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CHAPTER

Why and How to Expand US Immigration

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Why and How to Expand US Immigration

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ABSTRACT

Immigration has long been celebrated as an engine of America's economic growth and cultural vibrancy, even as the changes it brings often cause concern among the populace. An estimated 13.7 percent of those living in the United States today were born outside its borders, nearly as high as the peak of 14.8 percent in 1890 (Gibson and Jung, 2006).¹ Annual net inflows of migrants have fallen since 2016, however, and the foreign-born population has stagnated over the past few years. Backlogs in immigration bureaucracy are at record levels (Frey, 2020). There are also more than 10 million people living in the United States without legal status. Political framing of the issue has tended either to highlight humanitarian concerns or to engage in fear-mongering, with surprisingly little attention paid to fact-based economic analysis. However, a robust body of high-quality evidence pertaining to immigration and its economic impacts is available, and that data in tandem with humanitarian and political considerations should inform decision-making. Decades of research demonstrate that there is scope for and value in significantly expanded immigration levels and a reimaged enforcement system. But getting there will require congressional action: harnessing the full potential of those who seek to live and work in the United States requires sensible legislation.

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1 Based on 2019 population estimates.

1. Economic Impacts: What We Know

The economic impacts of immigration have been widely studied. It is hardly surprising that migration provides an economic benefit for immigrants themselves. The average Mexican immigrant doubles their hourly wage upon arrival to the United States, for example, and migrants from the poorest countries triple their earnings on average (Hendricks and Schoellman, 2018). And most economists agree that migration is beneficial to US economic growth. A comprehensive 2017 study by the National Academies of Sciences, for instance, concludes that immigration is good for US-born workers and the economy overall (The National Academies of Sciences, Engineering, Medicine, 2017).

How does immigration generate economic benefits? Consistent with the notion that most immigrants come to the United States to seek work opportunities, the foreign-born tend to participate in the labor force at a higher rate than do native-born Americans (US Bureau of Labor Statistics, 2021). Studies meanwhile tend to show that immigrant inflows produce positive or null impacts on the average US worker's wages, after carefully accounting for confounding factors. Immigrant workers even make many US workers more productive by allowing for more specialization (Peri and Sparber, 2011). However, while overall impacts are positive, research finds more mixed results for workers at the bottom of the US income distribution (The National Academies of Sciences, Engineering, Medicine, 2017). Workers most directly competing with new migrants in the labor market, including some US-born workers of color and previous waves of migrants, are most at risk for negative labor market consequences.

Immigration also impacts the American economy in ways beyond its direct influence on wages. Immigrants are more mobile than US-born workers: they move to areas of relatively high labor demand and exit areas that are struggling. Immigrants therefore serve an important function in smoothing out local shocks across the US economy (Cadena and Kovak, 2016). In addition, immigrant labor helps keep prices low while immigrant demand for goods and services stimulates growth in the economy (Orrenius, 2016).

Immigrants are disproportionately represented in innovation and entrepreneurship. Immigrant inventors represent 23 percent of all granted patents, and these patents are of higher economic value on average than those granted to US-born inventors (Bernstein, Diamond, McQuade and Pousada, 2021). Immigrant inventors are more likely to collaborate with foreign inventors and also appear to increase the level of innovation of US natives. In addition, first-generation immigrants create about a quarter of all new firms in the United States (Pekkala Kerr and Kerr, 2018), and 45 percent of Fortune 500 companies were founded by immigrants or their children (Nowrasteh, 2021).

Immigrants help US society to address its growing demographic challenges. While birth rates have fallen for the US-born and immigrant populations alike, and the overall birth rate lies below the replacement rate, foreign-born women have much higher birth rates than do those born in the country (Livingston, 2019). As a result, the Census Bureau projects that the US population would decline over the next four decades in the absence of immigration (Johnson, 2020). Immigrants will likewise play a key role in maintaining the nation's dependency ratio (the ratio of the working-age population to the population over 65) as its population ages. The National Immigration Forum

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estimates that to maintain a dependency ratio in 2060 comparable to today's, annual net immigrant inflows must reach nearly 1.4 million, 37 percent higher than the pre-COVID baseline (Noorani and Zak, 2021).

Immigration's fiscal impacts are also worth considering. The US population's fiscal impacts are generally negative: in most years the government spends more than it collects. But measuring a particular demographic's direct impacts on government coffers (the difference between taxes paid and benefits received) is complicated by tricky conceptual issues, such as how to treat expenditures like

those on national defense that do not directly scale with population. And in the case of immigrants, calculations ought to account for the immigrant population being younger on average than the native-born population. With these considerations in mind, the National Academy of Sciences shows that second-generation immigrants (those whose parents immigrated to the United States) have the most positive fiscal impacts over their lifetime, followed by those whose parents were born in the United States (“third-generation-plus immigrants”), followed by first-generation migrants (The National Academies of Sciences, Engineering, Medicine, 2017). Immigrants commit crimes and use social resources at low rates compared to other demographic groups (Watson, 2017; Light, He, and Robey, 2020).

