

University of Virginia Center for Politics



Talking Turkey: Immigration

Referendum Question: The Federal Government should deport unauthorized Immigrants regardless of the amount of time they have been in the United States.

General Facts:

The United States is often referred to as a nation of immigrants. A great source of strength for the country, immigration causes a great deal of disagreement among the American public. Questions such as; who belongs here? How many immigrants should be admitted? What countries should they be admitted from? These questions have dominated politics in this country throughout its history.

In democratic countries such as the United States, immigration policies seek to implement national priorities regarding what kinds of persons may legally immigrate and eventually claim full rights as equal citizens. Achieving the unity and equality proclaimed in the motto, *E Pluribus Unum*, which is Latin for “Out of Many, One,” requires careful attention to immigration laws and how they have been framed and enforced. Values regarding who can become U.S. citizens and why have evolved over time, as reflected in our laws regarding [citizenship](#) and immigration.

<https://immigrationhistory.org/background/>

Immigration is a policy managed predominantly at the federal level. Key topics include US citizenship, family-based immigration, employment-based immigration (temporary visas and permanent immigration), refugees and “asylees” as well as other diversity visa and humanitarian relief programs. There are approximately 876,000 visas available each year for US bound immigrants. (www.impactpsf.org/issue-brief)

Since President Joe Biden took office in January 2021, his administration has acted on a number of fronts to reverse Trump-era restrictions on immigration to the United States. The steps include plans to [boost refugee admissions](#), [preserving deportation relief](#) for unauthorized immigrants who came to the U.S. as children and not enforcing the “[public charge](#)” rule that denies green cards to immigrants who might use public benefits like Medicaid. www.pewresearch.org/short-reads/2022/01/11/key-facts-about-u-s-immigration-policies-and-bidens-proposed-changes/

Opposition to the President’s policies allege that the president's administration has failed to manage the southern border properly. Republicans fixate on international aid, which they argue is being wasted. Presidential candidate, Dean Phillips, "It fuels corruption in a lot of places. Why do we not invest in the very countries from which migrants are coming because they're persecuted, feel unsafe, or have no opportunity,"

"Why don't we use American resources upstream to invest in those countries, so people have a safe place, they have opportunity, they have shelter, and do not need to pour across our border?" <https://www.washingtonexaminer.com/news/campaigns/dean-phillips-campaign-three-ways-challenger-bad-news-biden/>

Questions people might ask about the topic:

- 1. How can people legally immigrate to the United States?** To immigrate to the United States means to **relocate permanently by obtaining a green card** (officially known as an "immigrant visa" or "lawful permanent residence"). A green card allows unrestricted employment and can be renewed indefinitely. It also provides a pathway to U.S. citizenship. www.boundless.com/immigration-resources/us-immigration-explained
- 2. What is a lawful permanent resident?** Lawful permanent residents (LPRs), also known as "green card" holders, are non-citizens who are lawfully authorized to live permanently within the United States. LPRs may accept an offer of employment without special restrictions, own property, receive financial assistance at public colleges and universities, and join the Armed Forces. They also may apply to become U.S. citizens if they meet certain eligibility requirements. www.dhs.gov/immigration-statistics/lawful-permanent-residents
- 3. What is asylum? How is asylum different from other migration status?** www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference A refugee is someone who has been forced to flee his or her home because of war, violence or persecution, often without warning. They are unable to return home unless and until conditions in their native lands are safe for them again.
- 4. Can people who enter illegally be granted permanent status?** www.fwd.us/news/pathways-to-citizenship

To obtain legal status, undocumented immigrants must file an application for immigration relief. In certain situations, you may file an application for adjustment of status – generally known as a Green Card application.

The following scenarios allow you to file for a Green Card application and obtain legal permanent resident status. Marrying A US Citizen Or A Lawful Permanent Resident, Applying for Asylum Status, Requesting Cancellation of a Removal, Applying for a U Visa, Serving in the Armed Forces.

- 5. Why don't immigrants just wait in line to be granted residency in the U.S.?** <https://americanimmigrationcouncil.org/research/why-don't-they-just-get-in-line> Immigration to the United States on a temporary or permanent basis is generally limited to three different routes: employment, family reunification, or humanitarian protection. Each of these legal avenues is highly regulated and subject to numerical limitations and eligibility requirements. As a result, most

undocumented immigrants do not have the necessary family or employment relationships and often cannot access humanitarian protection, such as refugee or asylum status. This means that no matter how long they have been in the United States, most undocumented immigrants have no way of achieving legal status.

