

IMMIGRATION TOPIC BACKGROUND

Rich Edwards
Baylor University
2018-19 National Policy Topic

Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

Immigration and Nationality Act (INA)

Types of Legal Immigration (last 3 year avg. per year)

Family Sponsored: 710,000

Employment-Based: 145,000

Diversity Programs: 50,000

Refugees: 160,000 (Currently limited to 50,000)

More Than 90 Types of Visas

H-1B: Highly-Skilled Workers

H-2A: Agricultural Guest Workers

U & T Visas: Human Trafficking Victims

SIV (Special Immigrant Visas): Used for Iraqi and Afghan Interpreters & Others Who Assisted U.S. Armed Forces

F-1: Student Visas

EB-5: Investor Visas

TPS: Temporary Protected Status

Diversity Lottery: Appx 15 million applicants each year for 50,000 spots.

Undocumented Immigrants

Numbers: 11+ million by most estimates

Path to Citizenship Is Difficult Now: Must Leave the U.S. for 10 Years to Be Eligible for Legal Immigration

DREAM Act: (short for Development, Relief and Education for Alien Minors Act)


DACA: Deferred Action for Childhood Arrivals

Unaccompanied Alien Children (UAC): Flores vs. Reno

AFFIRMATIVE CASE POSSIBILITIES

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NOVEMBER 14, 2017
UNCAPPING HIGH-VALUE IMMIGRATION CATEGORIES COULD SAVE LIVES AND CREATE JOBS
BY JEFF MASON
PRINT

Well-targeted immigration policies provide a unique opportunity for the United States to remedy shortages in the labor market, as well as grow the economy. The medical field is one such area facing labor shortages, and allowing more foreign medical professionals to work in the United States offers a practical solution. Expanding entrepreneurship and job creation are ideas lawmakers frequently tout, and expanding high-skill immigration provides an effective avenue for lawmakers to achieve both.

H-1B: “Best and Brightest”

U.S. Needs Skilled Workers
H-1B Quota Too Limited
Expansion solves for Economy,
Cyber Defense,
Nanotechnology, Etc.

Daniel Griswold, (Prof., Economics, George Mason University), TO SPUR GROWTH, U.S. MUST WELCOME MORE HIGHLY SKILLED IMMIGRANTS, Dec. 6, 2017. Retrieved Mar. 8, 2018 from <https://www.mercatus.org/commentary/spur-growth-us-must-welcome-more-highly-skilled-immigrants>. We are falling behind our friends in admitting the immigrants proven to spur the economy. As we face growing demographic and economic challenges, our immigration system should make room for more high-skilled immigrants who can fuel innovation, job creation and economic growth. Like it or not, our nation needs immigrants to grow and prosper in the decades ahead.



Eric Drexler, (Professor, Oxford U.), **RADICAL ABUNDANCE: HOW A REVOLUTION IN NANOTECHNOLOGY WILL CHANGE CIVILIZATION**, 2013. APM-level technologies can provide thermodynamically efficient means of capturing and compressing CO2 from the air, while the required energy could be provided in ten years by scattered photovoltaic arrays with a total area 0.5 percent as large as the Sahara desert (the equivalent of a single 200 x 200 km array). By these measures, APM-based production could provide sufficient carbon capture capacity to return earth's atmosphere to its pre-industrial composition in a decade, and at an affordable cost. This places a solution to the CO2 problem within reach – but only eventually, after an unknown and risky delay. (APM=Atomically precise manufacturing)

Fariborz Ghadar, (Dir., Center for Global Business Studies, Penn State U.), **BECOMING AMERICAN: WHY IMMIGRATION IS GOOD FOR OUR NATION'S FUTURE**, 2014, 91. Industries, including information technology, biotech, nanotech, and robotics, will be the foundation of future economies and will desperately need higher-educated STEM employees. For the future of U.S. competitiveness and the successful development of future industries, the United States needs unrestricted access to this pool of high-potential immigrants.



http://blog.isc2.org/isc2_blog/2017/04/h1b-visas-cybersecurity-workforce.html

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27 April 2017

H1-B VISAS CRITICAL TO ADDRESS CYBERSECURITY PROFESSIONAL SHORTFALL

Based on the findings of the 2017 Global Information Security Workforce Study, the world will face a deficit of 1.8 million information security professionals by 2022. With headlines dominated by breaches and cyber threats, we at (ISC)² need to be a strong voice and advocate for the global cybersecurity workforce.

