

NISKANEN C E N T E R

A Guide to Answering Ten Commonly Asked Questions on Immigration

Only in America is there a deeply resonant story of being a nation of immigrants, but it is increasingly difficult given the misinformation that abounds in the media to see how the whole country wins when we harness the amazing achievements and strengths of immigrants.

The nation's immigration debate centers on immigrants' impact on our culture, security, and economy. We need not justify immigration policy solely by tugging at voters' heartstrings with humanitarian narratives, and we need not assume that concerns about national security are driven by anti-immigrant narratives.

Lawmakers have a unique opportunity to use evidence and pragmatism to communicate that immigrants assimilate into American culture, help protect the United States from terrorists, and contribute to our economy.

This guide is intended to help answer common questions about immigration using economic and national security facts.



The Niskanen Center is a 501(c)3 issue advocacy organization that works to change public policy through direct engagement in the policymaking process.

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IS OUR BORDER SECURE?

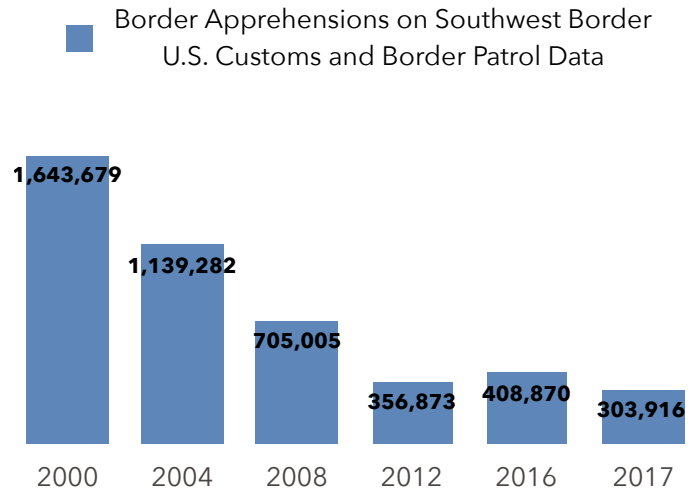
The debate about a wall.

Our border is safe, but we can do more.

One of the most common metrics used to measure the security of our border is the number of border apprehensions made by Customs and Border Patrol officers.

The United States has tracked border apprehensions¹ for about 60 years. Since the mid-2000s, there has been a steady decline in total apprehensions on the southwest border.

In 2017, total apprehensions fell to 303,916, as compared to over 1.6 million apprehensions in 2000.



WHAT IS ASYLUM?

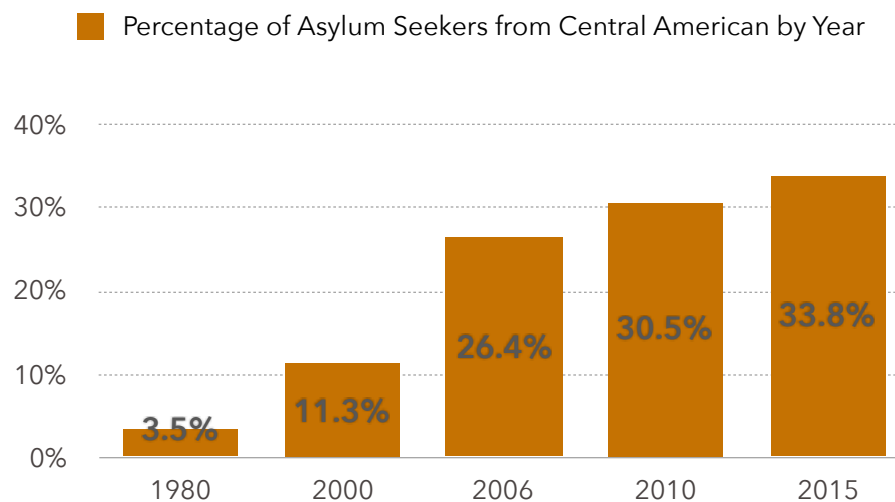
Asylum is a means of **legal** immigration. An asylee is found to be unable or unwilling to return to his or her country of nationality, or is seeking the protection of the United States, because of persecution or a well-founded fear of persecution. Persecution, or the fear thereof, must be based on the individual's race, religion, nationality, membership in a particular social group, or political opinion. For example, the political opponent of a powerful regime who suffered imprisonment or threats due to his political beliefs is a good candidate for asylee status. On the other hand, a person who is fleeing poverty or a natural disaster (without more) is not. For people without any nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident (LPR) status after one year of continuous presence in the United States.





