

Issue: Illegal Immigration

## Illegal Immigration A problem Republicans do not want to solve

The unprecedented numbers of undocumented migrants arriving in the U.S. are straining both national and local resources. Federal agencies are responsible for immigration, which includes immigration judges, asylum officers, border patrol officers and more. However, it is cities that bear the brunt of providing services for newly arrived migrants, such as food and shelter.<sup>1</sup>

The focus of Local Majority is to provide research to Democratic state house and state senate candidates; hence a report about illegal immigration would seem to be outside our purview. Unfortunately, President Biden is being blamed for the deluge of immigrants, even though it is Congress that must pass legislation and allocate funds. Further, the President cannot control factors which cause people to leave their home countries. If President Biden is faulted for border problems, this could have negative ramifications for down-ballot Democratic candidates. It is worth a brief overview of this issue.

This main portion of this paper has sections about pathways to legal status, why the immigration system is overwhelmed, what powers the President and Congress have to address immigration and what happens to undocumented immigrants entering the U.S. Finally, there is a brief discussion of the state of immigration in Arizona. There are four appendices. Appendix 1 provides information about some of the resources the recent—and failed—bipartisan immigration bill would have provided. The second appendix is a series of charts showing different scenarios for undocumented immigrants arriving at the southern border. The last two appendices discuss the effects on the economy of undocumented immigrants and Republican myths about crime committed by the undocumented.

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In October of 2023, the new Republican Speaker of the House, Mike Johnson, stated “We have a catastrophe at our southern border. The Senate and the White House can no longer ignore the problem.”<sup>2</sup>

In spite of such statements by Speaker Johnson and other Republicans, their inaction on the recent bipartisan bill crafted in the Senate demonstrates their unwillingness to provide actual solutions.<sup>3</sup> That is because to fix the immigration problem would provide a political “win” for President Biden.

The recent bipartisan legislation would have been the biggest change in immigration law in decades. In this bill, Democrats agreed to almost every demand of Senate Republicans. But because Donald Trump did not want Democrats to get the credit, he torpedoed the bill by encouraging Republicans to vote against it. On social media, Trump posted that “This Bill is a great gift to the Democrats, and a Death Wish for the Republican Party.”<sup>4</sup>

In the aftermath of the immigration bill's death, one of the bill's architects, Republican Senator James Lankford said: "I had a popular commentator that told me flat-out, before they knew any of the contents of the bill ... if you try to move a bill that solves the border crisis during this presidential year, I will do whatever I can to destroy you, because I do not want you to solve this during the presidential election."<sup>5</sup>

Appendix 1 gives an overview of what was in this bill.

## Pathways to legal status in the U.S.

There are very few routes for achieving legal status. Around a million green cards are issued per year.<sup>6</sup> The number of temporary work visas is about 140,000 per year.<sup>7</sup> Even for those who attempt to get a green card through family status, the wait time is measured in years, or even decades.

Contrast those numbers with the recent number of migrants arriving at the border. The number of Border Patrol "encounters" at the southern border was about 250,000 people in the *month* of December 2023, although it dropped somewhat in January 2024.<sup>8</sup> (The same individual may be "encountered" more than once at the border. Also, some people cross the border without ever having any contact with the Border Patrol.)

## Arrivals at the southern border

People come to the U.S. to escape violence, poverty, and political chaos in their home countries.<sup>9</sup> Some come seeking jobs, attracted by the strong U.S. economy.<sup>10</sup> Historically, most migrants were young men who came from Mexico and Central America. But now people from all over the developing world, including many countries in Asia, are arriving at our southern border.<sup>11</sup>

## Why is the immigration system overwhelmed?

The short answer is that our immigration system has not been revised since the 1980s when Ronald Reagan was President. There are now many more people entering the U.S. and not nearly enough resources to handle them. The number immigration judges, asylum officers and other personnel is woefully inadequate. For example, even if the number of immigration judges increased by 700, which would slightly more than double the current number, the Congressional Research Service believes it would take 10 years to process all asylum seekers.<sup>12</sup>

The bipartisan border bill provided funding for the Border Patrol, asylum officers and immigration judges.

## What can the president do to solve border problems? What powers does Congress have?

The president's job is to enforce and execute the laws. The president has the power to decide how best to execute the laws. For example, the president can decide who to prioritize for deportation and how to allocate limited resources. The president also has the authority to grant work authorization to undocumented immigrants, a power that was granted in 1986 legislation passed during the Reagan administration.<sup>13</sup> The role of Congress is to allocate the funds to carry out execution of the laws it writes.