6. **Why does the immigration process take so long?** U.S. Citizenship and Immigration Services (USCIS) is taking longer to review applications than ever before, according to new government data. The report displays a massive decline in efficiency, with 82% of forms now taking longer for USCIS adjudicators to review. As a result, lower review times are significantly contributing to USCIS' massive application backlog — the forms that now take longer to review account for 86% of the current backlog. <https://www.boundless.com/blog/uscis-long-review-times/>
7. **Do unauthorized immigrants keep wages low for American citizens?** <https://econofact.org/what-explains-the-wages-of-undocumented-workers>
The hourly wage for undocumented workers is much lower than for U.S.-born workers and legal immigrants — but much of this difference can be explained by differences in education and in other factors. By their very nature, there are no comprehensive official counts of undocumented workers and their wages. In order to study this population, most researchers use a procedure that ascribes undocumented status to individuals in existing databases, based on a series of demographic and socioeconomic characteristics. Using this type of data, we [estimate](#) that, on average, the hourly wages of undocumented workers are 42 percent lower than the wages of U.S.-born workers and legal immigrants.
8. **Shouldn't we focus on helping people born in our country first?** www.freedomforimmigrants.org/hard-questions
Providing support to immigrants and to native-born people is not an either-or. The immigration detention and the incarceration systems are designed to hide the socioeconomic problems and disparities that plague our communities, from poverty to homelessness to our unfair education system. Fighting for the freedom of immigrants is part of the struggle for better jobs, better homes, and better education for all.
9. **Doesn't immigration detention deter more unauthorized migration?** Studies have shown that immigration detention is not an effective practice for reducing unauthorized migration. Internal memos from the U.S. Department of Homeland Security (DHS), however, illustrate that the administration's family separation policy has not had its intended effect.³ A new analysis of data from a longer period of time illustrates that family detention has not acted as a deterrent either. Altogether, the data show that both family detention and family separation policies have not deterred families from coming to the United States in the past—and are unlikely to do so in the future. <https://www.americanprogress.org/article/family-separation-detention-deter-immigration/>

10. How can we protect our borders and our citizens if people who immigrate illegally are not detained? <https://www.brookings.edu/articles/the-wall-the-real-costs-of-a-barrier-between-the-united-states-and-mexico/>

<https://abcnews.go.com/Politics/biden-claims-choice-build-trumps-border-wall/story?id=103757017>

<https://www.freedomforimmigrants.org/the-problem>

Resources:

Forward US- www.fwd.us/wp-content/uploads/2021/06/PathwaysToCitizenship.pdf

Freedom for Immigrants- www.freedomforimmigrants.org/hard-questions

The Federalist: <https://thefederalist.com/2018/06/20/3-benefits-border-wall-no-one-talking/>

Econofact- www.econofact.org/waht-explains-the-wages-of-undocumented-workers

Center for American Progress- www.americanprogress.org/article/citizenship-undocumented-immigrants-boost-us-economic-growth

ACLU American Civil Liberties Union- www.aclu.org/know-your-rights/immigrants-rights

New York Times: <https://www.nytimes.com/2023/10/06/us/border-wall-biden.html>

Department of Homeland Security: www.dhs.gov/immigration-statistics/lawful-permanent-residents

National Bureau of Economic Research:
<https://www.nber.org/digest/nov18/sanctions-program-reduces-illegal-entries-united-states>

National Immigration Justice Center:
<https://immigrantjustice.org/issues/decriminalize-immigration>

Brookings Institute:
<https://www.brookings.edu/articles/the-wall-the-real-costs-of-a-barrier-between-the-united-states-and-mexico/>

The Constitution and Beyond

U.S. v. Texas (2023) In *U.S. v. Texas*, the court upheld the Department of Homeland Security's immigration enforcement strategy [announced](#) by Secretary Alejandro Mayorkas in September 2021. The policy prioritized the apprehension and removal of three specific groups of undocumented immigrants: suspected terrorists, convicted criminals and individuals detained recently at the southwest border. The Biden administration's goal for the policy was to focus limited departmental resources on individuals with a higher likelihood to negatively affect public safety.

