**Season 19  
—  
Debating the 2018-2019 NSDA Policy Resolution**

The “status quo” refers to current policies, essentially what Affirmative teams need to change. Policy debaters must have a solid understanding of the current state of affairs before debating the year’s topic. The purpose of this article is to give competitors the underlying knowledge of the status quo as it relates to the following resolution:

**“Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.”**

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Status Quo of Legal Immigration

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NSDA’s 2018-2019 Policy Resolution:

“Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.”

In this member release, we examine some of the better known and widely debated issues that are currently being discussed in the literature on legal immigration in the United States. Our goal is not to persuade you to any point of view, but rather to summarize what some of the arguments are so that you have a better understanding of the positions you may find yourself debating this year. This may also give you ideas for areas of research on Affirmative cases you could write or Negative briefs you will need to prepare.

By specifying “legal” immigration only, some of the topics currently in the news are ruled out (e.g. “Build the Wall!”), which helps narrow down the focus of research. But legal immigration is a complicated topic, and we can only give an overview of some of the chief highlights.

What is immigration and who is immigrating?

It sounds like a simple enough concept, but it has complications, some of which may come up as topicality arguments in a debate round and should guide you as you craft or defend Affirmative cases. Some definitions of immigration include the idea of permanence:

“travel into a country for the purpose of permanent residence there”[[1]](#footnote-2)

If that’s true, then cases dealing with anything less than those intending to move here permanently could arguably be non-topical. However, other definitions leave it open to a wider range of people – something more than tourists but not limited only to permanent residency.

“Immigration is the coming of people into a country in order to live and work there.”[[2]](#footnote-3)

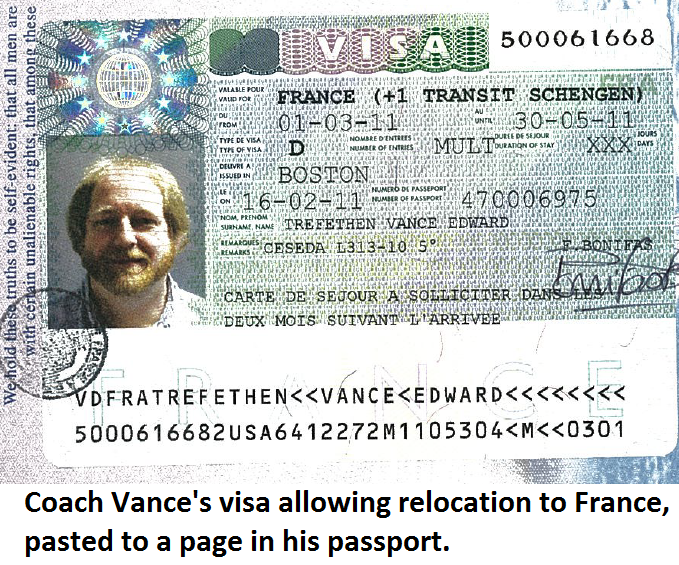
Live and work for how long? Permanency may not be required after all.

Who is immigrating to the U.S. today?

“Of the 1,052,415 legal permanent residents who came to America in 2007, 36 percent emigrated from Asia; 32 percent entered from the Caribbean, Central America, or other parts of North America; 11 percent migrated from Europe; 10 percent arrived from South America; and 9 percent came from Africa. The largest single country of origin was Mexico (14.1 percent of all lawful immigrants), followed by China (7.3 percent), the Philippines (6.9 percent), and India (6.2 percent).”[[3]](#footnote-4)