## What happens to migrants entering the U.S?

Because there are so few legal pathways for immigrants to obtain legal status in the U.S., many people choose to seek asylum, even though most will not qualify.

Both U.S. and international law contain provisions enabling immigrants to request asylum.<sup>14</sup> To be eligible for asylum, “a claim of persecution must be made based on one of five ‘protected grounds’: race, religion, nationality, political opinion, or membership in a particular social group.”<sup>15</sup> Asylum cannot be requested from outside the U.S.

Many migrants immediately request asylum on arrival. However, they have a year after entering the country to apply for asylum. The percentage of undocumented migrants who apply for asylum is not publicly known.<sup>16</sup> In 2019, Politifact reported that “About 20 to 30 percent of asylum requests have been granted annually since 2009.”<sup>17</sup>

“Many of those intercepted at the border are turned away immediately under current policies, but those who are allowed to pursue their claims for asylum or humanitarian relief can either be detained or released into the U.S. while undergoing deportation proceedings that can stretch out for years.”<sup>18</sup>

Appendix 2 contains a series of charts showing the different scenarios that undocumented immigrants can face after arriving at our southern border. What the charts *don't* show is the percentage of migrants who fall into each category.

## Arizona and illegal immigration

In 2010, with a Republican-controlled legislature and a Republican governor, Arizona passed SB 1070, an anti-immigrant bill. One provision in this bill allowed police to demand documentation showing the immigration status of any person suspected of being undocumented. Another provision allowed police to arrest people they believed to be “deportable.”<sup>19</sup> The U.S. Supreme Court upheld the “show me your papers” provision, but struck down the other provisions. Eventually, in 2016, the state stopped enforcing “show me your papers.”<sup>20</sup> Conference cancellations and tourist boycotts in the aftermath of passage of SB 1070 had a detrimental effect on the state’s economy. One estimate was a loss of “\$253 million in economic output, \$9.4 million in tax revenues, and 2,761 jobs.”<sup>21</sup> Democratic state Senator Rosanne Gabaldón said that after the law’s passage police pulled her over at least 10 times.<sup>22</sup> In the first three months alone after passage, litigation costs were over \$1 million.<sup>23</sup>

Fourteen years later, Republicans in the legislature are at it again with passage of another anti-immigrant bill, SB 1231. This bill, called the “Arizona Border Invasion Act,” was vetoed by Gov. Katie Hobbs. The bill would have made it a “misdemeanor to cross the state’s southern border anywhere but at the ports of entry and allowed local police officers to arrest migrants suspected of violating the act. Those convicted of a first offense would have faced a six-month jail sentence unless they agreed to return to Mexico voluntarily.”<sup>24</sup>

In her veto statement, Gov. Hobbs acknowledged the frustrations resulting from the failure of the federal government to secure the border, but wrote that SB 1231 was anti-business and would destroy jobs.<sup>25</sup>

Being cognizant of the problems created by enormous numbers of undocumented immigrants, Gov. Hobbs has bused migrants away from overwhelmed border communities to other cities both in and

outside of Arizona.<sup>26</sup> Perhaps to redirect ire away from the governor's office, in her January 2024 state of the state address, Gov. Hobbs blamed Joe Biden and the federal government for the immigration mess.<sup>27</sup> In light of U.S. House Republicans' rejection of the bipartisan reform bill in February 2024, blame should more accurately be placed on House Republicans.

## Conclusion

It's an understatement to say that immigration is a complicated problem. The solutions will require both houses of Congress and the President to collaborate. Many more resources will be required to handle the backlog of cases as well as to manage the recent influx of migrants. Although there are costs associated with the wave of immigrants, deporting all the undocumented would lead to significant costs.

To solve the problems involved with immigration, we need to elect serious politicians who are interested in governing. For now, that means electing Democrats, as Republicans have shown they are not sincere in wanting to address the pressing issues facing our nation.

