



# **GIVING THE FACTS A FIGHTING CHANCE**

Addressing Common Questions on Immigration

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## ABOUT THE AMERICAN IMMIGRATION COUNCIL

The American Immigration Council's policy mission is to shape a rational conversation on immigration and immigrant integration. Through its research and analysis, the American Immigration Council provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy in U.S. society. We are a non-partisan organization that neither supports nor opposes any political party or candidate for office.

Visit our website at [www.AmericanImmigrationCouncil.org](http://www.AmericanImmigrationCouncil.org) and our blog at [www.ImmigrationImpact.com](http://www.ImmigrationImpact.com).

# AN IMMIGRANT NATION

Americans pride themselves on belonging to a nation of immigrants. In fact, many Americans celebrate not only the traditions of the United States, but the traditions of the countries from which their families came. Today, immigrants make enormous contributions to our economy and our communities—just as they always have. Yet few Americans fully understand the laws and policies that determine who can come to the United States and under what conditions, how we enforce our immigration laws, and what impact immigrants have on our society.

The U.S. immigration system is very different today than it was when prior generations of immigrants arrived. Many of our families might not have been allowed to enter the country had today's laws been in effect. Even our current laws do not provide sufficient channels for legal immigration and do not respond to the needs of our economy—a mismatch between supply and demand that is dramatically illustrated by an unauthorized population which is the largest in our nation's history.

We now find ourselves at a point where the United States must update its immigration laws. The public agrees it must be done in a fair and practical manner and must provide a path to legal status for the 11 million unauthorized immigrants currently living in the United States, while also creating legal immigration channels sufficient to fuel our 21<sup>st</sup> century economy.

However, too often the debate around immigration is driven by misstatements and half-truths. This guide seeks to provide answers to many of the most common questions that policymakers, the media, and the public ask about immigration and provides background on what immigration means to the United States as we debate reform of our immigration system. The guide delves into a wide range of issues including the economic benefits of immigration, the high cost and diminishing returns of immigration enforcement, what role states play in immigration policy, and the importance of additional due-process protection for those in immigration court.

# HOW WELL ARE IMMIGRANTS AND THEIR CHILDREN INTEGRATING INTO SOCIETY?

Research shows that today's immigrants are integrating into the country just as the generations of immigrants before them. They, and their children, learn English, buy homes, become U.S. citizens, and otherwise become part of the nation's social and economic fabric. Immigrant integration benefits everyone because it enables immigrants to realize their full potential, contribute more to the economy, and develop deeper community ties.

## **Immigrants and their children are climbing the socioeconomic ladder.**

A [report](#) from the National Academy of Sciences “found that current immigrants and their descendants are integrating into U.S. society... Across all measurable outcomes, integration increases over time, with immigrants becoming more like the native-born with more time in the country, and with the second and third generations becoming more like other native-born Americans than their parents were.”

- The report concluded that: “For the outcomes of educational attainment, occupational distribution, income, residential integration, language ability, and living above the poverty line, immigrants also increase their well-being as they become more similar to the native-born and improve their situation over time.”

[Over time](#), immigrants achieve higher rates of home ownership, become U.S. citizens, and earn higher incomes:

- *Homeownership*: Among immigrants who came to the United States between 1985 and 1989, only 16 percent were homeowners in 1990. But that share rose to 62 percent in 2008.
- *U.S. citizenship*: Only 7 percent of immigrants who arrived in the United States between 1985 and 1989 were U.S. citizens in 1990. By 2008, 56 percent of these immigrants were U.S. citizens.
- *Income*: Only 35 percent of immigrants who arrived in the United States between 1985 and 1989 earned incomes above the “low-income” level in 1990. By 2008, 66 percent of these immigrants earned incomes above the “low-income” level.

## Immigrants and their children will progress even further.

In the coming years, more and more long-term immigrants will buy homes, become U.S. citizens, and earn higher incomes:

- *Homeownership*: Only 25.5 percent of immigrants who arrived in the United States during the 1990s were homeowners in 2000. By 2030, 71.9 percent of these immigrants are likely to own homes.
- *U.S. citizenship*: Only 13.2 percent of immigrants who arrived in the United States during the 1990s were U.S. citizens in 2000. By 2030, 70.6 percent of these immigrants are likely to be U.S. citizens.
- *Income*: Only 55.7 percent of immigrants who arrived in the United States during the 1990s earned incomes above the “low-income” level in 2000. By 2030, 70.3 percent of these immigrants are likely to earn incomes above the “low-income” level.



# WHY ARE THE PATHWAYS TO LEGAL STATUS LIMITED?

For the vast majority of unauthorized immigrants in the United States, there is no readily available pathway to legal status—there is no “line” to get in. An unauthorized immigrant cannot simply apply for a green card, as many assume. Acquiring lawful permanent residence (a green card) is generally available only through four routes: employment, family ties, refugee or asylee processing, and the diversity lottery. Each of these routes is subject to specific limitations and obstacles (e.g., number of visas available, eligibility requirements, and limits by country). In reality, the U.S. immigration system is grossly out of date and unresponsive to both the labor demands of the economy and the demands of families seeking reunification with their loved ones.

