

Rural Migration News

Blog 324

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Biden and Immigration at 2

President Joe Biden took office in January 2021 and quickly reversed many Trump Administration migration policies, including Trump’s wall on the Mexico-US border, stepped up efforts to detect and deport unauthorized foreigners inside the US, and restrictions on the influx of asylum seekers and refugees. Biden supported proposals in Congress to legalize the 10 to 11 million unauthorized foreigners in the US.

After two years, many of Biden’s migration promises remain unfulfilled. Biden is on track to take more executive actions on immigration than President Trump, who issued almost 500 migration-related executive actions. Many of Biden’s executive actions on migration have been blocked by courts or modified in the face of rising unauthorized migration over the Mexico-US border. Many Democratic immigration admissionists who hoped for legalization and more legal immigration are disappointed with Biden, while many Republican restrictionists who want to reduce legal and unauthorized migration complain of an out-of-control border under Biden.

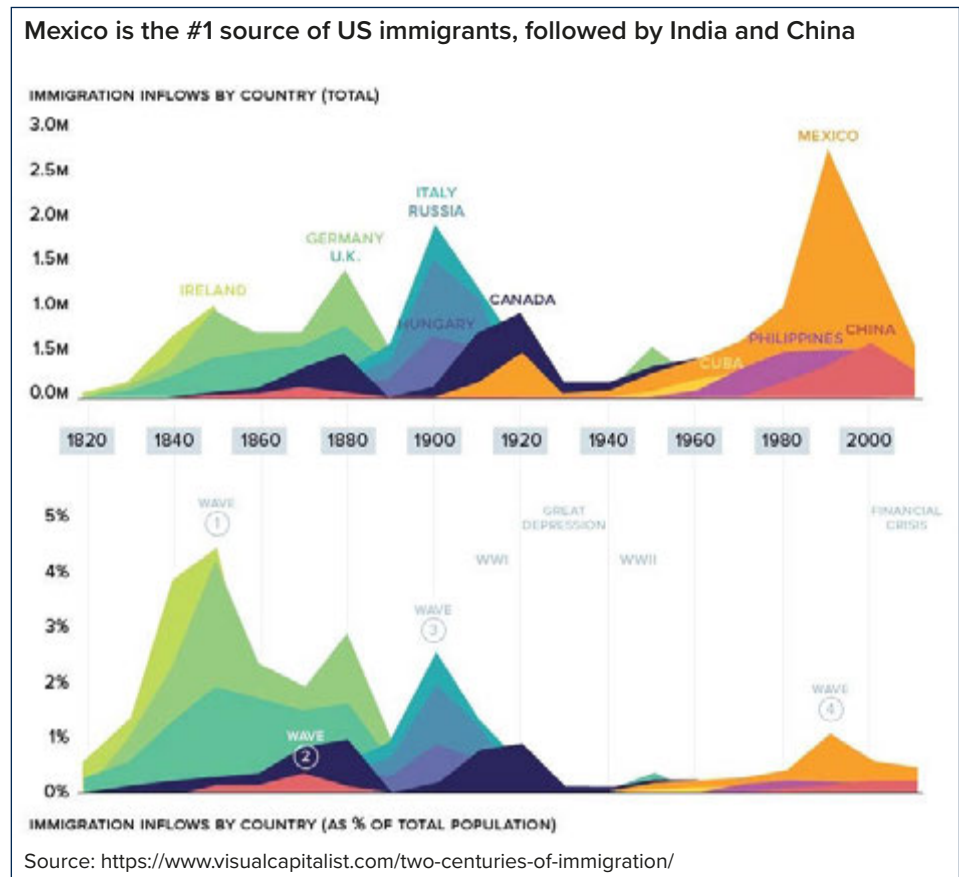
The Republican-controlled House is unlikely to approve legalization or

other measures favored by admissionists, while the Democrat-controlled Senate is unlikely to approve the enforcement measures favored by restrictionists. This means that the US likely faces two years of contentious debates over migration but no significant Congressional action until after elections in November 2024.

History

The US has had four major waves of immigrants. The first wave of newcomers arrived mostly from the British Isles before records of arrivals were kept beginning in 1820, when ship captains began to report the number of people they brought to the US and their country of origin. The second wave of immigrants included many German and Irish Catholics in the 1840s and 1850s and led to a nativist and anti-Catholic backlash before the Civil War. When immigration resumed in the 1880s, qualitative restrictions were introduced that barred particular types of people from immigrating, including prostitutes, workers with contracts that tied them to a particular employer for several years to work off the cost of their transportation to the US, and Chinese.