Immigration's fiscal costs are also geographically concentrated: the national government gains from payroll and income taxes paid by immigrant workers, but state and local governments in immigrant-heavy areas incur high expenditures on education and health programs. A recent study that incorporates both direct and indirect fiscal effects finds that highly educated immigrants confer local fiscal benefits, while less-educated immigrants create local fiscal losses (Mayda, Senses,

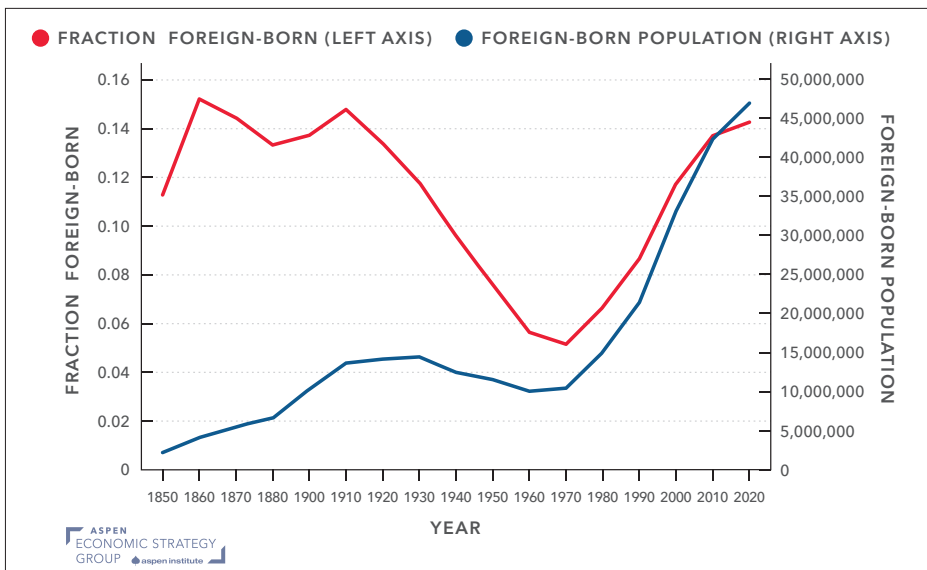
and Steingress, forthcoming). Immigration’s fiscal impacts vary by context and by place, and these differences are important for understanding the political dynamics that influence immigration policies.

Overall, there are clear economic benefits of expanding the US immigrant population, but sensible policy will consider communities that may be adversely impacted. As noted above, some studies present evidence of adverse impacts at the bottom of the US wage distribution. The empirical findings are mixed and therefore inconclusive, but policy design should take seriously the potential for large increases in immigration to create negative distributional impacts. Similarly, policy proposals must address the fiscal costs borne by some local governments as the result of immigration expansion. By recognizing that the overall gains from immigration are not distributed evenly and designing policy accordingly, it is possible to expand immigration in a way that is both politically palatable and economically sensible.

2. Trends in Immigration

Figure 1 shows the long-run evolution of the foreign-born population in the United States. Immigrants currently represent about 14 percent of US residents, similar to the foreign-born fraction of the population at the turn of the 20th century. The majority of today’s immigrant population arrived from Mexico and Central America, and increasingly from Africa and Asia.

Figure 1. Foreign-Born Population, 1850-2020



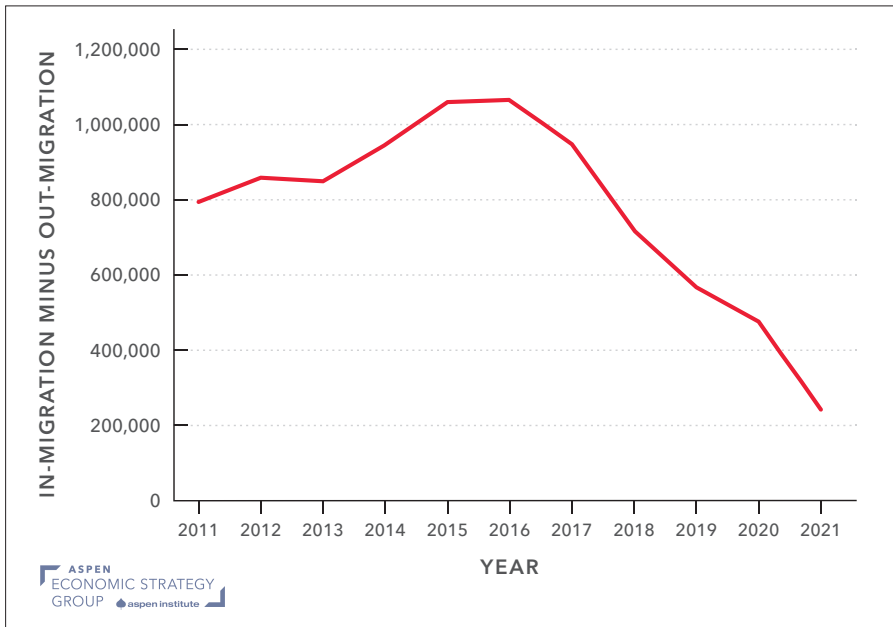
Source: Author’s analysis of IPUMS data derived from Census and American Community Survey.

Note: Data not available for 1890.

Of the estimated 45 million foreign-born residents living in the United States today, about 21 million are naturalized US citizens. About half of the remaining, an estimated 12 million, are legal permanent residents, also known as green-card holders, and 2 million are legal temporary residents. Another estimated 10.5 million are undocumented, living in the United States without legal status. The undocumented population peaked at more than 12 million in 2007 and has gradually declined since (Pew Research Center, 2020).²

This snapshot of the immigrant population is the product of decisions made over many decades. But net migration flows, which describe how immigration is changing on a year-to-year basis and likely reflect more recent developments, are also instructive to examine. As evidenced in Figure 2, net migration has been declining since 2016. This decline can be attributed to Trump-era policy decisions and rhetoric, bureaucratic backlogs, and COVID restrictions, among other factors. Inflows will presumably rebound to some degree as pandemic restrictions ease, but policy decisions will help to determine how these flows evolve and what forms they will take.

