

29. Immigration

Congress should

- remove the new one-year time limit on filing for political asylum;
- expand or at least maintain current legal immigration quotas;
- repeal employer sanctions;
- stop the move toward a computerized national identification system and the use of government-issued documents, such as birth certificates and Social Security cards, as de facto national ID cards; and
- increase the number of H-1B visas and deregulate employment-based immigration to facilitate the entry of skilled immigrants and nonimmigrants.

Freedom of opportunity is the cornerstone of American society, and immigrants and those fleeing persecution desire that freedom. People continue to come from every corner of the globe to help build the strongest nation on earth. And for over 300 years immigrants and refugees, fleeing persecution and tyranny and seeking opportunities, not guarantees, have brought to America their talent, energy, and ideas.

Congress should reform the current immigration system so we can welcome more, not fewer, hard-working and talented individuals to this country. Additional immigrants can certainly be admitted through the employment-based portion of our immigration system, which allows us to bring in highly talented and motivated people from elsewhere in the world. Immigrants should be welcomed here so long as they do not burden taxpayers or commit crimes.

The overriding impact of immigrants is to strengthen the culture, increase the total output of the economy, and raise the standard of living of American citizens. Immigrants are advantageous to the United States for several reasons: (1) Since they are willing to take a chance in a new land, they

are self-selected on the basis of motivation, risk taking, work ethic, and other attributes beneficial to a nation. (2) They tend to come to the United States during their prime working years (the average age is 28), and they contribute to the workforce and make huge net contributions to old age entitlement programs, primarily Social Security. (3) They are more likely to start new businesses than are native-born Americans—in 1995, 12 percent of the *Inc. 500*, the fastest growing companies in America, were started by immigrants. (4) Many immigrants arrive with extremely high skill levels or, regardless of skill level, a strong desire to work. (5) Their children tend to reach high levels of achievement in American schools and in society at large.

Today, approximately 7.5 percent of the U.S. population are legal immigrants and 9 percent are foreign born, which is significantly lower than the proportion—13 percent or higher—during the period from 1860 to 1930. The most recent Immigration and Naturalization Service data show that recent immigrants are dispersed over many more states than they used to be and that the proportion heading to California, Florida, and Texas declined from 1992 to 1995.

Immigration: Myths and Reality

Research demonstrates that the major arguments offered against immigration are not supported by the facts. The evidence supports the following conclusions.

1. **Immigrants typically more than cover the cost of public services used.** Economist Julian Simon calculates that native-born Americans receive more in annual government expenditures than do immigrants. The Urban Institute estimated in 1994 that immigrants pay \$25 billion to \$30 billion more in taxes than they receive in services each year. With immigrants now ineligible for public assistance programs under the recent welfare reform legislation, the net positive fiscal impact of immigrants will only increase.
2. **Immigrants create at least as many jobs as they fill.** Economists Rachel M. Friedberg of Brown University and Jennifer Hunt of Yale University wrote recently in the *Journal of Economic Perspectives* that “despite the popular belief that immigrants have a large adverse impact on the wages and employment opportunities of the native-born population, the literature on this question does not provide much support for this conclusion.” By starting businesses and spend-

ing their money on products made by Americans and immigrants alike, immigrants create at least as many jobs as they fill. Simply put, immigrants increase the supply of labor, but they also increase the *demand* for labor.

Although a few studies have attempted to show that immigrants in the short term may hurt the wages of some less skilled workers in some areas, those same data paradoxically say that other groups, such as women, see their wages rise as a result of immigration. A study by MIT economist Paul Krugman and Bar-Ilan University economist Elise S. Brezis concludes that, by encouraging increased investment, over time immigrants "may well tend to *raise* wages."

3. **Immigrants are not eroding America's culture.** While advocates of multiculturalism are misguided, there is no evidence that they are affecting the assimilation of immigrants in the United States. Critics of immigration often cite polls, but a unique CNN/USA Today poll found that more immigrants than natives believe that hard work and determination are the keys to success in America. And fewer immigrants than natives believe that immigrants should be encouraged to "maintain their own culture more strongly." In San Diego 90 percent of second-generation immigrant children speak English well or very well, according to a Johns Hopkins University study. In Miami the figure is *99 percent*. A recent report by the Manhattan Institute reveals that immigrants are more likely than are the native born to have intact families and a college degree and be employed, and they are no more likely to commit crimes. Over 60,000 immigrants serve in the nation's armed forces; nearly 7 percent of U.S. Navy personnel are immigrants, according to the Defense Department.
4. **The "new" immigrants are not less skilled or educated than the old.** Average education levels have risen each decade, though in recent decades immigrants' relative levels compared with those of natives have declined because of rapid increases in the educational achievement of natives.
5. **Immigrants do not harm the environment.** Assertions that immigrants will harm the environment by increasing the country's population growth rate contradict the experience of the past 50 years, which has seen environmental indicators improve while the population has increased.