## Appendix 1. What was in the bipartisan bill that Republicans tanked?

The text below is from the February 29, 2024 White House Fact Sheet about the Border Agreement Funding. Here's the link to the complete Fact Sheet:

<https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/29/fact-sheet-impact-of-bipartisan-border-agreement-funding-on-border-operations/#:~:text=The%20bipartisan%20Senate%20bill%20would,officers%20to%20do%20initial%20screenings>

**Border Patrol:** Border Patrol staffing has remained roughly flat over the last four years, despite border encounters increasing by 250 percent over the same period. Today, there are just shy of 20,000 Border Patrol Agents. **The bipartisan Senate bill would add more than 1,500 new Customs and Border Protection personnel.**

**Asylum Officers and Asylum Reform:** Similarly, Asylum Officer staffing has remained stagnant over the last four years and there is an insufficient number of asylum officers to do initial screenings. As a result, each asylum case generally takes 5 to 7 years to be heard and adjudicated. Today, there are approximately 1,000 Asylum Officers; **the bipartisan Senate bill would add an additional 4,300 Asylum Officers and it would make the asylum process faster and fairer.**

**Immigration and Customs Enforcement (ICE):** ICE detention facilities are currently over capacity. Today, ICE has approximately 40,000 detention beds. **The bipartisan Senate agreement would increase detention beds to a total of 50,000.** Moreover, without immediate action from Congress DHS will need to move funding to ICE from other critical

missions or reduce ICE's enforcement operations to manage a shortfall of several hundred million dollars.

Immigration Judges: Currently there is a backlog of over 2 million cases for immigration judges. Each asylum case generally takes 5 to 7 years to complete. Without more judges, these timelines and backlogs will continue to grow. Today there is funding for 734 immigration judges, **the bipartisan Senate bill would provide funding for an additional 100 immigration judges and their associated staff.**

## Appendix 2. What happens to migrants arriving at the border

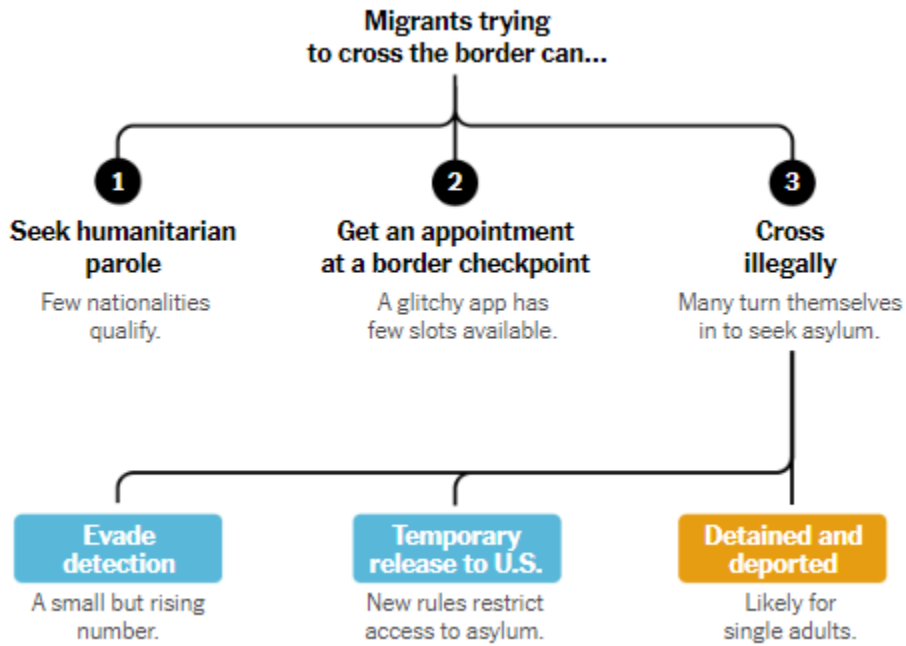
The six charts below are from a May 2023 article in the New York Times:

<https://www.nytimes.com/interactive/2023/05/11/world/americas/mexico-border-routes.html>

As can be seen from the charts, there are several situations where migrants are released into the U.S. while they await court proceedings. They include:

- People who have managed to get an asylum appointment at a border checkpoint
- People who are apprehended and sent to a processing center
- People who have been denied asylum in another country and who an asylum officer believes to have legitimate fears if returned to their home country.

It may take years before migrants receive a court date.



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## Seek humanitarian parole

Few nationalities qualify.

**Are you Cuban, Haitian,  
Nicaraguan or Venezuelan?**

Others aren't eligible, with exceptions for  
Ukrainians and Afghans.

**Do you have an urgent  
humanitarian reason to leave?**

Parole is limited to 30,000  
people per month.

**Will a sponsor in the U.S.  
financially support you?**

Favors wealthier migrants with  
connections in the U.S.

