What Kind of Immigrants Should We Accept?

By Norm Matloff

One immigration reform organization has incorporated this question bluntly into its telephone number: 800-TOO-MANY. This summarizes the quantitative theme of most of the debate in recent years over our nation's immigration policy. Critics of the policy believe the annual influx of immigrants, both legal and illegal, far exceeds our capacity to absorb them, from various fiscal, educational, social, environmental, and economic points of view. Supporters of current policy dismiss these claims, and recently the National Immigration Forum (clearly feeling the political tide has turned in its favor) has been suggesting that yearly immigration quotas be increased.

However, another viewpoint recently gaining currency is that we should reassess the mixture —socioeconomic class, education level, and so on —of our immigrant pool. Analysts such as George Borjas of Harvard University and Steven Camarota of the Center for Immigration Studies document a decline in average educational levels among immigrants to the U.S. during the last two or three decades. These analysts suggest that, whatever our immigration quotas should be, current immigration policy is simply selecting “the wrong kinds” of immigrants.

It is this issue that I will address here. I will first argue that, whatever utilitarian value is of our current policy, its centerpiece —family reunification —is not morally defensible. It is fundamentally failing to accomplish its stated premise. Yet I will argue that changing the socioeconomic/educational mix is not the right solution, either. I will explain, for example, why filtering immigrants on the basis of educational level would actually be of very little interest to our high-tech employers, in spite of their claims of a skilled labor shortage.

## Family Reunification: Image Versus Reality

In 1995, the U.S. Commission on Immigration Reform recommended abolishment of the so-called Fourth Preference category, used by naturalized U.S. citizens to petition for their adult siblings to immigrate. In doing so, they were calling for a rollback of the very centerpiece of modern U.S. immigration policy, and ethnic activist groups immediately accused the commission of heartlessly breaking up immigrant families.

The Fourth Preference tends to be considered an “Asian” issue in Congress,<sup>1</sup> and will be considered from that perspective here. Asian-American groups were especially upset by the commission's recommendations in 1995, as they had been when a similar proposal had been introduced back in 1982. Deftly exploiting the cultural stereotype of strong Asian emphasis on family ties, they were able to defeat these proposals in Congress.

Yet this romantic notion of reuniting separated members of families who long to see each other simply does not jibe with reality. Those who immigrate under family reunification laws typically are motivated by economic advancement, not family ties. The family connections merely provide them with a mechanism by which U.S. law will allow them to immigrate and achieve their economic goals. UCLA sociologist Min Zhou analyzes this in detail in *Chinatown*,<sup>2</sup> noting that:

## Center for Immigration Studies

*Immigration opportunities for prospective immigrants would be close to zero without family or kinship connections . . . To take advantage of family preferences in immigration laws . . . [earlier immigrants] they try every possible means to qualify their relatives for the immigrant categories . . . the Chinese could not just come on their individual initiative to achieve economic goals. They are . . . backed by their families.*

Similarly, former Stanford University law professor Bill Ong Hing has noted that Japanese Americans have sponsored their relatives to immigrate at much lower rates than have Americans of Filipino, Chinese, Korean, and east Indian heritage, pointing out that<sup>3</sup>:

*Japanese-Americans were in an excellent position to petition for relatives [to immigrate] under the 1965 [immigration law] amendment's kinship provisions, yet they did not take advantage of this opportunity as other Asian American groups did . . . Japan's relative economic and political stability appears to be the main reason . . .*

Korean-American professor Pyong Gap Min of Queen's College has made similar observations, writing that "Post-1965 Korean immigrants, like other Asian immigrants, are primarily economic migrants."<sup>4</sup>

One can hardly blame the immigrants for seeking economic betterment, and for taking advantage of the family-reunification categories to achieve these goals. But that is not the putative rationale behind those categories.

And one can certainly object to the calculated usage of the "family tie" image by self-appointed immigrant community "leaders" who in reality simply desire high levels of immigration in order to enhance their political clout.

For example, political power was one of the primary motivations behind the Chinese-American activists' opposition to the 1996 welfare reform law, which greatly reduced immigrant eligibility for welfare<sup>5</sup>. Without welfare access, many fewer Chinese immigrants would sponsor their elderly parents, or even their non-elderly siblings, for immigration. To the Chinese political activists, the significance of this reduction in numbers of Chinese immigrants would be loss of political clout. This had often been stated privately—as one Chinese journalist put it, "We've got to keep immigration numbers up, so that we Chinese will have more rights"<sup>6</sup>—and finally it was stated publicly, by the activists' chief Washington lobbyist (and now Clinton appointee to the U.S. Civil Rights Commission), Yvonne Lee<sup>6</sup>:

*People are forecasting that [Asians] are the fastest-growing minority group due largely to immigration . . . But [given the new restrictions against welfare use by future immigrants] how many people are going to take the risk of sponsoring someone [for immigration] and what long-term impact will that have on our social status and political empowerment?*

It should be clear to all but those with vested interests (ethnic community activists, immigration lawyers, etc.) that the family-reunification portion of our immigration policy, at least in its controversial aspect, the Fourth Preference category, is not living up to the noble sound of its name. Immigrants are using family relationships merely as a means to an economic end. Thus, the Fourth Preference category should be eliminated, and replaced by a completely different policy.

What should be the nature of this new policy? Should we, for example, introduce a "point system," which filters out applicants for immigration who have low levels of education and other indicators of social capital, as has often been proposed in the last year or two?

I would argue against such a change, first on philosophical grounds, and second because I will argue that the proponents of "education filters" have not really made good on their claims of economic benefits of such filters.

The philosophical aspect here concerns the non-elitist, even anti-elitist, tradition of America. We have never had an aristocracy, and (I believe not coincidentally) have never had a class-based immigration policy?<sup>7</sup> There are many who would say that our reverence for the common man, and the opportunities for people of modest backgrounds to succeed, form the very basis for America's strength. It is very unlikely that Bill Gates, a college dropout, could have developed his history-changing colossus in Europe, for example. Establishment of an elitist immigration policy would be anathema to a fundamental tradition and strength.