Figure 2. Net International Migration Inflows, 2011-2021



Source: US Census Population Estimates.

Note: Refers to migration over year ending July.

² These estimates of the undocumented population are based on 2017 American Community Survey data; more recent evidence suggests that these numbers have likely stayed fairly stable in the years since.

3. Approaches to Immigration Policy

The 1889 Supreme Court decision in *Chae Chan Ping v. United States*, 130 U.S. 581, cemented immigration policy as within the purview of the federal government (Harrington, 2019). Policies surrounding the number and composition of immigrants are primarily determined by Congress; implementation depends to a large degree on the executive branch.

The US immigration system is a complex web consisting of thousands of policy decisions, each with important implications. A simplifying discussion here will focus on three interconnected, big-picture questions: (a) what should be the number and composition of new legal permanent migrants to the United States; (b) how should the temporary visa system operate; and (c) how should the United States address unauthorized migration and support immigrant integration?

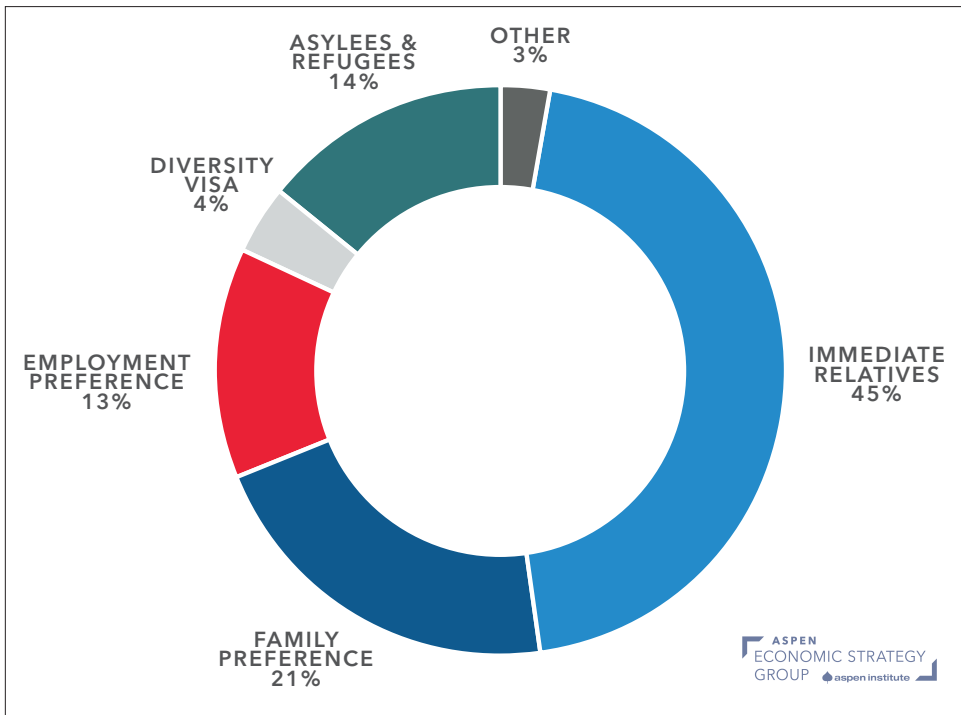
3.a. The Permanent Legal Immigration System

The current system of legal immigration into the United States is governed by the Immigration and Nationality Act (INA), which allows for permanent migration—also known as “green cards,” named for the historical color of the permanent residency document. Most immigration is allowed through family, employment, or humanitarian channels.

The most common pathway to legally immigrate to the United States is family-based immigration. In a typical (pre-COVID) year, between 450,000 and 500,000 immigrants are admitted as immediate relatives of US citizens. This number is not capped: any spouses, unmarried children under 21, or parents of adult citizens can qualify. About half of these immediate relatives are already living in the United States at the time of their application, either on a temporary status or without status. Those applicants have their status adjusted to permanent.

Non-immediate relatives of citizens, and close relatives of permanent residents, can also be admitted through a family preference system. A formula determines how many non-immediate relatives can be admitted through a series of preference categories—the total usually hews closely to the statutory minimum of 226,000.³ Combined, family categories account for about two-thirds of new green cards issued in a typical year, as shown in Figure 3.

3 A “permeable cap” on family admissions of 480,000 can be exceeded for immediate family members. Given the high numbers of immediate relatives seeking admission, the binding constraint is the 226,000 minimum on non-immediate family preference admissions.

Figure 3. Distribution of Green Card Admission Types, Average 2011-2019

Source: Department of Homeland Security, Yearbook of Immigration Statistics, 2019, Table 6.

Note: Average number of green cards is 1.066 million annually.

The family preference migration limits were set in 1990 and haven't been changed since. These same limits also weigh applicants' countries of origin: a single country may represent no more than 7 percent of the green cards issued to non-immediate family relative in any year. As a result, family members in high-demand countries may face long waits before receiving clearance to immigrate. As of May 2022, the applications currently being processed from most countries for unmarried adult children of US citizens, the highest priority non-immediate relative group, had first been submitted before December 2014 (US Department of State, 2022a). For those applying from Mexico, the date was May 2001. When politicians glibly suggest that would-be immigrants "wait in line," they may not realize that the line is years or decades long for family members from some countries.