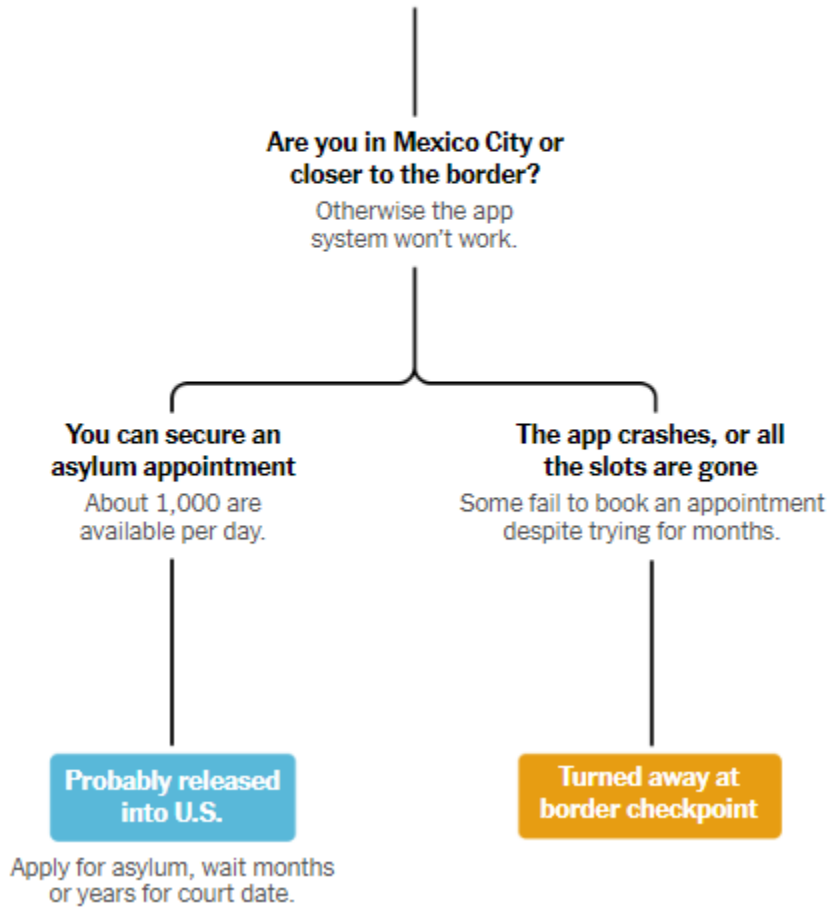
**Live and work in  
U.S. for 2 years**

If application is approved.