The third wave of immigrants brought southern and eastern Europeans in the 1890s and early 1900s and led to quantitative restrictions or country quotas in the 1920s



that limited the number of immigrants from each country that were accepted each year. The result was an immigration pause between the 1920s and 1960s that ended with the beginning of the fourth and current wave. Policy changes in 1965 maintained 1880s qualitative and 1920s quantitative restrictions, but dropped national origin preferences that favored immigration from Western Europe. Instead, priority for immigrant visas went to foreigners with US relatives and those sponsored for immigrant visas by US employers.

As a result of the 1965 reforms, the origins of most immigrants shifted from Europe to Latin America and Asia. Today over 80 percent of the million immigrants admitted each year are from Latin American and Asian countries, including a sixth from Mexico.

US immigration debates in the 2020s are dominated by three major issues: unauthorized or irregular migration, asylum, and labor migration. Congress has been unable to agree on what to

do about the 10 million to 11 million unauthorized foreigners in the US, the millions of foreigners who want to be recognized as refugees and allowed to start over in the US, and the calls of employers for more guest workers at a time of low unemployment.

Unauthorized

The number of unauthorized foreigners in the US began rising in the 1980s after the Mexican peso was devalued sharply and the US recovered from the 1981-82 recession. Most were rural Mexican men who arrived without their families to fill seasonal US farm jobs and then returned to Mexico during the winter months.

The Immigration Reform and Control Act of 1986 legalized 2.7 million unauthorized foreigners, 85 percent Mexicans, and introduced sanctions on US employers who knowingly hired unauthorized workers. The introduction of employer sanctions spawned an industry that provided workers with false work-authorization documents that they could

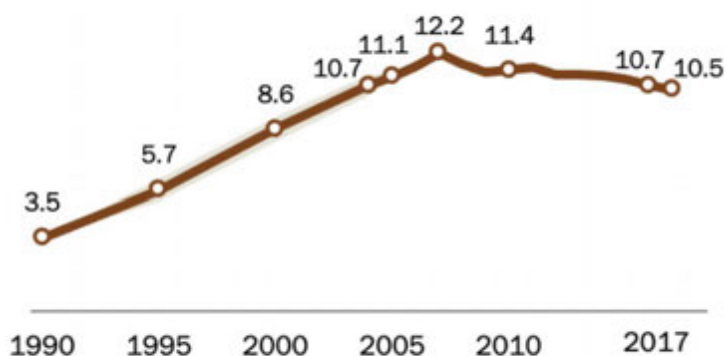
present to employers. The widespread availability of false documents and another peso crisis in Mexico in the mid-1990s contributed to rising unauthorized Mexico-US migration that peaked in 2007, when the US had an estimated 12 million unauthorized foreigners, half Mexicans. The unauthorized population has since stabilized at 10 million to 11 million.

Two-thirds of these unauthorized foreigners have been in the US a decade or more, raising questions about their future and the future of their US-born children. The centerpiece of the immigration reform proposals approved by the Senate in 2006 and 2013 was to repeat the IRCA Grand Bargain, viz, legalize unauthorized foreigners in the US for admissionists who want more immigration and toughen border and interior enforcement for restrictionists who want to prevent illegal immigration.

Admissionists who want the US to legalize unauthorized foreigners and to admit more immigrants and refugees have shifted from advocating for comprehensive reforms to pushing for incremental or piecemeal proposals with bipartisan appeal. The two leading incremental proposals are to allow Dreamers or unauthorized foreigners who arrived in the US before the age of 16 and graduated from US high schools to become immigrants quickly, and to allow unauthorized farm workers and their families to become legal immigrants by continuing to do US farm work and making it easier for farmers to employ guest workers. Many restrictionists say that there can be no incremental immigration reforms until the Mexico-US border is secure.