<https://www.ncsl.org/state-legislatures-news/details/supreme-court-issues-pair-of-immigration-rulings>

U.S. v Hansen arises under a criminal case against Helaman Hansen, a California man convicted of operating an [adult adoption scam](#) to defraud undocumented migrants. The scheme involved internationally soliciting individuals interested in immigrating to the U.S. and charging them a fee in exchange for a pathway to citizenship through adult adoption, which does not exist. Each victim of Hansen's scam paid him approximately \$4,500, totaling about \$2 million. Hansen was [charged](#) with encouraging or inducing a foreign national to enter the United States while knowing or recklessly disregarding the fact that the foreign national's entry would be illegal. The Supreme Court overruled the lower court in a 7-2 vote. In its opinion, the court compared the statute with longstanding federal and state criminal solicitation and facilitation laws. The laws technically criminalize certain speech but are limited to purposeful solicitation or facilitation of specific criminal behavior. Accordingly, the laws are tailored enough not to prohibit a meaningful amount of protected speech and should be upheld.

https://www.supremecourt.gov/opinions/22pdf/22-179_o75q.pdf

Key Supreme Court Cases in US History:

Cornell Law School:

https://www.law.cornell.edu/wex/immigration_law_key_supreme_court_cases

Oyez.com- Great site for summaries of cases on immigration.

<https://www.oyez.org/issues/164>

Political Parties and their views on Immigration

Pew Research Center: <https://www.pewresearch.org/short-reads/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>

This article highlights the policy differences between democrats and republicans on immigration reform.

Republican Party: <https://www.republicanviews.org/republican-views-on-immigration/>

The Republican Party believes in immigration laws and immigration reforms that address the needs of national security. The party has always been divided on to exactly what extent immigration laws should be tightened, but as a whole the party believes that a system needs to be in place to ensure that immigrants who enter this country illegally are not provided with the same benefits that legal citizens are. They believe in warmly welcoming those who enter the country through legal methods, while devoting extra resources to keep out those who try to enter via illegal methods, as well as keeping track of those who enter and when they leave. The party believes that amnesty towards those who have broken immigration laws only encourages future immigrants to enter the country illegally rather than legally. While Republicans recognize that the number of foreign immigrants travelling here has enriched our country, they also believe that requiring them to do so legally is vital to the safety of Americans.

Becoming American Initiative: <https://www.becomingamericaninitiative.org/the-conservative-consensus-on-immigration/>

Democratic Party Position:

http://www.ontheissues.org/celeb/Democratic_Party_Gun_Control.htm

We recognize that the individual right to bear arms is an important part of the American tradition, and we will preserve Americans' Second Amendment right to own and use firearms. We believe that the right to own firearms is subject to reasonable regulation. We understand the terrible consequences of gun violence; it serves as a reminder that life is fragile, and our time here is limited and precious. We believe in an honest, open national conversation about firearms. We can focus on effective enforcement of existing laws, especially strengthening our background check system, and we can work together to enact commonsense improvements--like reinstating the assault weapons ban and closing the gun show loophole--so that guns do not fall into the hands of those irresponsible, law-breaking few.

Green Party: The Green Party stands firmly for social justice for all those living in this country regardless of their immigration status. Above all, policy and law must be humane. Anything less would be inconsistent with our Green Values, and with our nation's values.

The Green Party accepts as a goal a world in which persons can freely choose to live in and work in any county he or she desires. We recognize that this would be impractical without reciprocity between nations. We seek that reciprocity as a practical goal. Countries do have a right to know the identity of persons seeking to enter. They also have the right to limit who can come in to protect public safety. <https://www.gp.org/dreamers>

Libertarian Party: Libertarians believe that people should be able to travel freely as long as they are peaceful. We welcome immigrants who come seeking a better life. The vast majority of immigrants are very peaceful and highly productive.

Indeed, the United States is a country of immigrants, of all backgrounds and walks of life...some families have just been here for more generations than others. Newcomers bring great vitality to our society. A truly free market requires the free movement of people, not just products and ideas. <https://www.lp.org/issues/immigration/>

Socialist Party:

https://www.ontheissues.org/celeb/Socialist_Party_Immigration.htm

Abolish all anti-immigrant laws. Stop the raids and deportations and demonization of immigrants. Shut down ICE and the concentration camps and reunite families. The government's war on immigrants must end. The border wall must be dismantled. Amnesty and citizenship for those without documents. Full rights for all!

