



Policy on Purpose

Episode 2: Professor Ruth Wasem (Part 2)

ANGELA EVANS: Welcome to “Policy on Purpose.” My name is Angela Evans, and I'm the Dean of the LBJ School of Public Affairs at The University of Texas, Austin. My guest today is Ruth Wasem. Ruth is a clinical professor of public policy practice at the LBJ School, and has been a colleague of mine for many years. From our time at the Congressional Research Service to our time here, I found Ruth to be a very thoughtful and thought-provoking analyst and contributor to the public policy debates. Ruth has for many years studied immigration trends, asylum policy, human rights and unauthorized migration. And I've invited her to join me today to provide insight on the national conversation surrounding DACA and immigration as a whole, and how it fits into our current public policy discussions — and it can't be more timely since the State of the Union address.

The president talked about his four pillars, and his pillars being the looking at the path to citizenship for the Dreamers. He talked about building a trust for a wall, the construction of a wall, ending the visa lottery, and limiting family reunification. He called these his four pillars. In addition to the president's State of the Union address, as everybody who has been following public policy knows the DACA question came into very high-stakes legislation with regard to continuing resolutions and keeping the government funded. So this is really a very important issue right now. And before us today, we have a national expert and some would consider her the national expert when you look into immigration and its intersection with policy. So Ruth, what I'd like to do today, let's just start with DACA.

RUTH WASEM: Sure.

EVANS: How significant is a narrow fix to the Immigration and Nationality Act that enables unauthorized residents who were brought to the United States as children to become legal residents? How narrow is this fix?

WASEM: It is an example where there are numerous historical precedents in which Congress has enacted legislation that allows unauthorized residents to become legal permanent residents. So it is indeed in the wider sweep of changes to the Immigration Nationality Act — it would be a minor change. But, for those who are Dreamers, it's obviously of critical concern. Their future hangs in the balance on this. So while it might not be a major change in U.S. Immigration Policy, it certainly is something that affects the lives of probably over a million people living in the United States today.

EVANS: The president uses 1.8 as the target population for DACA. I'm seeing is the issues swirling around DACA, most people when you talk to them agree that some of these children were brought here

without any say in that, should be allowed to be citizens. Under what conditions they differ in terms of the time and the year, time of years, etc. But other people also say that there's elements within the DACA population that we need to be aware of — and perhaps not allow a carte blanche kind of allowance to have them and like what the president was talking about with gangs, etc., like that. When you look at the research and when you think about how this has been decided before, what's your take on that?

WASEM: I think that we don't need to worry about some of those questions because there is already expansive existing law that bars the admission of anyone who has committed a crime, poses a threat to national security, is a public health risk, is likely to be a public charge, go on relief — a whole host of things that would bar individuals. So, in terms of someone slipping in, or some kind of blanket relief for people that are unintended, the law already would protect the United States from those things. And also, the research seems to indicate, as best we know, that incidents of disqualifying behavior among potential recipients of this is quite small. So, I think that current law can handle it. It's not a big issue.

EVANS: OK. So that's important too because in terms of making decisions, it's based on information, implementation, regulations, etc. So what we're hearing in the public media is like one part of it, but underneath it, is a whole set of infrastructure, regulations, statutes that address that. That's what you're saying.

WASEM: And lots of databases that are linked with fingerprints, and facial recognition, and all sorts of things linked up. That now, if you've committed a crime in the United States, the immigration admissions databases, all of those databases are linked to that. You're going to pop up right away.

EVANS: OK. Thanks Ruth. Thank you. So that's the one, that was one of President Trump's pillars. Another, is the diversity in the visa lottery. When we're talking about a lottery versus another methodology, what are the perceived problems with the diversity lottery now? What's the problem that we're trying to solve there?