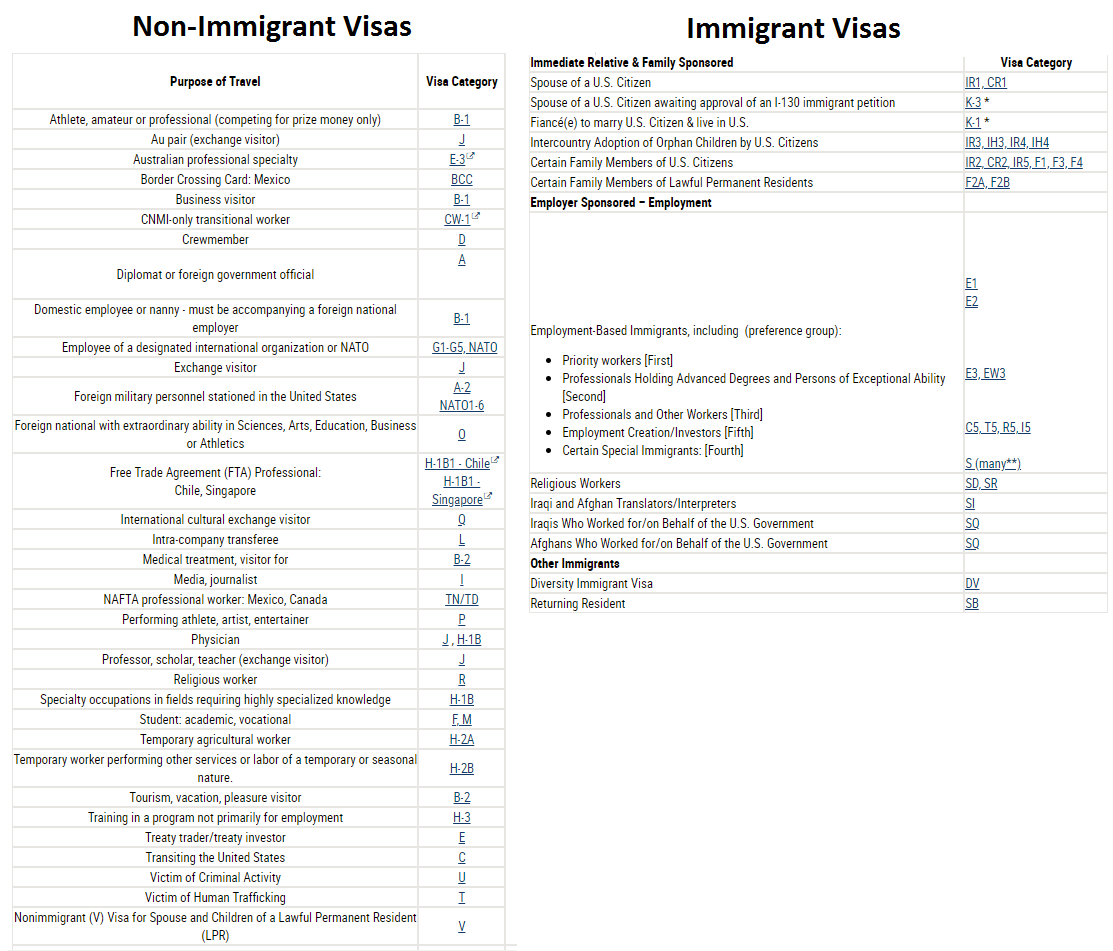
What is a visa and why does anyone need it?

A passport is a document issued by your own government that proves your identity and your citizenship. A visa is an additional document issued by a foreign government granting you permission in advance to enter their country and defining the purpose and duration for which you may enter. Normally it is pasted on top of a page in your passport. For example, when I (a US citizen) went to France on numerous short business trips, I merely presented my passport at the immigration desk at the airport in Paris, and their official stamp functioned as my “visa” to allow me into the country. No advance permission was necessary, thanks to mutual understandings between the US and France to allow citizens of their nations to travel unimpeded between the two for short visits and tourism.[[4]](#footnote-5) However, when I accepted a full-time job working in France, I had to obtain an official visa at a French consulate in the U.S. before I could move there. That visa defined what I was allowed to do (work for one specific company and reside in their country, participating in their tax and social benefit schemes) and the duration (three years) for which that permission was valid. The U.S. has similar rules for outsiders who want to work or live long-term here. Working here without such permission or staying after it has expired make one an illegal immigrant.