Number of Unauthorized Immigrants in the U.S. has Declined Since 2007

In millions



Note: Shading shows range of estimated 90% confidence interval.
Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

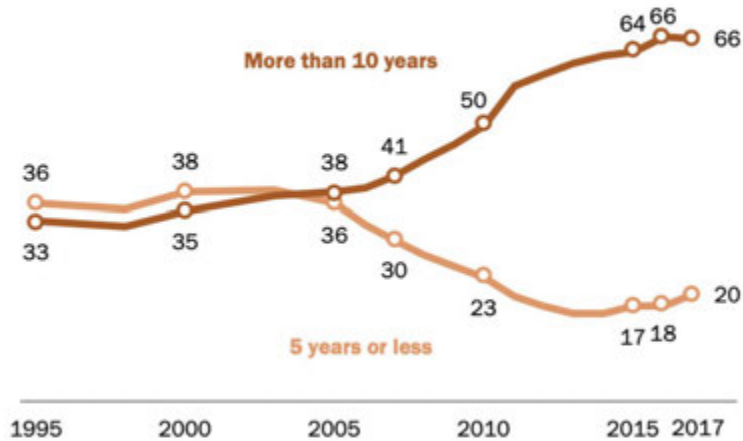
PEW RESEARCH CENTER

Source: <https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>

2/3 of Unauthorized Foreigners have Been in the U.S. a Decade or Longer

Short-term residents decline and long-term residents rise as share of U.S. unauthorized immigrants

% of adult unauthorized immigrants, by duration of U.S. residence



Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

PEW RESEARCH CENTER

Source: <https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>

Asylum

Beginning in 2014, a rising number of Central Americans began crossing the Mexico-US border and applying for asylum, citing domestic and gang violence at home as reasons to be deemed refugees and allowed to start over in the US. Many Central Americans arrived as families and, because the US does not detain children under 18 for more than 20 days, these families as well as any solo children were released into the US until their cases were heard by immigration judges. Over 80 percent of Central Americans are not recognized as refugees, but Central American and other asylum seekers can work legally and their children can attend K-12 schools for several years until there is a final decision in their cases.

The Biden Administration introduced mechanisms to slow the influx of asylum seekers, such as returning foreigners who cross the Mexico-US border illegally to

Mexico while allowing those who find a US sponsor to be paroled into the US, which means they can fly to the US and work legally while their asylum applications are pending. Other control measures being considered include detaining families together while they await decisions in their asylum cases and requiring foreigners who pass through Mexico en route to the US to apply for asylum in Mexico. The US also aims to tackle the root causes of

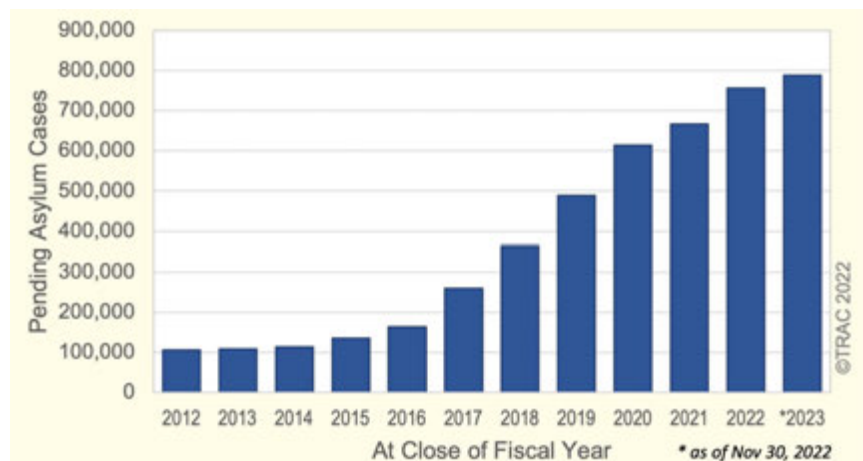
migration in Central America and countries such as Cuba, Nicaragua and Venezuela that send many asylum seekers to the US.

Guest Workers

The US has a dozen visas that allow foreigners to work legally for periods ranging from several months to several years. Visas that allow foreigners to work while in the US for another purpose, as with foreign students on F-1 visas or exchange visitors on J-1 visas, do not require US employers to first try to recruit US workers before hiring foreign workers. Similarly, the number of H-1B visas that often go to Indian IT workers and health care professionals is capped at 85,000 a year for profit-seeking private companies to protect US workers, but most US employers do not have to try to recruit US workers before hiring H-1B workers.