## **No pathway to legal status is available for the vast majority of unauthorized immigrants.**

- Most unauthorized immigrants do not work in professions that qualify for lawful permanent resident status. Moreover, the total number of green cards available for all less-skilled foreign workers is limited to 5,000 per year for the entire United States. This grossly insufficient number of green cards is a fundamental problem, but one that can be resolved.
- Most unauthorized immigrants do not have the necessary family relationships to apply for legal entry. Even in those cases where family ties do exist, individuals abroad face years or decades of waiting for a visa to become available, leading some to risk entering the country without authorization. Yet doing so makes their chances of eventually receiving green cards even more unlikely.
- The annual Diversity Visa program makes 55,000 green cards available to persons from countries with low rates of immigration to the United States. That means people from Mexico, China, the Philippines, India, and other countries with higher levels of immigration to the United States are not eligible. Plus, to qualify, applicants must have a high-school education and two years of job experience. Each year, millions of people around the world apply, making the chances of winning a green card low.

# WHAT DID PRESIDENT OBAMA'S EXECUTIVE ACTIONS ON IMMIGRATION DO?

On November 20 and 21, 2014, President Barack Obama announced a series of administrative reforms or “executive actions,” collectively called the Immigration Accountability Executive Action. The centerpiece of these reforms was the expansion of the Deferred Action for Childhood Arrivals (DACA) initiative, and a new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) initiative. DACA, first launched in 2012, provides temporary relief from deportation (called “deferred action”) to certain young people who were brought to the United States as children and do not have legal status. Nearly 2 million people are eligible for DACA, and more than half a million young immigrants have benefitted in the first three years of the program. Under DAPA, qualified parents of U.S citizens and lawful permanent residents would be eligible for deferred action. Following the November 2014 announcement, 26 states, led by Texas, filed a lawsuit challenging the legality of DAPA and expanded DACA. A federal district court in Texas issued a preliminary injunction, temporarily halting DAPA and expanded DACA until the lawsuit is resolved.

## **DACA increases opportunity.**

- DACA allows young immigrants to pursue more opportunities through jobs, internships, driver’s licenses, bank accounts, and healthcare. These opportunities improve not only the lives of those who obtain DACA, but the broader community and the nation as a whole. The expanded DACA and new DAPA programs could directly affect an estimated 5 million people.
- Of the estimated 665,000 DACA recipients, 96 percent are employed or in school, 89 percent have a license or state ID, and overall their average hourly wages increased 45 percent.

## **Deferred action supports all workers and the economy.**

- If millions of unauthorized workers are able to earn even temporary work authorization, they will make more, spend more, and pay more in taxes. Initial estimates found that in the 10 years following the programs’ implementation, recipients would earn an additional \$103 billion, the incomes of everyone in the United States would be bolstered by \$124 billion, the country’s gross domestic product (GDP) would increase cumulatively by \$230 billion, and the economic stimulus would create an average of 28,814 jobs per year.

## **DACA and DAPA are lawful exercises of prosecutorial discretion.**

- The Supreme Court and Congress have acknowledged that the obligation of the executive branch to enforce the law also carries with it the [discretion](#) to determine when, how, and against whom the law will be enforced. This lawful exercise of prosecutorial discretion includes the authority to grant deferred action. Every U.S. president since [1956](#), including Ronald Reagan and George H.W. Bush, has taken executive action to grant temporary immigration relief to those in need of assistance.

## **The Texas-led lawsuit is a high-profile policy dispute that should not be in court.**

- The lawsuit challenging DAPA and expanded DACA is a politically charged attempt to use the courts to resolve a policy dispute with President Obama. The states that brought suit have presented highly speculative arguments—little more than myths about immigrants that have long been the focus of anti-immigrant rhetoric.

## **DACA and DAPA clarify enforcement priorities.**

- The initiatives allow immigration enforcement agencies to focus resources on those people who pose a real threat to our country instead of deporting parents and separating families.



# HOW DOES IMMIGRATION AFFECT THE ECONOMY?

The nation's 26.3 million foreign-born workers comprised 16.5 percent of the labor force in [2013](#). These immigrants—be they lawful permanent residents (LPRs) or unauthorized—make enormous contributions to the U.S. economy as workers, consumers, taxpayers, and entrepreneurs. Moreover, empirical research demonstrates that there is no correlation between immigration and unemployment. In fact, immigrants—including the unauthorized—create jobs through their purchasing power and their entrepreneurship, buying goods and services from U.S. businesses and creating their own businesses, both of which sustain U.S. jobs. Immigrants' tax payments also play a critical role in shoring up the finances of federal entitlement programs like Medicare and Social Security.

## **Immigration increases Gross Domestic Product (GDP) and tax revenue.**

- In 2013, immigration [added](#) roughly 0.2 percent to GDP, which translates into \$31.4 billion (in 2012 dollars), according to the *Economic Report of the President*.
- The average immigrant [contributes](#) nearly \$120,000 more in taxes than he or she consumes in public benefits (measured in 2012 dollars).