It is for this reason that I sent a [letter](#) to White House Chief of Staff, Reince Priebus, on behalf of the (ISC)² organization and our members across the globe, to provide feedback on President Trump's Executive Order, which directed the Department of Homeland Security to review how it issues H1-B visas.



Even after giving U.S. citizens priority consideration for open cybersecurity positions, we will still face a substantial talent shortfall, which can be mitigated with an H-1B visa program that helps bring skilled and trained workers from other countries to fill these roles.

The US has all but slammed the door on Syrian refugees

The Trump administration uses Syrian refugees' traumas as a reason the war needs to end — but not a reason to let them in.
By Dana Lind | dal@hok.com | Apr 13, 2018, 12:10pm EDT

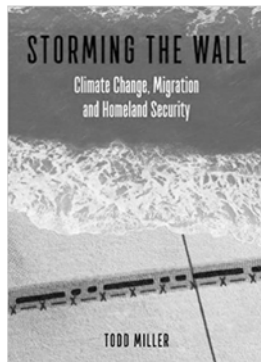
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Syrian Refugees

Humanitarian Tragedy in Syria
Trump Travel Ban Blocks Syrian
Refugee Admissions
Refugee Admissions Will Assist
in the War on Terrorism

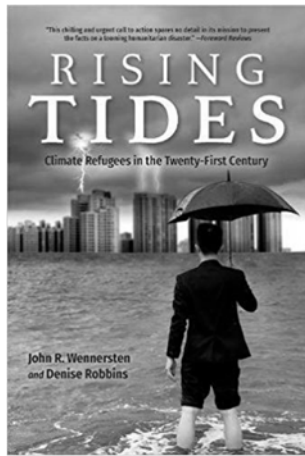
David Mednicoff, (Prof., Public Policy, U. Massachusetts), MORE SYRIAN REFUGEES: GOOD FOR NATIONAL SECURITY, Sept. 10, 2015. www.truth-out.org/opinion/item/32727-more-syrian-refugees-good-for-national-security. Yet there is another strong argument to be made that offering temporary or permanent homes to specifically Syrian refugees is in the national interest of countries like the US. In particular, such refugees can be crucial resources in tackling the extremist violence and authoritarian excess that we are now witnessing in the Middle East. They can do this in three specific ways. First, they will no longer be part of the problem by escaping the immediate threat of violence or radicalization. Second, their experience can serve as an important example for others. Third, they have the skills and the background that can be put to work in the broader struggle to defeat parochialism and repression in the Middle East."



Climate Refugees

Climate change is upon us, causing rising sea levels and a growing number of displaced refugees.
The U.S. has major responsibility for climate change, given its rejection of the Paris Accords.
The U.S. has a moral responsibility to admit climate refugees.

Todd Miller, (Journalist), STORMING THE WALL: CLIMATE CHANGE, MIGRATION AND HOMELAND SECURITY, 2017, 30. "Border controls are most severely deployed by those Western regimes that create mass displacement," writes author Harsha Walia in the book Undoing Border Imperialism, "and most severely deployed against those whose very recourse to migration results from the ravages of capital and military occupation. Practices of arrest without charge, expulsion, indefinite detention, torture, and killings have become the norm in militarized border zones." Walia's analysis takes into account the disturbing correspondence between the fact that the world's biggest polluters—including the United States, which has emitted more metric tons of greenhouse gas pollution than any other country since the Industrial Revolution—are the same countries constructing unprecedented border regimes.



Climate Refugees

Climate change is upon us, causing rising sea levels and a growing number of displaced refugees.

The U.S. has major responsibility for climate change, given its rejection of the Paris Accords.

The U.S. has a moral responsibility to admit climate refugees.

John Wennerstein, (Journalist), *RISING TIDES: CLIMATE REFUGEES IN THE TWENTY-FIRST CENTURY*, 2017, 256. Environmental refugees exist and suffer and should be helped instead of being allowed to wallow in decrepit camps. People forced to flee through no fault of their own deserve a decent future. If climate refugees are not recognized in terms of what changes in the natural world are doing to them, they will continue to be more than a marginalized economic drag. Out of their camps will come all the evils of tomorrow—from disease to ethnic upheaval and terrorism.



Open Borders

Freedom of movement is key to all other freedoms.

U.S. immigration law heavily restricts freedom of movement.

