

POLICY BRIEF

**RECOMMENDATIONS
FOR THE NEW
ADMINISTRATION**

Immigration and the United States: A Path to Resolution

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Americans have made it clear that U.S. immigration policy cannot stand as is. Many see the increased diversity that comes with immigration as a threat to national identity. Others see unauthorized migration as a government failure to effectively control immigration flows. Given these perceptions, the nation's immigration problems will be difficult—but not impossible—to resolve. This brief outlines overarching principles and specific policy proposals that, with the necessary political will, can productively address this complex issue.

Before going further, the benefits of an orderly flow of migrants to the U.S. should be noted. Immigrants inject vitality into the American economy; they bring their intellectual and scientific talents to U.S. research and development efforts, and help boost U.S. labor force productivity. There is little evidence that diversity in migration has been a zero-sum equation for America. A century of Latino migration, for example, has resulted in millions of law-abiding citizens who contribute to the U.S. economy and are as patriotic as any other American.

In light of this, there are two primary questions to consider: What is the long-term role of immigrants in the United States? And how do we deal with the 11 million unauthorized migrants already here? Each issue deserves its own policy track.

THE CORE PRINCIPLES OF A NEW IMMIGRATION SYSTEM

The U.S. economy and national security should be the core concerns of a new immigration system. Any new visa system

would have to consider the potential economic contribution of a new migrant. In addition, there must be a vetting process that eliminates migrants who represent a security risk at any level. Family reunification should be a contributing factor, but should no longer be the primary reason for approved migration to the United States.

No policy should *a priori* exclude an individual because of his or her status as a minority in the larger American landscape. Discrimination has no place in a new immigration system. Diversity adds value to the American experience. For all of the debates about immigration, U.S. Latino population growth has slowed considerably in the last five to ten years, due largely to a dramatic slowdown of Mexican migration. The migration of Mexicans is now at net zero or negative, meaning they are leaving the U.S. and returning to Mexico. Today, the largest number of migrants is from Central America; this is an issue that will require Mexico's cooperation through a well-structured, region-wide plan. Antagonizing Mexico is not likely to help stem the flow from Central America.

OUTLINING STRATEGIES IN BROAD STROKES

It is impractical to attempt the mass deportation of millions of individuals. The activities necessary to find and apprehend unauthorized migrants will create a panic, a bureaucratic nightmare, and a humanitarian crisis that will tarnish America's reputation for moral leadership, increase social and racial tensions within



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This policy brief is part of a series of recommendations from the Baker Institute for the incoming president's administration.

the country, and cause bedlam at the border. A radical deportation approach is likely to have long-lasting consequences that are neither necessary nor desirable.

Instead, unauthorized migrants should be categorized by their particular circumstances (mixed status family, migrants brought to the U.S. under the age of five, etc.); a viable and politically acceptable strategy should then be devised to resolve the immigration status of each group. This will not be a quick fix, but it avoids a policy that treats all migrants the same across the board. It is a strategy already favored by many Americans, who say it would be acceptable for many migrants to stay in the United States if, in return, border security is tightened.¹ A Donald Trump presidency has the political capital to carry out this plan.

CATEGORIES OF UNAUTHORIZED MIGRANTS

Criminal aliens should be targeted for deportation. President Obama's deportation policies have already targeted this group and have a record of success. A continuation of this policy suffices for now.

The 2012 Deferred Action for Childhood Arrivals initiative, which makes certain undocumented migrants who came to the U.S. as children exempt from deportation, should be ratified. Most of the 750,000 beneficiaries of DACA are fully integrated into mainstream America. At this point, there is hardly any reason to target them. The four to five million unauthorized migrants who belong to mixed-status families should be a priority for reprieve. If they have been here more than five years, are working, have paid their taxes, and have at least one relative who is a legal resident or citizen, they should be placed in a *virtual line* inside the United States to obtain a green card. Penalties should include a fine for having entered the U.S. without authorization and permanent exclusion from U.S. citizenship.

All other unauthorized individuals should be given the chance to depart voluntarily and—from their home country—apply for readmission, with no penalty for their previous status in the U.S. Some will stay in

the U.S., but many will leave and likely apply for re-entry. Those in the latter group should be considered on a case-by-case basis as they wait in a *real line* to re-enter the U.S. legally. This group could apply for permanent residency but be barred from citizenship.

BORDER SECURITY

Americans largely support a policy that allows most unauthorized migrants to stay in the U.S. if, in return, border security is increased. But border security must be balanced against other important issues. One is the environmental impact that the border wall is beginning to have on the borderlands. A wall does not have to be a physical structure, however. Additional resources and boots on the ground can ensure the effectiveness of a *virtual wall* that allows for the detection and detention of nearly 100% of unauthorized border crossers. Technology is an important component of these measures.

CONCLUSION

It is important to signal early in the administration that immigration issues will be resolved humanely, and in a way that allays Americans' fears, mitigates the harsher consequences of anti-immigration sentiment, increases border security, and restores sanity to the U.S. immigration system.

ENDNOTE

1. Sarah Kahaulani Goo, "What Americans Want to Do about Illegal Immigration," Pew Hispanic Center, August 21, 2015, <http://www.pewresearch.org/fact-tank/2015/08/24/what-americans-want-to-do-about-illegal-immigration/>. See also Jeffrey M. Jones, "In U.S., 65% Favor Path to Citizenship for Illegal Immigrants," Gallup Poll, August 12, 2015, <http://www.gallup.com/poll/184577/favor-path-citizenship-illegal-immigrants.aspx>.

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