Those favoring a policy that imposes some kind of filter for education level contend that it is the most natural and equitable solution, for example, to the high-tech industry's pressing demands to import foreign programmers and engineers. They say this would be much preferable to the current system, which locks the foreign high-tech workers into *de facto* indentured servitude and exploitability for five years or more.<sup>8</sup>

The problem with this argument for a point system is that the industry would have no interest in most immigrants who would be selected merely on the basis of education levels. Microsoft, say, would love to hire a 25-year-old H-1B who has very carefully defined software skills and who would work under indentured-servant conditions, but would reject most 40-year-old programmers and engineers who would immigrate here under a point system. Age discrimination is rampant in an industry that defines "Senior" positions as those requiring five years of experience. [9] The 40-year-old computer programmer from the Ukraine would be just as unattractive to U.S. employers as his/her American counterparts of age 40.

Indeed, going beyond the specific issue of the high-tech industry, Lawrence Mishel of the Economic Policy Institute has found that not only are immigrants on average poorer than natives, this discrepancy exists even among the well-educated: College-educated immigrants are on average 8 percent poorer than college-educated natives.

In fact, my own experience would suggest that the gap is even larger. I know a man who was a surgeon in China but is a janitor here, and another who was a laser physics professor in China but works as a bus washer here. Another friend was a famous sociologist in Poland, and a prominent founder of the Solidarity movement, but now makes a living here by buying old houses, fixing them up, and renting them out. I believe that if one restricted attention to college-educated immigrants who came to the U.S. as adults (and not under employer sponsorship), one would find that the gap is actually greater than 8 percent.

In other words, the well-educated immigrants selected by a point system would have much less fiscal/economic impact than what the advocates of such a system have assumed. Given the historically proven (if intangible) value of non-elitist social values and immigration policy, the advocates of a point system have not made their case sufficiently well to justify such a system. I submit that in searching for a replacement for the Fourth Preference category, a simple first-come, first-served world signup program would work as well as anything else.

## But We Should Require English?

One relatively simple, and probably politically feasible, radical departure from traditional immigration policy that we *should* make is to require a rudimentary knowledge of English as a condition of a green card.

It may seem that by making such a proposal I am subscribing to something akin to an elitist point system after all, in spite of having rejected such a notion above. But I am actually proposing something entirely different. Under the Canadian point system, for example, an applicant for immigration receives a substantial boost in points if he/she knows English (or French) at the time of application. My proposal differs from this in two ways. First, I would require English of all immigrants (over age 10, say), not just give extra points to some applicants. Second, under my proposal, the applicant need not know any English at all at the time he or she applies for immigration. Instead, when his/her immigrant visa is approved, the approval would be conditional on the applicant then developing rudimentary knowledge of

## Center for Immigration Studies

English within the next year. The applicant would be allowed to immigrate after demonstrating proficiency during that time period.

The skill level required would be minimal, just enough foundation to build upon once the immigrant comes to the U.S., but the consequences would be great. Even prominent immigration advocates, such as Antonia Hernandez of the Mexican American Legal Defense Fund, admit —indeed complain —that lack of English is one of the most serious economic obstacles faced by immigrants in their communities. Moreover, lack of English leads to employer exploitation; the immigrant workers must accept low wages, lack of health benefits, unsafe working conditions, and so on, because their linguistic problems limit them to work within the immigrant enclave.

In short, lack of English impedes the free market of labor for immigrants within the U.S. It also impedes the free market of political ideas. Just as employers exploit the immigrant workers economically, “community leaders” collaborate with the major non-English print and electronic media in those communities to exploit them politically.

For example, in San Francisco, the Chinese *Sing Tao Daily* and its sister outlet Chinese Radio, tailor their news coverage to the agenda of Chinatown community activists. During the 1999 mayoral election, for instance, the activists supported the incumbent Willie Brown. *Sing Tao* refused to run an ad for Brown’s challenger, Tom Ammiano, and in translating a *San Francisco Examiner* piece on Ammiano, *Sing Tao* removed paragraphs favorable to Ammiano. Since Chinese immigrants in San Francisco rely heavily on the Chinese-language media for news, largely due to their lack of English, they do not enjoy the benefits of having political candidates compete with each other for their votes.

Rather than being elitist, I would submit that my proposal would not result in large changes in the mix of immigrants we currently accept. Learning a minimal level of English would be a small price to pay for the immigrant visa people value so highly, and most would readily agree to such a condition.

I have been asked how would-be immigrants in poor third-world countries would learn English. My answer is that given the huge economic opportunity immigration represents to them, we would find that they are quite resourceful in learning English to meet the requirement for immigration. The would-be immigrants’ U.S. relatives could send them books and tapes to learn English, for example. Even the governments of the would-be immigrants’ home countries would have incentive to provide English instruction, say on the radio, because these governments depend so heavily on financial remittances from their nationals in the U.S. (e.g. China and Mexico).

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## Notes

<sup>1</sup> *Edward M. Kennedy: A Biography*, by Adam Clymer, Morrow, 1999, p.443.

<sup>2</sup> Temple University Press, 1992, pp.50-54

<sup>3</sup> *Making and Remaking Asian America Through Immigration, 1850-1990*, by Bill Ong Hing, Stanford University Press, 1993, pp.106-107.

<sup>4</sup> *Caught in the Middle: Korean Communities in New York and Los Angeles*, Pyong Gap Min, University of California Press, 1996, pp.28-29).

<sup>5</sup> The immigrant-related provisions in that law have largely been rolled back since 1996.

<sup>6</sup> *AsianWeek*, May 16, 1997

<sup>7</sup> I must note here that my views are undoubtedly colored by the fact that my father immigrated to the U.S. from Lithuania in the early 1900s as a member of “the huddled masses.”