## **Immigrants and native-born workers do different kinds of jobs.**

- Immigrants and native-born workers fill different kinds of jobs that require different skills. If they work in the same occupation or industry—or even the same business—they usually [specialize](#) in different tasks, with native-born workers taking higher-paying jobs that require better English-language skills than many immigrant workers possess. In other words, immigrants and native-born workers usually [complement](#) each other rather than compete.

## **There is no correlation between immigration and unemployment.**

- If immigrants actually “took” jobs away from significant numbers of native-born workers, then one would expect to find high unemployment rates in parts of the country with large numbers of immigrants, especially recently arrived immigrants who are presumably more willing to work for lower wages and under worse conditions than either long-term immigrants or native-born workers. Yet there is [little apparent relationship](#) between recent immigration and unemployment rates at the regional, state, or county level.

- An analysis of 2011 Census data found that, at the county level, there is no statistically significant relationship between the unemployment rate and the presence of recent immigrants who arrived in 2000 or later.

### **Immigrants create new businesses.**

- In 2013, 18 percent of business owners in the United States were foreign-born. Furthermore, 28 percent of “Main Street” business owners—those who bring businesses like grocery stores, restaurants, and clothing stores to neighborhoods—were foreign-born.
- From 2006 to 2010, there were 2.4 million new immigrant business owners in the U.S. who had a total net business income of \$121 billion (15 percent of all net business income in the country).
- Immigrants continue to be nearly twice as likely as the native-born to become entrepreneurs, with the rate of new entrepreneurs being 0.52 percent for immigrants, compared to 0.27 percent for the native-born.

### **Immigrants are helping to sustain Medicare and Social Security.**

- The net contribution of immigrants to Medicare’s Hospital Insurance Trust Fund was \$183 billion between 1996 and 2011. Immigrants contributed \$62 more per person to the trust fund than the native-born, and claimed \$172 less in benefits.
- Unauthorized immigrants alone provided a net fiscal benefit of roughly \$12 billion to Social Security’s financial status in 2010, according to the Social Security Administration’s Chief Actuary.
- According to the Social Security Administration, unauthorized immigrants collectively pay as much as \$13 billion into the Social Security system each year, while only receiving \$1 billion in benefits. In total, unauthorized workers have contributed more than \$100 billion over the last decade.

### **Unauthorized immigrants pay billions of dollars in state and local taxes.**

- Unauthorized immigrants paid \$11.8 billion in state and local taxes in 2012. This ranged from roughly \$3.2 million in Montana, which is home to only 6,000 unauthorized immigrants, to \$3.3 billion in California, with an unauthorized population of 3.1 million.

# HOW DO HIGH-SKILLED IMMIGRANT WORKERS CONTRIBUTE TO THE ECONOMY?

The U.S. economy is capable of absorbing more high-tech professionals than the U.S. educational system produces, which is one reason so many highly skilled workers in the United States are immigrants. In “STEM” occupations (science, technology, engineering, and mathematics), the foreign-born account for roughly one quarter of workers with PhDs and one in six of those with master’s degrees. Highly skilled immigrant professionals not only fill a need in the job market, they also tend to create jobs through their innovative work.

## **Immigrant scientists and engineers create new jobs.**

- According to a 2012 [report](#) from the Information Technology Industry Council, the Partnership for a New American Economy, and the U.S. Chamber of Commerce, “every foreign-born student who graduates from a U.S. university with an advanced degree and stays to work in STEM has been shown to create on average 2.62 jobs for American workers—often because they help lead in innovation, research, and development.”
- Immigrants were [founders](#) of 18 percent of all Fortune 500 companies, many of which are high-tech giants. As of 2010, these companies generated \$1.7 trillion in annual revenue, employed 3.6 million workers worldwide, and included AT&T, Verizon, Procter & Gamble, Pfizer, Comcast, Intel, Merck, DuPont, Google, Cigna, Sun Microsystems, United States Steel, Qualcomm, eBay, Yahoo!, and Nordstrom.
- [One-quarter](#) of all engineering and technology-related companies founded in the United States from 1995 to 2005 “had at least one immigrant key founder.” These companies “produced \$52 billion in sales and employed 450,000 workers in 2005,” and have “contributed greatly to the country’s economic growth over time.”

## **Immigrant scientists and engineers are not displacing native-born workers.**

- Many STEM occupations have very [low unemployment](#) rates, and those fields with large shares of foreign-born workers have low unemployment rates among native-born workers. For example, nearly one-quarter of Medical Scientists are foreign-born, but native-born Medical Scientists have an unemployment rate of just 3.4 percent.

- According to a 2011 [report](#) from Georgetown University’s Center on Education and the Workforce, “high and rising wage premiums are being paid to STEM workers in spite of the increasing global supply. This suggests that the demand for these workers is not being met.” A greater variety of industries is contributing to this demand, with employers in the Professional and Business Services, Healthcare Services, Advanced Manufacturing, Mining, and Utilities and Transportation industries willing to pay top dollar for workers with STEM backgrounds.
- Native-born workers with science and engineering (S&E) degrees are not being driven out of their fields by immigrants; they are being lured into non-traditional occupations where their S&E skills are in high demand and compensated with higher salaries. In other words, they face a wide range of opportunities, not a shortage of options.