A second major category of legal permanent immigration is employment-based admission, set since 1990 at a maximum of 140,000 annual applications accepted. The majority of these slots are reserved for workers of extraordinary ability or with advanced degrees, with another large tranche allocated to college-educated workers

or workers with specific skills in shortage areas. In order for their applications to be accepted, most of these workers are required to show proof of a specific job offer for a permanent position.⁴ The same 7 percent limit on admissions from any particular country that applies to family-based immigration also applies in the employment context. For a less-educated worker without specialized skills, entering the United States through the permanent employment pathway is nearly impossible. As a result, for most would-be immigrants without relatives in the United States or a college degree, there is no line; legal immigration to the United States is a functional impossibility.

A number of humanitarian pathways to admission account for about 15 percent of permanent admissions. These include refugees, whose number is decided by the President prior to their arrival at the border, and asylees, whose eligibility for admission is determined after presenting at the border. Many of the immigrants seen in footage of the Southern border are hoping to enter as asylees; there is no numerical cap on admissions and adjudication depends on the strength of the asylum claim, as determined by the US immigration bureaucracy.

A smaller admission category is the diversity lottery, which aims to include representatives from a wider range of countries into the United States. Diversity visas are granted annually to 50,000 applicants (and their dependents) from countries with fewer recent immigrants to the United States, excluding twenty countries from which applicants are not currently allowed. Originally intended to boost Irish and Italian immigration, which had declined in the decades before the system was instituted in late 1980s, the lottery now benefits immigrants from Africa more than those from any other region (Law, 2002; Wilson, 2018). With at least 10 million annual applicants, fewer than 1 percent of applicants are granted admission, and winners make up fewer than 5 percent of the green cards granted in a typical year (US Department of State, 2022b). Though the diversity lottery helps neither to reunite families nor to address specific US employment needs, it broadens the pool of countries from which immigrants arrive. Some scholars argue that this diversity encourages new immigrant communities to develop in the United States, subsequently creating a pipeline for attracting immigrant talent, though evidence on this point is still scant (Kennedy, 2018).

All told, about 1 million immigrants per year (pre-COVID) obtain a US green card. But the country could absorb many more without visiting significant adverse impacts on US natives—this is evident in California, where immigrants make up 27 percent of the population, twice the average US level, and the economy is growing strongly.

4 A few others enter in special categories including wealthy entrepreneurial investors.

According to Gallup surveys, 160 million people around the world report interest in immigrating to the United States (Esipova, Pugliese, and Ray, 2018). Given the many barriers to immigration, that figure is an imperfect measure of the number that would in fact immigrate if given the legal clearance to do so. But it raises the question: how much of an expansion to the US immigration system would be appropriate?

A sensible approach involves a gradual scaling up of the number of immigrants admitted annually, with numerical limits that respond to national labor market conditions. As noted above, the National Immigration Forum estimates that admitting 37 percent more immigrants than the pre-COVID annual rates would allow the country to return to its 2020 dependency ratio by 2060. Rather than large and static jumps in admission limits, however, a commitment to a smaller default growth rate would future-proof policy against an inertial Congress. For example, policies might target 2 to 3 percent growth in green-card admissions annually,

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depending formulaically on the unemployment rate. This number incorporates 1 percent for long-run population growth, another 1 percent to mitigate the long-run worsening of the dependency ratio, and a flexible additional amount of up to 1 percent during good economic times. Questions about the optimal composition of that growth would also need to be addressed.

The United States relies more heavily on family-based migration than do many other nations. For example, Canada’s point-based admission policies weight more heavily the applicants’ potential to contribute to the national economy (Sanders, 2020). There are some economic advantages to prioritizing family-based migration: families can help new migrants to adapt to American society, provide economic support, and offer connections to work opportunities. Family-based migration also aligns with the long-standing cultural value attached to the family as a central social unit. And selecting migrants with family ties may reduce the propensity for some of those immigrants to enter without status.

Family preference migration can sensibly rise on an annual basis by 2 to 3 percent as described above. Because immediate family admissions are already uncapped, this increase would primarily take the form of annual growth in the statutory minimum for non-immediate relative family preference admissions. Immediate relative admissions will then grow gradually as a natural consequence of admissions in other categories. Research suggests that each immigrant regularized as part of the

1986 amnesty program, for instance, sponsored one additional immigrant over the subsequent three decades (Cascio and Lewis, 2020).

Other modifications to the family-based program are also worth considering. For example, because of the 7 percent per-country limit on family preference admissions, would-be immigrants from Mexico, the Philippines, and India currently face longer waiting times than family members from other countries. These caps therefore encourage unauthorized immigration among those with close family residing in the United States but who project to wait years or decades to be granted admission, undermining the integrity of the immigration system. Per-country family preference caps should be raised substantially. A similar tweak is to end the differential treatment of married adult children of US citizens and residents as compared to their unmarried siblings.⁵

Despite some advantages, the family-based approach does not necessarily produce migration patterns that closely align with labor market needs. The employment pathway addresses labor demands more efficiently. Because most green cards granted through this pathway require employer sponsorship, the system filters for immigrants whose skillsets are of particular value to their employers. But the current employment-based system has two important shortcomings.

The first of these shortcomings is a binding per-country cap on some categories of highly educated or specially skilled workers; applicants from India and China are particularly likely to be deferred because of the same 7 percent quota that governs family-based admission. For example, there are currently more than 700,000 Indian would-be immigrants who have secured employer sponsorship but remain waiting in the queue for admission; under current law, fewer than 10,000 can be granted

“There is little economic rationale for turning away global talent at this scale. These workers would make significant economic contributions to the national economy, as evidenced by their firms’ willingness to sponsor their admissions, and any downward employment pressures on US natives would be felt at the top rungs of the wage distribution, where wage growth has been strong in recent decades.”

