

Fixing America's Immigration Crisis: Recognize and Reform

Immigration stands as one of America's most prominent and controversial issues. No matter one's political stance towards the matter, American citizens must recognize the humanitarian crisis that has been spurred by our egregiously insufficient immigration policies. Currently, at the United States' southern border with Mexico, "waves of immigrants and asylum seekers, largely from Central America, attempt to enter the U.S., [and] hundreds of thousands are being detained by Border Patrol" (Hudak par. 1). Consequently, detainees are backlogging Border Control holding facilities resulting in "deplorable conditions in which facilities are filled far beyond capacity, with some individuals enduring weeks or more without basic necessities like access to showers or changes of clothes" (Hudak par. 1). To any rational observer, the United States' immigration system—solely from the perspective of its Southern border—is broken, much like the discourse surrounding immigration as an issue itself. Those who oppose immigration reform—and even the notion of immigration itself—seek to perpetuate race and class inequality as well as our nation's long history of discriminatory practices. The United States is a nation built upon the sacrifices and contributions of immigrant communities of all races; thus, it is imperative to ameliorate the crisis that we have prolonged with our modern immigration policies. To do so effectively, American policymakers and citizens alike must acknowledge our system's failures, ensure the protection of our immigrants, and recognize the vast benefits of legal immigration.

The beauty of an optimized immigration system is that if the United States were to successfully channel immigration through a functional, regulatory system, enforcement resources and funding could then be spent on preventing individuals from entering the country outside of

this proposed system. A reformed system of immigration would effectively reduce spending costs of enforcement while optimizing the allocation of its resources. However, this system exists only in a world of hypotheticals and best-case scenarios. The immigration system we have currently—predicated on temporary solutions, toleration of extralegal practices, and setbacks from Trump-era policies—fails to protect our most vulnerable immigrant communities. In order to look forward to reforming our system, we must first look back.

Firstly, immigration policies have relied and continue to rely “increasingly upon administrative discretion alone to save the system from itself” (Jawetz). The inadequacy of this governance is highlighted by its need to appease opposition and promote one’s own political interests. For example, “in 2012, the Obama administration created the DACA initiative...and in 2014, it attempted to expand DACA and simultaneously create the Deferred Action for Parents of Americans (DAPA) initiative” (Jawetz). DACA “allowed undocumented immigrants who came to the US under the age of 16 to apply for protection from deportation” (Kopan). DAPA “provide[d] similar protections to an estimated 3.7 million undocumented parents of U.S. citizens and lawful permanent residents who had themselves long resided in the United States” (Jawetz). Both programs were seen as massive strides in reforming American immigration, touting the Obama administration as one of the most progressive in its handling of immigration. However, in reality, these programs were solely temporary fixes to an ongoing crisis.

Furthermore, America’s legal immigration system has historically presented inadequate opportunities and lack of upward mobility for prospective immigrants. Therefore, “an extralegal system has evolved that consists of both unauthorized migration itself and formal and informal policies to not disrupt a generally mutually beneficial arrangement” (Jawetz). Although there are many historical examples of this extralegal system at play—namely, Chinese exclusion and the

Texas Proviso—a prime example is the “bracero program.” Beginning in 1942 and ending in 1964, the program “permitted roughly 5 million Mexican agricultural workers to enter as part of the bracero” (Jawetz). A consequence of this mass migration was that southwest farmers could rehire their undocumented workers, presenting them as “braceros” through shady means. However, at the same time, the Immigration and Naturalization Service (INS) began increasing enforcement efforts seeking to crack down on undocumented workers. These efforts led to many large-scale raids on farms which included “a series of enforcement actions under the name Operation Wetback, which began in 1954 and saw more than a million people deported in slightly more than a year” (Jawetz). These INS efforts were praised for their commitment to cracking down on illegal immigration practices, but serve as a blatant example of America’s long history of exploiting migrant workers.

Lastly, former President Donald Trump’s staunch anti-immigrant rhetoric and policies have not only reversed substantial progress on the issue but also deeply undermined the sanctity of our immigration system. Just some of the unconstitutional and criminal consequences of Trump-era immigration policies include separating families at the border, gutting asylum laws, ending DACA, and ignoring Temporary Protected Status (TPS) (Jawetz). However, one of the most notable and controversial efforts of reverting immigration reform progress—and arguably even social progress—under the Trump administration was the “Muslim travel ban.” Instituted in 2017, “the executive order... barred entry for refugees and residents of seven Muslim-majority countries” (Guterrez). The ban was originally deemed unlawful and unconstitutional by courts until the administration kept adding other countries, some non-Muslim, to appease the Supreme Court. Scholar Isa Guterrez states, “The Trump administration has cited national security concerns as the reason for the ban. However, data show that over 80 percent of terrorist attacks

in the U.S. since Sept. 11, 2001, have been perpetrated by U.S. citizens and permanent residents” (“Psychological”). The travel ban exists as a grim reminder that Islamophobia and anti-immigrant ideologies still run rampant in even our highest levels of government institutions. Trump-era immigration policies underscore just how prominent these ideologies are and how they continue discrimination against minorities in America. The Washington Post wrote an eye-opening article detailing specific examples of just a handful of families affected by the travel ban; one example was the following:

Think about Rand Mubarak, an Iraqi refugee whose father worked as a translator for the U.S. military in Iraq. Their family had fled their homeland to Egypt following death threats and believed they were in line to relocate to the United States given her father's service. But by 2017, their hopes took a severe blow after Trump announced his ban and slowed refugee resettlement to a standstill. Mubarak's father developed a heart condition that required specialized treatment in a U.S. hospital, my colleagues reported. But no special dispensation came, and her father died last year (Tharoor)

Dating back only 5 years, the 2017 “Muslim travel ban” exemplifies the necessity and urgency of implementing a reformed immigration system in the United States; a core tenant of promoting and enacting such reform is recognizing the system's history of inadequacy and failures.

The scope of this essay's proposed solutions to America's deeply flawed immigration system focuses on two main tenants: fixing the crisis at America's southern border and formulating a path to citizenship to undocumented individuals currently living in the United States. The former stands as a problem that requires immediate attention. Scholar John Hudak recognizes the severity of this issue by stating, “Dire economic and rule-of-law problems in the Northern Triangle countries of Central America, coupled with the Trump administration's zero-

tolerance immigration policy, have led to the current border crisis at a magnitude unseen in prior administrations” (“States”). Moreover, despite the massive flux of immigrants in holding facilities, there exists zero regulation or accountability amongst the Immigration and Customs Enforcement (ICE) or the Department of Health and Human Services’ Office of Refugee Resettlement (ORR)’s treatment of immigrants. In recent studies and inspections of these facilities, experts “documented incidents such as violent assaults, sexual assaults, and suicides” (Hudak). In order to change these deplorable conditions and prevent such incidents, reform must be enacted; however, the solution to these problems does not exist on the federal level, but rather at the state level. Hudak explains, “Both private facilities, as well as county and municipal authorities, are licensed and/or regulated by state governments. Those facilities are thus subject not only to the regulatory authority of the state” (“States”). State governments must be held accountable for their governance of these systems and create the necessary holding space for immigrants that will assure humane living conditions. Immediate investigations of the stakeholders and the quality of these facilities must take place to assure complete transparency on all levels. Moreover, states must then appoint agents who will implement procedures that ensure proper monitoring and reporting of any instances of mistreatment towards immigrants. Lastly, legal course of action must be implemented to audit these detention facilities as “This process will shed light on which agencies are responsible for the adults and children being held in facilities in that state, how facilities are licensed and under what standards, and the capacity of current law to ensure the safety and well-being of detainees” (Hudak). So many of the problems that arise in America’s southern border are due to the incredible lack of accountability amongst state governance over its holding facilities. By ensuring transparency, regulation, and availability of holding space, the United States will guarantee protection and fair treatment for a multitude of

individuals currently in limbo within their respective immigration processes. Dealing with the border crisis will allow the United States to then focus on other issues of immigration.

In order to fix growing rates of illegal immigration and undocumented immigrants within the United States, legislators must bolster a system that people can believe will be followed and respect the immigrant's path to citizenship. Firstly, Americans must recognize the contributions of undocumented immigrants currently living in the United States. Researcher Tom Jawetz states that there are "10.5 million undocumented immigrants in the country who have been here, on average, for nearly 15 years; are themselves the parents of 6.7 million U.S.-citizen children; and pay, together with other members of their households, \$125.5 billion annually in federal, state, and local taxes" ("Restoring"). The legal path to citizenship has failed these millions of people who now rely on extralegal circumstances to protect them. These facts diminish American trust in our current system as so many people are able to live in the United States with undocumented status and are only kept for their labor and tax dollars. The most stringent of measures to remove these individuals from the United States will never be enough and will perpetuate the labeling of immigrants as second-class citizens. Thus, it is only just to allow these undocumented immigrants—who contribute just as much, if not more than native citizens—the chance to come forward and be placed on the path to citizenship with proper regulation, enforcement, and background checks. Jawetz proposes, "Passing H.R. 6, the American Dream and Promise Act—which would put 2.5 million Dreamers and holders of TPS and DED on a path to citizenship—would be a good first step," but a complete solution would account for the millions of unprotected, undocumented individuals ("Restoring"). A main facet of this process is the legal representation and subsequent judging of these immigrants. A proportionate system of sanctions must be implemented within the immigration system to "mitigate its obvious failings, unjust,

unpredictable, and inconsistent outcomes will proliferate, and public confidence in that system will dissipate” (Jawetz). Lastly, the nation must revert the Trump administration's handling of refugee admissions in order “to restore its commitment to protecting refugees who arrive at its doorstep to request asylum” (Jawetz). Refugees and asylum seekers exist as one of the most vulnerable global communities and deserve protection and opportunity from a nation built upon “liberty and justice for all.”