# HOW IS THE ECONOMY IMPACTED BY LESS-SKILLED IMMIGRANT WORKERS?

Less-skilled workers, just like their highly skilled counterparts at the upper end of the occupational spectrum, tend to complement native-born workers rather than compete with them. Because foreign-born and native-born workers in less-skilled occupations have different abilities, English-language skills, and levels of education, they do not fill the same kinds of jobs. In fact, the one group that might experience a negative wage impact from an influx of new immigrant workers into a particular occupation is the immigrants already working in that industry. More generally, all workers in the United States, regardless of skill level, buy goods and services from U.S. businesses, thereby sustaining jobs and the economy.

## Immigrants and native-born workers fill different kinds of jobs.

- Immigrants and native-born workers fill different kinds of jobs that require different skills. Even among less-educated workers, immigrants and native-born workers tend to work in different occupations and industries. If they do work in the same occupation or industry—or even the same business—they usually specialize in different tasks, with native-born workers taking higher-paid jobs that require better English-language skills than many immigrant workers possess. In other words, immigrants and native-born workers usually complement each other rather than compete.
- Based on 2014-2024 employment projections by the Bureau of Labor Statistics, more than half of job openings require either no formal educational credential or a high school diploma or equivalent. Given that nearly half (48 percent) of foreign-born workers had a high school diploma or less in 2014, compared to 32 percent of native-born workers, this suggests that many of these jobs will be filled by immigrants.
- In 2014, foreign-born workers were 16.5 percent of the U.S. labor force as a whole, according to the Bureau of Labor Statistics. However, they comprised a greater share of the labor force in a variety of both high-skilled and less-skilled occupations. Among less-skilled occupations, foreign-born workers made up:
  - 40 percent of the labor force in farming, fishing, and forestry;
  - 37 percent in building and grounds cleaning and maintenance;
  - 28 percent in construction;
  - 23 percent in production; and
  - 21 percent in food preparation and serving.



# WHAT ARE THE ECONOMIC BENEFITS OF A LEGALIZATION PROGRAM?

Creating a pathway to legal status for all or most of the [11.3 million](#) unauthorized immigrants living in the United States is not only a humanitarian act, it is also a form of economic stimulus. The experience of the 1986 Immigration Reform and Control Act (IRCA) demonstrates that workers with legal status earn more than workers who are unauthorized. These extra earnings generate more tax revenue for federal, state, and local governments, as well as consumer spending which sustains more jobs in U.S. businesses. Studies suggest that the economic value of a new legalization program would be substantial, amounting to tens of billions of dollars in added income, billions of dollars in additional tax revenue, and hundreds of thousands of new jobs for native-born and immigrant workers alike. In addition, creating more flexible channels for future immigration to the United States would yield even more economic benefits.

## **The experience of IRCA demonstrates that legalization allows previously unauthorized workers to earn higher wages and get better jobs.**

- Men who gained legal status under IRCA would have been [earning](#) between 14 percent and 24 percent higher wages if they had been “legal” for all of their working lives in the United States.
- Between 1990 and 2006, “the educational attainment of [IRCA immigrants](#) increased substantially, their poverty rates fell dramatically, and their home ownership rates improved tremendously. Moreover, their real wages rose, many of them moved into managerial positions, and the vast majority did not depend upon public assistance.”

## **Studies show that the higher earnings of legalized workers would yield more tax revenue, more consumer buying power, and more jobs.**

- In just the first three years following implementation of a hypothetical legalization program, the “higher earning power of newly legalized workers translates into an increase in net personal income of [\\$30 to \\$36 billion](#), which would generate \$4.5 to \$5.4 billion in additional net tax revenue. Moreover, an increase in personal income of this scale would generate consumer spending sufficient to support 750,000 to 900,000 jobs.”
- California’s unauthorized Latino population has lost out on [\\$2.2 billion](#) in wages each year because of their lack of legal status.

- Immigration reform would “raise GDP per capita by over \$1,500 and reduce the cumulative federal deficit by over \$2.5 trillion” in the span of 10 years.
- The economic benefits of the DREAM Act, which would create a pathway to legal status for unauthorized immigrants who were brought to this country as children, “would be approximately \$329 billion over the next 20 years, leading to 1.4 million new jobs and at least an additional \$10.2 billion in tax revenue.”
- According to the Congressional Budget Office (CBO), the fiscal and economic effects of the Senate immigration reform bill (S. 744)—which would provide a pathway to legal status for unauthorized immigrants and create more flexible channels for future immigration—would be overwhelmingly positive. If enacted, the bill would help reduce the federal budget deficit by approximately \$1 trillion over 20 years, boost the U.S. economy as whole without negatively affecting U.S. workers, and greatly reduce future unauthorized immigration.

# DO IMMIGRANTS HAVE ACCESS TO PUBLIC BENEFITS?

Unauthorized immigrants, as well as immigrants in the United States on temporary visas, are not eligible for most public benefits. Lawful permanent residents (LPRs) cannot receive federal benefits under many programs during their first five years or longer as LPRs. Even when they are eligible for certain programs, low-income immigrants are less likely to receive public benefits than are native-born citizens. There are a variety of reasons for this, including a lack of knowledge about eligibility and fear that benefit usage could negatively affect future immigration applications. Moreover, many of the immigrants who are ineligible for federal public benefits work in low-wage jobs without employer-provided benefits.

