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The Facts on Immigration Today

2017 Edition

By the Center for American Progress Immigration Policy team and Michael D. Nicholson
April 2017

Center for American Progress



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Introduction and summary

Immigration has long supported the growth and dynamism of the U.S. economy. Immigrants and refugees are entrepreneurs, job creators, taxpayers, and consumers.¹ They add trillions of dollars to the U.S. gross domestic product, or GDP, and their economic importance will only increase in the coming decades as America's largest generation—the baby boomers—retires en masse, spurring labor demand and placing an unprecedented burden on the social safety net.² Still, additional benefits to the U.S. economy and society more broadly could be obtained through legislative reforms designed to modernize the U.S. immigration system and provide unauthorized immigrants in the country today with a path to citizenship.³

Nevertheless, despite the positive impacts of immigrants on the United States' economy and society, the tenor of the new administration threatens to move the United States to a more restrictionist policy environment.⁴ Increased immigration enforcement—as well as potential restrictions on legal immigration and refugee resettlement—will impose fiscal costs on taxpayers and threaten immigrants, their families, and their communities across the country. Stepping up detentions and deportations will not only cost taxpayers billions of dollars but will also break apart families and place vulnerable individuals—such as survivors of domestic violence and sexual assault in the United States, as well as women and children fleeing violence in their homelands—in peril.⁵

Below are the latest and most essential facts about immigrants and immigration reform in the nation today. The facts are broken down into the following sections:

- Today's immigrant population
- Demographics and political power of new Americans
- Immigrants and the economy
- The state of the border and interior enforcement
- State and local immigration laws
- Refugees
- Public opinion on immigration
- Recent developments: new executive orders on immigration

Today's immigrant population

Foreign-born population

- **Approximately 43.3 million foreign-born people live in the United States.** Broken down by immigration status, the foreign-born population includes 20.7 million naturalized U.S. citizens and 22.6 million noncitizens.⁶ Of the noncitizens,⁷ approximately 13.1 million are lawful permanent residents,⁸ 11.1 million are unauthorized migrants,⁹ and 1.7 million hold temporary visas.¹⁰
- **The number of foreign-born individuals in the U.S. population has more than quadrupled since 1965 and is expected to reach 78 million by 2065.**¹¹ At just 9.6 million in 1965, foreign-born individuals represented 5 percent of the U.S. population. By 2015, immigrants made up 13.5 percent of the total U.S. population.¹² Still, today's share of the immigrant population as a percentage of the total U.S. population remains below its peak in 1890, when 14.8 percent of the U.S. population had immigrated to the country.¹³
- **The countries of origin of today's immigrants are more diverse than they were 50 years ago.** In 1960, a full 75 percent of the foreign-born population residing in the United States was from Europe, while in 2015, only 11.1 percent of the immigrant population was born in Europe. In 2015, 11.6 million foreign-born residents—26.9 percent of the foreign-born population—were from Mexico; 2.7 million immigrants were from China; 2.4 million were from India; 2 million were from the Philippines; 1.4 million were from El Salvador; 1.3 million were from Vietnam; 1.2 million were from Cuba; and 1.1 million each were from the Dominican Republic and South Korea.¹⁴
- **More Mexican immigrants are returning home than arriving in the United States.** From 2009 to 2014, 1 million immigrants returned to Mexico while 870,000 arrived in the United States. This decline can be attributed to a drop of unauthorized Mexican immigrants, which peaked in 2007 at 6.9 million.¹⁵

- **Immigrants today are putting down roots across the United States, in contrast to trends seen 50 years ago.** In the 1960s, two-thirds of U.S. states had populations in which less than 5 percent of individuals were foreign-born.¹⁶ From 2000 to 2014, the foreign-born population in the South increased 60 percent, accounting for 47 percent of overall change to the U.S. population. Additionally, the Northeast, Midwest, and West had increases of between 25 percent and 35 percent during this time period, accounting respectively for 16 percent, 10 percent, and 26 percent of the change to the overall U.S. population.¹⁷
- **Today, women outnumber men in the foreign-born population.** Until the 1960s, immigrant men outnumbered immigrant women. However, by the 1970s, the number of female immigrants had surpassed the number of male immigrants.¹⁸ In 2015, 51.4 percent of the U.S. immigrant population was female and 48.6 percent was male.¹⁹
- **As of 2013, there were almost 1 million lesbian, gay, bisexual, and transgender, or LGBT, adult immigrants in the United States.** The estimated 904,000 LGBT adult immigrants are more likely to be young and male compared with the overall immigrant population.²⁰
- **More than half of the foreign-born population are homeowners.** In 2015, 50.7 percent of immigrant heads of household owned their own homes, compared with 65.2 percent of U.S.-born heads of household. Homeownership rates are comparable between native-born and naturalized immigrants, 64.6 percent of whom owned their own homes in 2015.²¹
- **Immigrants are becoming homeowners at a faster rate than the U.S.-born population.** From 1994 to 2015, immigrant homeownership rose 2.3 percentage points while U.S.-born homeownership remained flat.²² Jacob Vigdor of the University of Washington estimates that immigrants contribute \$3.7 trillion to housing markets nationwide.²³
- **Fewer than 1 in 5 immigrants live in poverty.** In 2015, the poverty rate for immigrants was 17.3 percent, compared with 14.3 percent for the U.S.-born population.²⁴

- **Working-class, immigrant-headed households with incomes less than 200 percent of the federal poverty line rely less on public benefits and social services than comparable U.S.-born households.** In 2015, working-class, immigrant-headed households with children received 9.3 percent of their overall income from public programs such as the Supplemental Nutrition Assistance Program and Social Security, in comparison with U.S.-born-headed households, which received 15 percent of their income from such programs.²⁵ Research consistently shows that working-class immigrants use social programs such as Medicaid and Supplemental Security Income at similar or lower rates than native-born households.²⁶
- **As immigrants and their descendants integrate into American society, many aspects of their lives improve.** Their education outcomes increase, they move to higher paying jobs, and they earn more money. Immigrant men have higher employment rates than U.S.-born men, and their wages rise the longer they are in the United States. On average, children of immigrants meet or exceed the educational attainment of third-plus generation natives. These children earn even higher wages, experience greater upward mobility in their professions, and are less likely to live in poverty than their parents.²⁷
- **The 20 million adult U.S.-born children of immigrants have higher incomes than their parents.** The median annual household income of second-generation Americans in 2012 was \$58,100, just \$100 below the national average. This is substantially higher than the median annual household income of their parents at \$45,800.²⁸
- **Compared with all Americans, U.S.-born children of immigrants are more likely to go to college, less likely to live in poverty, and equally likely to be homeowners.** Thirty-six percent of U.S.-born children of immigrants are college graduates—5 percent above the national average. Eleven percent of adult U.S.-born children of immigrants live in poverty—below the national average of 13 percent—and 64 percent are homeowners, 1 percent below the national average.²⁹
- **Immigrants are less likely to commit crimes or be incarcerated than the U.S.-born population.** A 2017 study by the Cato Institute found that the 2014 incarceration rate for immigrants—both authorized and unauthorized—ages 18 to 54 was considerably lower than that of the U.S.-born population.³⁰ While the foreign-born share of the U.S. population grew from 11.1 percent to 13.5 percent from 2000 to 2015, FBI data indicate that violent crime rates across the country fell 16 percent, while property crime rates fell 21 percent during the same time period.³¹