⁵ Married children of US citizens are currently in a third preference category, whereas unmarried adult children are in the first category. Married children should be moved to the first category, and the cap adjusted accordingly, to avoid disincentivizing marriage. Similarly, married and unmarried adult children of permanent residents should be treated equivalently, either by eliminating both from the preference list or including both as a category.

permanent residence each year (Bier, 2022).⁶ There is little economic rationale for turning away global talent at this scale. These workers would make significant economic contributions to the national economy, as evidenced by their firms' willingness to sponsor their admissions, and any downward employment pressures on US natives would be felt at the top rungs of the wage distribution, where wage growth has been strong in recent decades. Immigration opportunities should be expanded for this highly educated group even more aggressively than for those applying through the family-based pathway, in light of the economic and fiscal benefits. Potential avenues for that expansion include increasing overall numeric limits and loosening per-country quotas.

Most employment-based immigration currently requires sponsoring employers to submit to a certification process showing that they cannot find suitable native-born US applicants for the position. And while the Department of Labor maintains a list of occupational shortages, known as Schedule A, which in theory allows for expedited processing for employers in those industries, Schedule A has remained untouched since 1991. Originally designed to be continuously updated, the only occupations listed on the schedule are nursing and physical therapy (Milliken, 2020). An easy fix to the employment-based migration system is for Schedule A to reflect a more fluid, expansive, and updated definition of shortage occupations. For instance, the Job Openings and Labor Turnover Survey, conducted by the US Bureau of Labor Statistics, could be used to identify sustained needs in particular occupations, nationally or within local labor markets. Firms could then recruit internationally to fill positions with less bureaucratic delay.

Strict limits on admission for less-educated workers are a second shortcoming of the employment program. Under current law, only 10,000 employment green cards may be granted annually to workers in positions that require less than two years of experience or training, regardless of labor market needs. But some of these fields are experiencing far more significant shortages than can be closed by adding 10,000 new workers per year. For example, the Bureau of Labor Statistics projects demand for an additional 1.1 million health and personal care aide jobs by 2030, representing a 33 percent increase from pre-pandemic levels (US Bureau of Labor Statistics, 2022). This industry has faced long-standing staffing challenges, and immigrants disproportionately fill its ranks. Not only should these fields be added to Schedule A, but limits on immigrant workers without college degrees should be loosened more generally to ensure that shortages can be filled.

6 Many are already in the country as H1B visa holders.

The reforms to the permanent legal migration suggested here would incorporate the following guiding principles:

- Legal permanent immigration should gradually increase from its current level, both for family-based and employment-based pathways, with particularly high rates of growth for college-educated employment-based pathways;
- The numeric cap on permanent immigration should grow according to a formula which incorporates a modest baseline level of expansion plus adjustments for economic conditions;
- The employment-based immigration system should be more responsive to labor market conditions, including for occupations not requiring higher education; and
- Per-country caps for both family- and employment-based immigration systems should be substantially raised.

3.b. Temporary Migration and Its Discontents

In addition to the approximately 1 million immigrants issued green cards each year, around 2 million others, including workers and students, legally reside in the United States on a temporary basis. These legal residents tend to be highly educated: many arrive through the NAFTA Professional TN program, which allows college-educated workers from Canada and Mexico to work temporarily in the United States, and another large share arrive through the H1B visa program, which allows companies to hire college graduates in specialty occupations (often STEM fields) for up to three years. These H1B workers are capped annually at 65,000, plus another 20,000 for those with advanced degrees from US institutions. Evidence shows that the H1B program does not drive down wages and may in fact prevent firms from outsourcing technical work, but concerns remain about firms paying below-market wages (Peri, Shih, and Sparber, 2015; Hira and Costa, 2021). In most recent years, the program has been highly oversubscribed (American Immigration Council, 2021).

Immigration programs that admit less-educated workers are aimed at shorter-term employment. The H2A program permits immigrants into temporary agricultural jobs of less than one year. The program is uncapped and has grown to incorporate more than 200,000 workers annually. The H2B program, with is subject to a cap of 66,000 workers, permits entry for seasonal non-agricultural workers or other applicants serving one-time labor needs.

Temporary migration programs are economically beneficial in some ways. Unlike permanent migration pathways, they offer more flexibility to respond to immediate

workforce needs, without producing long-run impacts on the US population. In theory, they can be particularly useful for filling temporary or seasonal gaps in the US labor market. The agricultural industry, for instance, is heavily dependent on seasonal labor (Castillo, Simnitt, Astill, and Minor, 2021).

But these programs have several significant disadvantages. First, workers in temporary immigration programs are bound to their specific employer. Workers looking to switch employers need to restart the visa process with a new sponsor. This bureaucratic barrier inhibits the efficient allocation of workers and reduces worker bargaining

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power. Admitting permanent residents through an employment-based pathway similarly requires sponsorship through an employer in most cases, but the green-card holder then has much more agency to leave the position if their skills are better utilized elsewhere.

Second, temporary migration poses a challenge when migrants wish to stay in the United States. The H1B program allows recipients to apply for permanent status in the United States through the permanent employment pathway while they work under their H1B grant—an option known as

“dual intent.” But three quarters of H1B recipients are from India, where applicants face a decades-long queue due to the per-country caps imposed on employment-based green cards. Meanwhile the H2 temporary visas typically held by less-educated workers don’t offer a pathway to permanent residence regardless of the holder’s country of origin.