Most work visas for low-skilled workers require US employers to try and fail to recruit US workers before being certified to employ guest workers. US farm workers are protected from the adverse effects of guest workers by this recruitment requirement and a special Adverse Effect Wage Rate that is higher than the minimum wage, while US non-

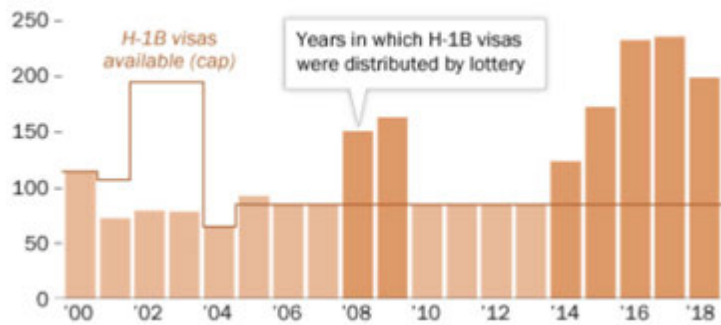
The Backlog of Asylum Seekers Waiting for Hearings Increased 8-Fold Over the Past Decade



Source: <https://trac.syr.edu/reports/705/>

Employers Request More H-1B Visas than are Available

Number of capped H-1B applications, by fiscal year, in thousands

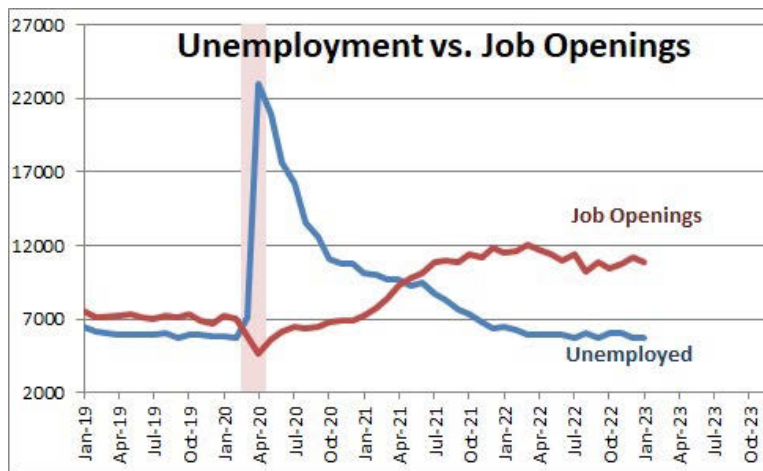


Source: <https://www.pewresearch.org/fact-tank/2017/04/27/key-facts-about-the-u-s-h-1b-visa-program/>

farm workers are protected by a flexible quota of 66,000 a year that is raised when unemployment is low and a requirement to pay at least the prevailing wage for the job.

Employers apply for far more guest workers than the quotas allow. Instead of ranking and issuing H-1B visas to foreigners being offered the highest wages, a lottery is used to determine who gets the available H-1B visas, which can frustrate both employers and workers.

There have Been More Job Openings than Unemployed Workers Since April 2021



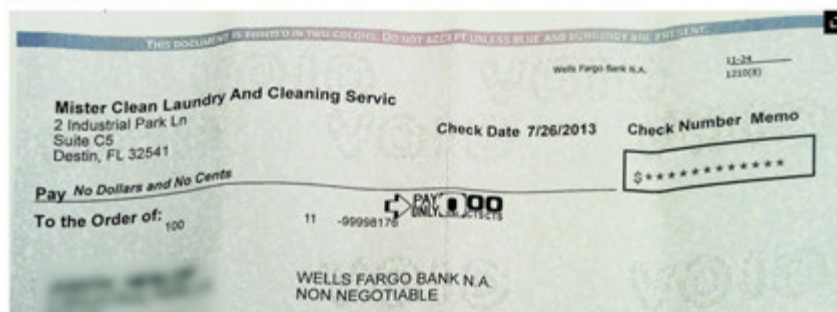
Employers assert that low unemployment rates and the existence of more US job vacancies than unemployed workers demonstrate that there are labor shortages that call for relaxing the hurdles they face before receiving certification to employ guest workers. Critics cite examples of employers taking advantage of vulnerable guest workers by not paying promised wages or unlawfully charging them for housing and other services to call for tougher regulation and oversight of vulnerable guest workers.

Some Employers Do Not Pay Guest Workers Promised Wages

No Way to Treat a Guest—The Dark Side of Immigrant Worker Programs

Abuses of these programs are widespread because employers know they can exploit workers, and because of how the programs are set up.

BY PETER DOWNS FEBRUARY 22, 2016 9:22 PM



The US remains the world's major destination for immigrants, guest workers, and unauthorized foreigners. Immigration problems are easy to discuss, but have so far defied consensus on durable solutions. Despite two centuries as a nation of immigrants, managing migration is one of the most contentious 21st century US policy issue.

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