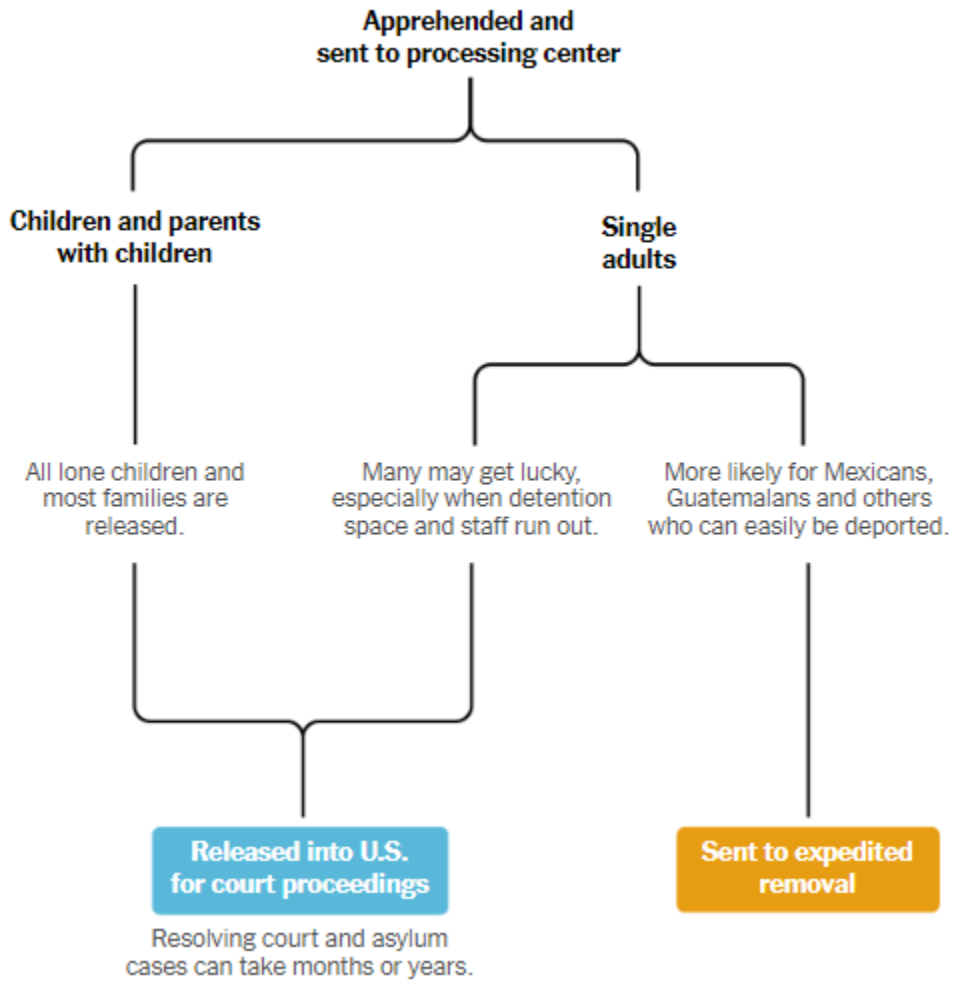
2

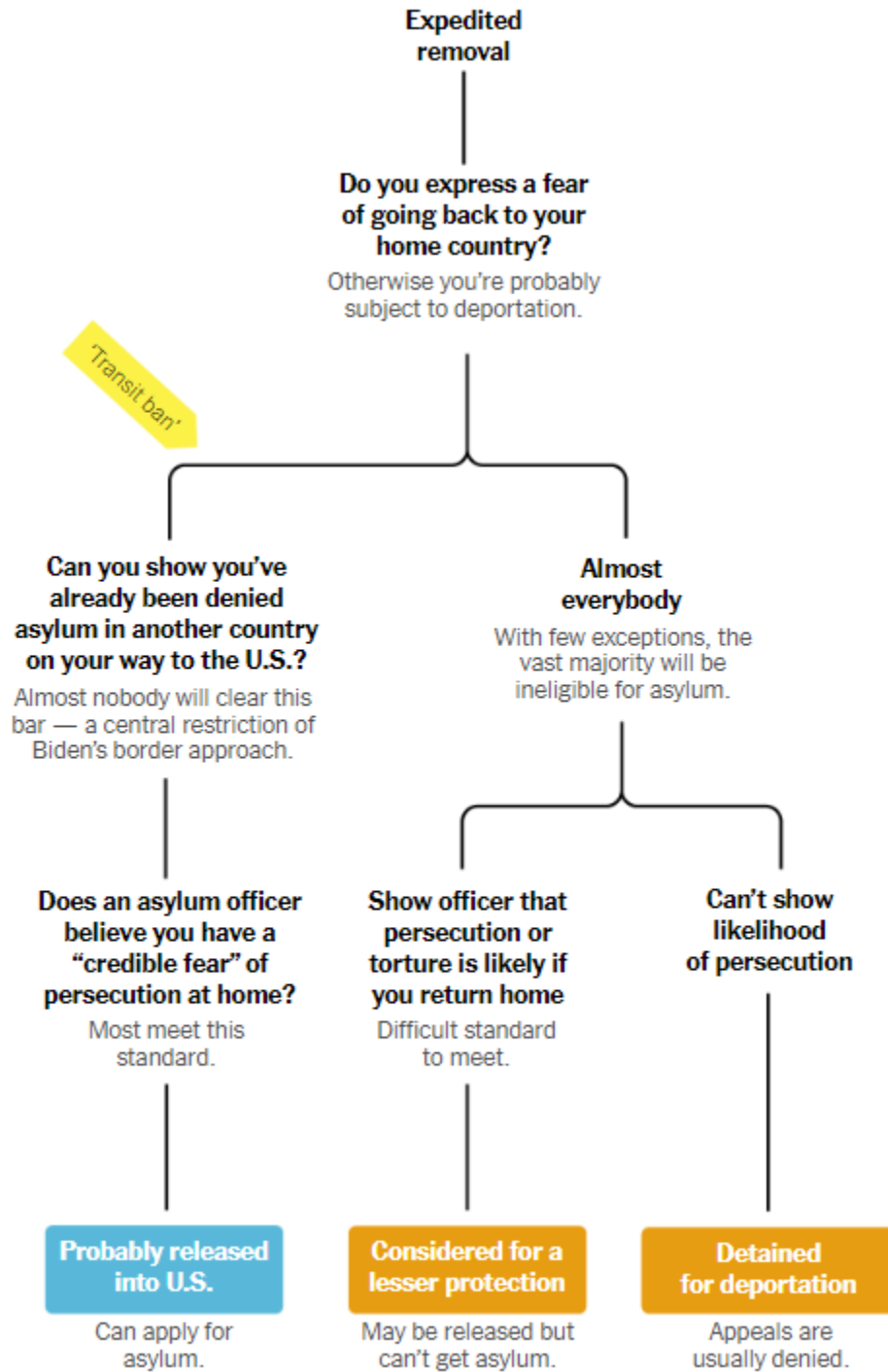
## Get an asylum appointment at a border checkpoint