## **Both unauthorized immigrants and LPRs face bars or major barriers to receiving public benefits.**

- Following the enactment of welfare and immigration reform laws in 1996, unauthorized immigrants are *ineligible* for public benefits.
- LPRs can access public benefits, but first they must wait to qualify. More precisely, LPRs cannot receive benefits from 31 Department of Health and Human Services programs during their first five years as LPRs, regardless of how long they have worked in the United States or how much they have paid in taxes. These programs include nonemergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF).

## **Low-income immigrants are less likely to receive public benefits and have insurance coverage than native-born citizens.**

A report from the Cato Institute shows that, as of 2011, low-income noncitizens (both adults and children) used public-benefit programs at a lower rate than low-income native-born citizens. Low-income noncitizens were also more likely to be uninsured. For instance:

- 19.7 percent of low-income elderly adult noncitizens used Medicaid, compared to 25.6 percent of low-income elderly adult native-born citizens. Conversely, 58.9 percent of the noncitizens in this population were uninsured, compared to 27.9 percent of native-born citizens.

- 48.9 percent of low-income noncitizen children used Medicaid/Children's Health Insurance Program (CHIP), compared to 65.1 percent of low-income citizen children with citizen parents. Conversely, 37.7 percent of the noncitizen children in this population did not have insurance, vs. 12.2 percent of citizen children with citizen parents. Moreover, 32.6 percent of noncitizen children in this population received SNAP benefits, in contrast to 51.4 percent of the citizen children with citizen parents.
- 29 percent of low-income noncitizen adults were using SNAP, compared to 32.5 percent of low-income adult native-born citizens. Moreover, 2.5 percent of the noncitizens in this population received SSI, vs. 7.3 percent of native-born citizens.

These results echo the findings of [earlier research](#). As of 2004, low-income LPR families were less likely to use TANF, food stamps, Medicaid, and SSI than native-born families.

# IS THE GOVERNMENT ENFORCING IMMIGRATION LAWS?

Since the last major legalization program for unauthorized immigrants in 1986, the federal government has spent an estimated \$241 billion on immigration enforcement. The number of border and interior enforcement personnel now stands at more than 49,000. The number of U.S. Border Patrol agents doubled from 10,717 in Fiscal Year (FY) 2003 to 20,863 in FY 2014. And, the number of U.S. Immigration and Customs Enforcement (ICE) agents devoted to Enforcement and Removal Operations increased from 2,710 in FY 2003 to 7,500 in FY 2014.

The enforcement-only approach has ignored both the United States' economic demand for workers and the desire of families to be united. We simply cannot deport our way out of our immigration problems, and attempts to enforce a dysfunctional immigration system as a prerequisite for reforming that system have not and will not work.

## **Deportations and spending are at record highs and border security “benchmarks” have been met.**

- Over the last 10 years, ICE has deported nearly 3.5 million people, averaging 346,000 per year. In 2012, deportations hit a peak at over 410,000.
- The Border Patrol budget has increased nearly 10-fold since 1993, from \$363 million to more than \$3.6 billion. Since 2003, the budget of U.S. Customs and Border Protection (CBP)—the parent agency of the Border Patrol within the Department of Homeland Security (DHS)—has increased from \$5.9 billion to over \$12 billion per year. On top of that, spending on ICE, the interior-enforcement counterpart to CBP, has grown from \$3.3 billion in 2003 to \$5.9 billion today.
- The federal government has already met the border-security benchmarks the Senate outlined in the immigration-reform bills introduced since 2006, and has largely met the “benchmarks” for border security specified in the 2007 and 2010 immigration-reform bills.

## **The deportation machine has had devastating effects on families and communities.**

- All of this spending on immigration enforcement and the over-militarization of our border has fueled programs like the Criminal Alien Program (CAP), Secure Communities (now the Priority Enforcement Program), the Consequence Delivery System, and 287(g), which reach into every corner of the country.



- From FY 2010 to FY 2013, between two-thirds and three-quarters of individuals removed from the interior of the United States were removed through [CAP](#). CAP is not tailored to focus enforcement efforts on the most serious security or safety threats, in part because CAP uses criminal arrest as a proxy for dangerousness and because the agency's own priorities have been drawn more broadly than those threats. As a result, the program removed mainly people with no criminal convictions, and people who have not been convicted of violent crimes or crimes the Federal Bureau of Investigations (FBI) classifies as serious.
- Under Secure Communities, ICE would receive fingerprints as soon as a person was booked and taken into custody by state and local law enforcement. As a result of this information-sharing between local law enforcement and ICE, many unauthorized immigrants were taken into immigration custody and deported under the program, which was in effect nationwide by 2012. In response to Secure Communities, several hundred state and local police departments across the country have enacted [community policing policies](#) because they make communities safer and help ensure that law-enforcement officers do not run afoul of the law by detaining persons they do not have legal authority to hold.
- The [growth](#) of the U.S. immigration-enforcement machine has led to hundreds of thousands of families torn apart by the removal of a parent, spouse, or sibling and has had immeasurable negative effects on border communities. Many of the unauthorized immigrants being deported have [strong ties](#) to the United States, such as U.S.-citizen family members—especially children—as well as jobs and homes in the country. Families with an unauthorized immigrant member live in [constant fear](#) of separation, and children disproportionately shoulder the burdens of deportation.