People who oppose immigration and enacting legislative reform typically maintain one or both of the following positions: increased immigration will hurt the American economy and immigrants are detrimental to “American culture.” Both mindsets are not only blatantly false but are a result of America’s deeply racist history. To refute the first point, immigrants are extremely beneficial to American economic growth and actually increase the incomes of native citizens. According to the George W. Bush Institute, “It’s a phenomenon dubbed the “immigration surplus,” and while a small share of additional GDP accrues to natives — typically 0.2 to 0.4 percent—it still amounts to \$36 to \$72 billion per year” (Orrenius). Historically, immigrants occupy industries with a shortage of laborers and positions in which native citizens are not readily willing to fill. In addition, immigrants are also much more willing to move than natives, further filling the need for workers. This phenomenon essentially fuels the labor market and promotes economic growth while decreasing economic slack. Scholar Pia Orrenius notes the following historical evidence of this phenomenon: “During and after World War II, Mexican immigrants were instrumental in alleviating shortages arising from the war effort. During the oil boom of the late 1970s and early 1980s, there was record migration to Texas” (“Benefits”). In addition to filling the low-skill labor market, the rise of high-skilled immigrants directly benefits American innovation. Orrenius notes these important statistics, “Forty-four percent of medical

scientists are foreign born... as are 42 percent of computer software developers. Immigrant workers are also overrepresented among college professors, engineers, [and] mathematicians” (“Benefits”). The main downside is lower wages of competing workers in some of these industries. This downside is essentially nullified by the fact that native citizens are not readily willing to fill the majority of these positions and economic growth and innovation will yield a net positive despite these lower wages.

Moreover, the vast contributions of immigrants to American culture and society since its inception are masked by how deeply intertwined racism is with America. Foremost, although exploitative in nature, the recruitment of foreign athletes in American sports is one of the most prominent examples of immigrant contributions to American culture. Scholar Charles Hirschman asserts, “Sports fans want winning teams, and large audiences increase revenues. The owners and management of sports teams respond to market pressures by recruiting talented players from other countries” (“Contributions”). Some of the most famous and dominant athletes on American teams originate from countries thousands of miles from where they played. David Beckham, British soccer superstar; Yao Ming, Chinese basketball phenomenon; and Hines Ward, Korean-born NFL star are just a few examples of immigrants furthering American sports culture. Hirschman also states, “Similar processes are at work in universities and scientific organizations. More talented researchers generate more grants, more patents, and more commercial applications of scientific discoveries” (“Contributions”). The overrepresentation of immigrants in education and research positions “have clearly helped sustain excellence in American universities and in scientific research” (Hirschman). Lastly, American music was formed from African-American rhythmic traditions and the spirituals sung by the first American slaves; moreover, the scales, melodies, and chord progressions found in the large majority of today's popular music are all of

Eastern origin (Hirschman). Immigrant culture has been so deeply embedded in the American way of life since America's inception. The racist ideologies that plague our nation blind so many from seeing how important immigration is and has been to America's rich and diverse culture.

Sustainable changes to our immigration system are far from being made, while the United States continues to fail to protect some of the most vulnerable and underserved individuals. One of the most recent proposed policies by House Democrats is a "big innovation bill now moving through Congress to make it easier for foreign-born scientists and engineers to study and work in the United States" (Mervis). Writer Jeffrey Mervis states that this legislation "would not only authorize spending hundreds of billions of additional dollars on research but also set out new policies on the government's approach to supporting science" ("High-tech"). Democrats, who are typically heralded as "pro-immigrant" and reform-oriented, are only furthering our broken system with this proposal. The nature of this legislation is highly exploitive, only promoting immigration for American economic growth. Moreover, the reform is yet another temporary solution that fails to recognize the most urgent crises in our immigration system. The reformation of the United States immigration system will forever be restricted by partisan, exploitive, and classist American political institutions. Immigration is a human rights issue and should forever be separated from the political interests of the bureaucratic elite. Sadly, this has almost never been the case. Recognizing our system's failures, promoting common-sense reforms, and moving forward from outdated ideologies is only the beginning of a longstanding effort to fix one of our nation's most pressing issues.

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