

What are the public policy values concerning Immigration?

By Prana Ramirez

Immigration is a complex issue that is prominent in today's politics with illegal immigration being at the forefront of President Trump's recent policies. Congress has backed his position since late 2014 when complaints from 17 states were filed seeking an injunction and declaratory relief against the executive actions put in place by former President Barack Obama. The injunction filed by the states claimed, "This lawsuit is not about immigration. It is about the rule of law, presidential power, and the structural limits of the U.S. Constitution."¹ This law suit dealt with issues raised by enacting the Deferred Action for Childhood Arrivals (DACA), the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), and the DREAM Act. These policies are designed to:²

1. Clear a pathway to citizenship for illegal immigrants that have "a) entered the United States before their 16th birthdays, and (b) had been in the United States continuously for five years."
2. Allow immigrant parents to stay with their children instead of being deported.
3. Focus the efforts of the Department of Homeland Security on actual threats from illegal immigration.

The Debate

On one side of the debate are those who believe illegal immigration is hurting

¹ *State of Texas, et al. v. United States of America, et al.*, Civil No. 1:14-cv-254, S.D. Texas, (2017),

<https://www.texasattorneygeneral.gov/files/epress/files/ImmigrationStatesFirstAmendedLawsuit12092014.pdf>, (last visited Feb. 21, 2018).

² Lori Robertson, *The Facts on DACA*, (Jan. 22, 2018),

<https://www.factcheck.org/2018/01/the-facts-on-daca/>, (last visited Feb. 21, 2018).

the U.S. economy. Many times, those who believe illegal immigration is hurting the U.S. support building a wall across the U.S.-Mexico border similar to the Great Wall of China.

President Trump recently claimed that, “The cost of building a permanent border wall pales mightily in comparison to what American taxpayers spend every single year on dealing with the fallout of illegal immigration on their communities, schools and unemployment offices.”³ This claim that illegal immigration is hurting the economy has been challenged by a study conducted by the Center for Immigration Studies which found that, “Undocumented immigrants contribute significantly to state and local taxes, collectively paying an estimated \$11.64 billion a year.”⁴ None-the-less, the Trump administration is backing an injunction to halt DACA and DAPA from being implemented. The question is will the wall be affordable, will it be effective in creating greater safety, or will it cost the U.S. economy billions of dollars each year from lost revenue and lost intellectual capital?

Legal Standards

In a U.S. Supreme Court case decided in 2016, *United States v. Texas*,⁵ there was a 4-4 split that upheld the Fifth Circuit Court of Appeal’s⁶ ruling that supported an injunction forbidding the implementation of DACA and DAPA. The case included claims that the increased acceptance of illegal aliens in the border-states would spur an increase of illegal immigration and the costs of

³ Donald Trump, *Immigration Reform That Will Make America Great Again*, <https://assets.donaldjtrump.com/Immigration-Reform-Trump.pdf>, (last visited Feb. 20, 2018).

⁴ Steven Camarota, *The Fiscal and Economic Impact of Immigration on the United States*, (May 17th, 2013), The Center for Immigration Studies, <https://cis.org/Testimony/Fiscal-and-Economic-Impact-Immigration-United-States>, (last visited Feb. 20, 2018).

⁵ *U.S. v. Texas*, S.Ct. No. 15-674 (June 23, 2016), <http://www.scotusblog.com/case-files/cases/united-states-v-texas/>, (last visited Feb. 20, 2018).

⁶ *U.S. V. Texas, S.D. Texas*, No. 15-40238(Nov. 25, 2015), <http://www.ca5.uscourts.gov/opinions%5Cpub%5C15/15-40238-CV0.pdf>, ((last visited Feb. 20, 2018).

such an influx would drain the resources of border-states. Also, there was concern for the threat of violence in communities experiencing increased immigration. The case also addressed the question of whether the appropriate procedures for enacting immigration reform was followed.

In reference to whether the DACA and DAPA program would increase the threat of violence in communities, a 2013 study concluded that immigration is “strongly associated with less violence in a neighborhood.”⁷ Despite these findings, the court focused on the procedural grounds by which these policies were enacted, they were enacted by Executive Order rather than Congressional law making. The court found the policies were an overreach of federal power, having attempted to bypass Congress by calling DAPA merely a general guidance issued to Department of Homeland Security employees and therefore would not violate the Take Care Clause of the Constitution which states the president must, “take care that the laws be faithfully executed.”⁸ President Obama’s declaration to not uphold the laws enforcing immigration policy set forth by the Immigration and Naturalization Act, as well as the Administrative Procedure Act, was deemed unconstitutional.⁹

Benefits of Immigration to the U.S.