Open borders provides a major step toward solving world poverty.

Reece Jones, (Prof., Geography, U. Hawaii at Manoa), *VIOLENT BORDERS: REFUGEES AND THE RIGHT TO MOVE*, 2016, 170. The most immediate step that could be taken to address wealth inequality globally is opening borders to allow free movement. This would release the poor from the trap of slums and moderate the vast inequalities in wages between wealthy and poor regions of the earth. It would also dramatically reduce the numbers of unnecessary deaths at borders.

“A black hole of due process” in New Mexico

By Sarah Macaraeg | December 1, 2017

MORE



The for-profit Cibola County Correctional Center, an Immigration and Customs Enforcement detention center owned and operated by private prison giant CoreCivic, in rural Milan, New Mexico. Photo credit / Sarah Macaraeg

Right to Counsel

Due process is currently denied to immigrant detainees

U.S. law fails to guarantee right to counsel

Providing counsel best ensures due process

Andrea Black, (Consultant, National Immigration Law Center), *BLAZING A TRAIL: THE FIGHT FOR RIGHT TO COUNSEL IN DETENTION AND BEYOND*, 2016. Retrieved Apr. 8, 2018 from <https://www.nilc.org/wp-content/uploads/2016/04/Right-to-Counsel-Blazing-a-Trail-2016-03.pdf>. Legal representation has a dramatic effect on outcomes. According to the National Study of Access to Counsel, detained people who have a lawyer are 10.5 times more likely to be allowed to stay in the U.S. than if they do not have one.

Our Aging Workforce Needs Foreigners

The world is sending us a precious resource free of charge, and the GOP wants to cut it off.

By Joseph Coughlin and Luke Yquinto



They can't work forever.

Aging Workforce

The U.S. economy is facing a loss of necessary workers as baby boomers retire.

Current immigration restrictions create a workforce shortage.

Relaxing immigration restrictions solves the U.S. worker shortage.

Haley Barbour, (Former Governor of Mississippi), *STILL ROOM FOR CONSENSUS*, JAN. 2017. Retrieved Apr. 8, 2018 from <https://bipartisanpolicy.org/library/still-room-for-consensus/>. America's ability to attract immigrants helped the United States become history's greatest mobilizer of human potential. Moving forward, immigration will remain critical to economic prosperity and integral to our national security. The nations that most effectively harness the energies of youthful, productive, and creative workers will emerge as the world's most powerful and influential states. Facing significant demographic challenges, it is as important as ever that the United States craft a sound, forward-looking immigration system that serves the national interest.



More than 40 million men, women and children suffer the exploitation of human trafficking and modern slavery today.

Human Trafficking

Human trafficking is a major problem.

Existing immigration law inadequately protects trafficking victims.

Expanding eligibility for the U Visa best protects trafficking victims.

Sabrina Balgamwalla, (Prof., Law, U. North Dakota), NORTH DAKOTA LAW REVIEW, 2015, 498. Another matter is the backlog of U visa applications. Only 10,000 U visas are available each year; other qualified applicants must wait in line until the preceding applications are processed and approved. Currently, there are over 120,000 U visa applications pending.

Trump's travel ban is still indefensible



Travel Ban

Travel ban unduly bases immigration on nationality.

The Supreme Court has allowed the essence of the travel ban to enter force.

Travel ban ought to be reversed.

Joshua Geltzer, (Prfo., Law, Georgetown U. Law Center), LOS ANGELES TIMES, Apr. 25, 2018, A13. The travel ban arguably represents Trump's fulfillment of a campaign promise to institute "a total and complete shutdown of Muslims entering the United States." Five of the countries the ban applies to are overwhelmingly Muslim-majority nations. And since the inauguration, the White House has more than once publicly linked the ban to the basest forms of Islamophobia.

Trump's Immigration Policies Are Harming American Children

By Lella Schochet | Posted on July 31, 2017, 9:01 am



Pathway to Citizenship

Undocumented immigrants live with the ever-present threat of family separation.

Restrictions in U.S. immigration law make it impossible for the undocumented to "get in line"

Providing a path to citizenship protects families.

Lori Nessel, (Prof., Law, Seton Hall U. School of Law), GEORGETOWN IMMIGRATION LAW JOURNAL, Spr. 2017, 558. In the long run, there are repercussions from having a large segment of the population grow up in a climate of fear. Living in a constant state of anxiety and fearing family separation at any moment undermines the health and well-being of this population.