<sup>8</sup> The role of immigration in the computer industry is a highly complex topic. Policy in this regard is badly in need of reform too, but in my remarks here, I will limit myself to the issue as it relates to the proposed “point system,” referring the reader to my other writings for in-depth analyses. See “Debunking the Myth of a Desperate Software Labor Shortage,” Norman Matloff.



# **A Strategic U.S. Immigration Policy for the New Economy**

## **By Stephen Moore**

### **Overview**

In the 21<sup>st</sup> century global economy, the resource that is in greatest scarcity is human capital. There is a pervasive global shortage of world-class minds and cutting-edge skills. The whole world is in a search for excellence. Through immigration policy the U.S. has an awesome opportunity to import many of the best and brightest talents from around the world.

We ought to take advantage of this opportunity. A strategic immigration policy designed to attract many of these world-class workers is in the national interest and will enhance U.S. economic competitiveness in incalculable ways.

We do some of this now, but we can and should do better. U.S. immigration policy should be redesigned so that it becomes an integral part of an overall pro-growth economic policy.

All of this is to say that when it comes to U.S. immigration policy, quality matters now more than ever. We must greatly expand skill-based immigration.

But quantity matters, too. As America's workforce ages, we need the infusion of young workers —yes, even unskilled workers fill vital niches in our workforce—to keep our economy prosperous and to avoid the kind of serious demographic crisis that may soon beset most other advanced developed nations. A policy of gradually bumping up quotas from the current level of about 800,000 per year to a range of 1-1.5 million would ensure that we have a steady stream of young workers to keep our economy prosperous when the baby boomers begin to retire.

Finally, it is essential for the social cohesion of the nation that when newcomers are accepted into the United States, they Americanize like the immigrants of old. We should establish a policy that says: “yes to immigration, but no to welfare.” And we should also adopt a policy that says: “immigration yes, assimilation yes.” Assimilation would be facilitated by de-emphasizing ethnic separatist policies and identity group politics. Bilingual education and racial quotas should be abolished, for example. Greater influence in our schools should be placed on American history, American government, and western civilization, rather than celebrating and teaching multi-culturalism.

### **How Many Immigrants Should We Admit?**

Most Americans have come to believe that the United States is accepting unprecedented numbers of immigrants—that the nation is virtually “under siege” from foreigners. Many of our politicians, such as Pat Buchanan, have tried to reinforce this sense of an out-of-control border by resorting in some cases to frightening rhetoric. Buchanan, for example, speaks of the need to “build a sea wall around the United States” to keep out “the rising masses of foreigners.”

The truth is that the numbers today are not unusually high or unmanageable. It is indeed true that in the 1980s and 1990s the U.S. admitted about 15 million new immigrants. This was the most immigrants to come to the United States since the great wave that arrived through Ellis Island between 1900-1910. Roughly half of all immigrants settled in just four states: California, Florida, Texas, and Illinois.

Perhaps the best measure of America's ability to absorb immigrants into the social and physical infrastructure is the number of immigrants admitted as a share of the total population. The U.S. immigration rate has risen from about 2.0 per 1,000 residents in the 1950s and 1960s to about 3.5 per 1,000 residents by 2000. In earlier periods of our history the immigration rate has been as high as 16 per 1,000, or five times higher than today. The average immigration rate over the past 150 years has been about 5 per 1,000 residents.

Today, more than 25 million Americans—or about one in ten—is foreign born. This is somewhat lower than the historical average of about one in eight Americans being foreign born. Our historical experience thus suggests that increasing immigrant quotas would not cause unprecedented immigration.

The birth rate in the U.S. today is slightly below replacement levels. For many industrialized nations, low birth rates are a huge long-term demographic problem. Thanks to immigration, our demographic problems are less severe than in Japan, Germany, Spain, Italy, and France, to name a few. As the Baby Boomers begin to retire in 10 years, America will need young workers through immigration more than ever.

*Policy recommendation: Historical experience shows that the United States can easily sustain an immigration level of one million new entrants per year. For at least the next 20 to 30 years, because of America's changing demographic profile, more workers will be needed to sustain the U.S. economy and pay the retirements costs of current workers. This can be achieved in part by modestly raising immigration levels. Certainly, it would be contrary to the national interest to be reducing immigration levels at this time.*

## Immigrants and the New Economy

The resiliency of the U.S. economy continues to confound almost all economists and government forecasters. This is an expansion like almost no other in American history, with trillions of dollars of new wealth having been created in just the past decade. What is new and different about this expansion is that it is being driven in large part by one sector of the economy: high tech. As economist Lawrence Kudlow of CNBC has noted, "This bull market economy is being pulled along by dramatic productivity gains in the high technology sector." Today, the U.S. is globally dominant in almost every important high-tech field—from computer software to pharmaceuticals to robotics to semiconductors.

U.S. policymakers should be doing everything possible to facilitate and foster the continuation of the remarkable productivity revolution in the computer and information technology industries. The good news is that in most cases, this simply means leaving industry alone, and allowing the survival of the fittest, like Microsoft, to flourish.

But U.S. firms also desperately need access to the kinds of technically trained workers that created the Silicon Valley prosperity in the first place. This means that over the long term they need better-trained U.S. workers. But it also means they need to be able to hire high-skilled immigrant workers. The immigration laws are pathetically inadequate in this regard. Until a few years ago, U.S. firms were permitted to recruit just 65,000 skill-based immigrants per year under a program called H-1B. In 1998 that cap was raised to approximately 100,000 per year.

That is still too few visas relative to the need and the economic opportunity. We should immediately double or even triple high-skilled immigration visas. These talented engineers, scientists, teachers, and business professionals will not take jobs from American workers—they will almost certainly create jobs by making our industries more profitable and productive. As T.J. Rodgers, president of Cypress Semiconductors, has noted, "Immigration is a leading factor behind the U.S.'s commanding competitive position in semiconductors, as it is in almost every 21<sup>st</sup> century industry." The combination of good old American ingenuity and the

top talent from the rest of the world gives the U.S. an awesome comparative advantage against foreign rivals.