We can do more to strengthen our border security. The first step is to get a comprehensive, mile-by-mile review of our border that includes all the physical barriers, technologies, and tools that we could use at each point of the border, and to utilize the findings of that review to deploy a smart, cost-effective border security system.

But border security does not exist in a vacuum. While the number of people attempting to cross the border illegally is down, it is important to consider why some² people are still coming to our border illegally or to seek asylum. For years, gang violence in the Northern Triangle – Honduras, El Salvador, and Guatemala – has continued to accelerate without any sign of slowing down. The chart below illustrates the percentage of asylum petitions filed in the U.S. by individuals coming from Central America between 1980 (when the U.S. passed the Refugee Act) and 2015.



Gangs wield considerable power over the millions of people in the Northern Triangle. They engage in violent crime and trafficking of all forms, terrorize women and young girls with rampant sexual violence and exploitation, force young men into gang membership, and target witnesses to their crimes with violence and death threats. Victims of gang violence often do not report the crimes against them, and state officials and law enforcement in the region have been unsuccessful³ in combating the gangs. It is no surprise individuals are fleeing in search of safety in the United States, and if we must address the influx of individuals and unaccompanied minor children from this region if we want to see a permanent decline.

Finally, border security includes combating corruption and abuse at the border. We have to be realistic about the target levels of Customs and Border Patrol (CBP) manpower at the border and the hurdles associated with maintaining that staff. Integrity⁴ measures and oversight as necessary – perhaps more so – than increasing manpower alone.

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ISN'T PROTECTING DREAMERS JUST AMNESTY?

Opening a pathway to citizenship for Dreamers.

An act of amnesty is a legal grant given to a person or group of people who committed a crime; it does not apply to Dreamers and DACA recipients because they did not commit a crime in coming to America.

Senator Lankford from Oklahoma makes a powerful analogy⁵ about how our laws do not punish minors for the acts of their parents: "These are people who are brought over as minors... if someone is pulled over for speeding, the ticket goes to the driver, not the four year-old sitting in the back seat...[a Dreamer] was the child that was in the back seat in this situation."

In fact, Dreamers do a great deal of good for America. Dreamers fill jobs in small businesses and companies that cannot find enough workers. Dreamers are teachers, lawyers, doctors, students, and serve in the military. Few groups are more deserving of a place in America – the only home they know. More than 90 percent of DACA-eligible individuals age 16 and above were actively employed in 2015, and they earned \$19.9 billion in income and contributed \$3 billion in taxes⁶ that year. They also formed businesses at higher rates than similarly aged U.S.-born workers, with almost 38,000 working as self-employed entrepreneurs. And, most Americans support legalizing the Dreamer population, even the President:

"I have great heart for the folks we are talking about, a great love for them."

President Donald Trump on Dreamers

80%

of conservative and Republican voters support a deal to increase border security in exchange for protections for Dreamers

86%

of Trump base voters support a deal to legalize Dreamers in exchange for increasing border security

1%

of conservative and Republican voters would not support a Republican because they supported a border/Dreamer deal

3

WHY DON'T ILLEGALS JUST WAIT IN LINE?

Following the rules.

Securing an immigrant visa is not a simple or efficient process. Anyone who has been in the United States unlawfully for 180 days (but less than one year) is barred from re-entering the country for 3 years; more than one year of unlawful presence warrants a 10-year bar.



Fiancé visa



Work visa



Family visa



Diversity visa

After 10 years outside the country, a person might be able to get in a “line” to come back if they are eligible for a visa. There is no single line for immigration, and no one really knows how long⁷ many lines will be; it depends on the type of visa an individual wants. Some lines are over 100 years long.