### **E-verify alone is not a solution.**

- Expanding E-Verify, a largely voluntary electronic employment-verification system through which an employer verifies the work authorization of all employees (even citizens), will not resolve the underlying problems with our immigration system. E-Verify could be part of a comprehensive solution that also includes improved enforcement of employment and labor laws, legalization of the current unauthorized workforce, and creation of sufficient legal channels for future immigration so that needed workers can come to the United States legally.

### **Enforcement must be coupled with comprehensive reforms.**

- Immigration reform that includes a pathway to legal status for unauthorized immigrants already living in the country, coupled with the creation of flexible avenues for future immigration, would enhance border security and help bring unauthorized immigration under control. Comprehensive reform is the only effective way to repair our outdated immigration system.

# WHAT ARE THE COSTS OF IMMIGRATION DETENTION?

Over the last two decades, the federal government drastically increased its capacity to detain immigrants. From 2001 to 2013 alone, the annual number of individuals held in immigration detention rose from 204,459 to 440,557. A variety of factors have led to this expansion, including laws that mandate detention for certain individuals, an expanded list of offenses that qualify as “criminal” for immigration purposes, the growth of the private prison industry that operates the majority of immigration detention facilities and profits from detention, and the congressional “bed quota” which requires the Department of Homeland Security (DHS) to maintain a certain number of detention spots each day.

## **Immigration detention is costly and driven by numbers.**

- The FY 2015 appropriations bill requires DHS to maintain 34,000 beds. This requirement is something that does not exist for any other federal agency, including the Bureau of Prisons. Today, the United States spends nearly \$2 billion a year on immigration detention, costing taxpayers over \$5 million a day.
- The DHS budget request for FY 2016, which started October 1, 2015, seeks increased funding for immigration detention to maintain 34,040 detention beds. The proposed increase will pay for 31,280 adult beds and 2,760 family detention beds at an average daily cost of \$123.54 and \$342.73, respectively.

## **Alternatives are less expensive and effective.**

- According to DHS, alternatives to detention cost between 17 cents and \$17 per day, a fraction of immigration detention costs. Moreover, about 90 percent of immigrants under alternative custody show up for their immigration hearing.

## **Little oversight and accountability create distrust and fear.**

- In 2009, U.S. Immigration and Customs Enforcement (ICE) announced new policies to reform its detention facility inspections, yet an analysis of its inspections between 2007 and 2012 found that the process continues to be ineffective and contributes to abuses.

## The recent resurgence of family detention is unjustifiable.

- In 2014, thousands of women and children fleeing violence and persecution in Central America arrived at our southern border seeking protection. The government responded by detaining women and children in family detention centers and accelerating legal proceedings, often resulting in quick deportations. DHS currently operates three family detention facilities, in Dilley and Karnes City, Texas, and Leesport, Pennsylvania, which in total can hold over 3,700 individuals.
- Since the detention centers opened they have been the subject of constant complaints regarding a variety of issues from jail-like conditions and lack of a fair process to inadequate medical care and the negative psychological effects on children and mothers.
- In 2015, a federal judge found family detention to be in violation of the *Flores* Settlement Agreement, a court-approved agreement in place for nearly two decades that establishes binding standards for the detention and treatment of immigrant children in government custody.

# DO THE IMMIGRATION COURTS PROVIDE IMMIGRANTS A FAIR PROCESS?

The structure and quality of justice provided to immigrants in immigration court falls far below the standards that exist in our criminal justice system. Many Americans would be surprised to find that the immigration removal system lacks nearly all of the procedural safeguards we rely on and value in the U.S. criminal justice system. Immigrants facing deportation have neither a right to appointed counsel nor a right to a speedy trial. Harsh immigration laws may apply retroactively, unlawfully obtained evidence is often admissible to prove the government's case, and advisals of fundamental rights are given too late to be meaningful. Moreover, after receiving an order of removal, immigrants have limited ability to challenge their deportation in court. Given the potentially severe consequences of removal—which can range from permanent separation from family in the United States to being returned to a country where a person fears for his or her life—the lack of procedural safeguards deprives countless individuals of a fair judicial process.

## **Immigration courts are severely backlogged and under-resourced.**

- Between Fiscal Year (FY) 2005 and FY 2015, immigration court backlogs increased 247 percent—reaching an all-time high of 456,216 cases at the end of September 2015. The average pending time for a removal case in FY 2015 was 643 days.
- While the workload is increasing, the number of judges hearing cases has decreased. In April 2014, there were 233 judges hearing cases, down from 270 in 2011. On average, these judges were responsible for more than 1,400 immigration-related matters.
- Overburdened judges are more likely to make mistakes when they must make split-second decisions about complex cases. Some immigration judges report taking seven minutes on average to decide a case. Accelerated proceedings put at risk both children and asylum seekers for whom rushed decisions can mean the difference between life and death.