Unauthorized immigrant population

- **In recent years, the unauthorized population has declined slightly after continued growth for decades.** In 2014, there were an estimated 11.1 million unauthorized immigrants residing in the United States. This population reached a high of 12.2 million in 2007 but saw a gradual decline during the Great Recession.³²
- **Mexicans account for half of all unauthorized immigrants in the United States, but the unauthorized Mexican population is declining.** In 2014, 5.8 million unauthorized immigrants from Mexico resided in the United States, compared with 6.4 million in 2009 and 6.9 million in 2007.³³ From 1980 to 2014, the number of Mexican legal residents in the United States grew faster than their unauthorized counterparts.³⁴
- **Unauthorized immigrants are increasingly entering the United States legally and overstaying visas rather than crossing the border.** In 2014, 42 percent of the unauthorized population—around 4.5 million individuals—were visa overstayers. Two-thirds of new unauthorized arrivals in 2014 entered the United States on legal nonimmigrant visas and overstayed their visas' validity period. Visa overstays have exceeded unauthorized border crossings every year from 2007 through 2014, and, over this period, a total of 600,000 more individuals overstayed visas than entered the United States by crossing the border.³⁵ According to the U.S. Department of Homeland Security, or DHS, the three largest source countries of visa overstayers are Canada, Mexico, and Brazil.³⁶
- **Six states are home to the majority of the unauthorized population.** As of 2014, 21 percent of the nation's unauthorized population lived in California; 15 percent lived in Texas; 8 percent lived in Florida; 7 percent lived in New York; 5 percent lived in New Jersey; and 4 percent lived in Illinois.³⁷
- **The majority of unauthorized immigrants are long-term residents of the United States.** In 2014, the median length of residence for unauthorized immigrants in the United States was 13.6 years—more than double its length in 2000. In 2014, 66 percent of unauthorized immigrants had been living in the United States for 10 years or longer.³⁸

- **Many unauthorized immigrants are eligible for a green card but cannot adjust their status from within the country and face lengthy bars to re-entry if they leave.** 1.3 million unauthorized immigrants could qualify for a green card by virtue of having a close relative who is a U.S. citizen, but they are unable to adjust their status to lawful permanent resident from within the country because they have never been admitted or paroled into the country. Leaving the United States in order to obtain an immigrant visa abroad would trigger lengthy re-entry bars of three or 10 years that were put in place in 1996, so many remain in unauthorized status today.³⁹
- **Unauthorized immigrants are often part of the same family as authorized immigrants and native-born Americans.** There are 16.7 million people living in mixed-status families—those with at least one unauthorized immigrant—including 9.6 million adults and 5.9 million children who are U.S. citizens.⁴⁰
- **Unauthorized immigrants are overrepresented in the labor force relative to the size of the overall population.** In 2015, 7 million unauthorized immigrants worked in the United States. They represented 4.9 percent of the U.S. labor force, although they comprised only 3.5 percent of the U.S. population.⁴¹
- **There are more than a quarter of a million LGBT unauthorized adult immigrants in the United States.** The estimated 267,000 LGBT unauthorized adult immigrants—as of 2013—are younger and more likely to be male relative to all unauthorized immigrants.⁴² Around 71 percent of LGBT unauthorized adults are Hispanic, and 15 percent are Asian or Pacific Islander.⁴³
- **As of September 2016, more than 752,000 young people have received work permits and a reprieve from deportation through the Deferred Action for Childhood Arrivals, or DACA, initiative launched by the Obama administration in 2012.**⁴⁴ They make up less than half of the estimated 1.7 million young people eligible to apply as of 2016.⁴⁵

- **Two parts of the November 2014 executive actions on immigration would have offered an additional 3.9 million unauthorized immigrants temporary reprieve from deportation and permission to work legally in the United States.** The Deferred Action for Parents of Americans and Lawful Permanent Residents, or DAPA, initiative would have shielded 3.5 million unauthorized immigrants with U.S.-born children, and a proposed expansion to DACA would have permitted an additional 330,000 young adults to apply.⁴⁶ These initiatives are currently on hold after the Supreme Court deadlocked, failing to lift an injunction issued by a federal district court in Texas and affirmed by the 5th U.S. Circuit Court of Appeals.⁴⁷
- **More than 6.1 million U.S. citizens live with unauthorized family members who would be eligible for reprieve under DAPA.** While DAPA is on hold, the DAPA-eligible family members of these citizens remain vulnerable to deportation.⁴⁸

Demographics and political power of new Americans

The Asian American population is growing faster than the Latino population

- **While the Latino and Asian American and Pacific Islander communities grew at the same rate during the 2000s, the Asian American and Pacific Islander community grew by a larger share from 2010 to 2015.** In 2015, 17.6 percent of people—56.5 million—in the United States were Latino, and 5.5 percent—17 million—were Asian American or Pacific Islander. Both groups grew 44 percent from 2000 to 2010. From 2010 to 2015, the Asian American and Pacific Islander community grew 17 percent, compared with 11 percent growth of the Latino community.⁴⁹

Latinos and Asian Americans have overwhelmingly supported Democrats in the past two elections

- **President Barack Obama was re-elected in 2012 with the support of 71 percent of Latino voters and 73 percent of Asian American voters.**⁵⁰ Obama's support for comprehensive immigration reform and the Development, Relief, and Education for Alien Minors, or DREAM, Act of 2010 helped draw in many Latino and Asian American voters.⁵¹
- **Latino and Asian American voters largely supported former Secretary of State Hillary Clinton over President Donald Trump in the 2016 election.** Seventy-nine percent of Latino voters supported Clinton and 18 percent supported Trump.⁵² Asian Americans voted similarly, with 79 percent supporting Clinton and 17 percent supporting Trump.⁵³

- **The fast-paced growth of the Latino electorate and the slow or negative growth among non-Hispanic whites will change the voter makeup in the United States by 2020.** By then, eligible Latino voters are predicted to make up 14 percent of the electorate, up from 12 percent in 2014. Eligible white voters are projected to decline from 70 percent of the electorate in 2014 to 66 percent in 2020.⁵⁴
- **Much of the growth in the number of Latino eligible voters can be attributed to the relative youth of the Latino population.** In 2016, 44 percent of Latino eligible voters were Millennials.⁵⁵ The median age of the Latino population in 2014 was 28, and 47 percent of the U.S.-born Latino population was under 18.⁵⁶ Between 2008 and 2016, 3.2 million Latinos turned 18 and became eligible to vote.⁵⁷
- **Millions of lawful permanent residents are eligible to become U.S. citizens and vote.** A total of 8.5 million lawful permanent residents, or green card holders, were eligible for naturalization as of January 2014.⁵⁸ In 2015, nearly 730,000 people naturalized and became eligible to vote.⁵⁹ Barriers to naturalization, including the \$680 application fee, effectively deny many residents the chance to become U.S. citizens and exercise their right to vote.⁶⁰
- **A partial naturalization fee waiver introduced by the Obama administration in 2016 could help 1 million individuals become citizens.** This U.S. Citizenship and Immigration Services, or USCIS, rule reduces naturalization application fees to \$320 for individuals with a family income between 150 percent and 200 percent of the federal poverty guidelines—that is, between \$36,450 and \$48,600 annually for a family of four. An estimated 1 million individuals, or 12 percent of those eligible to naturalize, are eligible for this partial fee waiver.⁶¹

Immigrants and the economy

The economic impact of immigrants

- **Immigrants added an estimated \$2 trillion to the U.S. GDP in 2016.**⁶² Immigrants are overrepresented in the labor force and also boost productivity through innovation and entrepreneurship.
- **In 2010, more than 40 percent of Fortune 500 companies were founded by immigrants and their children.** This includes 90 companies founded by immigrants and 114 companies founded by children of immigrants. These companies employ more than 10 million people worldwide.⁶³
- **Over the long run, the net fiscal impact of immigration is positive.** From 2011 to 2013, children of immigrants contributed \$1,700 per person to state and local budgets, and immigrants' grandchildren contributed another \$1,300. Across three generations, immigrants' net contribution, per person, was \$900.⁶⁴
- **Research shows that immigrants complement, rather than compete with, U.S.-born American workers—even lesser-skilled workers.**⁶⁵ Researchers such as Ethan Lewis, Will Somerville, and Madeleine Sumption find that U.S.-born workers and immigrants have different skill sets and tend to work in different jobs and industries, even when they have similar educational backgrounds.⁶⁶ Immigrants tend to complement the skill sets of American workers, thus enhancing their productivity.⁶⁷
- **The impact of immigration on the wages of U.S.-born individuals is small but positive over the long run.** Economist Heidi Shierholz estimates that from 1994 to 2007, immigration increased average wages of U.S.-born individuals 0.4 percent, or \$3.68 per week.⁶⁸ Immigrants consume goods and services, creating jobs for natives and other immigrants alike. These results are consistent with those of other studies by economists such as David Card, Gianmarco Ottaviano, and Giovanni Peri.⁶⁹