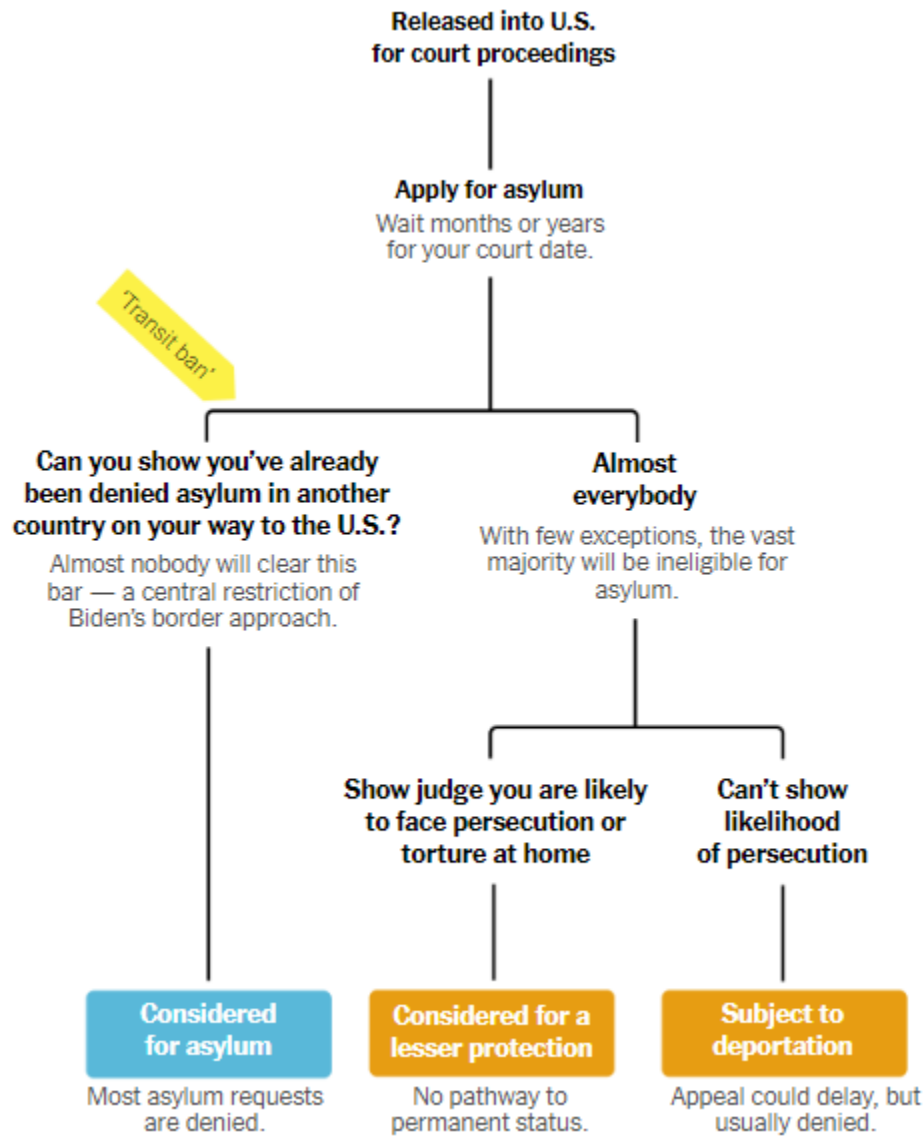
Requires using a glitchy app with few slots.











### Appendix 3. Undocumented immigrants: Net gain or drain on the economy?

It depends on who you ask—and when—because up-to-date information is difficult to come by. The information cited in this section is from before the pandemic and before the recent influx of undocumented immigrants.