A family member can apply for a family-based visa, but the lines are very long. For example, right now, the United States is processing applications for the children of United States citizens filed in 1997—applications that are 20 years old. For others, like a visitor visa (temporary visa) from certain countries, there is no wait.

WAIT TIMES FOR AN APPOINTMENT FOR A VISITOR VISA BY CITY

84
DAYS

TORONTO

300
DAYS

MOSCOW

8
DAYS

TOKYO

4

AREN'T IMMIGRANTS TAKING OUR JOBS?

Working for America.

Nearly all economic studies agree that immigrants do not take the jobs of native-born Americans. Immigration does increase the supply in labor, but it also increases the demand. In most cases, immigrants are taking jobs that Americans do not want,⁸ like gutting fish and working on farms.

Immigrants also do not lower⁹ the wages of Americans. Immigrant skills complement American skills, making American workers more productive and raising their pay on average. Most studies find that immigrants raise income for the average American, while having no effect on low-skilled Americans. Even the most conservative estimates¹⁰ – which have been heavily criticized – find that there may be some negative effects on workers, but that immigration still increases average American wages.

EMPLOYMENT IN AMERICA BY NUMBERS



6.7 MILLION—the current number of job openings in the U.S.¹¹



The National Federation of Independent Business found¹² that 63 percent of small business owners are trying to hire; **87 percent** of those reported few or no qualified applicants.



By 2025, America will have an estimated shortfall of **90,000 physicians**, aggravating healthcare shortages already occurring in rural America.



In 2010, **5.4 STEM jobs** were posted online for every 1 unemployed STEM worker. By 2015, that ratio rose to 17-to-1.

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SHOULD WE LET MUSLIMS IN AMERICA?

What makes an American.

Even after the attacks on American soil on September 11, 2001, President George W. Bush said, “Ours is not a campaign against the Muslim faith. Ours is a campaign against evil.”

On the 10th anniversary of 9/11, the Islamic Society of Britain wrote,¹³ “As a community we have rejected terrorists ... For those of us who are Muslims, our faith gives us hope – a hope shared by people of all faiths and of none – for a world free from terror and injustice.”

The United States responded post-9/11 with stricter immigration vetting standards that are continually improving even today. Given those standards, both Republican and Democratic presidents have continued to allow the entry of Muslims and Muslim refugees from around the world.

Between October 1, 2008 and August 2018, the United States welcomed about 200,000¹⁴ Muslim refugees into America, or about 33 percent of the total number of refugees admitted into the United States during that time.

Since 9/11,¹⁵ 35 foreigners who entered the U.S. via our immigration system were convicted of or were killed during terrorism offenses; less than 2 percent of terrorists. No one killed an American.

No refugee has successfully carried out a deadly terrorist attack in the United States in 40 years. This speaks to the strength of our vetting system.

DO MUSLIMS ASSIMILATE?

Skeptics of Muslim immigration to the United States are quick to point to Europe as an example of what to avoid. But while most evidence shows that Muslim immigrants in Europe assimilate no slower than do any other immigrants, Europe and America are nevertheless different. America not only has a more inclusive national identity than Europe and a stronger tradition of assimilating diverse groups of immigrants, it has greater protections for religion practice, more experience with religious diversity, and citizens who tend to be more religious than Europeans.

Fear about a culture clash between Islam and the West began well before the current European migrant crisis. Over a decade ago, economists from the London School of Economics found no evidence for a culture clash in general, or one connected with Muslims in particular. In other words, Muslim immigrants assimilate no more slowly than do any other immigrants.

Since then, a number of studies have shown that there is nothing inherent to Islam that makes Muslim immigrants any slower to assimilate than any other group. The migrant crisis represents new – and, yes, difficult – challenges to the project of assimilating Muslims in Europe. But the best research indicates that we shouldn’t think these problems are insurmountable – they are challenges that have institutional solutions.

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ISN'T ACCEPTING REFUGEES DANGEROUS?

Banning Syrian refugees.