That is not to say that immigrants do not impose some costs on the rest of us, that *all* immigrants who come are beneficial, or that our current immigration policy could not be improved. In the short term, immigrants do cause more crowding in our hospitals and schools. But an honest appraisal of the facts shows that the benefits far outweigh the costs.

How Does the Legal Immigration System Work?

Current legal immigration is tightly regulated and limited by numerical quotas and per country ceilings that prevent people from a few countries from obtaining all the visas. Only refugees, close family members, and individuals with a company to sponsor them can immigrate. A limited number of "diversity" visas are also distributed to immigrants from "underrepresented" countries. All categories are numerically restricted, except for the "immediate relatives" of U.S. citizens, whose totals changed little between 1986 and 1995.

Under U.S. law, an American citizen can sponsor (1) a spouse or minor child, (2) a parent, (3) a married child or a child 21 or older, or (4) a brother or sister. A lawful permanent resident (green card holder) can sponsor only a spouse or child. *No 'extended family' immigration categories exist for aunts, uncles, or cousins.* Three-quarters of all family immigration visas in 1995 went to spouses and children. The other one-fourth went to the parents and siblings of U.S. citizens.

In 1997 Congress will reauthorize the Refugee Act, and, as it did in 1996, it should reject any refugee "cap." Such a cap is designed to slash the number of refugees admitted and would prevent flexible responses to emerging world situations. The annual number of refugees is set each year by consultations between the president and Congress. While U.S. programs to settle refugees from Southeast Asia are winding down, America certainly can accept refugees from other nations in their place.

Unlike refugees, who are accepted for admission while still outside the United States, people seeking political asylum must first enter the country and then request permission to stay. Contrary to the popular impression, it is quite difficult to obtain political asylum. Only 22 percent of the claims considered in 1994 were approved. There was no need to impose a time limit that requires individuals to file for asylum within one year of arriving in the United States, as Congress did in the 1996 immigration bill. Many victims of torture and persecution take time to heal from their emotional wounds and view asylum as an inevitable break with their followers back home. If a one-year time limit had been in effect in past years, 62.5 percent

of those who later received asylum as legitimate refugees would have been denied asylum.

Recent INS reforms have corrected the system's key problems (asylum applicants can no longer receive work papers and disappear into the workforce). The number of first-time claims has dropped dramatically, and almost all new cases are completed within 180 days of filing. Congress should further reform the provision of the 1996 immigration law that allows low-level INS officials to prevent those arriving without valid documents from receiving a full hearing of their asylum claims. It is not difficult to understand why people fleeing torture or other forms of persecution often cannot obtain valid travel documents from their own governments. The "extraordinary circumstances" exception to the one-year time limit and the summary proceedings established to screen those entering without valid documents do not ensure a high enough standard of procedural protection for people with legitimate claims. It is a human rights imperative that both measures be changed.

Employment-Based Immigration

Immigrants are hired *in addition to*—not at the expense of—native-born Americans. There is not a fixed number of jobs in America, so by permitting employers to hire skilled foreign nationals we help companies grow and compete both here and abroad. The hostility of opponents of immigration to employment-based immigration indicates that some people do not want even highly skilled immigrants to come here. But these are the facts about employment-based immigration:

First, the numbers are tiny relative to the size of the U.S. workforce. The combined total of H-1B workers and employment-based immigrants (principals, not dependent family members) who received visas in 1995 came to approximately 99,000, or 0.079 percent of the American labor force.

Second, contrary to assertions that immigrant professionals are a source of "cheap labor," the median salaries of foreign-born engineers and scientists are *significantly higher* than those of their native-born counterparts who completed their Ph.D.s and master's degrees in the same year, according to National Science Foundation and National Academy of Sciences data.

Third, no correlation exists between unemployment rates and the presence of foreign-born people within a Ph.D. field. Fields in which many immigrant Ph.D.s are employed, such as math, engineering, and computer

science, have unemployment rates of between 1 and 1.7 percent. Fields that attract relatively few immigrants, such as the geosciences and the social sciences, have unemployment rates between 2.3 and 2.8 percent.