WASEM: Well, let me briefly explain the purpose of the lottery. As its name suggests, it's to encourage legal migration from countries other than those countries that are the major sending countries of immigrants. It was originally called new seed immigrants. And in its early days in the 1990s, it was overwhelmingly people from Europe. Ireland, Eastern Europe — countries that had been traditional sending countries but then had not sent immigrants very much. By 2009, the people coming in through the visa lottery shifted to be more from African nations and Middle Eastern countries. So, who was coming in, who was qualifying for the lottery changed. But I also want to point out is, there is a misconception that no one's checking, like they win the lottery and they take the next flight into JFK.

First off, you have to have a high school degree or its equivalent, and two years' experience in an occupation that requires two years of experience. So we're already talking about someone with skill levels that we don't require many other immigrants coming into the country, so that's one of the expectations. The other, again, very important to point out, anyone who qualifies for a diversity visa, if they win the lottery so to speak, they undergo extensive national security reviews and background checks. First, by the Department of State abroad, and then upon their arrival in the United States, they're also run through these background checks by the Department of Homeland Security. Again, and there are standards to meet, and there is extensive background checks. My theory behind eliminating it is that in the wider world of immigration, which is perceived of as a zero-sum game, that there is a finite number of people that will admit the diversity visa lottery is low-hanging fruit. It's only 50,000 visas and

because the pool is ever changing because it's formula-based, based on how few visas have come in in past years, it doesn't build a constituency back home of immigrant groups. If you benefited from it in the past, you're not going to benefit from it by the future by its very design to be new seed immigrants. So it's low-hanging fruit that's easy to get rid of. But I think if you're going to make a case to get rid of the diversity lottery, you should just say, "We don't need it." I don't think you need to disparage the people who come in through it.

EVANS: So at the time that it was enacted, that was something that was taking care of some kind of problem at their time, and that shift. I want to pursue this a little bit.

WASEM: OK.

EVANS: I want to talk about why it was even enacted in the first place. It wasn't because we had the wall come down, the wall came down in terms of the Berlin Wall, and we had emerging democracies coming out of Eastern Europe. Was it because the Irish were becoming more and more integrated into the capital and business creation in the world? I mean, do you know why?

WASEM: Yes. *[laughter]*

EVANS: OK. OK.

WASEM: And you have identified the main source countries are part of the logic. That they used to call it the Irish visa because a certain number was set aside for Ireland and also Eastern Europe. And when we get to family-based, you'll see that our current four pillars of U.S. immigration are family reunification, immigrants with needed skills, protection of refugees and diversity of admission.

EVANS: OK. Diversity of source country.

WASEM: Right.

EVANS: So those are our criteria. And before the diversity lottery was added, the family-based and employment-based, I used to call him the Billie Holiday, if you know her famous song, "God Bless the Child," them that's got shall get. So if you had a recent immigrant or if you were part of an employment-based recruitment pattern, our system not by design, but by implementation just the way it worked, an unintended consequence of when they created the law, it favored the most recent immigrants and their colleagues at work or their family coming in. So it was very difficult for Irish immigrants to come in back during the troubles and some of that stuff or Eastern European immigrants to come in because they didn't have immediate family. They might have cousins and more distant relatives to qualify, but they did not have the immediate connections that would qualified them. The diversity visa — the way it was designed it opened up these parts of the world again that were under represented in our flows, but where there were clearly people that wanted to come. So that was what it was seen as to try to diversify the flow.

WASEM: OK. But you said there's a shift now. So we went from those countries to African countries.

EVANS: Right. And Middle Eastern countries.

WASEM: And Middle Eastern. So, is there some kind of a connection there with regard to the

diversity visa is trying to take care of some of the refugee issues or the...?

EVANS: Well, they wouldn't. There was a separate path for refugees. I think there certainly was recognition on the part of many African-American and Middle Eastern and Northern African-Americans that the program lost its support when the flow shifted to other parts of the world. So that certainly was an issue when this came up in 2013, when the Senate was debating this. The Senate bill, the immigration reform bill that passed the Senate in '13, eliminated the diversity lottery but had provisions to allow for flows of immigrants from again, from these parts of the world. So it would have aimed at mitigating the racial impact of eliminating the diversity lottery.