Of course America needs to make sure our vetting systems are up to the task of safely resettling refugees – and we've done a fantastic job so far. The refugee vetting system is stronger than the vetting for any other immigrants; in fact, the chance¹⁶ of any given American being murdered in a terrorist attack caused by a refugee is 1 in 3.64 *billion* per year.

Beyond that, there are a number of good reasons that we want to continue resettlement: it helps us in the recruitment of intelligence assets abroad and undermines anti-Western propaganda.

Terrorists use Internet videos to paint the United States as evil; they use narratives of America hating and oppressing Muslims to recruit stateside terrorists, and to encourage radical action. By closing our doors to refugees, we are playing into the narrative of those videos that say America is the bad guy. We can use resettlement as a way to encourage people escaping ISIS to give us precious information that can help us defeat our shared enemy.

Supporting and welcoming those who reject ideologies antithetical to U.S. values is important in the fight against extremism. By taking in those fleeing communist uprisings, religious persecution, and tyranny in the past, by welcoming the enemies of our enemies, we manifested our commitment to our ideals and to the fight against extremism.

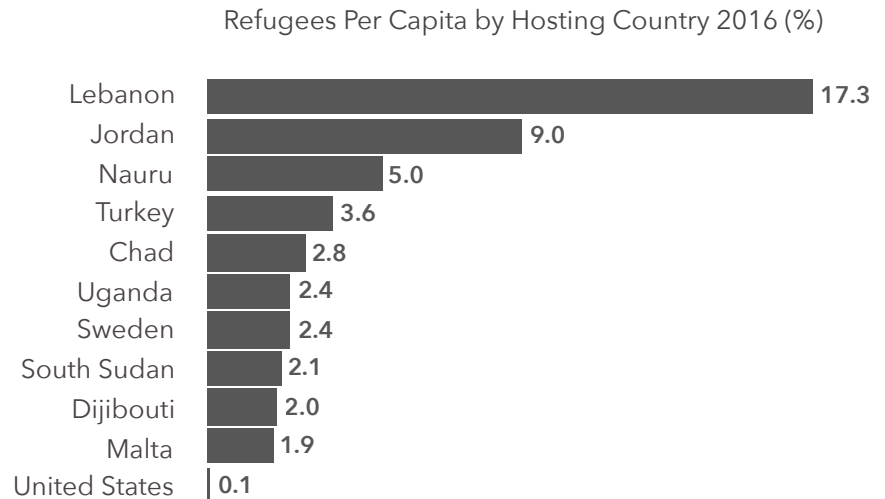
National Security Experts of Both Parties Agree Refugees Are Not Dangerous

Twenty national-security leaders from across the political spectrum, including former Secretary of State and National Security Advisor **Henry Kissinger**; former CIA Director **David Petraeus**; former Secretary of Defense **Chuck Hagel**; former Secretary of State **Madeleine Albright** (herself a refugee); and former Secretary of Defense, CIA Director, and White House Chief of Staff **Leon Panetta**, wrote in 2015, "Resettlement initiatives help advance U.S. national-security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees."