Fourth, admission policies of American graduate schools favor U.S. minority applicants and U.S. citizens generally over foreign nationals, according to a joint study by the Association of American Universities and the Association of Graduate Schools.

Fifth, no evidence exists that the presence of foreign-born professionals prevents U.S. corporations from supporting efforts to improve education and train their workforces. American companies spend \$210 billion a year on training and donate \$2.5 billion a year to colleges and schools.

Sixth, the Labor Department's Wage and Hour Division's Office of Enforcement can identify *just seven cases* in the past five years in which a U.S. corporation was even alleged to have used H-1B workers to replace laid-off Americans. And those seven cases are representative of the outsourcing trend—\$28 billion annually in information technology alone—and would most likely have occurred regardless of U.S. immigration policy. Outsourcing has nothing to do with immigration.

Though overly bureaucratic, the system by which U.S. employers attract skilled foreign-born employees works fairly well. U.S. companies can hire skilled foreign nationals in a timely manner by using H-1B visas. Those visas are now generally approved within 60 days, though regulatory tie-ups may lengthen the time in the future. H-1B petitions are good for six years, but must be renewed after three years, and are granted to nonimmigrants after a company agrees to pay the new employee at least the “prevailing wage” paid in that industry and geographic area. Nonimmigrants are not permanent residents and cannot progress toward citizenship.

Companies experience problems when they wish to sponsor existing employees or new hires for permanent residence. Since “labor certification” and other procedures take two or three years to complete, one key reason companies use H-1Bs is that few companies can afford to wait years to hire an individual.

Labor certification mandates such things as placing highly specific newspaper want ads to “test” the labor market. In effect, the Labor Department requires companies to engage in a new recruitment effort to replace a foreign national who was hired after a highly competitive recruitment process. At the very least, companies should be allowed to use current DOL rules—known as “reduction in recruitment”—and use the results of normal recruitment efforts to satisfy labor certification requirements.

There are at least three reasons why an employer might wish to hire a foreign national: (1) the individual possesses unique knowledge; (2) the company is building a global workforce, in which case the individual would work in the United States for two to four years and then be employed by the company overseas, for example, in marketing in Venezuela; and (3) an employer needs to hire additional employees in certain positions to complement its U.S.-born workforce.

The Labor Department audit of employment-based immigration policy released in 1996 should not be the basis for reforming the system. That highly politicized report omits numerous facts that contradict its conclusions. For example, approximately half of U.S. companies' labor certification applications are denied (for a detailed analysis of the DOL report see *Interpreter Releases*, May 13, 1996). If there are companies that commit abuses that are not simply record compliance errors, DOL should target those companies, rather than restrict every corporation.

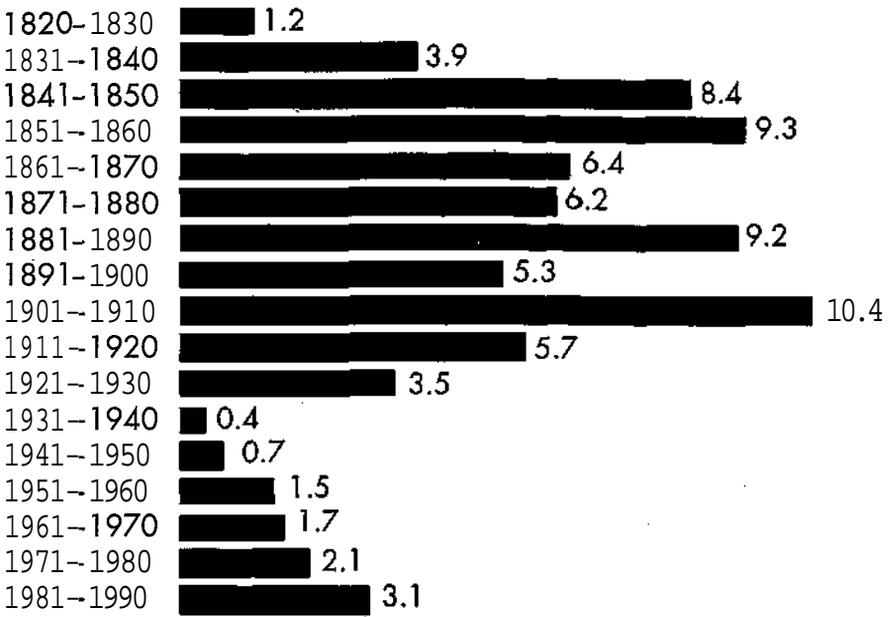
Immigration Today Is Low by Historical Standards