For dreamers, fear of deportation is scary – but waiting is even worse



By Kate Sweeny April 27 [Follow @kate_sweeny](#)
 Kate Sweeny is a psychology professor at the University of California, Riverside, where she runs a social and health psychology lab.



Protecting DREAMers

DREAMers have known no other country than the U.S.

Trump administration policy threatens to deport DREAMers

Protecting DREAMers offers many benefits.

Maria Chavez, (Prof., Political Science, Pacific Lutheran U.), LIVING THE DREAM, 2015, 43-44. Taking an even longer-term view, out to 2030 instead of 2020, the Center for American Progress, a progressive think tank, projected that passage of the DREAM Act would add \$329 billion to the US economy and create 1.4 million new jobs. DREAMers themselves would benefit, of course, due to their ability to obtain legal employment and by moving them into higher educational levels. Overall, their aggregate earnings would have increased by 19 percent, to \$148 billion by 2030. In addition, non-DREAMers would benefit from \$181 billion in induced economic activity, the creation of 1.4 million new jobs, and the collection of more than \$12.2 billion in additional state and federal tax revenues.

By JOSEPH TANTANI

Justice Department continues crackdown on 'sanctuary' cities



Sanctuary Cities

Sanctuary policies are essential to federalism.

Trump administration policies threaten sanctuary cities.

Protecting sanctuary policies restores federalism.

Cara Warren, (Prof., Law, U. of Detroit Mercy School of Law), WAYNE LAW REVIEW, Winter 2018, 170. Beyond this editorial push, in March 2017, hundreds of high-profile law professors issued a public letter to the President, outlining the rights of "sanctuary cities." From their perspective, the Order is a brazen attempt to coerce local jurisdictions and force them to change their laws and practices in unconstitutional ways. They said: When states, cities, and counties promulgate "sanctuary" policies, they are exercising their reserved constitutional authority under the Tenth Amendment to promote the health, safety, and welfare of their residents. At their core, "sanctuary" policies are decisions by state and local governments about state and local priorities, particularly law enforcement priorities.



International Adoption

Orphans around the world are deprived of the necessities of life.

U.S. restrictions on international adoption deny relief for orphans.

Reducing restrictions on legal immigration will save orphans.

Elizabeth Bartholet, (Analyst, National Council for Adoption), ADOPTION ADVOCATE NO. 109, July 1, 2017. <http://www.adoptioncouncil.org/publications/2017/07/adoption-advocate-no-109>. Children's right to parenting is perhaps their most fundamental right, short of their right to life itself. Institutions have been definitively shown to impose devastating harm to children's physical, emotional and mental development, destroying their life potential and their ability to enjoy all other human rights. The current institutionalization of some 10–14 million children is the greatest human rights disaster involving children in the world today. The fact that it is deliberate manmade policy that denies children available adoptive homes makes this disaster especially shameful.



International Adoption

Congress provided automatic citizenship for international adoptees, but neglected to make that retroactive.

Citizenship should be provided for past international adoptees.

DeLeith Gossett, (Prof., Law, Texas Tech U. School of Law), UNIVERSITY OF CINCINNATI LAW REVIEW, March 2017, 88. It is time, as Senator Klobuchar recently remarked, that "international adoptees who came legally into this country are recognized as the Americans who they truly are." The fact is that time will eventually solve the problem. Adoptees who were under 18 on February 27, 2001 do not face this issue, as they were granted full U.S. citizenship on that date. But the 18,000 or so adoptees who were not afforded citizenship then should not be held in limbo for the rest of their lives. Indeed, this should be a humanitarian issue, not a political one.

Immigration Detention 101

The United States government maintains the world's largest immigration detention system



Immigration detention is the practice of incarcerating immigrants while they await a determination of their immigration status or potential deportation. In 2016, the United States government detained nearly 360,000 people in a sprawling system of over 200 immigration jails across the country.

Immigrant Detention

Hundreds of thousands of immigrants are subject to abusive detention.

Trump administration policies deny basic rights to immigrant detainees.

Use of alternatives to detention will preserve the opportunity for legal immigration.

Southern Poverty Law Center, SHADOW PRISONS, Nov. 2016. Retrieved Apr. 8, 2018 from

https://www.splcenter.org/sites/default/files/leg_ipp_shadow_prisons_immigrant_detention_report.pdf. DHS should drastically reduce the use of immigration detention as a whole. Funding for immigration detention should instead shift to community-based alternatives, which have been demonstrated to be much less expensive to administer and to provide more appropriate humanitarian support, and can be as equally effective in guaranteeing compliance with court dates.