- **Immigration also appears to have a minimal impact on average African American wages and employment.**⁷⁰ The work of scholars such as Lonnie Stevans, Robert LaLonde, Robert Topel, Franklin Wilson, Gerald Jaynes, and David Card suggests that immigration had little effect on the wages and employment of African American men between 1960 and 2010, regardless of their level of education.⁷¹
- **As Baby Boomers retire en masse over the next 20 years, immigrants will be crucial to filling these job openings and promoting growth of the labor market.** From 2020 to 2030, 7 million U.S.-born individuals, on net, are expected to leave the labor force. 2 million immigrants and 6.9 million children of immigrants are projected to join the labor force during the same period.⁷² Looking further, from 2015 to 2065, immigrants and their descendants are expected to account for 88 percent of U.S. population growth.⁷³ As such, immigrants and their children will be critical both in replacing retiring workers—preventing labor market contraction—and also in meeting the demands of the future economy.⁷⁴

The price of inaction and the cost of mass deportation

- **Unauthorized immigrants contribute significantly to Social Security and Medicare.** In 2010, unauthorized immigrants paid \$13 billion into Social Security and received only \$1 billion in services—a net contribution of \$12 billion.⁷⁵ Further, from 2000 to 2011, unauthorized immigrants paid \$35.1 billion more into Medicare than they withdrew.⁷⁶
- **Unauthorized immigrants pay an estimated \$11.7 billion a year in state and local taxes.** This includes more than \$7 billion in sales and excise taxes, \$3.6 billion in property taxes, and nearly \$1.1 billion in personal income taxes. Granting all unauthorized immigrants legal status would boost their tax contributions an additional \$2.2 billion per year. Immigrants—even legal immigrants—pay to support many of the benefits they are statutorily barred from receiving.⁷⁷
- **The DACA initiative has resulted in big economic gains.** DACA increased recipients' average hourly wages 42 percent, and many moved into jobs with better pay and working conditions. A further 6 percent started their own businesses. With better jobs and higher wages, many individuals are buying cars and homes, leading to more state and local revenue in the form of property and sales taxes.⁷⁸

- **Ending DACA and kicking recipients out of the labor force would cost the United States \$433.4 billion in GDP and decrease Social Security and Medicare contributions by \$24.6 billion over the next decade.**⁷⁹ As of November 2016, 645,000 DACA recipients are employed.⁸⁰ Through this employment, DACA has broadened the payroll tax base, increasing Social Security and Medicare contributions.
- **Legislative reform that includes a path to citizenship would create extensive economic benefits.** Such reform would increase the GDP \$1.2 trillion over 10 years and create 145,000 jobs annually. Americans' income would increase by a cumulative \$625 billion.⁸¹
- **Immigration reform would translate into a significant decrease in the federal budget deficit.** The nonpartisan Congressional Budget Office found that S. 744—the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, which passed in the Senate—would have reduced the budget deficit \$135 billion in the first decade after the bill's passage and an additional \$685 billion in the second decade, when most unauthorized immigrants would become eligible for citizenship.⁸²
- **By contrast, the removal of unauthorized immigrants from the workforce would lead to a 2.6 percent decline in GDP—an average annual loss of \$434 billion.** Such a policy would reduce the GDP \$4.7 trillion over 10 years. Mass deportation would additionally cost the federal government nearly \$900 billion in lost revenue over 10 years. Further, industries could lose large shares of their workforces, up to 18 percent for some.⁸³
- **Mass deportation of unauthorized workers would create income losses for large and important industries such as financial activities, manufacturing, and wholesale and retail trade.** Annual long-run GDP losses in those industries would reach \$54.3 billion, \$73.8 billion, and \$64.9 billion, respectively.⁸⁴
- **If mass deportation of unauthorized workers were to occur, states with the most unauthorized workers would experience the largest declines in GDP.** California would lose an estimated \$103 billion, or 5 percent, annually. Texas would lose \$60 billion, New York \$40 billion, and New Jersey \$26 billion.⁸⁵

- **Mass deportation of the unauthorized immigrant population would also cost the federal government billions of dollars.** Deporting the entire unauthorized population would cost \$114 billion over 20 years—an average of \$10,070 per person removed—including the costs of detaining these individuals while they wait for removal, processing them through the immigration courts, and transporting them abroad.⁸⁶

The state of the border and interior enforcement

- **U.S. Border Patrol staffing has increased dramatically over the past decade.** In 2016, the Border Patrol employed 19,828 agents—61 percent more than the 12,349 agents employed in 2006. Staffing along the southern border rose 54 percent from 11,032 individuals in 2006 to 17,026 in 2016.⁸⁷
- **Surveillance technology is increasingly used to monitor the border.** As of June 2015, the DHS had deployed 179 mobile and video surveillance systems, 11,863 underground sensors, 6 unmanned aerial systems, 39 mobile surveillance systems, and 272 remote video surveillance systems.⁸⁸
- **Since 2005, the Border Patrol has made an effort to deter unauthorized migration by increasing the consequences of unauthorized entry.** Instead of permitting unauthorized entrants to be voluntarily returned to their countries of origin, under the Consequence Delivery System, such immigrants are frequently issued formal removal orders that render them ineligible to re-enter the country for at least five years—and, in some cases, permanently—and may face criminal charges if they attempt to re-enter unlawfully. An increasing number of such immigrants are subject to immigration-related criminal charges.⁸⁹
- **Completing the border wall would be very costly.** To date, 653 total miles of fencing has been built along the southern border, including 352 miles of pedestrian fencing and 300 miles of vehicle barriers. The existing 653 miles of fence cost between \$2.8 million and \$3.9 million per mile, and construction costs for additional fencing could be even higher in desert areas.⁹⁰ Given that the U.S.-Mexico border stretches almost 2,000 miles, completing the fence could cost upwards of \$66.9 billion.⁹¹

DHS has become more effective at measuring border security

- **The Border Patrol publishes several key metrics gauging the effectiveness of enforcement efforts.** The effectiveness of these metrics is limited, however, and there is much room for improvement.
 - **The number of apprehensions at the U.S. border is frequently used to measure the number of people attempting to enter the United States unlawfully.** Apprehensions, however, increase not only when more people attempt to enter the United States but also when enforcement strengthens. Researchers are thus working to create better measures through surveys of immigrants, statistical modeling, and observational data drawing from agents' observations and surveillance videos.⁹²
 - **The Border Patrol is developing new ways to measure illegal entry through U.S. ports of entry.** Through the CBP's Compliance Measurement Examination, or COMPEX, program, individuals at ports of entry are randomly inspected, and inspection outcomes are recorded. This program does not currently cover sea ports, commercial trucks, and pedestrians, however, and the number of inspections may be too small to estimate total illegal entries. Expanding the program's coverage could thus lead to better estimates.⁹³
- **Apprehensions at the U.S.-Mexico border remain near historic lows, despite a slight uptick in 2016.** Border agents now patrol every mile of the southern border daily, and in many places, they can view nearly all attempts to cross the border in real time. In FY 2016, there were 408,870 border apprehensions, an increase from the 331,333 that took place in 2015. In FY 2017, after an initial increase from October through January, apprehensions decreased substantially in February and March.⁹⁴ Current apprehension levels remain among the lowest experienced since the 1970s.⁹⁵
- **The U.S. government spends more on immigration enforcement than all other federal criminal law enforcement agencies combined.** From 1986 to 2012, the federal government allocated nearly \$187 billion for immigration enforcement. In 2012, it spent almost \$18 billion on immigration enforcement—24 percent more than its combined spending on the FBI, Drug Enforcement Administration, Secret Service, Marshals Service, and Bureau of Alcohol, Tobacco, Firearms, and Explosives.⁹⁶