Some U.S. visas are labeled by the federal government as “non-immigrant visas,” while others are “immigrant visas.” This is a term of art that may conflict with the common man’s definition or the dictionary definitions presented above. Non-immigrant visas are issued to those who are expected to live here temporarily and then return to their home country. Immigrant visas are issued with the understanding that the recipient intends to move here permanently. However, many non-immigrant visas leave open the possibility that the recipient might still apply for Long-term Permanent Residency (LPR), also known as a “green card,”[[5]](#footnote-6) and in fact many of them do.

On the next page are lists of all the non-immigrant and immigrant visas issued by the US government.[[6]](#footnote-7) Some of the alphabet soup on that list will be in your debate rounds this year. While there’s no need to memorize the list, just get an idea of what the list means: Excluding refugees and asylum seekers (covered later in this material), no one can move legally to the U.S. without first showing that they fit into one of these categories and the government determining that there are enough visas left in the quota for the year to admit them. The days when almost anyone could just arrive on our shores (e.g. at Ellis Island in 1900) and get admitted immediately and start a new life are long gone.

In many of the discussions about illegal immigrants, the question is asked, “Why don’t they stand in line like everyone else and immigrate legally?” And the answer often is: “Because there is no line for them to stand in.” The lines you could stand in are defined by these visa categories. If your situation doesn’t fit into one of these categories (or if it does but all the visas for this year have been taken and the quota is exhausted), you can’t immigrate legally. For example, imagine you are a Mexican citizen with limited education who wants to move to the U.S. and make a better life for yourself by doing landscaping work. Which of those visa categories would you use? You probably don’t qualify for any of them, unless you have relatives already here legally with green cards or citizens.



Refugees, Asylum Seekers and TPS

Asylum seekers show up at US entry points (or immigrate illegally and then apply for asylum status when arrested or by coming forward voluntarily at some point later) without qualifying for any of these visa categories, but appealing to avenues in U.S. law that might adjust their status and allow them to legally immigrate. Refugees obtain their status in advance. In both cases, these could be people who are fleeing their home country due to general conditions that make life dangerous or impossible for some large percentage of the population of that country (e.g. an earthquake), or escaping some individual or personalized threat against themselves (e.g. threatened for practicing an unpopular religion).

“The main difference lies in the application process. Refugees apply before traveling to the United States. In this sense, their arrival to the United States is more secure. The moment a person with official refugee status boards the plane to the United States, they know they will be able to enter the country and have legal status. Asylum seekers are less secure. If officials deny their asylum application at a port of entry, they must return home. If their application gets denied after entering the United States as an undocumented immigrant or while on a temporary visa, they expose themselves to deportation.”[[7]](#footnote-8)

Another way to describe it is that a refugee is fleeing documented conditions in his homeland, while an asylum seeker is a putative refugee who hasn’t yet proven his case as to whether he really qualifies as a refugee, and whose claim could be denied. In either case, if an immigrant is accepted as a refugee or asylee, they may be given the right to live and work in the U.S. Note that just “being poor” or wanting to better yourself economically does not qualify anyone for asylum or refugee status.

The Secretary of Homeland Security sometimes designates entire countries for “Temporary Protected Status” (TPS) due to emergency situations that lead to a large exodus of migrants (legal or illegal) from that country into the U.S. For example, TPS was granted to all Salvadorans in the U.S. in 2001 after El Salvador was hit by earthquakes, and TPS was extended multiple times due to other social and environmental problems in that country. TPS blocks the deportation of such individuals from the U.S. and allows them to live and work legally here until the TPS expires.

Are (more) immigrants good or bad for the rest of the country?

While it is true that “America is a nation of immigrants,” such is insufficient to answer the question of whether we should increase the number that we will allow in the future. All nations technically are “nations of immigrants,” it’s just a question of how long ago their ancestors got there. And all nations regulate which and how many immigrants they will accept. There are several areas in which immigrants (either too many or the wrong types) are said to be bad for the rest of us who are already here. Let’s review them one by one.

Economic Issues Part 1: “Stealing our jobs”

There’s lots of evidence of both sides of the question of whether immigrants “steal jobs” away from US citizens, and you will surely get into evidence battles. Both sides probably have some partial truth to them, but let’s review first the arguments for “Stealing Jobs,” then the arguments against it.