Family Reunification Is the Bedrock of U.S. Immigration Policy

By Philip E. Wolgin | Posted on February 12, 2016, 10:41 am



Family Reunification

Current U.S. immigration policy separates families.

Immigration restrictions cause decades-long waits for family reunification.

Reducing restrictions on legal immigration will promote family unity.

Jane Guskin, (Research Associate, City University of New York), *THE POLITICS OF IMMIGRATION*, 2017, 71. If you're a U.S. citizen, you can generally apply to bring your "immediate relatives"—spouses, parents or unmarried children under twenty-one—here as permanent residents, although there are plenty of hoops to jump through, and it's not always quick or easy. For other types of "family preferences," an even more complex set of rules lays out "priority" categories and annual caps based on the family relationship and country of origin. Waiting times of ten to twenty years are not uncommon.

Fearful Farmers Rush To Find 'Guest Workers'

March 22, 2017 - 6:07 PM ET
Heard on All Things Considered



Guest workers harvest much of North Carolina's sweet potato crop, including at the fields of Burch Farms, in Faison, N.C.

Guest Workers

Support of U.S. agriculture is necessary to meet the world's food needs.

Restrictions on guest worker immigrants undermine U.S. agricultural production.

Reducing restrictions on legal immigration will support U.S. agricultural production.

Fariborz Ghadar, (Dir., Center for Global Business Studies, Penn State U.), *BECOMING AMERICAN: WHY IMMIGRATION IS GOOD FOR OUR NATION'S FUTURE*, 2014, 89. With an estimated 53 percent of the agricultural workforce being fulfilled by undocumented workers, it is clear that the industry relies heavily on immigrants. According to Immigration Impact, a project launched by the American Immigration Council to encourage rational conversation on immigration, the industry is currently facing a large worker shortage. As a result, farmers are losing thousands of dollars because their produce is rotting in the fields.

BROOKINGS

CRISIS & RESILIENCE GLOBAL DEVELOPMENT INTERNATIONAL AFFAIRS U.S. ECONOMY U.S. POLITICS & GOVERNANCE

REPORT
Improving the EB-5 Investor Visa Program: International Financing for U.S. Regional Economic Development

Andy Mager and Camille Gaskin November 5, 2014

DOWNLOAD & READ REPORT



Difficulties in accessing traditional domestic financing brought on by the Great Recession, along with a rise in the number of wealthy investors in developing countries, have led to a recent spike in interest in the EB-5 immigrant investor visa program. Through this federal visa program administered by U.S. Citizenship and Immigration Services (USCIS), immigrant investors may eventually secure permanent residency for themselves and their immediate family by investing at least \$500,000 in a U.S. business and creating or preserving 10 full-time jobs. The majority of EB-5 visas are currently administered through EB-5 regional centers, entities that pool investments and are authorized to develop projects across a large swath of America's metropolitan regions and rural areas. The focus of this paper is on the regional center program.

Investor Visas

Access to investment is key to U.S. economic growth


Restrictions on the EB-5 visa program limit access to foreign investment


Reducing restrictions on legal immigration will promote U.S. growth.

Gary Shapiro, (Pres., Consumer Technology Association), INVESTOR'S BUSINESS DAILY, Jan. 12, 2018. Retrieved Apr. 10, 2018 from Nexis. The administration and Congress must work together to make sure that international entrepreneurs are able to continue innovating and creating jobs in the U.S. by supporting the International Entrepreneur Rule. This rule allows foreign entrepreneurs to stay in the United States if they their startups have raised at least \$250,000 from qualified investors and can create jobs and grow.

Trump Administration Ends Temporary Protected Status For Hondurans

May 4, 2018 · 10:21 PM ET

 RICHARD GONZALES



Temporary Protected Status

Thousands of persons have found refuge in the U.S. from human & natural disasters.

The Trump administration is ending TPS status.

Extending TPS status prevents a humanitarian crisis.