Based on the facts that illegal immigration can provide a net benefit in terms of economic prosperity and safety,¹⁰ DACA and DAPA should be embraced by the Federal government, not taken down. It goes against our creed of “Give me your tired, your poor, Your huddled masses yearning to breathe free,

⁷ Roberto Farley, *No Evidence Sanctuary Cities ‘Breed Crime,’ Fact Check*, (February 10th, 2017), <https://www.factcheck.org/2017/02/no-evidence-sanctuary-cities-breed-crime/>, (last visited Feb. 20, 2018).

⁸ *U.S. Constitution, Article II, Section 3*.

⁹ *U.S. V. Texas*, S.D. Texas, No. 15-40238(Nov. 25, 2015), <http://www.ca5.uscourts.gov/opinions%5Cpub%5C15/15-40238-CV0.pdf>, ((last visited Feb. 20, 2018).

¹⁰ Eduardo Porter, *How to Make America Greater: More Immigration*, N.Y. Times, Feb. 7, 2017, <https://www.nytimes.com/2017/02/07/business/economy/restricting-immigration-would-make-america-smaller-not-greater.html>, (last visited Feb. 22, 2018).

The wretched refuse of your teeming shore.”¹¹ America is considered a land of opportunity, where refugees of conflict are supposed to have a right to pursue happiness. Illegal immigrants may be fleeing from either substandard conditions or rampant violence in their home country. Places such as Mexico, El Salvador, or Cuba aren’t providing their citizens with the same opportunities as America, and once immigrants arrive, they work hard to contribute to society.

Researchers at the Cato Institute in 2012 estimated that mass deportations would reduce economic growth by “\$250 billion per year.”¹² That amount of growth is tremendous and the sheer scale of such deportation operations are hard for the DHS with their limited budget of \$44.1 billion to comprehend.¹³

Conclusion

The negative effect of the immigration policies directed by President Trump would be disastrous for our economy. His preposterous claims that, “I will make Mexico pay for that wall. . . Mark my words,”¹⁴ hurt our image as a democracy. In order to improve our economy, there should be policies put in place to welcome immigration, which is what made this country as prosperous as it is. “George Borjas, the nation's leading immigration economist estimates that the presence of immigrant workers (legal and illegal) in the labor market makes the U.S. economy (GDP) an estimated 11 percent larger (\$1.6 trillion)

¹¹ Emma Lazarus, *The New Colossus (emblazoned upon the Statute of Liberty)*, Nov. 2, 1883, <https://www.nps.gov/stli/learn/historyculture/colossus.htm>, (last visited Feb. 22, 2018).

¹² Lisa Gee, *Is Illegal Immigration an Economic Burden to America?* January 24th, 2017, <https://immigration.procon.org/view.answers.php?questionID=000788>, (last visited Feb. 22, 2018).

¹³ Office of Press Secretary, *Administration's Fiscal Year 2018 Budget Request Advances DHS Operations*, May 23rd, 2017, <https://www.dhs.gov/news/2017/05/23/administrations-fiscal-year-2018-budget-request-advances-dhs-operations>, (last visited Feb. 22, 2018).

¹⁴ *Donald Trump's presidential announcement speech*, PolitiFact, <http://www.politifact.com/truth-o-meter/promises/trumpometer/promise/1397/build-wall-and-make-mexico-pay-it/>, (last visited Feb. 22, 2018).

each year.”¹⁵ The idea behind DACA and DAPA is not to allow anyone, including violent offenders and criminals, to obtain citizenship, but instead give those that are striving for a better life a chance for one. The Supreme Court should review the case as soon as possible and remove the injunction that has been put in place. Congress should take action to not only support DACA and DAPA, but include new policies to make obtaining citizenship a less arduous process. Some applications take years to go through, and by the time they are approved, the immigrant has already been deported. The entire system needs an overhaul and should start with the Supreme Court’s reversal of the ill-advised injunction.

¹⁵ Steven Camarota, *The Fiscal and Economic Impact of immigration on the United States*, May 17th, 2013, <https://cis.org/Testimony/Fiscal-and-Economic-Impact-Immigration-United-States>, (last visited Feb. 22, 2018).