- **The Obama administration deported more than 2.7 million immigrants.**

In FY 2016, U.S. Immigration and Customs Enforcement, or ICE, deported 240,255 people, bringing the estimated total number of ICE deportations since 2009 to 2.7 million. That comes out to roughly 942 deportations per day.⁹⁷

The Obama administration prioritized the removal of immigrants convicted of crimes

- **In November 2014, the Obama administration established a new set of immigration enforcement priorities emphasizing the removal of immigrants that constitute a security or public safety threat.**

Under this directive, the removal of immigrants suspected of terrorism, immigrants convicted of felonies, and immigrant gang members was given top priority, in addition to the removal of newly apprehended immigrants at the border. The removal of immigrants found guilty of one serious misdemeanor—or three or more less serious misdemeanors—and those apprehended away from the border took second priority. The third priority included immigrants issued a final removal order on or after January 1, 2014.⁹⁸

- **In November 2014, the Priority Enforcement Program, or PEP, was launched to facilitate the removal of priority immigrants with criminal backgrounds.**

This program supplanted Secure Communities, the DHS' previous program. As of August 2015, 33 of the nation's 49 largest jurisdictions had agreed to participate in PEP.⁹⁹ President Trump's January 25 executive order eliminated this program and reinstated the Secure Communities program.¹⁰⁰

- **Under PEP—as with its predecessor, Secure Communities—arrestees' fingerprints shared by local jurisdictions with the FBI for criminal background checks were also shared with ICE for immigration checks.**¹⁰¹

– **PEP aimed to limit the issuance of detainer requests to immigrants convicted of crimes, but these reforms largely were not effective.** A principal criticism of Secure Communities was that the program resulted in the detention and removal of large numbers of immigrants who were never ultimately convicted of a criminal offense.¹⁰² One goal of PEP was to focus ICE efforts on individuals who were convicted of a crime that would render them a priority for removal or who were otherwise deemed a serious threat to public safety.¹⁰³ PEP also aimed to transition away from the routine issuance of detainer requests and instead to more regularly utilize requests that ICE receive advance notification from state or local authorities before an individual's release from custody. In the first five months of PEP, however, ICE issued 28,510 detainer requests and only 6,001 notification requests.¹⁰⁴ Further, ICE continued to issue a high percentage of detainer requests for immigrants without any record of a criminal conviction. In PEP's first year of operation, for instance, only 49 percent of detainers were issued to individuals with criminal convictions, and only one-quarter of these had been convicted of offenses carrying high priority for removal.¹⁰⁵

- **More and more immigrants are being prosecuted for unlawful re-entry.**

According to the Pew Research Center, unlawful re-entry convictions increased 13-fold from 1992 to 2012.¹⁰⁶ Unlawful re-entry accounted for almost half of the growth in the number of offenders sentenced for federal crimes between 1992 and 2012.¹⁰⁷

- **In recent years, many deported immigrants with criminal convictions had convictions only for immigration or traffic violations.** Forty-seven percent of those deported in FY 2013—the most recent year for which data are available—who had a criminal conviction history were convicted of only immigration or traffic offenses.¹⁰⁸

- **Unauthorized immigrants, including children, are not appointed counsel at the government's expense in deportation proceedings.**¹⁰⁹ As a consequence, many lack legal representation in immigration courts. From 2012 to 2014, only 41 percent of unaccompanied children were able to secure legal representation at immigration courts. Access to counsel can make the difference between winning or losing a case. Over the same period, only 15 percent of children without counsel were permitted to remain in the United States, compared with 73 percent of children with legal representation.¹¹⁰

- **Deportations and detentions break families apart, causing emotional distress for children, forcing some into foster care, and creating single-parent households that struggle financially.** Many children are in foster care due to their parents' detention or deportation.¹¹¹ Further, the Migration Policy Institute and the Urban Institute have estimated that family income after a father's deportation would drop by 73 percent.¹¹²
- **E-Verify, an online system used to check a prospective employee's work authorization status, is currently used by more than 500,000 businesses in the United States.¹¹³ But the program contains significant flaws.** An audit found that the E-Verify system incorrectly identified 54 percent of unauthorized workers as lawful employees, mostly due to document fraud.¹¹⁴ Further, in 2012, 0.15 percent of workers were erroneously found to be unauthorized. If the program became mandatory for all employers today, E-Verify would erroneously identify more than 180,000 lawful workers as unauthorized, threatening their jobs.¹¹⁵ Even if E-Verify were fine-tuned, expanding the program to cover all employers could only work in concert with a legalization program that allows the 5 percent of the labor force without legal status to work legally.¹¹⁶
- **The federal government has stepped up enforcement against employers who hire unauthorized workers by auditing I-9 forms.** Upon hiring an employee, all workers and employers must complete this federal paperwork. ICE conducted 3,124 worksite audits in FY 2014, up from 3,082 in the previous fiscal year and 713 in FY 2008.¹¹⁷
- **The Obama administration generally abandoned workplace raids, once common under President George W. Bush, in favor of so-called paper raids—I-9 paperwork audits of employers to determine if they complied with employment eligibility verification laws.** Workplace raids and paper raids are both meant to deter employers from hiring unauthorized immigrants, but the former are more costly to employees and taxpayers and can be more disruptive to businesses and communities. A May 2008 workplace raid in Postville, Iowa, was a major factor leading to this policy change. During that raid, 1,000 immigration agents descended on a meatpacking plant, costing the government \$5 million and resulting in the deportation of 300 immigrants.¹¹⁸ Many advocacy groups condemned the deportation proceedings and criminal charges, arguing that the defendants were pressured to accept charges and concede their removability and that they were not provided adequate representation.¹¹⁹

Detention

- **Congressional appropriations laws mandate that ICE maintain at least 34,000 immigration detention beds on a daily basis.** This mandate effectively limits the discretionary authority of immigration officers to release low-risk individuals to their families while they await immigration court hearings.¹²⁰ Detention is often harmful to vulnerable populations such as the elderly and LGBT immigrants, leaving them vulnerable to abuse.¹²¹ Furthermore, mass detention is expensive, costing the government \$55 million per day. It is estimated that taxpayers would save \$1.44 billion per year if low-risk immigrants were released.¹²²
- **As the number of detainees rises, detention costs are reaching unprecedented levels.** In October 2016, ICE kept an average of more than 40,000 individuals per day in detention, exceeding the bed quota.¹²³ This increase in detentions led to a DHS budget shortfall of \$136 million as of October 2016.¹²⁴
- **Beginning in 2014, the Obama administration expanded the detention of families in specialized detention facilities.** Although such detention facilities have existed in one form or another since 2001, a spike in family migration from Central America in 2014 prompted the expansion of family detention and the opening of the Karnes County Residential Center and the South Texas Family Residential Center in Texas. Family detention has come under fire due to poor conditions and lack of medical coverage at detention facilities, as well as evidence that detention induces trauma and depression in children.¹²⁵
- **Family detention facilities remain operational despite court challenges.** Under the 1997 court-ordered *Flores* settlement, all children held in custody must be held in the least restrictive settings possible, preferably in nonsecure facilities that are licensed by states. Several Texas detention facilities—namely the Karnes County Residential Center and the South Texas Family Residential Center in Dilley—have come under fire for their lack of appropriate licensing and poor living conditions that do not conform to state child care standards.¹²⁶ In February 2016, the state of Texas licensed both facilities, but a Texas court ruled that the facilities could not be licensed under current law. Both facilities remain in use pending appeal of that decision, and the Texas legislature is considering legislation to obviate the court’s concern.¹²⁷ Similarly, a facility in Berks County, Pennsylvania, remains in operation despite the revocation of its license by Pennsylvania authorities.¹²⁸