*Policy Recommendation: What is the best way to attract high-skilled immigrants? Clearly the employer-sponsored system works well and should be made more generous. But additionally, the U.S. should establish 100,000-200,000 visas that would be allocated through a point-based selection system. Points should be awarded on the basis of: education level, occupational skills, English language ability, special talents, and perhaps other characteristics. Visas should be awarded to the immigrants with the highest point totals each year. Under such a system, we would roughly double the number of immigrant visas awarded on the basis of skills. With this change, the immigrants who come to the U.S. in the next 20 years will be the most talented people ever to come. It wouldn't be long before we had a Silicon Valley in every state in the union. This would be an incredibly bullish policy for an already stampeding U.S. economy.*

## Family-Based Immigration

Throughout American history immigrants have tended to come to the U.S. with some or all of their immediate family. Others come to reunite with family members. The system generally works well, providing newcomers with a natural social network and safety net to fall into when they arrive. Because the family is the basic socializing structure in America, it makes sense that our immigration policy should continue to emphasize immediate family preservation.

Family immigration is also an imperative of our immigration policy because if immigrant workers cannot get their family members into the U.S., many will not wish to come. If we want skilled immigrants, we need to allow them to bring their families. Although opponents of the family system argue that it encourages “chain migration,” reports by the U.S. General Accounting Office indicate that chain migration is not a major problem.

*Policy Recommendation: Preserve family-based immigration. Moving toward greater emphasis on skilled immigration should be done as an add-on to the current immigration preference system, not as a substitute for current family immigration policies. The one exception is that the category preference that allows adult immigrants to bring in their elderly parents should be discontinued. Elderly immigrants provide almost no benefit to the U.S. and, unlike young immigrants, impose net costs on U.S. taxpayers.*

## Encouraging Ethnic Diversity

The 1965 immigration law ended the national origin system for allocating immigrant visas and replaced that system with the family-based system. The pre-1965 laws had been criticized rightly for becoming a de facto barrier against non-European immigrants. However, a strong case can be made that the laws have swung too far in the opposite direction—excluding many Europeans who lack the family connections to come to the U.S. In the 1950s about half of our immigrants came from Europe. Now less than 20 percent do.

The drop-off of European immigration is troubling. Immigration is beneficial at least in part because of the ethnic and genetic diversity it brings to the U.S. Moreover, Europeans, like Asians, have tended to be highly skilled and thus desirable for the substantial human capital they bring with them.

One major reason why the U.S. has seen a decline in European immigration has had little to do with U.S. immigration policy, but rather the inability, until recently, of immigrants from former communist nations—including Poland, Russia, Hungary, and Romania—from traveling here. In the 1980s, only about 3 percent of America's immigrants came from the Eastern bloc. The number of immigrants who came to the U.S. from all East Europe in the 1980s was roughly the same number that arrived from the small island of Jamaica.

*Policy Recommendation: One goal of U.S. immigration policy should be to encourage ethnic diversity. The U.S. should allow increased immigration from Eastern and Western Europe. A point system as described above might give preference to those from nations where historical immigration levels have fallen substantially.*

## Immigrants and Welfare

America's welfare system should not be a magnet for immigrants. For the most part it is not. Moreover, the welfare reform laws of 1996 tightened eligibility requirements, thus making it more difficult for immigrants to receive public assistance. The preliminary statistics indicate an encouraging decline in welfare use among immigrants in the wake of that law.

Studies at the Cato Institute, confirmed by other scholars, suggest that immigrants use welfare and other social services at about the same rate that U.S.-born citizens do, despite that the foreign born have higher rates of poverty. The taxes paid by immigrants typically cover the cost of public services used. The rate of welfare use is higher among immigrants living in high-benefit states, indicating that if states would reduce the value of their welfare packages, dependency rates among immigrants would decline still further.

*Policy Recommendation: What is clear is that Americans do not want to be paying taxes for immigrants on welfare. The good news is that immigrants as a group are not welfare abusers —particularly now that the new tighter eligibility laws have been adopted. One long-standing condition for entry for immigrants is that they not become “a public charge.” This policy should be more strictly enforced. For their first five years in the U.S. immigrants should not be eligible for most cash and non-cash welfare benefits, with emergency medical care being a notable exception. Immigrants who go on welfare during their first five years in the U.S. should be denied continued residency in the U.S. Efforts by some welfare advocacy groups to roll back the welfare restrictions for immigrants in the 1996 law should be vigorously opposed.*

The explicit purpose of refugee assistance programs is to “help refugees achieve economic self-sufficiency within the shortest time possible following their arrival in the United States.” In practice the programs have had precisely the opposite effect, contributing to a culture of dependency within refugee communities. Most special refugee assistance programs should be eliminated. Non-profit resettlement agencies and ethnic associations should privately provide refugee assistance.

## Making Sure the Melting Pot Still Works

We as Americans should expect—even demand—that those who come voluntarily to these shores become part of the American community. This should be a central part of the citizenship pact. This requires basic steps toward assimilation: learning the language, learning about how the American system of government works, staying off welfare, avoiding criminal behavior, gaining employment rapidly so to start the climb up the economic ladder of success.

Assimilation is not a dirty word. It binds our society together. Too many institutions in America celebrate our separateness, not our shared identity and our shared values. Studies tell us that assimilation is also a virtual pre-condition for immigrant success in the U.S. English language ability is a huge predictor of economic advancement for immigrants. The immigrants want to assimilate—if only we as a society will encourage it.

## Center for Immigration Studies

*Policy Recommendations: Abolish bilingual education. The California experience proves that English immersion is far superior for teaching immigrant children our common language. Abolish the system of quotas and preferences in the job market, the universities, and in government. Race-based preferences are not just an inherent injustice —a contradiction of the idea of equal treatment under the law—but also encourage an unhealthy entitlement mentality among racial and ethnic groups.*

Finally, if our goal is to see immigrants become American citizens, we must take steps to reduce citizenship backlogs, of more than 1 million and counting. Citizenship tests should not be dumbed down, as some have suggested, and the residency requirements should remain in place, but it should not require years of delay for those who are eligible to become full-fledged American citizens.