The left-leaning Center for American Progress estimated in 2016 that a “policy of mass deportation would immediately reduce the nation’s GDP by 1.4 percent, and ultimately by 2.6 percent, and reduce cumulative GDP over 10 years by \$4.7 trillion.”<sup>28</sup> On the other hand, benefits to the economy due to

undocumented immigrants in the labor force are not distributed evenly. Regions with many undocumented immigrants will bear significant costs due to the myriad of public services required.<sup>29</sup>

What is not in question is that some industries have a significant number of undocumented workers. The table below, from the New American Economy, shows that undocumented immigrants comprise over 36% of all agricultural workers.<sup>30</sup> The American Action Forum has a similar chart but with somewhat different categories and for 2012. The percentages of undocumented workers in its categories are much lower.<sup>31</sup>

Although the data varies depending on the source and year, what is clear is that if all undocumented immigrants were removed, the costs of food and housing and services that rely on undocumented workers would increase, possibly dramatically.

## Occupations where Undocumented Immigrants Make up the Largest Share of Workers, 2014

Occupation	Share of Workers, Undocumented	Number of Undocumented Workers
<b>Agricultural Workers (All Types)</b>	<b>36.1%</b>	<b>244,459</b>
<b>Grounds Maintenance Workers</b>	<b>26.7%</b>	<b>266,551</b>
<b>Other Food Preparation and Serving-Related Workers, including School Cafeteria Attendants and Hospital Food Service Workers</b>	<b>25.1%</b>	<b>109,223</b>
<b>Textile, Apparel, and Furnishings Workers</b>	<b>23.1%</b>	<b>120,059</b>
<b>Cooks and Food Preparation Workers</b>	<b>22.6%</b>	<b>470,938</b>
<b>Construction Trades Workers</b>	<b>20.0%</b>	<b>1,066,648</b>
<b>Helpers, Construction Trades</b>	<b>19.3%</b>	<b>6,418</b>
<b>Building Cleaning and Pest Control Workers</b>	<b>19.0%</b>	<b>662,014</b>
<b>Food Processing Workers</b>	<b>18.6%</b>	<b>105,993</b>

## Appendix 4. Republican myths about undocumented immigrants

### Undocumented immigrants are bringing drugs over the border

Some Republicans claim that migrants are bringing drugs over the border. Drugs are entering the U.S. at the southern border, but generally cartels are bringing them through legal points of entry, often by using U.S. citizens as couriers.<sup>32, 33</sup> The Border Patrol has said that 90% of fentanyl confiscated at the border was at legal crossings and that 91% of people caught were U.S. Citizens.<sup>34</sup>

### Immigrants commit more crimes than the native-born

The short answer is no, they do not. There is no evidence that immigrants—legal or not—commit a disproportionate share of crime. In fact, the contrary seems to be true: immigrants commit fewer crimes than those born in the U.S. The only exception is identity theft, which appears to occur more often in regions with many undocumented people.<sup>35</sup>

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<sup>1</sup> <https://www.washingtonpost.com/nation/2023/01/11/denver-migrant-crisis/>

<sup>2</sup> <https://www.wbur.org/onpoint/2023/10/26/the-border-crisis-arrives-in-chicago>

<sup>3</sup> <https://nymag.com/intelligencer/2024/02/why-republicans-dont-want-to-solve-the-border-problem.html>

<sup>4</sup> <https://www.washingtonpost.com/politics/2024/02/08/border-deal-implosion-could-reset-immigration-debate/>

<sup>5</sup> <https://www.washingtonpost.com/opinions/2024/02/08/trump-johnson-mcconnell-republican-party-congress/>

<sup>6</sup> <https://www.migrationpolicy.org/content/explainer-how-us-legal-immigration-system-works>

<sup>7</sup> <https://www.uscis.gov/working-in-the-united-states/permanent-workers#:~:text=Approximately%2014%2C000%20immigrant%20visas%20are,based%20on%20their%20job%20skills>

<sup>8</sup> <https://www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/#:~:text=Migrant%20encounters%20at%20the%20U.S.,at%20the%20end%20of%202023&text=The%20U.S.%20Border%20Patrol%20had,2023%2C%20according%20to%20government%20statistics>

<sup>9</sup> <https://www.washingtonpost.com/immigration/2023/12/29/immigrants-ice-border-deportations-2023/>

<sup>10</sup> <https://www.cato.org/blog/us-labor-market-explains-most-increase-illegal-immigration>