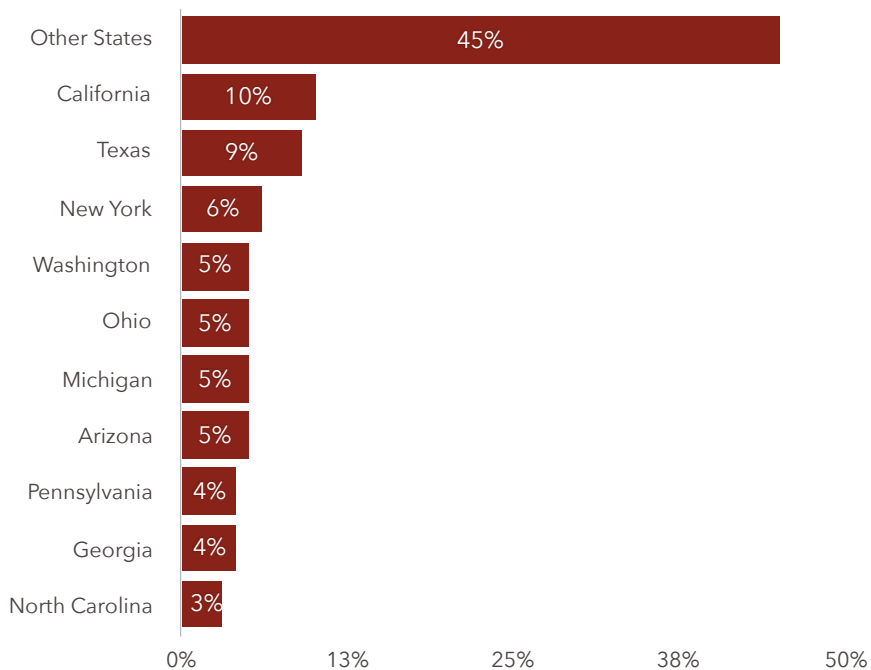
REFUGEES IN AMERICA

How does the U.S. stack up in terms of resettlement?

In 2016, the United States resettled fewer¹⁷ than 0.1 percent of the world's refugees. That year, we admitted nearly 85,000 refugees. In 2017, that number dropped to fewer than 54,000. The 2018 cap is set at 45,000, although at the current pace, we are projected to settle roughly 25,000 refugees.



Refugee Arrivals by Initial State of Residence 2017



Where do refugees live?

California, Texas, and New York resettle roughly 25 percent of all refugees each year. Some states, like Wyoming, Hawaii, and Delaware resettle almost none.

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DO IMMIGRANTS TAKE OUR BENEFITS?

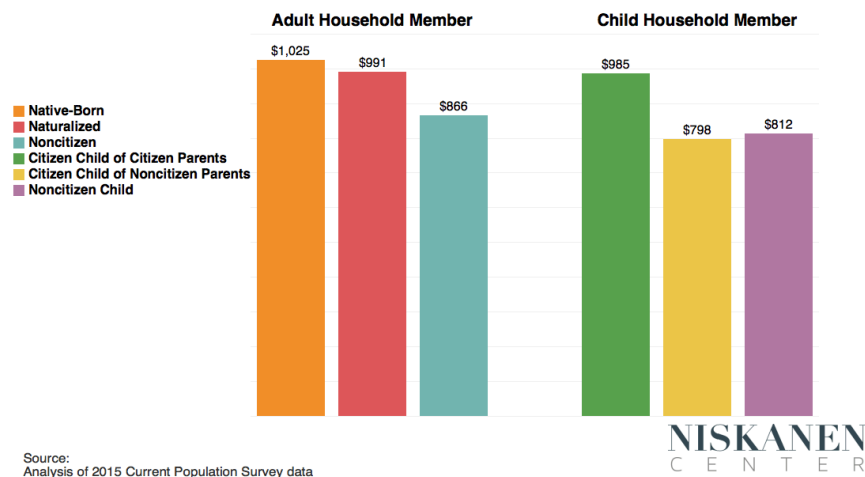
Taking less, adding more.

The idea that immigrants come to the United States to access our public support programs is a popular myth. No undocumented immigrants can use public benefits, and our welfare laws¹⁸ ban legal immigrants from using public benefits for five years, with an exception for refugees, who often come to the United States with little but the clothes on their backs.

In fact, **new immigrants are net fiscal contributors to the U.S. Treasury**—a finding that empirical studies consistently confirm.¹⁹

Low-income noncitizens use²⁰ some public benefits, but they do so at a lower rate than citizens of the same income level. They use the Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF) at substantially lower rates, and in substantially smaller quantities, than citizens. This is even true of households that are fully eligible for programs due to their U.S. citizen children. Medicaid and CHIP participation is broadly similar between citizens and noncitizens; however, a much larger number of noncitizens have no health insurance at all. The key reason low-income noncitizens are less likely to access public benefits include tight restrictions on eligibility and confusion about what benefits are available to them.