- **Detention puts LGBT immigrants at risk of abuse and exploitation.** LGBT immigrants are 15 times more likely than other detainees to be sexually assaulted in confinement. At least 200 incidents of abuse against LGBT immigrants in detention facilities were recorded between 2008 and 2014.¹²⁹ Despite DHS guidelines directing that most LGBT immigrants not be detained due to their vulnerability to abuse, LGBT persons not subject to mandatory detention were nonetheless detained 88 percent of the time.¹³⁰ And though ICE's risk classification assessment system only recommended that LGBT immigrants be detained 18 percent of the time, ICE opted for detention 90 percent of the time.¹³¹
- **Privately run immigrant detention facilities jeopardize immigrants' well-being.** In 2016, the U.S. Department of Justice instructed the Bureau of Prisons to phase out the use of private prisons because they are less safe and less secure than public prisons and provide fewer services.¹³² In a report to the secretary of homeland security, the Homeland Security Advisory Council recommended that the DHS increase oversight and accountability measures for privately run immigrant detention facilities, which make up the bulk of private prisons nationwide.¹³³ In 2016, 73 percent of immigrants in detention were housed in facilities managed by private companies. Privately run immigration detention facilities have been linked to repeated failures to identify serious health needs, the provision of substandard medical care resulting in death, the failure to prevent suicide attempts and suicides, the failure to report and respond to sexual assault, and the failure to provide adequate access to legal services.¹³⁴
- **Alternatives to detention can be effective, cost-efficient, and more humane.** Detention alternatives include things such as electronic ankle monitors, biometric voice recognition software, home visits, community support programs providing telephonic monitoring, and in-person reporting to supervise participants released into the community.¹³⁵ These alternatives provide a cost-effective and more humane course of action than detention. The DHS' pilot program cost an estimated \$17 per day in FY 2014, while detaining an individual for one day cost \$161.¹³⁶

State and local immigration laws

- **Since 2012, the emphasis of many state and local immigration laws has shifted from enforcement to the integration of unauthorized populations.**

Before 2012, many states passed legislation making it difficult for unauthorized immigrants to survive and thrive. For example, Arizona's S.B. 1070—and similar laws in Alabama and Georgia—criminalized unauthorized status and authorized state police to check the immigration status of anyone suspected of being in the United States without proper documentation. Since the Supreme Court struck down large portions of S.B. 1070 in 2012, however, states and localities have passed many laws promoting the integration of unauthorized populations, including the extension of in-state tuition and the provision of driver's licenses and ID cards. Some states—notably, California and Connecticut—have also passed laws limiting state cooperation with federal immigration officials. The implementation of DACA, which grants many young unauthorized immigrants work authorization and a reprieve from deportation, has increased states' and localities' impetus to integrate unauthorized populations. DACA recipients can now receive driver's licenses in every state and in-state tuition and professional licenses in a number of states.¹³⁷

- **State enforcement laws such as Arizona's S.B. 1070 are extremely costly.** In addition to the high implementation costs involved in turning local law enforcement officers into immigration officials, states lose out on tourism and hospitality revenue if perceived as hostile to immigrants or Latinos. Further, lawsuits have prompted states to pay hefty sums defending their laws. Beyond implementation costs, the Center for American Progress estimates that decreased tourism due to S.B. 1070 cost Arizona 2,761 jobs and \$141 million in direct tourist spending.¹³⁸ The state also paid more than \$1 million in litigation costs to defend the bill.¹³⁹ Similarly, Alabama's bill, H.B. 56, is estimated to have cost the state 70,000 to 140,000 jobs and \$2.3 billion to \$10.8 billion in GDP.¹⁴⁰

- **Litigation costs for local ordinances are also very steep, forcing cities enacting local enforcement ordinances to cut public services and even raise taxes to cover budget shortfalls.** For example, Hazleton, Pennsylvania, which passed an ordinance fining landlords renting to unauthorized immigrants and penalizing businesses hiring them, paid \$500,000 to defend its ordinance and at least \$2.4 million in damages when it was struck down in July 2017.¹⁴¹ Likewise, Farmer’s Branch, Texas, paid more than \$6 million to defend its law from 2006 to 2014 and an additional \$1.4 million in damages when the law was struck down in 2014.¹⁴²
- **In 2012, the Department of Homeland Security stopped pursuing new—and stopped renewing existing—287(g) task force agreements with state and local law enforcement agencies.**¹⁴³ Section 287(g) of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act permits DHS to deputize selected local and state law enforcement officers, enabling them to serve as federal immigration agents. Further, deputized officers may interrogate and seek to detain immigrants who have been arrested on state or local charges.¹⁴⁴ By 2012, the program had come under fire due to allegations that 287(g) agreements were costly and inefficient, resulted in racial profiling, and led to few apprehensions of immigrants with criminal backgrounds.¹⁴⁵ As of March 2017, ICE maintains 287(g) agreements with 37 law enforcement agencies in 16 states, all of which are limited to the jail enforcement model.¹⁴⁶
- **Many states are extending in-state tuition to unauthorized immigrants.** Since 2001, at least 18 states have granted qualified unauthorized immigrants in-state tuition for college, 16 through state legislation and two through state university systems.¹⁴⁷ At least six states also allow unauthorized students to receive financial aid.¹⁴⁸ The institution of DACA in 2012, which granted many young immigrants work authorization and a reprieve from deportation, incentivized the integration of unauthorized youth. Many policies passed after 2012 explicitly target DACA recipients, enabling them to establish residency for tuition purposes.¹⁴⁹ In order to qualify, students must attend an in-state high school for a specified period—of one to three years—and graduate or receive their GED.¹⁵⁰
- **California has pioneered laws promoting the integration of unauthorized immigrants.** Between 2001 and 2015, California passed more than a dozen laws on immigrant integration. In June 2015, the state granted health care access to all unauthorized children and boosted spending on naturalization assistance.¹⁵¹ As of 2014, California professional licensing boards must consider applicants regardless of their immigration status. California also grants in-state tuition to unauthorized immigrants, and eligibility for driver’s licenses does not depend on immigration status.¹⁵²

- **In recent years, numerous states and localities have issued driver's licenses, municipal ID cards, or consular identification cards to unauthorized immigrants.** Such identification documents, which are valid only at the state and local level and not for federal use, are permitted under the Real ID Act of 2005. As of June 2016, 12 states and the District of Columbia grant driver's licenses to unauthorized immigrants, and at least six municipalities offer municipal ID cards.¹⁵³ ID cards expand unauthorized immigrants' access to public services and are thought to increase public safety. Further, granting unauthorized immigrants driver's licenses increases road safety and enhances their participation in the economy.¹⁵⁴
- **Organizations such as Welcoming America promote immigrant integration at the grassroots level, emphasizing integration's economic and local development potential.** Since 2009, Welcoming America has worked with local officials, nonprofits, religious institutions, and immigrant communities in more than 100 municipalities and counties to promote integration. Welcoming America promotes best practices and knowledge sharing by documenting integration projects undertaken across the country.¹⁵⁵ It also provides leadership and diversity training, workforce development and training for immigrant entrepreneurs, and it organizes welcome weeks to raise awareness about the benefits of integration. Welcoming America has been particularly active in the nation's Rust Belt, where the Welcoming Economies Global Network works with local leaders to harness the development potential of immigrant entrepreneurship.¹⁵⁶ In Dayton, Ohio, for example, Welcoming America has supported municipal efforts to provide financial support and training to immigrant entrepreneurs.¹⁵⁷
- **Nationwide, more than 600 states, counties, and municipalities limit cooperation with federal immigration officials.** At least 53 counties prohibit the use of local resources to assist ICE in federal immigration enforcement, and 25 counties instruct local law enforcement not to inquire into a person's immigration status. Many jurisdictions refrain from holding individuals in custody without probable cause based solely upon an ICE detainer request, and some limit ICE's ability to interrogate immigrants in custody. All jurisdictions, however, share fingerprint data of people booked into their custody with DHS just as they share such data with the FBI.¹⁵⁸