A small fraction of employment-visa holders stay in the United States without documentation after their visas expire. Though only about 1 percent of temporary migrants fail to depart according to the terms of their visas, overstays (including on tourist, business, student, and work visas) are an increasingly common route to undocumented immigration, representing more than half of undocumented immigration in recent years (Warren, 2019). Approximately 70,000 work-based and related visas were over-stayed in 2019, and these populations aggregate over time. The country’s over-reliance on temporary visas, and associated problems enforcing their time limits, creates a population of undocumented immigrants that could be avoided by offering more flexibility in the permanent employment-based system.

Finally, the temporary visa program is ill-suited to address longer-term shortages in particular occupations. Health and personal care aide jobs are one example noted

above. No temporary visa program is designed to respond to this type of chronic, sector-specific need. Increased flexibility in the temporary visa program could help to alleviate the issue temporarily, but these long-term challenges are best addressed by expanding permanent migration pathways for less-educated workers in shortage occupations.

Policy takeaways:

- Temporary migration pathways should be used to address seasonal and short-term needs, but longer-term labor-force challenges should be met through expansions in the permanent employment pathways; and
- Over-reliance on temporary visas could reduce worker bargaining power and may lead to unintended consequences.

3.c. Unauthorized Migration and Integration

More than 10 million people are currently living in the United States without legal status. Heightened border control has made temporary or circular undocumented migration less common; as a result, 60 percent of undocumented immigrants have remained in the country for at least a decade (Gelatt and Zong, 2018). And these long-term unauthorized residents often establish roots: 40 percent of undocumented adults are parents of children under 18, and 80 percent of children with an unauthorized parent are US citizens by birth (Gelatt and Zong, 2018). The humanitarian implications of dismantling families through detention or deportation are manifest, but the adverse economic consequences are also serious (Watson and Thompson, 2022). At the same time, large inflows of undocumented immigrants undermine confidence in the rule of law and create a class of workers who are not afforded legal protections. These competing interests require rethinking the country's approach toward immigration more broadly.

The first step should be preventative. A significant expansion of legal immigration caps, a loosening of the per-country limits, and more employment-based pathways to permanent residency for less-educated workers would help to reduce the incentives for unauthorized migration. Currently, migrants who attempt unlawful entry or who are found living in the United States without authorization are subject to re-entry bars that prohibit them from entering lawfully for at least three years and sometimes permanently (US Citizenship and Immigration Services, 2022a). These penalties are of little consequence to the many people who have virtually no chance of entry if they play by the rules, chiefly less-educated immigrants from oversubscribed countries or those without close family ties. But the promise of a significant chance of legal entry could change the calculus. Unauthorized immigration declined only briefly

after the 1986 Immigration Reform and Control Act, suggesting that regularizing existing residents without expanding future opportunities for legal immigration is an inadequate solution (Orrenius and Zavodny, 2003). Therefore, while for political and practical reasons increases in legal limits should be introduced gradually, reductions in unauthorized migration will be realized only when migrants currently excluded from legal pathways obtain a reasonable chance of immigrating through authorized channels. Investment in political stability in key sending regions would also help to reduce inflows (Porzecanski, 2021).

In addition to expanding legal immigration, a preventative approach would address those entering the United States to work without authorization. As the border has become increasingly militarized over the past two decades, it has become increasingly dangerous and costly for immigrants to enter surreptitiously (Capps, Meissner, Soto, Bolter, and Pierce, 2019). Undocumented immigrants are more often arriving legally and overstaying their visas (Warren, 2019). Though only about 1 percent of visa recipients fail to exit the country in a timely manner, in gross total these numbers become significant—an estimated 676,000 visa holders failed to leave on time in 2019, for example (Department of Homeland Security, 2020). Improvements in the dysfunctional visa tracking system would reduce this number (Department of Homeland Security, 2017).

Because the primary motivation for most immigrants to the United States is employment, increasing penalties on unauthorized work is another crucial element of improving the immigration system to prevent overstays. But penalties on workers themselves, the current default, arrive too late and come at great humanitarian cost. Sanctions on employers are rare and usually small, providing minimal incentive for employers to follow the law (American Immigration Council, 2011). A preventative approach would penalize employers who hire unauthorized workers, and penalties could be made substantial enough to encourage compliance. E-verify, a system by which employers can check their workers' immigration status, is an imperfect tool, but one that could play a role in holding employers accountable. At the same time, tools aimed at employers run the risk of promoting discriminatory behavior, a concern that also needs to be addressed (US Department of Justice, 2022).

Enforcement of immigration violations for long-term residents of the United States should also be reimagined. For those who have made their lives in the United States and contributed to society, removal is a disproportionate response to the violation. While only a small fraction of undocumented immigrants face enforcement each year, fear of these harsh consequences drives “chilling effects” in immigrant behavior. For example, the threat of enforcement causes immigrants to avoid enrolling their citizen children in Medicaid and SNAP, to under-report crimes that they are victims

to, and not to share other information with police (Watson, 2014; Alsan and Yang, 2019; Jácome, 2022). About 50 percent of foreign-born Latinos and 80 percent of foreign-born Latinos without a green card say they worry about themselves or someone close to them being deported (Moslimani, 2022). And when deportation does occur, the economic and humanitarian consequences can be devastating (Watson and Thompson, 2022).

While not all those discovered living in the United States without authorization are deported, even those who face less harsh legal consequences can have their lives, and their families' lives, significantly disrupted. Undocumented immigrants seeking relief from removal through an immigration court process often find that the process can take years, during which the immigrant might be detained. And detention is an expensive proposition for taxpayers and immigrant families alike, particularly because those detained are typically their family's primary breadwinner. Increased use of "alternatives to detention," which allow those waiting adjudication to continue living and working in their communities, are a common-sense fix (American Immigration Council, 2022). But even this legal limbo creates significant stress for families who fear that the day of their six-month Immigration and Customs Enforcement check-in will be the last time they are home with their children.