American Enterprise Institute scholar Ben Wattenberg uses this illustration to describe the current level of immigration: Imagine you are in a giant ballroom where 1,000 people are gathered for a Washington cocktail party. Champagne is being poured, waiters are carrying trays of hors d'oeuvres, and into the room walk three more people. Those three people represent the proportion of the U.S. population that immigrants add each year. They are not spoiling the party.

The United States maintained an unrestricted immigration policy during the 17th, 18th, and 19th centuries. Only the Chinese Exclusion Act of 1882 and some qualitative restrictions altered that policy. But in the 1920s Congress responded to rampant xenophobia and bizarre theories about racially "inferior" immigrants by establishing strict quotas. In 1965 Congress finally repealed such quotas and, in effect, increased the numerical limits. By 1990 Congress had raised the numbers and included more visas for employment-based immigrants.

Compared with other periods in American history, immigration is low today, not high. Figure 29.1 shows that immigrant arrivals as a share of the population—the most relevant measure of the impact of immigrants on our culture, infrastructure, and labor markets—are less than half the historical average. We can absorb, and have absorbed, far more immigrants than we do today.

Figure 29.1
Rate of Immigration by Decade, 1820–1990
 (number of immigrants per 1,000 U.S. residents)



SOURCE: *Strangers at Our Gate: Immigration in the 1990s* (New York: Manhattan Institute, n.d.), p. 103.

Red Herrings in the Immigration Debate: Polls, Chain Migration, and "Increases"

Polls

For many decades people have told pollsters that they prefer fewer immigrants. That some polls still show that to be the case is a weak argument for reducing immigration, especially since people endorse the basic elements of current policy: Republican pollster Vince Breglio of RSM, Inc. found in a 1995 poll that Americans may favor cutting legal immigration generally, but by a two-to-one margin voters support allowing U.S. citizens to continue sponsoring their adult children and brothers and sisters. And a 1996 poll by Grassroots Research found that 61 percent of Americans agree with the statement: "Anyone from any country in the world should be free to come to America if they are financially able to provide for themselves and their family." That supports a policy of "immigrants yes, welfare no."

Chain Migration

The idea that an immigrant arrives and quickly starts sponsoring numerous relatives to begin an immigration "chain" is the reddest of herrings. Typically, if an immigrant decides to sponsor a family member he first becomes a citizen, which takes five years or more. In fact, an average of 12 years passes from the time an immigrant enters the United States and the time he or she sponsors a relative, according to the General Accounting Office. The term "chain migration" is meaningless since a *quarter of a century* would normally pass between the arrivals of the first and third immigrants in the supposed "chain." And most must enter through numerically restricted categories that are experiencing backlogs, which could mean many more years of waiting.

Numbers to Increase Temporarily

A statistical blip upwards in immigration totals that will appear for the next few years will probably be labeled a "surge" in immigration by its opponents. Do not be fooled. Immigration numbers predictably will **increase—and then decline**—as a continuing aftermath of the amnesty granted in the 1986 act.

Individuals to whom Congress granted amnesty in 1986—former undocumented aliens—are now becoming citizens and sponsoring their spouses and children. Those spouses and children are now physically in the country with their sponsors, either illegally or under the Family Unity provisions of the 1990 Immigration Act. *This increase in immigration is due primarily to the INS handing out green cards to spouses and children already physically here.* That accounting phenomenon is a blip that will disappear after a few years. By law, the addition of unused employment-based visas from 1995 also temporarily increased family immigration numbers in 1996.

Legal Immigration Reform: What Congress Should Do

In 1996 Congress followed the policy of immigrants yes, welfare no by overwhelmingly rejecting cuts in legal immigration (by 238 to 183 in the House of Representatives and by 80 to 20 in the Senate) and by passing a welfare bill that makes immigrants ineligible for public assistance. Immigrant welfare use, often overstated, is now off the table as part of the immigration policy debate. Near the end of the session, Congress passed a bill to address illegal immigration by increasing the number of border patrol personnel and making other reforms. Since illegal immigra-

tion is the main concern, and legal immigration is not a problem, it is not clear why Congress needs to make more than modest reforms to the current legal immigration system.