<sup>11</sup> [https://www.pewresearch.org/short-reads/2023/11/16/what-we-know-about-unauthorized-immigrants-living-in-the-us/#:~:text=After%20Mexico%2C%20the%20countries%20of,Guatemala%20\(700%2C000\)](https://www.pewresearch.org/short-reads/2023/11/16/what-we-know-about-unauthorized-immigrants-living-in-the-us/#:~:text=After%20Mexico%2C%20the%20countries%20of,Guatemala%20(700%2C000))

<sup>12</sup> <https://www.americanprogress.org/article/to-resolve-the-humanitarian-and-administrative-border-crisis-the-u-s-must-fix-the-broken-asylum-system-help-stabilize-the-western-hemisphere-and-provide-robust-orderly-migration->

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pathways/#:~:text=Congress%20needs%20to%20dramatically%20increase,come%20to%20the%20United%20States

<sup>13</sup> <https://www.epi.org/blog/presidents-legal-authority-expand-deferred/>

<sup>14</sup> <https://www.cfr.org/background/seeking-protection-how-us-asylum-process-works>

<sup>15</sup> <https://www.cfr.org/background/seeking-protection-how-us-asylum-process-works>

<sup>16</sup> <https://www.nytimes.com/2023/11/21/us/politics/migrant-crisis-border-asylum.html>

<sup>17</sup> <https://www.politifact.com/factchecks/2019/may/17/dan-crenshaw/are-vast-majority-asylum-claims-without-merit/>

<sup>18</sup> <https://www.vox.com/policy/24066609/immigration-bill-border-migrants-crisis>

<sup>19</sup> <https://www.aclu.org/sb-1070-supreme-court-whats-stake>

<sup>20</sup> <https://www.latimes.com/nation/la-na-arizona-law-20160915-snap-story.html>

<sup>21</sup> <https://www.americanprogress.org/article/the-top-5-reasons-why-s-b-1070-and-laws-like-it-cause-economic-harm/>

<sup>22</sup> <https://azmirror.com/2024/02/21/republicans-push-ahead-with-bills-requiring-az-to-enforce-immigration-law/>

<sup>23</sup> [https://www.aclu.org/sites/default/files/field\\_document/the\\_economic\\_impact\\_of\\_arizona\\_style\\_sb\\_1070\\_copypat\\_legislation.pdf](https://www.aclu.org/sites/default/files/field_document/the_economic_impact_of_arizona_style_sb_1070_copypat_legislation.pdf)

<sup>24</sup> <https://azmirror.com/briefs/hobbs-vetoes-gop-bill-to-usurp-enforcement-of-federal-immigration-laws/>

<sup>25</sup> <https://azgovernor.gov/office-arizona-governor/news/2024/02/governor-katie-hobbs-statement-job-killing-immigration-bills>

<sup>26</sup> <https://www.axios.com/local/phoenix/2023/11/17/arizona-migrant-bus-transport-asylum-seekers-cost>

<sup>27</sup> <https://www.azcentral.com/story/opinion/op-ed/philboas/2024/01/09/gov-katie-hobbs-hits-biden-immigration-arizona/72160269007/>

<sup>28</sup> <https://www.americanprogress.org/article/the-economic-impacts-of-removing-unauthorized-immigrant-workers/#:~:text=The%20main%20findings%20of%20this,10%20years%20by%20%244.7%20trillion>

<sup>29</sup> <https://budgetmodel.wharton.upenn.edu/issues/2016/1/27/the-effects-of-immigration-on-the-united-states-economy>

<sup>30</sup> <https://www.newamericaneconomy.org/issues/undocumented-immigrants/>

<sup>31</sup> <https://www.americanactionforum.org/research/labor-output-declines-removing-undocumented-immigrants/>

<sup>32</sup> <https://www.npr.org/2022/08/18/1118271910/many-americans-falsely-think-migrants-are-bringing-most-of-the-fentanyl-entering>

<sup>33</sup> <https://immigrationforum.org/article/illicit-fentanyl-and-drug-smuggling-at-the-u-s-mexico-border-an-overview/>

<sup>34</sup> <https://www.latimes.com/opinion/story/2024-02-12/fentanyl-border-migrants-immigration-mexico-overdose-misinformation>

<https://news.yahoo.com/opinion-many-americans-believe-migrants-100116412.html?guccounter=1>

<sup>35</sup> <https://www.washingtonpost.com/politics/2024/02/29/truth-about-illegal-immigration-crime/>