Average Annual SNAP Benefit Value per Household Member, Low-income, Adults and Children, 2014



Even after the bar on accessing benefits ends, **low-income immigrants are less likely to access public benefits than native-born Americans.**

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AREN'T MOST IMMIGRANTS CRIMINALS?

Getting MS-13 out of America.

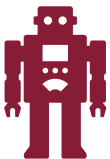
Immigrants commit crimes at lower²¹ rates than native-born Americans, and adopting sanctuary city policies has no statistically discernible²² effect on crime rates. Many police chiefs and sheriffs want to work with ICE, but worry that some policies will put them at risk of costly lawsuits, worsen²³ their relationships with their communities, and result in fewer crime reports.



Higher immigration is associated with lower crime rates.²⁴ Even as the number of unauthorized immigrants more than tripled between 1990 and 2013, FBI data shows that rates of violent crime (aggravated assault, robbery, rape, and murder) declined 48 percent.



Immigrants are less likely than the native-born to be behind bars. According to 2010 data, 1.6 percent of immigrant males age 18-39 were incarcerated, compared to 3.3 percent of native-born males in the same age range.



Immigrants are less likely than the native-born to engage in criminal behavior. Immigrants are less likely to engage in violent or nonviolent “antisocial” behavior, or to be repeat offenders among “high risk” adolescents. Those immigrants who were in middle and high school in the mid-1990s and are now young adults have the **lowest delinquency rates of all young people.**



MS-13²⁵ **did not invade the United States**; it was founded in L.A. in the 1980s and was exported to El Salvador. There have been fewer than 200 cases of false family asylum cases this year, and there is no indication that any case involved MS-13. **Of the hundreds of thousands of unaccompanied minors who entered the United States, only 56 are suspected of having MS-13 ties.**

President Trump’s Justice Department reported²⁶ that there are about 10,000 MS-13 gang members in the United States, the same number as 10 years ago. It remains significantly smaller than the number of Crips, Bloods, Latin Kings, and Gangster Disciples.

Even the Congressional Research Service said it could be misleading²⁷ to call MS-13 a transnational criminal organization because it has **no central leader and no global ambitions**. It is made up mostly by teenagers interested in wielding power. That is not to say that we don’t need to keep working to keep everyone in America safe. Primarily, that means Congress needs to work with state and local governments to strike a balance between enforcing our immigration laws and protecting the rights of the people law enforcement serves.

9

AREN'T WE SEPARATING FAMILIES BECAUSE THEIR PARENTS ARE CRIMINALS?

Don't come to America and commit a crime.

SEPARATION OF CHILDREN

As of August 2018, about 2,550 children ages 5 to 17 who were separated from their parents after crossing the United States' southern border seeking asylum, were reunited following a court case.

The Trump administration reported the reunification of more than 1,800 children, including 700 adults were not eligible for a number of reasons, like if they were already released or deported to their home countries, or had criminal backgrounds. It is believed that over 410 of those children have parents who were already deported from the United States.

The Trump Administration recently suggested that it was the responsibility of the ACLU to reunite children with their parents who were previously deported, but a judge rejected the government's proposal.

Ongoing litigation continues, and includes new charges that parents were unaware that they approved deportation without their children.

To be perfectly clear, the United States has had a long-standing policy of family separation when the parents face a criminal charge.

What changed was the enactment of the "zero tolerance"²⁸ policy that requires all parents who cross illegally be put in criminal proceedings, rather than the more expedient civil removal proceedings. This policy removes the choice of law enforcement – otherwise known as prosecutorial discretion, used by both Presidents Bush and Obama – and **requires law enforcement to charge parents apprehended at unauthorized border crossings with illegal entry even if they claim legal asylum.**

When an individual is criminally charged with illegally crossing the border, any accompanying children are placed in the custody of the Department of Health and Human Services (HHS) and Office of Refugee Resettlement (ORR). This policy was initially put in place to make sure that human traffickers would not maintain custody of children they might be smuggling.