The foundational law of economics is “supply and demand,” and it dictates that when the supply of something goes up, its price normally will go down. Try this thought experiment: All of the retail stores and fast food restaurants in your town have been hiring unskilled labor at $10/hour, and they have filled all the positions available. There is no one left in town looking for a job and there are no remaining openings. Now imagine that suddenly 100 unskilled immigrants arrive in town with visas allowing them to work legally, and they are willing and ready to work. As low-skilled job openings become available in the future in that town (as people quit, retire, move away, get higher paying jobs, or die), will employers have to pay $10/hour to attract workers? No, because there is now an oversupply of unskilled laborers. Employers can offer lower wages – perhaps $8/hour -- and easily soak up the surplus of workers. Perhaps employers will even tell existing $10/hour employees to take a pay cut or let some of them go and replace them with new $8/hour workers. It won’t be long before the going wage in your town for unskilled labor will be $8/hour instead of $10. For the immigrants, they’ll be thrilled, since $8/hour is probably $7 or $8/hour more than they were making in their home country. But what impact does it have on US citizens? They get unemployment and/or lower wages. They have “stolen our jobs.”

Not so fast, responds the other side. There are some fundamental assumptions built into the scenario above that need to be questioned. First, the story above assumes that an economy (in this case a town, but it could just as easily be the entire country) has a fixed number of jobs that are then divided up among whatever the population is. Under this theory, every new baby that is born would “steal someone’s job” as well, whenever they grow up. If this theory were true there should be just a couple million jobs in this country, since the population of the U.S. in the first Census (1790’s) was only a few million people and we would have no more jobs now than we had then. As the population grew, didn’t those jobs in the 1790’s just get divided up among more and more people? Why don’t we have 99% unemployment today, with 300 million people competing for 3 million jobs?

Because population growth also brings with it the other side of the economic law that the “steal our jobs” argument forgot to analyze: When demand goes up, so do prices. A stream of new immigrants arriving in town would create new demand for housing, food, cars, retail shops, restaurants, etc. Prices for these will be driven up, and new enterprises will open up to take advantage of the profits to be gained by meeting that demand. These new enterprises will hire people and create new jobs. Yes, more people equals more workers, but it also equals more jobs.

Economic Issues Part 2: “Jobs Americans Won’t Do”

Some argue that we need more immigrants to fill labor shortages. It could be a shortage of hi-tech workers if there aren’t enough American college graduates with technical training. It could be a shortage of unskilled agricultural workers, if there aren’t enough Americans willing to pick fruit in the hot sun all day. The question of whether there are “jobs Americans won’t do” is hotly debated.

Maybe the companies aren’t looking hard enough to find these missing American workers. Or maybe they are looking and really can’t find them. But a company facing a real or perceived worker shortage can do one of three things. First, they could try raising wages. If crops are rotting in the fields because they can’t find Americans to pick them, keep raising wages and eventually you will get them. The problem is that at some point, the crops will be so expensive that they cannot be sold and the farm will go bankrupt.[[8]](#footnote-9)

The second thing they could do is relocate the farm. If it’s too expensive to raise wages high enough to attract American workers, perhaps the farm needs to relocate to someplace with suitable climatic conditions and cheaper labor. Maybe many of the fruit and vegetable farms in the South or West would end up being relocated to Mexico in that case.

The third thing, if farms want to remain in the US and cannot find American workers, is to hire immigrants. Immigrants make much more money than they could in their home countries, yet it is far less than most Americans are willing to accept. Farms stay in business, stay in the U.S., stay profitable, and immigrants, though poor by U.S. standards, are better off than they were before.

Crime

Crimes committed by immigrants receive highlighted news coverage, probably for one reason: We all know that if that immigrant had not been here, that crime would not have happened. Crime by immigrants seems entirely preventable, as opposed to crime by existing citizens, which “just happens.” Perhaps that’s why immigrants are perceived to be more of a crime risk than regular citizens.