### Note

Patrick Buchanan, “The Immigration Bomb,” *The Washington Times*, October 11, 1990.



# Immigration Policy as Random Rationing

## By Alan Reynolds

An immigration policy would set priorities and establish mechanisms for reaching those goals. By that standard, the U.S. has no immigration policy at all.

The overwhelming majority of permanent immigrants are not admitted on the basis of any evidence of employability, savings, or even minimal English language skills. On the contrary, at least 85 percent of legal immigration is reserved for those who come from only the most horrible countries (refugees and asylees); those whose relatives recently arrived in the U.S. (as relatives themselves, as refugees, or as illegal aliens granted amnesty or asylum); and those who happen to win the annual diversity lottery. None of these three admissions criteria is derived from the slightest consideration of the economic and social impact on the U.S. public at large. The issue is not merely a matter of who gets in, but also of who is kept out. Family unification, refugees and diversity use up so many spaces that there is little room left for anyone else. Various employment-related criteria accounted for merely 11 percent of immigrants in 1997, and skill-based visas for merely 1.6 percent.

A small number of highly-skilled foreigners whose work is in heavy demand may be lucky enough to get *temporary* visas. At the same time, however, we routinely import huge numbers of poor people with little schooling or skill. Many immigrants had, of course, made enormous contributions. But whether or not that happens is a matter of chance, not policy. So long as the U.S. continues to import hundreds of thousands of undereducated poor people every year that must *dilute* the nation's average skill, productivity and real wage, and make poverty a much more intractable problem than otherwise.

### Emphasize Self-Reliance

Any serious immigration policy would establish priorities that distinguish between prospective immigrants on the basis of their probable ability to participate constructively in the American society and economy. I propose that the following simple criterion take precedence over all others: *Prospective immigrants must be required to demonstrate that they are likely to be able to adequately support themselves and their dependents.* Relevant evidence could include having a concrete U.S. job offer, proof of a marketable skill or craft, educational credentials, English language proficiency, or evidence of substantial savings. Any other criteria (such as family unification) would be applied secondarily, only after first providing the required evidence of occupational or financial-self reliance. That is, economic standards would apply to working-age members of any preference groups, such as non-dependent relatives or refugees.

With *any* limit on the number of immigrants, a higher priority for economic self-sufficiency necessarily requires a *lower* priority for family unification, refugees and/or the diversity lottery. Admitting more immigrants for such sentimental reasons necessarily means *excluding* hundreds of thousands of better-qualified applicants simply because they happen to live in peaceful democratic countries such as Hong Kong, Turkey or Botswana. Since aspiring immigrants from such countries could not have qualified as refugees or asylees in the past, future immigrants from such countries are unlikely to have the U.S. relatives needed to be admitted under family unification preferences.

Any serious effort to keep family unification as the dominant policy goal is mathematically incompatible with *any* binding limit on the annual number of immigrants. Under current rules, one million immigrants today acquire an entitlement to bring in several million relatives in the future. Those relatives, in turn, acquire implicit rights to bring in more of their relatives. As a result, admitting only one immigrant today actually implies admitting many

more in the future. The number of immigrants thus tends to expand at a *geometric rate*, slowed only by increasingly arbitrary bureaucratic quotas and ever-longer waiting lists.

The compounding strains inherent in family unification are the main reason why legal immigration had already exceeded 900,000 by 1996, despite the 1990 statutory cap of 650,000, and why Census projections pretending that combined legal and illegal immigration will never exceed 850,000 are quite unbelievable. Just as the U.S. has no policy for favoring the most desirable immigrants (except with a few temporary work visas), the U.S. also has no effective rationing devices to enforce any binding limits on the number of legal immigrants. If we had prudent standards of admission, incidentally, my preference would then be to *enlarge* the number of immigrants because the U.S. population is slowing and aging. To criticize America's non-policy does not prevent one from being strongly "pro-immigration."

There are several ways to reduce the overwhelming priority currently accorded to family unification, at the expense of all other goals. It is not clear why citizens of another country, privileged to become legal U.S. residents, should have any greater right than any other foreigner to bring relatives to this country. Children and spouses of new citizens could still be accorded a high priority, but this too should depend on some evidence of economic self-sufficiency (always the first priority). Citizens might likewise be permitted to bring elderly parents here on proof that they can and will support their parents as dependents, and *not* have them to live on Supplemental Security Income (even then, however, aged immigrants would have access to Medicare benefits without paying the related payroll taxes). Even the seemingly unobjectionable preference for spouses has encouraged a "mail-order bride" industry (e.g., from Russia or the Philippines), now accelerated with the development of Internet brides.

Reducing the emphasis on family unification involves a political problem familiar to the economics of public choice. Recent immigrants constitute an organized and vocal interest group that lobbies aggressively for easier admission of brothers, aunts, cousins and grandparents. Each member of the public at large, but contrast, has too little influence on this topic to be easily mobilized for effective political action. Some politicians have sought votes complaining about the *number* of immigrants, but few have dared question the literal impossibility of making good on two open-ended promises — family unification and refuge from all the worlds' tyrants. It appears easier to be against immigration than to be in favor of *careful* immigration.

It is no favor to immigrants themselves (not to mention those excluded, or the general public) to maintain a policy that is *poverty-blind* — indifferent to the reality that immigrants without basic education and language skills are uniquely vulnerable to fraud and abuse, and very likely to suffer perpetual poverty, even if they manage to find some sort of work.

## Certification Is Backwards

Refugees and relatives account for the overwhelming bulk of legal immigration, yet these are the only immigrants who do *not* need Labor Department certification that they will *not* have an "adverse impact" on labor markets. This protectionist scheme is based on the hoary fallacy that the number of jobs is limited, so immigrants supposedly take jobs away from natives. In reality, immigrants *with jobs* are the least of our immigration problems. Working immigrants *create* jobs by spending and investing their earnings.