- **On average, sanctuary counties that restrict when they will hold immigrants in custody beyond their release date based solely upon an ICE detainer request are economically stronger and experience less crime than non-sanctuary counties.** Sanctuary counties have median household annual incomes that are \$4,353 higher, poverty rates that are 2.3 percent lower, and unemployment rates that are 1.1 percent lower than nonsanctuary counties. Furthermore, they experience, on average, 35.5 fewer crimes per 10,000 people than nonsanctuary counties.¹⁵⁹
- **When local law enforcement becomes entangled with immigration enforcement, it has a chilling effect on immigrant communities.** Such cooperation may lead immigrant communities to fear the police, making them reluctant to report crimes.¹⁶⁰ A 2013 study found that police involvement with ICE leads to a 70 percent decrease in the likelihood that unauthorized immigrants report crimes to the police.¹⁶¹ Further, state and local enforcement of federal immigration laws often leads to racial profiling.¹⁶² Local officials often have a better understanding of communities than their federal counterparts.
- **Federal courts have ruled it unconstitutional for jurisdictions to detain immigrants without a court order.** In *Miranda-Olivares v. Clackamas County*, for example, a federal judge in Oregon ruled that detention of immigrants without a court order violates the Fourth Amendment, which bars detention without probable cause to believe that an individual has committed a crime.¹⁶³ In numerous cases, localities have faced litigation and paid out settlements when they detained individuals beyond their release dates pursuant to ICE detainers. In *Uroza v. Salt Lake County et al.*, for example, an immigrant received \$75,000 in damages after being held for an additional 39 days after posting bail.¹⁶⁴
- **Federal judges have dismissed several lawsuits filed by states wishing to halt the resettlement of Syrian refugees.** After the Obama administration pledged to resettle 10,000 Syrian refugees across the United States in FY 2016, officials in Texas and Alabama filed lawsuits.¹⁶⁵ These suits claimed that the Obama administration had not consulted states prior to resettlement.¹⁶⁶ Federal judges dismissed the cases, ruling that states have no authority over resettlements handled by the federal government.¹⁶⁷

Refugees

Refugee resettlement: An overview

- **Refugees are those with a well-founded fear of persecution.** Refugees fear that they will be persecuted in their home countries because of their race, religion, nationality, political opinion, or membership in a particular social group.¹⁶⁸
- **Across the globe, a record number of people are being forced from their homes.** The number of forcibly displaced individuals worldwide has increased from 33.9 million in 2010 to 65.3 million in 2015. Of these, 21.3 million are United Nations-recognized refugees; 37.5 million are internally displaced within their home countries; and 3.7 million are stateless.¹⁶⁹
- **Refugees come from all over the world.** In 2015, 4.9 million Syrian refugees resided in 120 countries, making Syria the largest source country of refugees worldwide. Afghanistan was second at 2.7 million, Somalia third at 1.1 million, South Sudan fourth at 779,000, and Sudan fifth at 629,000. Large numbers of refugees also originated from the Democratic Republic of the Congo, the Central African Republic, Myanmar, Eritrea, and Colombia.¹⁷⁰
- **Since 1975, the United States has accepted more than 3 million refugees.**¹⁷¹ Refugee admissions have ebbed and flowed with global conflict, peaking in 1980 with the enactment of the United States Refugee Act.¹⁷² In the 1990s, a large share of refugees originated from the former Soviet Union and the Balkans. Refugee admissions temporarily dropped after September 11, 2001, but have rebounded to near pre-9/11 levels. Since then, the United States has received refugees from countries such as Somalia, Myanmar, Bhutan, and, most recently, Syria.¹⁷³
- **Refugee admissions in the United States have been trending upwards.** The United States admitted 84,995 refugees in FY 2016, nearly half of whom came from the Democratic Republic of the Congo, Syria, and Myanmar.¹⁷⁴ This is an increase from the nearly 70,000 refugees received in each of fiscal years 2013, 2014, and 2015 and the fewer than 60,000 refugees admitted in each of fiscal years 2011 and 2012.¹⁷⁵

- **Muslim refugee admissions have been trending upward, but non-Muslims still make up the bulk of refugees.** In FY 2016, the United States admitted 38,901 Muslim refugees, the majority of whom were from Syria and Somalia. These refugees constituted 46 percent of all those admitted. Over the past 15 years, Muslims made up 32 percent of all refugees admitted while Christians made up 46 percent.¹⁷⁶
- **Potential refugees must undergo extensive security checks prior to arrival in the United States.** Most refugees resettled in the United States are first interviewed and screened extensively by the U.N. High Commissioner for Refugees, or UNHCR. Refugees are then interviewed again by a Resettlement Support Center operated by the U.S. Department of State before undergoing multiple biometric and biographical interagency security checks. Applications are then forwarded to USCIS, which conducts further screenings and interviews. If approved, refugees are matched with a resettlement agency, undergo a second interagency security check to identify any new information that would make them ineligible for entry, and take cultural orientation classes abroad. Finally, they are screened by the Transportation Security Administration prior to departure for the United States.¹⁷⁷
- **Policies restricting refugee arrivals from the Middle East or limiting Muslim migration more broadly may strengthen the Islamic State, or IS.** Western anti-Muslim sentiment is a key element in IS' propaganda and recruiting campaign. While IS is unpopular with Muslims across the Middle East, hard-line policies toward Muslim migration would foster the appearance of a war against Islam, potentially boosting IS' recruitment.¹⁷⁸
- **The U.S. Refugee Admissions Program aims to make refugees economically self-sufficient as soon as possible.** Refugees are resettled by designated resettlement agencies in communities around the country, and recently resettled refugees reside in nearly 190 counties nationwide. Resettlement decisions are based on a variety of factors, including housing availability, the availability of jobs and agencies that can provide training and social assistance, the presence of relatives or members of the same refugee community, and refugees' individual needs.¹⁷⁹
- **Refugees are upwardly mobile.** As they become established in the United States, refugees see wage gains and often move into better jobs. Refugees from Myanmar who have lived in the United States for more than 10 years, for example, have median annual wages \$31,000 higher than those of recent arrivals. Similarly, 43 percent of Somali refugees work in white-collar jobs after 10 years, compared with 23 percent within 10 years of arrival.¹⁸⁰

- **Refugees also start businesses.** For example, 31 out of every 1,000 Bosnian refugees own businesses—the same rate as U.S.-born business owners. Refugee entrepreneurship has enhanced the economic growth and development of many communities nationwide—notably, Rust Belt cities such as Dayton, Ohio; Columbus, Ohio; and St. Louis.¹⁸¹
- **Refugees learn English and settle into American society over time.** After living in the United States for 10 years, for example, at least 86 percent of Somali refugees and 67 percent of Hmong refugees speak English “well,” “very well,” or exclusively. Seventy-three percent of refugees from Myanmar and 72 percent of Bosnian refugees own their own home after 10 years—higher than the 68 percent rate of homeownership for U.S.-born individuals. After 20 years, more than three-quarters of Bosnian, Somali, Hmong, and Burmese refugees become U.S. citizens.¹⁸²
- **Syrian immigrants are excelling socially and economically in the United States and are well-positioned to help Syrian refugees get on their feet.** Resettlement agencies are placing Syrian refugees in communities with established Syrian communities to facilitate their integration. The median annual wage of Syrian immigrants who arrived prior to 2014 is \$52,000—\$7,000 higher than that of U.S.-born individuals. Twenty-seven percent of Syrian immigrant men possess an advanced degree, compared with 11 percent of U.S.-born men. Further, 11 percent of Syrian immigrants are business owners, compared with 3 percent of the U.S.-born population.¹⁸³