Conservative Sites:

- Heritage Foundation: [America's Biggest Issues: What Immigration Reform Should Look Like \(heritage.org\)](#)
[U.S. Citizenship Act of 2021 | The Heritage Foundation](#)
- National Review: [Immigration Policy: We Need to Learn from Europe's Mass-Immigration Failure | National Review](#)
- Town Hall: <https://townhall.com/tipsheet/leahbarkoukis/2023/10/15/biden-admin-sends-message-to-banks-over-lending-to-illegal-immigrants-n2629805>
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Liberal Sites:

- The Atlantic: <https://www.theatlantic.com/category/immigration/>
- Huffington Post; <https://www.huffpost.com/news/topic/immigration>
- Move On: <https://front.moveon.org/tag/immigration/>

Citizen groups active in the Gun Rights and Responsibilities debate:

United WE Dream !: <https://unitedwedream.org/> A youth lead website that champions immigrants rights.

Center for Immigration Studies: The Center for Immigration Studies is an independent, non-partisan, non-profit, research organization. Since our founding in 1985 by Otis Graham Jr., we have pursued a single mission – providing immigration policymakers, the academic community, news media, and concerned citizens with reliable information about the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States. It is the nation's only think tank devoted exclusively to the research of U.S. immigration policy to inform policymakers and the public about immigration's far-reaching impact. The Center is animated by a unique **pro-immigrant, low-immigration** vision which seeks fewer immigrants but a warmer welcome for those admitted. <https://cis.org/Center-For-Immigration-Studies-Background>

FAIR Federation for American Immigration Reform: FAIR is fighting to restore common sense border controls and an immigration policy that works for America and the future of all Americans. Over the past year, America's immigration and border controls have fallen apart due to ineffective leadership from Washington. <https://www.fairus.org/>

Immigration Advocates Network: <https://www.immigrationadvocates.org/> This is a great site than links for organizations working on behalf of immigrants rights and immigration reform.

Find out how your legislators have voted for immigration reform:

www.justfacts.votesmart.org

Talking Points with your Child- Get the discussion started!!

- Conservatives tend to favor limiting immigration and securing the borders to protect American citizens.
- Liberals tend to favor providing a path to citizenship for undocumented immigrants.
- Many people emigrate to the US because their lives are threatened in the home country. The rise of authoritarian regimes, gang violence, and drug cartels make life difficult in many countries.
- Leaving your home country is not easy. What would it be like if you had to leave your home, family, and culture for an unknown future in the U.S.?

Links for Additional Info.

- Baker Institute for Public Policy: <https://www.bakerinstitute.org/research/expert-focus-us-immigration-challenges-and-possible-solutions>
This brief sheds light on the current situation of irregular migration at the U.S.- Mexico border and summarizes key findings based on six interviews conducted with immigration experts in the autumn of 2022. Based on the information gathered during the interviews, this brief employs a multidisciplinary approach to sort out a number of issues the U.S. immigration system has failed to address over time, key obstacles to reforming the system, and potential paths to resolution.
- TIME: Seven Things That Would Fix Immigration in the U.S.
<https://time.com/6253531/how-to-fix-immigration-us/>
Article that briefly discusses current fixes to the U.S. immigration system. There is a short video that highlights the need for reform.
- National Immigration Justice Center:
<https://immigrantjustice.org/staff/blog/solutions-humane-border-policy>
The U.S. government and governments around the world are grappling with an increase in the number of people [forcibly displaced](#) from their homes by political and social oppression. Despite campaign commitments to restore humanity to

immigration policy, the Biden administration has largely [continued](#) Trump-era policies at the U.S.-Mexico border. These policies blatantly undermine domestic and international asylum law; result in [countless deaths](#); and create rather than mitigate chaos as people blocked from protection have little choice but to resort to multiple and more dangerous border crossing attempts.

- Council on Foreign Relations: <https://www.cfr.org/backgrounders/us-immigration-debate-0>

The United States is home to more foreign-born residents than any other country in the world. In 2021, immigrants composed almost 14 percent of the U.S. population. Congress has failed to agree on how to address immigration challenges, leaving many policy questions up to the courts and executive branch. President Joe Biden has reversed many of former President Donald Trump's restrictive policies, even as he has struggled with a historic influx of migrants. This resource has great charts and graphs on immigration policy, and easy to use subject questions on the left-hand side of the page.