Jane Guskin, (Research Associate, City University of New York), THE POLITICS OF IMMIGRATION, 2017, 63. In 1990, the U.S. government created Temporary Protected Status (TPS) as a reprieve from deportation for migrants whose homelands have suffered a severe environmental disaster, armed conflict, epidemic or other "extraordinary and temporary" conditions. TPS is not for refugees who flee these conditions, but rather for migrants who are already living in the United States when the traumatic event happens, to protect them from being sent back to a country in crisis. Anyone convicted of a felony or two misdemeanors is not eligible for TPS. As of July 2014, some 340,000 people were beneficiaries of TPS, more than 60 percent of them Salvadorans (212,000).

Neglect and Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection

May 2018



THE UNIVERSITY OF CHICAGO
THE LAW SCHOOL

ACLU CENTER FOR BORDER LITIGATION PROJECT

ACLU BORDER RIGHTS


Unaccompanied Alien Children (UAC)

Immigrant children are abused at the U.S. border.

The U.S. policy of family separation promotes abuse.

Reducing restrictions on legal immigration protects unaccompanied alien minors.

ACLU, (Staff), NEGLECT AND ABUSE OF UNACCOMPANIED IMMIGRANT CHILDREN BY U.S. CUSTOMS AND BORDER PROTECTION, May 2018.
file:///Users/richard_edwards/Downloads/CBP%20Report%20ACLU_IHRC%205.23%20FINAL.pdf. One quarter of the children reported physical abuse, including sexual assault, the use of stress positions, and beatings by Border Patrol agents. More than half reported verbal abuse, including death threats. More than half also reported denial of necessary medical care—resulting, at times, in hospitalization. Eighty percent reported inadequate food and water.



Trump's war against immigrant workers and their spouses

May 11, 2018 3:58pm EDT

U.S. President Donald Trump holds up an executive order to tighten the rules for technology companies seeking to bring highly skilled foreign workers to the United States in April 2017. (AP Photo/Chris Wedel)

Last year, U.S. President Donald Trump issued an executive order putting into force "Buy American and Hire American" as a policy. The order proposed to impose stricter scrutiny on the H-1B visa program.

Author: **Sabrina Balgamwalla**, University Professor of Sociology, University of Chicago

Spouses

Spouses of H-1B and other immigrants are subject to abuse.

The doctrine of coverture makes immigrant spouses defenseless.

The plan protects immigrant spouses.

Sabrina Balgamwalla, (JD), BERKELEY JOURNAL OF GENDER, LAW & JUSTICE, Winter 2014, 39. Like married women in the age of coverture, H-4 visa holders lack the legal option to work outside the home. This represents an anomaly in immigration law, as dependent visa holders in other visa categories, including spouses of intra-company transferees, treaty investors, employees of international organizations, and exchange visitors, are permitted to work. Because the H1-B program essentially forces families into the single-breadwinner model - the family structure shaped and perpetuated by the law of coverture - an H-4 visa holder experiences a situation of economic and legal dependence comparable to that of a married woman in the age of coverture.

The Tragic Fate of the Afghan Interpreters the U.S. Left Behind

These men risked their lives for the U.S. military. Now many would like to come to America but are stranded — and in danger

By T.A. Frail; Photographs by Erin Trieb
SMITHSONIAN MAGAZINE | SUBSCRIBE
NOVEMBER 2016



Sabihdad Afghan was 19 when he started working as an interpreter for the U.S. military in Afghanistan, in 2009. His father was sick and he wanted to help support their extended family of 18. In his first year, he saw combat with the Marines in the Battle of Marjah, but he remained an interpreter until the fall of 2014, when American troops drew down and his job disappeared. By then he'd received an anonymous death threat over the phone, so he'd applied for a special visa to live in the United States. He'd been in the application pipeline for three years when, in March 2015, he went to see about a new interpreting job in Helmand.

Special Immigrant Visas

Iraqi and Afghan translators have risked their lives to assist U.S. service personnel

The Trump administration has slashed SIV visas for translators.

Translators should be eligible for SIV visas.

Fahim Abed, (Staff), NEW YORK TIMES, Mar. 10, 2017.

<https://www.nytimes.com/2017/03/10/world/asia/afghanistan-visa-program-united-states.html>. Afghans who worked for the American military and government are being told that they cannot apply for special visas to the United States, even though Afghanistan is not among the countries listed in President Trump's new travel ban, according to advocates for Afghan refugees. As of Thursday, Afghans seeking to apply for what are known as Special Immigrant Visas were being told by the American Embassy in Kabul, the capital, that applications would no longer be accepted, according to Senator Jeanne Shaheen, Democrat of New Hampshire.