A better alternative is to allow long-term unauthorized residents the opportunity to stay in the United States permanently. This solution could be coupled with levying civil fines against those who arrived as adults, in addition to recovering any back-taxes owed. (Many undocumented immigrants do pay payroll taxes, and about 2 million people, most of whom are unauthorized immigrants, file income taxes using an Individual Tax Identification Number) (Sifre, 2021). Proposed legislation has described various forms of a "pathway to citizenship" for undocumented residents, but the most important components include (a) protection from deportation; and (b) legal work status. Little is to be gained by keeping unauthorized migrants living in the shadows.

The primary argument against a lenient approach toward the current undocumented population is that such an approach would encourage further waves of unauthorized immigration. Indeed, the most recent major amnesty period, in the late 1980s, did not curtail unauthorized inflows. It is therefore essential to couple a more humane approach to enforcement with expansions to the legal immigration system and other measures that will deter undocumented migration. While unauthorized migration will never be fully eliminated, it can be reduced by bolstering opportunities and incentives for legal migration.

Undocumented and documented immigrants alike face barriers to thriving in the United States. Immigrant integration, defined by the Migration Policy Institute as “the process of economic mobility and social inclusion for newcomers and their children,” requires not only eliminating policies that break up families but also enacting a broad set of policies promoting economic mobility and racial justice, such as redistributive taxation and support for high-quality and racially integrated public education.

Occupational downgrading is a common feature of immigration to the United States because of language and bureaucratic barriers (Adversario, 2021), but policy initiatives can pave the way for the full use of immigrants’ skills and talents. For example, some states have expanded opportunities for immigrants educated abroad to obtain professional licenses; others have allowed professional licenses for undocumented or youth who have received temporary legal status under the 2012 Deferred Action for Childhood Arrivals program (National Conference of State Legislatures, 2017).

The Aspen Institute Community Strategies group has partnered with the Migration Policy Institute and Higher Heights Consulting to understand strategies for culturally competent and inclusive support to immigrant families using a two-generation model (Migration Policy Institute, 2022). Evidence on the long-run impacts of immigrant integration services is lacking, but an extensive literature finds economic payoffs to investments in children and families more broadly. It also makes clear that economic mobility is not only possible but very common among children in immigrant families. Recent research highlights the remarkable economic success of immigrant children from low-income families, not only in the early 20th century but continuing into today (Abramitzky and Boustan, 2022). While past results are encouraging, the continued success of second-generation immigrants is not guaranteed, and will be determined in part by the social and policy environment in which those children grow up.

Policy takeaways:

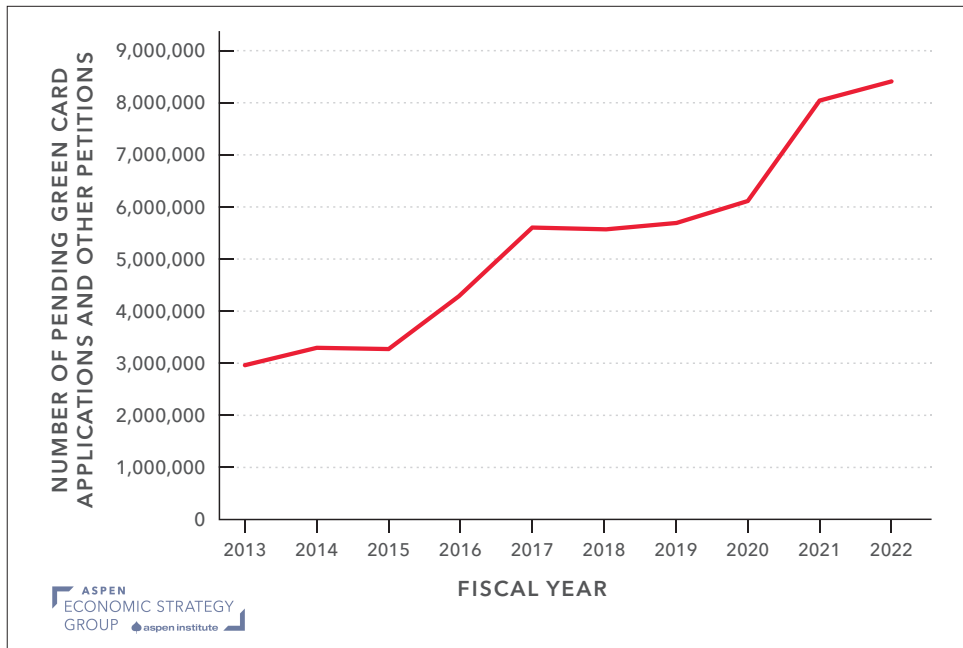
- Expanding opportunities for legal immigration, discouraging visa overstays, and strengthening employer-based enforcement would help to discourage unauthorized immigration;
- A more lenient and humanitarian approach would also allow long-term unauthorized residents to permanently stay and work in the United States; and
- Promoting policies that help immigrants to thrive would result in payoffs for the US economy.

4. Backlogs

The current immigration bureaucracy is overwhelmed. While understaffing and inadequate funding were already the norm, these issues were exacerbated during the Trump presidency. The COVID pandemic has only accelerated these gaps into crises.