Women and children are fleeing violence in Central America

- **Tens of thousands of children and families from Honduras, Guatemala, and El Salvador have fled violence in their countries and come to the United States.** In FY 2016, nearly 60,000 unaccompanied children and nearly 78,000 people who crossed as families—generally, mothers with young children—were apprehended at the U.S. southern border, mostly from Central America.¹⁸⁴ Apprehensions of both unaccompanied children and families increased in FY 2016 after dropping in FY 2015 from the levels experienced in FY 2014. The number of unaccompanied children apprehended in FY 2016 remained below FY 2014 levels, though it increased 49 percent from FY 2015. Meanwhile, the number of people apprehended as members of family units in FY 2016 exceeded the number apprehended in FY 2014 and represented a 95 percent increase from the FY 2015 figure.¹⁸⁵

- **Apprehensions of unaccompanied minors and families increased at the start of FY 2016 but have declined more recently. It is too early to tell if this downward trend will continue.** U.S. Customs and Border Protection, or CBP, apprehended nearly 7,200 unaccompanied minors and more than 16,000 people who crossed as a family at the southern border in December 2016, compared with just more than 6,700 minors and 13,000 family crossers in October 2016.¹⁸⁶ That being said, in February 2017, only 3,124 families and 1,922 unaccompanied children were apprehended near the southern border.¹⁸⁷
- **Central America’s Northern Triangle—comprised of El Salvador, Guatemala, and Honduras—is racked by organized crime, gang violence, and poverty.** At 108.5 murders per 100,000 people in 2015, El Salvador’s homicide rate was 24 times higher than that of the United States. Its murder rate has nearly doubled since 2012, when a truce between two of the country’s main gangs dissolved. Honduras’ homicide rate is almost 14 times that of the United States, and Guatemala’s is more than six times higher. Residents of these three countries pay an estimated \$651 million annually to criminal groups, who threaten them with violence should they fail to pay.¹⁸⁸
- **Homicide rates against women are high, and perpetrators are seldom convicted.** The 2015 female homicide rate reached 14.4 per 100,000 residents in El Salvador, 10.9 per 100,000 residents in Honduras, and 9.1 per 100,000 residents in Guatemala.¹⁸⁹ By comparison, the U.S. female homicide rate was only 1.9 per 100,000 residents. Perpetrators seldom face charges: In Guatemala, the conviction rate is 1 percent to 2 percent.¹⁹⁰
- **Central American refugees are fleeing to wherever they can find safety.** According to the UNHCR, asylum requests from Honduras, El Salvador, and Guatemala rose 1,179 percent between 2008 and 2014 in the neighboring countries of Mexico, Panama, Nicaragua, Costa Rica, and Belize.¹⁹¹
- **Women and children face violence if they return to their home countries.** In 2015, the UNHCR interviewed more than 160 women who had recently arrived in the United States from Central America. Sixty-four percent of women interviewed reported that they fled their homelands due to direct threats or experiences of violence. These women recounted that criminal groups could track them anywhere in their homelands, necessitating that they seek refuge abroad and collusion between armed groups and law enforcement. These findings were similar to those of a 2014 study of Central American children in the United States, in which 58 percent of respondents interviewed claimed that they could face danger if their asylum claims were denied.¹⁹²

- **Individuals placed into expedited removal can only request asylum in the United States if they first demonstrate a credible fear or, in certain cases, a reasonable fear of persecution in an interview with a USCIS asylum officer.** In FY 2016, USCIS determined that credible fear was present in 77 percent of the 46,961 cases decided upon—an increase from 68 percent in FY 2015.¹⁹³ In FY 2016, El Salvador, Honduras, and Guatemala made up the three largest countries by number of nationals sitting for interviews.¹⁹⁴
- **Asylum denial rates are high for Central Americans and for asylum seekers without counsel.** In FY 2016, immigration courts decided on 22,186 asylum cases, denying asylum to 57 percent of claimants. Asylum seekers with legal representation are far more likely to win asylum than others. Ninety percent of the 4,515 asylum seekers without counsel were denied asylum in FY 2016, compared with 48 percent of those with representation. Asylum seekers from Central America were denied at particularly high rates—83 percent for Salvadorans, 80 percent for Hondurans, and 77 percent for Guatemalans.¹⁹⁵
- **The United States can meet the challenge of Central American refugee children and families in a measured and orderly way.** Over the short run, the United States should provide all those fleeing violence with an opportunity to make a full and fair case for protection. Expedited removal proceedings should be limited, counsel should be provided to all asylum seekers, and alternatives to detention should be pursued. Over the medium run, the United States should increase its resettlement quotas for Central America, work with the UNHCR to build capacity to fairly register refugees in Mexico and Central America, and partner with Latin American governments and nongovernmental organizations to help asylum seekers understand and assert their rights. Over the long run, the United States should work to strengthen institutions, bolster rule of law, and promote economic development in Central America's Northern Triangle.¹⁹⁶

Unaccompanied children in the immigration court system

- **The nation's immigration courts are badly backlogged, meaning that people who arrive must wait years before they can have their cases heard.** According to TRAC, as of February 2017, the average length of time it takes to have a case heard in an immigration court is 673 days.¹⁹⁷

- **Children with legal representation are almost five times more likely to win their cases than those without it.** TRAC has found that children with legal representation win 73 percent of their cases, versus just 15 percent for those without it.¹⁹⁸
- **Despite claims to the contrary, almost all children with legal representation show up for their immigration court hearings.** Since FY 2005, 95 percent of children who are not detained and have legal representation have appeared at their immigration court hearings.¹⁹⁹

Public opinion on immigration

- **Support for immigration reform with a pathway to citizenship remains high.** In a January 2017 CBS poll, 61 percent of respondents expressed that unauthorized immigrants should be allowed to stay in the United States and apply for citizenship eventually. In contrast, only 22 percent expressed that all unauthorized immigrants should be required to leave. These numbers are consistent with another January poll by Quinnipiac University, in which 59 percent of respondents expressed support for a path to citizenship and 25 percent supported deportation.²⁰⁰
- **There is little support for mass deportation among the American public.** In a February 2017 poll by Quinnipiac University, only 19 percent of respondents supported the deportation of all unauthorized immigrants.²⁰¹
- **Most Americans oppose building a wall that spans the length of the Mexican border.** In an April Quinnipiac University Poll, only 33 percent of American voters supported building the wall, while 64 percent opposed.²⁰²
- **The construction of a border wall remains particularly controversial in Texas, where a coalition of landowners, environmentalists, security experts, and politicians, including many Republicans, have blocked recent efforts to extend current fencing.** A border wall would cut through Big Bend National Park as well as historic border towns and ranchlands that existed before the U.S.-Mexico border was demarcated.²⁰³ Building a wall along the southern border would also require the federal government to use eminent domain to seize hundreds of miles of private property.²⁰⁴
- **Latinos overwhelmingly oppose the construction of a border wall.** In an October 2016 CBS poll, 76 percent of Latinos expressed opposition to a border wall, compared with 61 percent of the general public.²⁰⁵
- **A majority of Americans support the admission of refugees from the Middle East if they are properly screened.** According to a Brookings Institution survey conducted in June 2016, 59 percent of Americans support admitting Middle Eastern refugees if screened for security risk, while 41 percent opposed their admission.²⁰⁶