## **Representation affects case outcomes and remains out of reach for many immigrants.**

- Historically, only about half of people are represented in immigration court each year. In FY 2014, 55 percent of immigrants with completed cases were represented at some point during their case process, down from 59 percent the previous year.
- Individuals, especially children, are more likely to show up in court if they have a lawyer. Yet the government is not required to provide legal counsel in immigration court proceedings. For all cases filed from October 2004 to September 2015, 97 percent of represented children appeared in court, compared to 59 percent of unrepresented children.
- State and national studies continue to show the correlation between representation and successful case outcomes. A 2011 study of New York immigration courts found that people in detention facing deportation were six times more likely to obtain relief if they had a lawyer.

## **Most individuals never see the inside of a courtroom.**

- In FY 2013, according to DHS, over 80 percent of individuals deported were subject to summary removal procedures which deprived them of both the right to appear before a judge and the right to apply for status in the United States.



# IS THERE A CORRELATION BETWEEN IMMIGRATION AND CRIME?

Despite the abundance of evidence that immigration is not linked to higher crime rates, and that immigrants are less likely to be behind bars than the population as a whole, many U.S. policymakers succumb to their fears and prejudices about what they imagine immigrants to be. As a result, far too many immigration policies are drafted on the basis of stereotypes rather than substance. These laws are criminalizing an ever broadening swath of the immigrant population by applying a double standard when it comes to the consequences for criminal behavior. Immigrants who experience even the slightest brush with the criminal justice system, such as being convicted of a misdemeanor, can find themselves subject to detention for an undetermined period, after which they are expelled from the country and barred from returning.

## Higher immigration is associated with lower crime rates.

- Between 1990 and 2013, the foreign-born share of the U.S. population grew from 7.9 percent to 13.1 percent and the number of unauthorized immigrants more than tripled from 3.5 million to 11.2 million.
- During the same period, FBI data indicate that the violent crime rate declined 48 percent—which included falling rates of aggravated assault, robbery, rape, and murder. Likewise, the property crime rate fell 41 percent, including declining rates of motor vehicle theft, larceny/robbery, and burglary.

## Immigrants are less likely to be behind bars.

- According to an analysis of data from the 2010 American Community Survey (ACS), roughly 1.6 percent of immigrant males age 18-39 are incarcerated, compared to 3.3 percent of the native-born. This disparity in incarceration rates has existed for decades, as evidenced by data from the 1980, 1990, and 2000 decennial censuses. In each of those years, the incarceration rates of the native-born were anywhere from two to five times higher than that of immigrants.
- The 2010 ACS also reveals that incarceration rates among the young, less-educated Mexican, Salvadoran, and Guatemalan men who make up the bulk of the unauthorized population are significantly lower than the incarceration rate among native-born young men without a high-school diploma. In 2010, less-educated native-born men age 18-39 had an incarceration rate of 10.7 percent—more than triple the 2.8 percent rate among foreign-born Mexican men, and five times greater than the 1.7 percent rate among foreign-born Salvadoran and Guatemalan men.

## Immigrants are being criminalized.

- The government is redefining what it means to be a “criminal alien,” using increasingly stringent definitions and standards of “criminality” that do not apply to U.S. citizens.
- Laws passed in 1996 expanded the list of deportable offenses that qualify as “aggravated felonies” for immigration purposes (even though these offenses need not actually be “aggravated” nor “felonies”), and applied this new standard retroactively to offenses committed years before the laws were enacted.
- Being stopped by a police officer for driving a car with a broken tail light can culminate in a one-way trip out of the country if the driver long ago pled guilty to a misdemeanor that has since been defined as a deportable offense.

# WHY DO WE NEED TO PRESERVE BIRTHRIGHT CITIZENSHIP?

The Fourteenth Amendment to the Constitution—the cornerstone of American civil rights—affirms that, with very few exceptions, all persons born in the United States are U.S. citizens, regardless of the immigration status of their parents. The Supreme Court has upheld the principle of birthright citizenship for more than a century. Nonetheless, some lawmakers have argued that we should restrict or repeal birthright citizenship. They question whether children whose parents are in the United States without authorization should be considered citizens, and some states have gone so far as to deny birth certificates to such children.

## **Eliminating birthright citizenship would impose a significant burden on everyone in the United States.**

- If being born in the United States and having a U.S. birth certificate were not proof of citizenship, everyone in the country would be forced to navigate complex laws and costly processes to establish citizenship. Besides a birth certificate, most people born in the country do not have the necessary government documents to prove their status as citizens.

## **Debating birthright citizenship is a distraction that moves us away from creating policies that address the country's immigration needs.**

- Immigrants journey to the United States to reunite with their families, to work, and to flee persecution. There is no evidence that unauthorized immigrants come here in large numbers just to give birth.