The administration has effectively removed discretion from federal law enforcement officials, prosecutors, and immigration judges who previously considered legitimate factors to determine whether an immigrant should be placed in criminal or civil removal proceedings, and whether a child ought to be removed from the custody of a

parent – even for people who are trying to follow the legal process. The administration's policy is antithetical to the purpose of the *Flores* settlement, which limits detention and our anti-trafficking laws meant to protect children.

A dangerous problem with HHS/ORR custody is that it is not a safe place for children. Shockingly, a 2016 Homeland Security and Governmental Affairs Committee report²⁹ found that **HHS inadvertently placed children in the custody of human traffickers** over a dozen times, some of those cases involving traffickers who kept the children as slave laborers. The scope of the entire problem is hard to quantify, because, as the report notes, no one really keeps track of the children placed in custody, consistently vets the sponsors with whom they are placed (including approving sponsors who can and do easily leave the country), or follows up with children post-release. However, according to Homeland Security Secretary Kirstjen Nielsen's testimony, the departments are working to rectify this problem.

There is evidence that suggests that separating children from parents – particularly children under 4 years of age – is extraordinarily traumatic for the children and can cause irreparable harm,³⁰ according to the American Academy of Pediatrics.



STATEMENTS ON THE HARMFUL CONSEQUENCES OF SEPARATING FAMILIES AT THE U.S. BORDER

- Young children who are separated from their primary caregivers may potentially suffer mental health disorders and other adverse outcomes over the course of their lives.
- Highly stressful experiences, like family separation, can cause irreparable harm, disrupting a child's brain architecture and affecting his short- and long-term health. This type of prolonged exposure to serious stress – known as toxic stress – can carry lifelong consequences for children.
- Child development involves complex interactions among genetic, biological, psychological, and social processes, and the disruption of any of these – such as a family disruption – hinders healthy development and increases the risk for future disorders.
- Young children are capable of deep and lasting sadness, grief, and disorganization in response to trauma and loss.
- Most mental, emotional, and behavioral disorders have their roots in childhood and adolescence, and childhood trauma has emerged as a strong risk factor for later suicidal behavior.

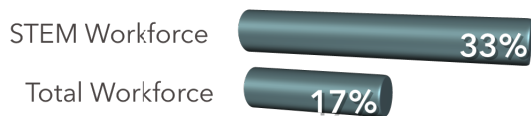
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DO IMMIGRANTS HURT OUR ECONOMY

Dollars and sense.

Nearly all economists agree that the average U.S. citizen would be better off if more immigrants – both high-skilled and low-skilled – were allowed into the United States. Immigration directly grows³¹ America's economy by increasing the total number of workers in the labor force, while at the same time increasing the average productivity of workers across the economy, immigrant and native-born alike. The figure below represents the percentage of immigrants in the STEM workforce as compared to the percentage of immigrants in the total workforce. Because immigrants tend to have different skills than native-born

Percentage of Immigrants in total workforce & STEM workforce



Americans, they boost the growth of the U.S. economy by filling niches in the labor market. Immigrants fill more jobs at both the higher and lower ends of the “skills spectrum,” while native-born Americans are clustered in the middle skill levels.

Immigrants make up 17 percent of the U.S. workforce, but they account for more than one-third³² of workers in the United States with a Ph.D. in the fields of science, technology, engineering, and math (STEM). On the other end of the skills spectrum, immigrants represent 40 percent of those in the workforce without a high school diploma.

We need lower-skilled workers to work on dairy farms, in restaurants and hospitality, in farm fields, and in the seafood industry, among many other jobs. This year, four of the eight³³ businesses on the Maryland shore that use H2-B visas to bring in temporary labor to pick crabs are effectively closed due to a lack of workers. These are businesses owned by Americans and who serve Americans – when they can find labor.



Immigrants are twice as likely to start a business, and immigrants and their children created 40 percent of the Fortune 500 companies. Forty-two spots on the Forbes 400 list are occupied by U.S. billionaires from 21 foreign countries, who have a combined net worth of \$250 billion.

All but two of these entrepreneurs made their fortunes in the United States. Without them, America couldn't lay claim to successes such as Tesla, PayPal, eBay, Yahoo, Nordstrom, Panda Express, and many others.

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