Recent developments: New executive orders on immigration

- **From January 25 to 27, 2017, President Trump unveiled three executive orders mandating sweeping changes to immigration enforcement and reversing many policies enacted by the Obama administration.** The first two executive orders expand border security and interior enforcement. The third executive order promised to impose a moratorium on refugees and institute a travel ban barring nationals of seven Muslim-majority countries from entering the United States. Implementation of that executive order was enjoined by multiple federal courts, and the order was rescinded and replaced with a revised executive order that has itself been preliminarily enjoined.
- **A pair of memorandums published by Secretary of Homeland Security John Kelly on February 20, 2017, signal dramatic changes to border security, interior enforcement, and asylum procedures.** These memorandums provide detailed guidelines for the implementation of reforms described in President Trump's executive orders.²⁰⁷
- **Border security**
 - **President Trump's January 25 executive order on border security requires that DHS immediately move toward the completion of a fence along the entirety of the U.S.-Mexico border.**²⁰⁸ DHS' February 20 memo signals an intention to move forward with its construction promptly.²⁰⁹
 - **The February 20 DHS memorandum requires that, with limited exceptions, all apprehended immigrants deemed inadmissible be held in detention facilities until their cases have been decided.** This will lead to the detention of large numbers of people, including many eligible for asylum. Given lengthy backlogs in immigration courts, many could be detained for years. This could cost taxpayers an estimated \$9 billion over 10 years.²¹⁰ Further, the executive order and DHS memo authorize the construction of new detention facilities to house apprehended immigrants, adding to already steep costs.²¹¹

- **The February 20 DHS memorandum lays the foundation for an unprecedented expansion of expedited removals—deportations without judicial review or due process.** Currently, expedited removal is limited to individuals apprehended within 100 miles of the border who have been in the United States for less than 14 days. The DHS memo discusses the publication of a designation in the Federal Register that could expand expedited removal to individuals apprehended anywhere in the United States who cannot prove they have been in the United States continuously for two or more years.²¹²
- **The executive orders and memorandums instruct the CBP to hire and deploy an additional 5,000 Border Patrol agents and 500 air and marine agents.**²¹³ These additional hires could cost taxpayers at least \$8.6 billion over the next decade.²¹⁴
- **The executive orders and DHS memorandums encourage new and expanded 287(g) agreements, which would allow DHS to deputize state and local authorities to investigate, apprehend, and detain immigrants, reversing reforms implemented by the Obama administration.**²¹⁵ The 287(g) program previously came under fire due to allegations that agreements were costly and inefficient, resulted in racial profiling, and led to few apprehensions of immigrants with criminal backgrounds. As a result, DHS scaled back such agreements in 2012 to focus only on jail enforcement model agreements.²¹⁶
- **The February 20 DHS memorandum contemplates authorizing CBP personnel to return apprehended migrants to Mexico while they await immigration hearings in the United States.** If applied to asylum seekers, this could expose vulnerable individuals, including women and children, to danger in Mexican border cities and heighten their risk of deportation by the Mexican government.²¹⁷

- **The Trump administration has signaled interest in tightening existing standards for granting asylum.** President Trump’s executive order instructs the DHS to take “appropriate action” to ensure that asylum laws are not abused. It calls for a narrow and legalistic application of asylum and parole laws, jeopardizing asylum seekers’ likelihood of obtaining refuge.²¹⁸ The February 20 DHS memorandum calls upon asylum officers to conduct a rigorous review within days of an individual’s arrival, leaving them vulnerable to deportation without an opportunity to present their case before a judge.²¹⁹ The USCIS Asylum Division subsequently issued a new lesson plan heightening the standard required to establish a credible fear of persecution, effectively increasing the likelihood that bona fide asylum seekers will be returned to countries where they will be persecuted.²²⁰
- **The February 20 DHS memorandum presages the elimination of critical procedural protections for unaccompanied minors.** In the future, many unaccompanied children could be subject to expedited removal and detained by ICE rather than placed in shelters run by the Office of Refugee Resettlement or reunited with family members in the United States.²²¹
- **Per the February 20 DHS memorandum, parents who provide financial support to their children and other relatives seeking to escape violence and persecution could be subject to deportation and/or criminal prosecution.**²²²

- **Interior enforcement**

- **Interior enforcement policy changes could lead to the deportation of 8 million or more people.** The executive orders and the other February 20 DHS memorandum eliminate the Obama administration’s Priority Enforcement Program, which emphasized the removal of unauthorized immigrants suspected of terrorism or convicted of serious crimes, such as felonies. The DHS memorandum instead effectively makes all removable immigrants priorities for enforcement. The memo also mandates that the DHS hire an additional 10,000 ICE agents and officers to facilitate apprehensions and removals.²²³
- **The February 20 DHS memo terminates existing prosecutorial guidance pertaining to immigration enforcement, except for DACA, including rules that protect victims and witnesses of crime and guidance that protects vulnerable populations such as LGBT individuals from detention.**²²⁴

- **The executive order also threatens to withhold federal grants from jurisdictions that the secretary of homeland security or the attorney general believes are unwilling to comply with federal immigration enforcement efforts, so-called sanctuary jurisdictions.** Nationwide, more than 600 counties and municipalities, as well as a handful of states, limit cooperation with federal immigration officials.²²⁵

- **Muslim and refugee ban**

- **On January 27, President Trump issued an executive order designed to ban Muslims from entering the country and limit the refugee resettlement program.** This executive order would have suspended the entry of citizens of Iran, Iraq, Libya, Yemen, Sudan, Syria, and Somalia for a 90-day period. It also would have granted the DHS discretion to expand the geographic scope and duration of the ban. Furthermore, the order would have suspended all refugee admissions for 120 days and all refugee admissions from Syria indefinitely.²²⁶ After 120 days, refugee admissions would have been limited to specific countries and would have prioritized religious minorities.
- **Federal courts halted President Trump’s January 27 executive order.** On February 3, after the attorneys general of Washington and Minnesota filed suit to stop the executive order, the U.S. District Court for the Western District of Washington temporarily suspended several of its key provisions, arguing that they violated the First and 14th Amendments by discriminating on the basis of nationality and religion. Amicus briefs were also filed by several former senior government officials, 16 state attorneys general, and more than 90 tech companies.²²⁷ On appeal, the 9th Circuit denied the government’s request to reinstate the ban.²²⁸
- **On March 6, President Trump rescinded the original executive order and issued a new executive order that largely retains the provisions of the first one.** Like its previous iteration, the new order will suspend the entry of citizens of Iran, Libya, Yemen, Somalia, Sudan, and Syria for 90 days. Iraqi citizens were exempted from the new order after the Iraqi government pledged to increase information sharing with the United States.²²⁹ Under the new order, people whose visas were approved by March 16 and current U.S. lawful permanent residents will be exempt from the entry ban. Further, the new order removes the indefinite ban on Syrian refugees. Instead, all refugee admissions, including the admission of Syrian refugees, will be suspended for 120 days.²³⁰

- **The March 6 executive order has also been halted by the courts.** On March 15, federal judges in Hawaii and Maryland issued temporary restraining orders on the new executive order hours before it was scheduled to take effect, and on March 29, a judge in Hawaii extended the temporary restraining order, converting it to a preliminary injunction. The Trump administration is appealing both rulings.²³¹

About the author

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As progressives, we believe America should be a land of boundless opportunity, where people can climb the ladder of economic mobility. We believe we owe it to future generations to protect the planet and promote peace and shared global prosperity.

And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

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We develop new policy ideas, challenge the media to cover the issues that truly matter, and shape the national debate. With policy teams in major issue areas, American Progress can think creatively at the cross-section of traditional boundaries to develop ideas for policymakers that lead to real change. By employing an extensive communications and outreach effort that we adapt to a rapidly changing media landscape, we move our ideas aggressively in the national policy debate.