As shown in Figure 4, the backlog of pending green-card and other permanent adjustment-of-status applications grew from 3 million in 2013 to 8.4 million in 2022. While the backlogs were already ramping up before the 2016 elections, the Trump administration increased scrutiny of green-card applications and newly demanded in-person interviews, further slowing the process. A 2020 pause in processing, and continued pandemic-related issues since then, have worsened the situation. An estimated 250,000 green cards were “wasted” in FY 2021: permanent admissions authorized by law were not processed and cannot be used in future years (Neufeld, 2021). Because the law requires that application processing be self-funded, an increase to green-card application fees will be required to get back on track (Chishti and Gelatt, 2022).

Figure 4. Pending USCIS Petitions, 2013-22



Source: US Citizenship and Immigration Services, "All USCIS Application and Form Types" for various years.

Note: Refers to pending green-card and other adjustment-of-status applications end of Q4 of fiscal year for all years except 2022, which refers to the end of Q1 (December 2021).

Similar backlogs exist in temporary visa processing, with nearly half a million people waiting for a visa appointment (US Department of State, 2022c). Approximately 1.6 million cases also await adjudication in immigration court, triple the 2016 number (TRAC Immigration). Even without passing other reforms, adequate financial support for the immigration bureaucracy is essential. Implementation of a sensible expansion of immigration will require further increases in staffing and similar resources.

5. Congressional Inaction

Congress has primary authority over US immigration law. But despite repeated attempts at legislation, no significant immigration package has been authorized since 1996. Efforts in 2001 were derailed by the September 11th attacks. The House and Senate passed comprehensive immigration reform bills in 2005-2006, but failed to reconcile them into a compromise bill. Additional bills were introduced in 2007, 2009, and 2011, but never voted into law. In 2013, the Senate passed the bipartisan Development, Relief, and Education for Alien Minors Act (DREAM), but House leadership declined to bring it for a vote. It appears that political incentives do not favor the compromise that would be necessary to make progress. As a result, Congress has abdicated its responsibility to legislate on this issue.

The executive branch has stepped into the void. Deferred Action for Childhood Arrivals (DACA) was a 2012 executive action meant to serve as a temporary solution for immigrants who were brought to the United States as children. Roughly 800,000 people enrolled in the program, only to have their status become uncertain when the White House changed hands in 2016 (López and Krogstad, 2017). Enforcement discretion also means wild swings in detention and removal policies.

There is also heterogeneity in enforcement at the local level. The Secure Communities program means that local law enforcement is a key partner in immigration enforcement, with jails submitting arrestee's fingerprints to federal criminal and immigration databases. Local officers can play more or less of a role in immigration enforcement depending on how they operate on the street. In addition, dozens of local law enforcement agencies have agreements with the Department of Homeland Security to play a more active role in immigration enforcement under the 287(g) program, whereas local law enforcement resists cooperation in other cities (US Citizenship and Immigration Services, 2022b). The result is that immigration policy, ostensibly under federal purview, is decentralized and differs substantially across the country, echoing variations across presidential administrations. This lack of uniformity across time and location stems from the policy vacuum left by Congress' failure to enact meaningful immigration legislation.

Bipartisan comprehensive reform is a necessary step toward a functional immigration policy. Historically, proposed bills have offered a combination of increased border and interior enforcement and a pathway toward legal status for the currently unauthorized population. These measures are often coupled with expanded and more sensible legal immigration pathways, which are essential to reducing the long-term undocumented population—the most determined immigrants must have a plausible hope of migrating legally.

Successful reform needs to address two realities that are sometimes ignored. First, though the evidence overwhelmingly suggests that immigration creates economic gains, large-scale expansion of the immigration program presents both a real and perceived risk at the bottom of the income distribution. Some of the gains realized from expanded immigration should be rerouted toward redistributive policies and policies promoting economic mobility.

Second, because the direct fiscal costs of less-educated immigration are typically negative at the local level, and because that cost burden is felt unevenly across the country, communities that receive net inflows of immigrants should receive economic support to offset these higher costs. To some degree these transfers already occur through state educational funding policies, but they should be concretized as an intentional component of immigration reform (Mayda, Senses, and Steingress, forthcoming). For example, federal funding could be made available to school districts serving a large number of immigrant families, and federal Medicaid matching rates could be increased for the foreign-born population and their children. Recognizing the hardship that some local governments and communities face as the result of federal policy, and responding accordingly, is essential to sharing the benefits of expanded immigration.

In sum, an ideal bill would include provisions to (a) gradually expand legal family immigration each year, expand employment-based migration opportunities, and loosen per-country caps; (b) shift toward permanent rather than temporary migration pathways; (c) discourage visa overstays and penalize employers who hire unauthorized immigrants; (d) offer relief to long-term undocumented residents; (e) redistribute funds to localities and individuals adversely affected by immigration; and (f) fund the bureaucratic infrastructure so that the system functions smoothly.

6. Conclusion

Restricting migration has been described as leaving “trillion-dollar bills lying on the sidewalk” (Clemens, 2011). Economists overwhelmingly agree that immigration is good for growth and prosperity. Reform that allows for the realization of these

uncollected benefits would significantly expand legal immigration, reimagine enforcement for undocumented immigrants, and address extreme backlogs in the immigration bureaucracy. It would also recognize that the benefits of immigration are not evenly shared and incorporate support for adversely impacted US natives and local governments.

Over the past two decades, Congress has abdicated its responsibility to address immigration in a responsible way. The result has been a chaotic and often cruel system. But the current labor market and the country's widening demographic challenges may present an opportunity—a nudge to elected officials to enact sensible policy that will broadly benefit current and future Americans.

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