Bureaucratic certification, like occupational licensing, invites rent-seeking by occupational lobbies hoping to gouge consumers by making sure that newcomers lack valuable job skills. The solution is simple: Certification designed to ensure that immigrants will *not* have good jobs must be totally replaced with our proposed skill-based criteria to ensure that future immigrants *will* have good jobs.

Certification's perverse bias against skills helps explain why those with special skills and certain employment are now admitted only on *temporary* visas, for no more than seven years, while far greater numbers with no known skills at all are routinely granted permanent green cards. Admitting more engineers or computer scientists under H1-B quotas is better

than nothing, but why kick them out later? In globally mobile industries, such as high tech, bottlenecks arising from scarcity of qualified workers can be alleviated just as easily by moving the work to foreign countries as by moving foreign workers here. America will either import the needed skills or export some of the best jobs.

There is no denying, however, that paranoia about “immigrants taking away our jobs,” does have *political* importance. One way to alleviate such concerns might be to make *cyclical* adjustments in annual immigration quotas (currently set at 650,000 come rain or shine, albeit with big leaks). If the unemployment rate was unusually high during the third quarter of any year, then the immigration quota could be reduced for the following year, and vice-versa when the unemployment was low. Such adjustments would be tiny relative to the size of the labor force, but might nevertheless prove comforting to influential groups which might otherwise be hostile to immigration. For similar reasons, it would also be constructive to find a way to encourage greater *geographic dispersion* of immigrants (such as having smaller cities that are short of workers make that fact prominently known on the Internet), since the concentration of immigrants in just a few major cities puts a strain on schools, social services, and traffic.

## Fine Illegals

Although legal immigrants far outnumber illegal immigrants (and the latter are virtually compelled to work), politicians commonly emphasize the illegal fraction in order to avoid confronting the fact that there are virtually no economically or socially relevant standards for legal residence in the United States.

Half of illegal immigration is not the result of sneaking across the border, but of overstaying a tourist visa. To deal with this, I would impose a system of fines that grows geometrically larger (doubled each month) the longer someone remains after the visa has expired. Anyone would be free to leave without paying the fine, or could be deported. But such persons could never again be admitted without paying the overdue fine, plus interest.

## Gambling with Immigration

The current immigration regime turns out to be mainly based on country of origin. Because the last batch of immigrants mainly came from a few countries in Asia and Latin America (and, to a lesser extent, from the former Soviet Union), the next batch is destined to come from the same countries unless U.S. policy is dramatically reformed. Family preference actually translates into *national* preference.

The diversity lottery attempted to put a tiny patch on the national favoritism resulting from emphasizing nepotism in U.S. immigration rules. Yet the necessity of using a lottery to squeeze millions of applicants into 55,000 slots illustrates just how random the U.S. admissions criteria have become.

Once the primary objective of immigration policy shifts toward the immigrant’s prospects of economic self-sufficiency, there is no longer any plausible rationale for the whimsical diversity lottery. Diversity of ethnicity may be desirable, but diversity of *literacy* is not. By 1997, only 31.3 percent of Mexican-born U.S. residents had acquired a high school degree in either their native country or the U.S., and (not coincidentally) 33.9 percent fell below the U.S. poverty line.<sup>1</sup> Yet U.S. scholars continually fret over poverty, illiteracy and education-based “income gaps” without so much as mentioning the obvious role of immigration policies that are blithely indifferent toward poverty and illiteracy.

In the future, the message to those who aspire to live in the United States must be that merely being related to a former immigrant, or having the bad luck to be born in some terrible tyranny, is no longer *sufficient* to obtain a green card. We will take such matters into account, but we will also demand some proof that the relative or refugee is unlikely to end up as permanent ward of the U.S. taxpayer. Prospective immigrants must be advised, for example, that the odds

of being admitted will be greatly diminished if they drop out of school in their home country, and that the odds will be improved if they learn a little English. These are positive, helpful themes, even for those who ultimately remain in their native countries. English, for example, is the language of international business and the language of the Internet. Bilingual schooling and citizenship tests discourage economic assimilation.

## Refugees and Asylees

It is easy to offer impassioned arguments that the U.S. “should” open its doors to all self-described oppressed and persecuted peoples of the world. But that is not about to happen. Such an open-ended commitment has never happened in modern times. The U.S. has *selectively* welcomed only refugees from Communist countries in recent decades, such as Cuba and Vietnam, as a Cold War political tactic. Due to the dominant priority accorded to family unification, many subsequent immigrants continue to arrive from these same (former Communist) countries.

Many problems the public tends to associate with immigration are most valid for refugees, because refugees are often poorly educated and (unlike other immigrants, particularly the illegal sort) refugees are instantly entitled to Supplemental Security Income, Medicaid, food stamps, etc. Yet a refugee, unlike illegal immigrants going through the motions of seeking asylum, at least waits for a U.S. invitation. The prolonged legal process of seeking asylum rarely bears fruit, yet it provides a way for illegal aliens to remain here after they have been detected, which may encourage illegal immigration.

Any decision to admit a large number of refugees should, in my judgement, be limited to one or two years and require a separate act of Congress.

When it comes to favoring one motive for immigration over another, there is no choice but to make choices. It is a waste of words to plead for unlimited refugees, or for unlimited family unification. Since there are practical and political limits on the number of immigrants society is likely to tolerate, then to admit more refugees regardless of their capacity to support themselves and their families must mean admitting fewer immigrants whose services may be sorely needed in the U.S. economy. Those who might prefer to reserve more spaces for refugees and asylees (or for family unification) are logically obliged to advise us which of the many other legitimate motives for immigration are to be thwarted and why.

## Reduce Reliance on Non-Price Rationing

The number of foreigners who wish to live in the United States is much larger than the quota Congress attempts to place on the annual number of immigrants. That makes this a rationing problem — a topic for economists. There are very few mechanisms for rationing — the price system, the queue, the lottery, evasion (illegal immigration), or political clout (letting politicians and bureaucrats decide who gets to live here).