The problem is that there doesn’t seem to be an overall statistical correlation between immigration and crime. Cities with high rates of immigration should, under this theory have higher crime rates than cities that don’t, but no such relationship can be found.[[9]](#footnote-10) It’s even possible that the inverse is true: Since immigrants have more to lose by committing crime (the usual punishment plus deportation if they have not yet become naturalized US citizens), perhaps they have a greater incentive to avoid crime.

Terrorism / National Security

What do the 9/11 attacks, the 2016 Orlando nightclub massacre, the 2015 San Bernardino attack, the 2013 Boston Marathon bombing and the 2009 Ft. Hood shooting all have in common? They were all perpetrated by legal immigrants.

Federal policy must concern itself with scrutinizing who intends to do us harm, at the time of deciding whom to admit to this country. Obviously, the fewer people we admit, the lower the chances of a dangerous person getting in. But the odds of any one immigrant becoming a terrorist are already so low, that it seems difficult to imagine how overall U.S. security would be measurably heightened by draconian reductions in immigration. And given how many (non-terrorist) people enter the country illegally, wouldn’t it be easy for a would-be terrorist to simply choose that route if legal routes were closed? In addition, one must subtract from the effectiveness calculus any terrorist immigrant who entered the country peacefully with good intentions and then became radicalized years after settling here. Immigration restrictions will never catch people like that.

Social Costs

Keep in mind that during the wide-open days of easy immigration into the U.S., there were no federal and few state social welfare programs for the indigent. Immigration had no social costs because there were no social programs for citizens or immigrants alike.

Are immigrants a net drain on federal and state social expenditures (schools, welfare, etc.) above what they pay in taxes?

Yes:

“We estimated that 49 percent of households headed by legal immigrants used one or more welfare programs in 2012, compared with 30 percent of households headed by the native-born. Legal immigrants have significantly higher use rates than native-born households overall and for cash programs, food programs, and Medicaid; use of housing programs is about the same as for natives. Among legal-immigrant households with children, the rate of welfare use is an astonishing 72 percent. There is no evidence that these numbers represent fraud; instead, they represent a profound problem with the selection criteria we use to admit legal immigrants.”[[10]](#footnote-11)

As noted, in 2004, there were 4.5 million low-skill immigrant households. With an average net fiscal deficit of $19,588 per household, the total annual fiscal deficit for all of these households together equaled $89.1 billion (the deficit of $19,588 per household times 4.54 million low-skill immigrant households). Over the next ten years, the net cost (benefits minus taxes) to the taxpayer of low-skill immigrant households will approach $1 trillion.[[11]](#footnote-12)

No:

“Several studies have found that immigrants pay income, Social Security, and Medicare taxes. A National Immigration Forum and Cato Institute report estimated that immigrants paid $162 billion annually in federal, state, and local taxes.38 A study by the National Research Council concluded that ‘the average immigrant pays nearly $1,800 more in taxes than he or she costs in benefits.’ “[[12]](#footnote-13)

Reform proposals

A few examples of reform proposals that could be topical this year and might be worth considering are:

*Refugees –* Either in general, raising the quota of annual admittance of refugees, or increasing our acceptance of some specific group(s), this is sure to be a widely discussed topic. Pres. Trump has reduced the annual refugee quota and has imposed stricter vetting standards that will filter out many who might arguably be deserving of asylum in this country. Negatives will argue that it is much cheaper and more cost effective (i.e. more lives can be saved) to pay for camps and rescue in the affected region. For the cost of bringing one refugee all the way around the globe to immigrate to the U.S., many more could have been housed and fed in or near their home region.

*EB-5* – This is a visa to allow immigration for a wealthy foreign investor who makes a substantial investment in a U.S. business enterprise. These are the kinds of people we want to attract, because their money will generate new businesses and job growth, benefitting the entire country. Negatives will argue that there is so much fraud and so many misleading claims about EB-5 money (it goes toward Donald Trump’s real estate rather than new businesses) that it amounts to nothing more than “buying a visa,” with no actual benefit to our country.