## **All parents—not just immigrants—would have to prove the citizenship of their children through a cumbersome process.**

- If birthright citizenship were eliminated, some people would have to prove they derive U.S. citizenship through one or both of their parents—a process that can be difficult for even experienced immigration attorneys. In some cases, citizenship depends on whether a person's parents were married or unmarried at the time of the individual's birth. Moreover, the gender of the U.S.-citizen parent can affect the determination.

## **Eliminating birthright citizenship would increase the unauthorized population.**

- If all children born in the United States to unauthorized immigrant parents were also deemed unauthorized, the size of this population would actually increase. While some children could acquire the citizenship of their parents, others would have no citizenship or nationality, leaving them stateless.

# WHAT IS AMERICA'S ROLE IN PROTECTING REFUGEES?

The U.S. government passed its first official refugee legislation to address the plight of displaced Europeans following World War II. Today, the United States plays an important role in protecting thousands of the world's most vulnerable people. A refugee, as defined by U.S. immigration law, is a person who is unable or unwilling to return to his or her home country because of a “well-founded fear of persecution” due to race, membership in a particular social group, political opinion, religion, or national origin.

## **The United States has a history of welcoming some of the world's most vulnerable people.**

- At the end of 2014, worldwide there were an estimated 14.4 million refugees under the mandate of the United Nations High Commissioner on Refugees.
- In fiscal years 2013–2015, the United States admitted just under 70,000 refugees annually—less than one percent of the total refugee population, but about 60 percent of the resettled refugee population.
- Since 1975, the United States has resettled more than 3 million refugees from around the world. In 2015, one-third of the refugees who resettled in the United State came from the Near East/South Asia—a region that includes Iraq, Iran, Bhutan, and Afghanistan. Another third came from Africa, and over one-quarter came from East Asia.

## **Refugees are the most scrutinized group of migrants, undergoing thorough background checks.**

- Refugees must pass multiple, intense background checks, medical screenings, and interviews in order to be accepted for admission into the country.
- On average, it can take over 1,000 days for refugees to be screened by federal agencies and approved for travel to the United States. The lengthy processing times mean some refugees must stay in dangerous locations or circumstances.
- According to the Department of State, the entire resettlement process can take an average of 18-24 months to complete.



## Only select groups of refugees are eligible for the United States' program.

- The Refugee Admissions Program is jointly administered by multiple government offices and agencies, with U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS) conducting refugee interviews and determining if an individual is eligible as a refugee.
- The Immigration and Nationality Act (INA) requires most prospective refugees to prove their individual case of “well-founded fear,” regardless of the person’s country, circumstance, or classification in a priority category.
- Refugees are subject to numerous grounds of exclusion contained in U.S. immigration law, including health-related grounds, moral/criminal grounds, and security grounds.

# HOW ARE STATES AND MUNICIPALITIES RESPONDING TO IMMIGRATION?

Immigration policy decisions at the state level continue to shape debates over immigration policy at the federal level and affect the lives of millions of immigrants every day. In recent years, local immigration policy has taken a turn, with pro-immigrant policies taking precedence over restrictive ones. Today, many states allow unauthorized immigrants to pay in-state tuition at public universities and colleges and to obtain driver's licenses. In addition, more local communities are adopting welcoming policies that work to create inclusive communities that embrace immigrants and foster opportunity for native and foreign-born alike.

## **A dozen states offer driver's licenses to unauthorized immigrants.**

- As of 2015, 12 states (CA, CO, CT, DE, HI, IL, MD, NV, NM, UT, VT, WA), as well as Puerto Rico and the District of Columbia, offer driver's licenses to residents who meet certain requirements, regardless of their immigration status.
- 40 percent of the nation's foreign-born population lives in a state that grants unauthorized immigrants the right to drive—up from about 4 percent at the beginning of 2013.

## **Many states have recognized the benefit of offering in-state tuition to all students.**

- There are 20 states (CA, CO, CT, FL, HI, IL, KS, MD, MI, MN, NE, NJ, NM, NY, OK, OR, RI, TX, UT, and WA) with tuition equity laws or policies as of 2015. These in-state tuition policies allow qualifying students who graduate from a state high school to pay in-state tuition rates like other students who graduate from high school in the state. Without these policies, individuals without immigration status are forced to pay international rates for their college education, which makes higher education cost-prohibitive for most students.
- Over 75 percent of the foreign-born live in states with a tuition equity law or policy in place.
- CA, TX, NM, MN, OK, WA, and HI offer state financial aid to students who meet certain criteria, regardless of status; CA, IL, MN, and UT offer institutional aid or scholarships.

## Municipalities throughout the country are launching welcoming initiatives.

- Immigrants continue to arrive in states that have historically received a high number of immigrants. But increasingly they are settling in parts of the country that have not been considered traditional immigrant destinations. Nearly two-thirds of all states now have foreign-born populations of more than five percent, driving the need for programs and policies that allow all members of communities to work together towards common goals that serve both native and foreign-born members of society. Many welcoming initiatives work to ensure full civic participation and community cohesion.
- To date, 61 municipalities have become “welcoming cities” with specific plans for creating inclusive communities across the nation. Networks of nonprofits and local governments develop plans, programs, and policies that often include English language and workforce development courses and small business development.