When it comes to rationing nearly everything else of value — to decide who gets what — the U.S. relies entirely on the price system. Experiments with more chaotic methods, such as waiting in line for gasoline in the seventies, were properly met with considerable complaint. When it comes to rationing the incredibly valuable right to live in the U.S., however, the uses include every rationing technique *except* the price system.

The favored rationing technique is a mixture of arbitrary political preferences and ever-increasing waiting lists. Foreigners offered a U.S. job requiring less than two years’ experience find themselves in “Employment Third Preference” class, waiting ten years for a visa. Permanent residents sponsoring an unmarried child older than 21 fall into family category 2B, with a six-year wait. Brothers and sisters of U.S. citizens are in “Family Fourth Preference,” with a waiting list of more than one million.

## Center for Immigration Studies

Such primitive non-price methods of rationing always work poorly, partly because they cannot deal with varying *intensity* of motivation (if they could, anyone more eager to live in the U.S. could easily bribe someone in less of a hurry who happens to “own” an earlier spot in the queue). Using long waiting lists to ration entry discourages the most skilled or affluent people who have other attractive options, such as moving to Canada or New Zealand where skills or affluence are promptly welcomed. Allowing politicians and bureaucrats to decide who gets the first chance to live in the U.S. tends to favor friends and relatives of lobbying groups with the most votes or most generous campaign contributions. And the diversity lottery is ludicrous, a monument to the intellectual bankruptcy of Congress.

Several economists have proposed that immigration rights be auctioned to the highest bidder, but there are formidable practical and political problems with that. It would be quite easy, however, to make *partial* use of the price system to alleviate such obvious rationing problems as 10-year waiting lists and lotteries. All that would be needed would be to charge successful applicants an *immigration fee*, as Canada does, while offering a loan if immediate payment poses a hardship.

Immigrants expect to obtain most of the benefits of immigration (which is why they immigrate), yet taxpayers in general now bear all of the costs. U.S. taxpayers also make financial commitments to new immigrants, offering many services and benefits, yet immigrants make no commitment to the U.S. other than the modest cost of transportation to and fro.

A modest one-time fee of, say, \$2000 per immigrant would significantly shorten the waiting lists by thinning-out those applicants with weak, uncertain motivation. An immigration fee (like the proposed fines for overstaying visas) would take advantage of demonstrably potent economic incentives to greatly reduce reliance on such clumsy devices as waiting lists and lotteries.

Even after making better use of the price system to balance supply and demand, however, we must still rely on *some* criteria for determining each immigrant’s eligibility. The most sensible and ultimately most compassionate criteria are those that demonstrate the potential immigrants have sufficient human and/or financial capital to become productive members of the economy and society. In the absence of a binding multi-year job contract, such admissions criteria would require the equivalent of a resume — occupational experience, formal education or other skills, including English language skills — preferably enhanced by the added security of a “settlement fund” (accumulated savings).

Using evidence of economic self-sufficiency as the *primary* requirement, relegating other objectives to a secondary or tertiary rank, would soon make immigration far more successful and less controversial.

*Alan Reynolds, a senior fellow with the Hudson Institute, contributed to the Institute’s influential study Workforce 2020.*

## Note

<sup>1</sup> Bureau of the Census press release cb99-195, October 15, 1999



# An Immigration Policy Needs Objectives

By Dan Stein

There is an old saying that if you don't know where you're going, you'll wind up where you're headed. Those who are setting our nation's immigration course should heed this cautionary advice. Virtually everyone, whether they support high or low levels of immigration, is dissatisfied with our current course for the simple reason that our immigration policies lack any real definable national interest objective.

In fact, it is a mistake to discuss U.S. immigration policy, because the word policy implies that there is a well-defined goal and that we have established a set of legal mechanisms that will lead, hopefully, to fulfilling our objectives. While every public policy engenders wide disagreement, no other important national policy lacks an agreed upon goal.

Liberals and conservatives may argue heatedly about how big the defense budget ought to be, and what weapons systems our military should possess. But neither the most dovish Democrat nor the most hawkish Republican would disagree that the goal of our defense policy is to protect the security of the United States and its interests around the world. Similarly, people from across the political spectrum can easily define and agree upon the objectives of just about any important policy —education, the environment, health care, etc. There are a broad array of ideas, and vigorous disagreement, about how to achieve our goals in these areas, but at least everyone is clear about what the goals are.

It is highly doubtful that anyone in Congress, the body charged with setting immigration rules, can clearly define what the policy is meant to achieve. And even if someone has given enough thought to the matter to be able to articulate policy goals, it is highly unlikely that there would be any sort of consensus on those goals.

Absent a well thought-out rationale for immigration, platitudes and nostalgia have become the governing philosophy. As best anyone can tell, we have immigration today because we are a “nation of immigrants.” Consequently, immigration seems to be defining the nation, by default, rather than the nation defining the role of immigration by a well-reasoned assessment of how this policy will serve its interests.

*While policymakers seem to lack a vision of what U.S. immigration policy is meant to achieve, the American public, at least, seems to have a visceral understanding of what is at stake. The American people do have a sense of what type of country they want, and want for their children —and they are quite sure that the current policy is not leading us in that direction.*

What the public wants is 1) a stable population size, 2) a healthy economy, and 3) a sense of national cohesion based on shared values and a common language. These rather straightforward goals are, perhaps, so obvious that they have been overlooked by the people who have been formulating our immigration policies for the past several decades. They do, however, constitute the sort of overarching policy objective (like protecting our national security is for defense policy) that might eventually lead us to a rational immigration policy. Different people will have different ideas about how these goals for our immigration policy should be met, but at least we will have a generally agreed upon goal to shoot for: achieving population stability.

The Census Bureau projects that U.S. population could approach a half a billion people by mid-century, and that nearly all of this growth will be a consequence of immigration and its ripple effect across the generations. The near doubling of U.S. population over the next 50 years will occur for two reasons. Our policy of family chain migration creates more and more

people with immigration entitlements every day, and seemingly innocuous incremental increases in visas for special cases have, cumulatively, sent immigration levels skyrocketing.