*U Visa* – U visas are given to immigrants in the U.S. (mostly already here illegally, but not always) to allow them to stay here legally if they are victims of a crime and are certified by law enforcement to be providing helpful cooperation towards the solution of that crime. There’s a huge backlog of U visa applicants, and expanding the quota would encourage more cooperation and solving of crime. Negatives might argue that it could also encourage the manufacturing of crimes, since becoming a crime victim can magically turn an illegal immigrant into a legal one if she plays the U visa game well. Most U visas are for “domestic abuse,” a crime that wouldn’t be happening in the United States if the illegal immigrant herself had not been here in the first place. The immigrant is arguably creating the crime and then helping solve it, which doesn’t help society at all. And that assumes she’s telling the truth that it even happened at all.

*H-2A Visa* – H-2A is a temporary agricultural worker visa. Farms across America report crops rotting in the field because they can’t get Americans to do the work and the H-2A process is so slow. Ordinarily they solve it by hiring illegal immigrants, but H-2A reform could solve it better. We could reduce the restrictions, increase the quotas, and expand the pool of H-2A workers. We could also provide a path to legalization for existing illegal immigrants in the migrant farm industry by getting them into H-2A status. Negatives will argue that the best way to solve a labor shortage is to increase wages, rather than exploiting poor migrants.

*H-1B Visa* - H-1B is a visa for highly skilled or high-tech workers, like computer programmers and doctors. Increasing the supply of these would help America’s economy grow and provide vital services that drive economic growth and fill key labor shortage situations, preventing the outsourcing of good jobs overseas. Negatives will argue that what they fill are jobs currently filled by Americans, and we ought to stop replacing Americans in these high-paying jobs with foreigners and use the plentiful supply of U.S. citizens to fill these jobs.

*DACA Fix* – As of this writing, Congress has still not fixed the expired Deferred Action for Childhood Arrivals program, though federal courts are keeping it on life support. There are numerous legislative proposals to provide a pathway to citizenship for illegal aliens brought here as minors, who have grown up and spent most of their lives here and consider our country home. Keep an eye on the news, because this is being considered on-again / off-again by Congress all the time and could change any day during the academic season.

*Immigration Federalism / State-Based Visas* – Who says the federal government has to provide a one-size-fits-all approach to immigration? Maybe the answer is to let States decide how many, if any, guest workers they want to fill those “labor shortages” we keep hearing about. States that believe they have such shortages could accept a federal offer to have guest worker visas that apply to immigrants willing to come and only work in their state. Other states who don’t want or need immigrants can simply decline. Negatives will argue that it’s too hard to enforce state restrictions and that it’s unconstitutional to do immigration at the state level.

*TPS* – Some groups have recently come off TPS, while Salvadorans have just been given a deadline that their TPS status will end in 2019. Approximately 200,000 Salvadorans will be expected to either return home or find some other lawful visa category to remain in the U.S. legally. Or else they will simply remain illegally after TPS runs out. Some advocate ending TPS not by sending them home (many have deep roots here and U.S. citizen children, having been here up to 17 years), but by simply legalizing them and letting them stay permanently.

*Military Service Members* – A significant number of foreigners serve in the U.S. military, which provides a pathway to citizenship in reward for their service. Recent crackdowns and restrictions are blocking or discouraging many service members from using this pathway. This is a shame, since military service should be rewarded and the aspirations of foreigners willing to make the ultimate sacrifice for this country should be honored, not discouraged.

*Open Immigration* – Maybe immigration should be simply treated as a human right and, with very few health or national security exceptions, everyone should be allowed to immigrate legally. Massive cost savings from all the wasted efforts spent trying to catch people in the desert or on farms would be obtained. Hard working immigrants could all come, as they did in generations past, to both contribute to and benefit from the freedoms and opportunities we have in this country. But beware of the risks. “There is no doubt that free and open immigration is the right policy in a libertarian state, but in a welfare state it is a different story: the supply of immigrants will become infinite.” (Milton Friedman)

Summary

We’ve surely only touched the surface of the topics you will be encountering this year. Search through Congress’ web site to look for bills that have been proposed that could be topical plans for you to propose when going Affirmative. Look at think tanks like Center for American Progress and Brookings Institution, which are likely to have articles defending increased legal immigration. Organizations like Heritage Foundation, Center for Immigration Studies and Federation for American Immigration Reform will have much useful Negative material against increasing immigration.