Congress should continue to keep the issues of legal and illegal immigration separate. For legal immigrants, Congress should at least maintain current family categories and quotas. Ideally, Congress should raise the current numbers by, among other things, setting aside separate visas for the one-third of spouses and children of lawful permanent residents in the immigration backlog who are physically separated from their sponsors. It should do so without tearing apart the current family immigration system, as the U.S. Commission on Immigration Reform recommended. In particular, Congress should resist attempts to stop brothers and sisters from immigrating simply because a backlog exists in that immigration category.

The INS should have fair naturalization procedures so that immigrants can enter fully into the civic life of the country. Although Congress has a legitimate oversight role in ensuring the quality of INS naturalization procedures, it should not erect new and onerous requirements that will impede naturalization under the guise of "Americanization."

Congress should raise the number of H-1B visas and deregulate employment-based immigration. In the future, to accommodate growth of the economy and companies' needs to expand, Congress should add at least 10 percent more H-1B visas annually over each prior year's usage. The Department of Labor must also streamline the labor certification process. The current regulatory scheme bears no relation to the competitive way companies recruit in the real world and should be eliminated or reformed to reflect market forces.

Illegal Immigration: What Congress Should Do

Illegal immigration is a problem that stems primarily from lack of economic opportunities in the countries below our southern border, not lack of INS authority.

The INS has the resources to control the border if it employs intelligent strategies to deter illegal immigrant crossings. In the 1996 immigration bill, Congress approved sanctions against the illegal immigrants themselves, including those who overstay visas for six consecutive months. Unfortunately, enforcement depends on an agency that few observers now consider competent to do its job.

Congress should repeal employer sanctions. Passed in 1986 and widely viewed as a failure, employer sanctions have made it a crime to "know-

ingly” hire an illegal immigrant. The principle to follow is a simple one: It is the job of the federal government, not private business owners, to keep out of the country people who are not supposed to be here. The GAO has found that employer sanctions *have created a pattern of discrimination nationwide.*

Congress must oppose any further expansion of INS "pilot projects" to a full-fledged national computerized ED system. It should also prohibit any requirement that government-issued documents, such as birth certificates and Social Security cards, become de facto national ED cards, as was the intention of the 1996 immigration bill. Under the computer system scheme, an employer would check an individual's name and Social Security number against federal government databases. But there's no way for the employer (or the government) to know that the man standing before the employer is the real John Q. Smith. For such a system to have any chance of working, the government would have to require Mr. Smith to provide blood or a fingerprint, store that information in a government database, digitize it on a card (possibly a driver's license), and make it available to be matched every time Mr. Smith changed jobs or engaged in some other activity requiring federal government clearance. No one knows how those databases might be used in the future.

A national computerized ED system would be fraught with fraud and errors, and it would not deter illegal immigration. Ultimately, we must recognize that less than 1.5 percent of the U.S. population resides here illegally. Congress must reject efforts to "solve" the illegal immigration problem by discarding the principles of individual liberty upon which this nation was founded.

Conclusion

Few policies symbolize America's commitment to liberty as well as our willingness to accept immigrants. So long as immigrants are not burdening taxpayers—and the evidence is overwhelming that they are not—the rights of Americans are honored far more by permitting immigrants to work, reunite with their families, and find a safe haven from persecution than by closing the door.

Those who want to restrict legal immigration ask us to look to what they call America's last great "pause" in immigration. What they fail to disclose is that the last "pause" was one of the ugliest periods in American history. Spurred on by the Ku Klux Klan and bizarre eugenics theories about the racial inferiority of certain ethnic groups, in 1924 Congress

enacted the "national origins" quotas that severely restricted the number of immigrants from certain nations, effectively barring those who were Asian born. As Sen. Spencer Abraham (R-Mich.), vice presidential candidate Jack Kemp, former education secretary William Bennett, and former senator Malcolm Wallop wrote in the *Wall Street Journal*, "These were sad chapters in America's past, not guideposts to its future."

Suggested Readings

- Anderson, Stuart. *Employment-Based Immigration and High Technology*. Washington: Empower America, 1996.
- Briggs, Vernon, and Stephen Moore. *Still An Open Door? U.S. Immigration Policy and the American Economy*. Washington: American University Press, 1994.
- Handlin, Oscar. *The Uprooted: The Epic Story of the Great Migrations That Made the American People*. New York: Little Brown, 1973.
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