Eliminating immigration entitlements for extended family members will put a brake on the primary force driving ever-higher levels of immigration. Limiting family-based immigration to the nuclear family, i.e., spouses and unmarried minor children, will prevent the immigration queue from growing each time a new person is admitted to the country. (It will also help us ensure a healthy economy, as will be discussed later.) Backlogs for extended family—like brothers and sisters and adult married sons and daughters—simply need to be abolished.

When we decide, for whatever reason, to admit someone as an immigrant, we will know exactly how many relatives will accompany (immediately, or in the future) the principle immigrant. When an immigrant with a spouse and two minor children is admitted, four visas from that year's overall allotment can be deducted, and there will be no indeterminate number of other relatives who must be granted admission down the line. Ending family chain migration means that when we admit a family of four, our immigrant population will grow by four people, not by 14 or 40 people, depending on how many relatives decide to follow.

The second reason our legal immigration intake has doubled in the past 20 years is because there is no discipline in the system. Politicians “print visas” the same way they have printed money for years, without any sense of limitation and often as a kind of political bribery. The same sort of fiscal discipline that finally brought runaway budget deficits to heel must be applied to immigration. Runaway immigration is a result of a never-ending series of very “reasonable” increases in the number of visas handed out. Over the past 30 years we found ourselves granting a few more visas to help out one group, to be fair to another group, to protect still another, or to provide for the labor “needs” of a long parade of business interests. In almost every case these increases merited some consideration (just as almost every increase in the federal budget did during the years of large deficits), but no one ever seems to contemplate the cumulative effect.

The budget process is an exercise of deciding among competing priorities within a fixed spending limit. An immigration budgeting process would require Congress to make the same sort of deliberative choices. There may be a very good reason to admit more Serbians, or more Guatemalans, or more computer scientists in any given year, and Congress should have that flexibility. But there must be the imposed discipline of a budget, which requires increases in one area to be offset by reductions in areas that are determined to be of lower priority.

Immigration should contribute to our economic health. Everyone talks about the new economy and understands what is required to make it in the digital age. Yet as the bar for economic success has been raised, the skills level of our immigration flow has generally declined. While we do get some exceptionally skilled immigrants, more than a third of all the adults who are admitted to this country have less than a high school education. The result is that some 40 percent of immigrants find themselves in the bottom 20 percent of wage earners. Even more disturbing is the growing body of research which finds that this poverty is chronic, and tends to extend over several generations.

We cannot build a successful 21st century economy with an immigration policy that does not select people with 21st century skills. Eliminating the family chain migration model, which is driving population growth, will also allow us to rectify the mismatch between the needs of our economy and the skills of immigrants. About three-quarters of legal immigrants

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It is highly doubtful that anyone in Congress, the body charged with setting immigration rules, can clearly define what the policy is meant to achieve . . . As best anyone can tell, we have immigration today because we are a “nation of immigrants.”

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today are admitted under some family reunification provision, irrespective of whether the relative being admitted possesses any marketable skills.

Liberating ourselves of the self-imposed “requirement” that we admit certain people just because they happen to have a relative in the United States, will restore flexibility and responsiveness to the system, allowing us to select several thousand people based on the perceived needs of our economy at the moment. These needs are likely to change over time and,

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Politicians “print visas” the same way they have printed money for years, without any sense of limitation and often as a kind of political bribery.

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therefore, the admission criteria will need to be reviewed periodically. The various federal departments that have an interest in immigration policy—namely the Departments of Justice, Labor, Education, and the EPA—should serve in an advisory capacity in these reviews. However, the governing prin-

ciple of immigration policy must be that broad-based domestic factors drive the system, not the demands of cheap labor and other special interests.

Immigration should promote a sense of national cohesion, based on shared values and a common language. Nations are more than just a collection of people living in geographic proximity to one another. A nation is more than a flophouse, a hotel, or a market. What make a nation is its land, its people and its institutions. It must contain either a close ethnic tie, or a shared commitment to certain principles anchored with some shared political history. Clearly, the United States falls into the latter category of nations.

As the United States has proven many times in the past, we have a remarkable capacity to incorporate people into our society, given the right set of circumstances and adequate breathing space. When evidence shows, however, that immigration is straining the common bonds that Americans consider essential, then those interests must be given primacy. As we look around the United States, with the proliferation of ethnic communities where people remain culturally and ethnically separated from the American mainstream, it is apparent that the threads that hold this large and diverse country together are being threatened.

Every policy needs a simple and definable purpose, and right now immigration lacks one. We will never fully reach a consensus about how to achieve the goals of immigration or any other public policy, but establishing national objectives will bring us a lot closer to a policy that most Americans feel comfortable with. Until we set goals, our immigration debates and the underlying procedures will continue to flounder, driven by the most narrow of special interests at the expense of the larger community.



# **In Praise of Huddled Masses**

## **The Wall Street Journal**

“There shall be open borders.”

*Excerpted from a July 3, 1984, editorial.*



## About the Center

The Center for Immigration Studies is an independent, non-profit organization founded in 1985. It is the nation's only think tank devoted exclusively to research and policy analysis of the economic, social, demographic, and environmental impact of immigration on the United States.

The Center's work is animated by a pro-immigrant, low immigration vision, which seeks fewer newcomers but a warmer welcome for those who are admitted.

The Center provides a variety of services for academics, policymakers, journalists, and other interested parties, including:

- **A monthly *Backgrounder* series**, each issue of which closely examines a particular aspect of immigration;
- **CISNEWS**, an e-mail news service on immigration policy;
- A Web site (**[www.cis.org](http://www.cis.org)**) with the Center's publications, links to news stories, a database of employers fined for hiring illegal immigrants, and other information;
- **Symposiums** sponsored by the Center to promote dialogue; and
- **Studies and monographs** on the impact of immigration.