And stay up to date on the news, since this topic is changing fast. Pres. Trump, Congress and the federal courts are frequently in the news discussing this issue, and the facts underlying any case you write could change suddenly. Don’t let events catch you off guard with an outdated case at a tournament.

Worksheet: Status Quo of Legal Immigration

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Answer the following in the spaces provided.

1. What are the demographics of who is immigrating to the US today?

2. What are the differences between “immigrant” and “non-immigrant” visas?

3. Why don’t illegal immigrants simply stand in line like everyone else and immigrate legally?

4. What is the difference between a refugee and a foreigner seeking asylum?

5. List the PRO and CON arguments for each of the following:

PRO CON

“Stealing our jobs”

“Jobs Americans Won’t Do”

Crime

Terrorism / National Security

Social Costs

6. Of the policy ideas listed, which do you prefer? Explain why.

Answers

1. “Of the 1,052,415 legal permanent residents who came to America in 2007, 36 percent emigrated from Asia; 32 percent entered from the Caribbean, Central America, or other parts of North America; 11 percent migrated from Europe; 10 percent arrived from South America; and 9 percent came from Africa. The largest single country of origin was Mexico (14.1 percent of all lawful immigrants), followed by China (7.3 percent), the Philippines (6.9 percent), and India (6.2 percent).” (Page 3)

2. “Non-immigrant visas are issued to those who are expected to live here temporarily and then return to their home country. Immigrant visas are issued with the understanding that the recipient intends to move here permanently.” (Page 4)

3. “In many of the discussions about illegal immigrants, the question is asked, “Why don’t they stand in line like everyone else and immigrate legally?” And the answer often is: “Because there is no line for them to stand in.” The lines you could stand in are defined by these visa categories.” (Page 5)

4. “A refugee is fleeing documented conditions in his homeland, while an asylum seeker is a putative refugee who hasn’t yet proven his case as to whether he really qualifies as a refugee, and whose claim could be denied.” (Page 7)

5. Refer to pages 7 to 11 for thorough answers.

6. Answers will vary.

1. Merriam Webster Online Dict. https://www.merriam-webster.com/dictionary/immigration [↑](#footnote-ref-2)
2. Collins English Dict. https://www.collinsdictionary.com/us/dictionary/english/immigration [↑](#footnote-ref-3)
3. Brookings Institution 2016, “The Costs and Benefits of Immigration” https://www.brookings.edu/wp-content/uploads/2016/07/braingain\_chapter.pdf [↑](#footnote-ref-4)
4. Some countries require visas even for short visits or tourism. For example, the U.S. and India mutually require the other’s citizens to get visas for short visits, as do the U.S. and China. In 2008, I had to obtain well in advance, from Indian consular officials in the U.S., a visa to visit India for only 2 weeks. [↑](#footnote-ref-5)
5. They are not necessarily green, however. [↑](#footnote-ref-6)
6. <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>. [↑](#footnote-ref-7)
7. Morales & Sparks, immigration attorneys. https://moralessparks.com/immigration-political-asylum-refugee-status/ [↑](#footnote-ref-8)
8. Migrant farm worker picture: http://planetmattersandmore.com/sustainable-agriculture-2/migrant-farm-workers-and-unfair-labor-practices/ [↑](#footnote-ref-9)
9. For example, the Adelman study, cited here: https://www.nytimes.com/interactive/2018/03/30/upshot/crime-immigration-myth.html [↑](#footnote-ref-10)
10. Steven Camarota 2015. https://cis.org/Heavy-Welfare-Use-Legal-Immigrants-Yes-Legal-Immigrants [↑](#footnote-ref-11)
11. Christine Kim & Robert Rector 2007. https://www.heritage.org/immigration/report/executive-summary-the-fiscal-cost-low-skill-immigrants-the-us-taxpayer [↑](#footnote-ref-12)
12. Brookings Institution 2016, “The Costs and Benefits of Immigration” https://www.brookings.edu/wp-content/uploads/2016/07/braingain\_chapter.pdf [↑](#footnote-ref-13)