WASEM: Uh, I see. OK.

EVANS: Because it was recognized that there is a racial side. That was part if you look at the Senate debate.

WASEM: Let's move because we're trying to get a lot. I have your time for a limited amount of time and I want to pick your brain on a lot of things, so can you talk to us a little bit too about family-based immigration chain migration. What are the policy issues around family-based immigration? Is there a need to reprioritize this and to limit its scope?

EVANS: Well, this has been an issue for some time. Family-based immigrants make up two-thirds of the flow each year of people becoming legal permanent residents. So they dominate. And but it's been a core principle. It dominates by design. It's been important for over 50 years in the immigration flow and it's been our top priority to reunite families. And because we have numerical limits on immigration, there are probably 4 million people with approve pending family-based petitions. They've been approved, they have the demonstrate relationships. But are waiting in line under the numerical limits to come in. So, we're in a situation where we have categories of family-based admissions where there are many more people in the world who are eligible and who qualify for a visa than we have set under our numerical limits. So it begs the question, should we be narrowing what we consider family reunification?

Now, I want to clarify the use of chain migration. Chain migration is a standard demographic term. I used it a lot. I'm struck by how it is now being used as a pejorative. There is no reason to think it's a pejorative. If I go on a cruise, meet somebody, we get married, my husband comes with me. And then later when he's a U.S. citizen, his ageing mother comes and lives with us. Calling that like chain migration when it's the natural course of life events kind of strikes me as a bit overreactive. But it is true that cutting back on some of the categories of family-based admissions have been on the table for many years.

WASEM: So when do we talk about categories?

EVANS: We're talking about adult brothers and sisters of U.S. citizens. We're talking about adult married children of U.S. citizens. So what the Trump administration I believe is proposing is to limit family-based admissions to what we call immediate relatives under the law. And that is your minor children, your spouse and your parents. And any of the other relatives like your adult children would not qualify under this.

WASEM: We don't know there for sure. There's just something.

EVANS: Yeah, we are presuming it based on what he said and also taking a look at some of the legislation he's admired like the bill by Tom Cotton, and Sen. Cotton (R-Okla.), and Sen. Perdue (R-Ga.). The kinds of things that they would cut out would narrow it down. So it does raise — it's a tough question. It's a tough question, I'm not going to deny it. And I think it is something that's worthy of a serious national discussion.

WASEM: Are you comfortable with the data that we have on this in terms of numbers like part of this people again, this is the popular perception. That's why I want to have this policy is called policy on purpose is trying to get information and facts. Do we have really good factual information on whether we're bringing in second and third cousins? Are most of these —

EVANS: Well, no.

WASEM: Because we were just saying this under the law you can't try it.

EVANS: We're not. The law is pretty clear about this.

WASEM: Yes.

EVANS: Now over the course of several generations, the example I gave earlier, I go on a cruise, I marry someone, he becomes a citizen, he petitions for his mother. If she lives here long enough and she becomes a citizen and so my sister-in-law that is living in Germany, my mother in-law who's a U.S. citizen at by that point in time could petition for her daughter in Germany to come in. So that's kind of how it works. But we're talking about a long period of time through our system because generally speaking, once you're admitted as a legal permanent resident, it's five years before you go through the citizenship process if you choose to do that and pass the tests and do all that. And as I told you before, there are 4 million people already waiting for visa in the family-based categories. So, my sister-in-law would have to get to the end of the line.

WASEM: And we're talking about something that if I just got married is a good 15 years out. So I hope she's healthy *[laughter]*. OK. She won't qualify. So I think that the thing about the numbers is you can do some speculations. But we're not talking about a snap your fingers and everybody's cousins coming in.

EVANS: Yeah. This is what we're talking about now in terms of we're looking at several of these pillars. Some we're talking about the diversity visa lottery, as you're saying, is really kind of low-hanging fruit not effecting a lot of people here like you know family-based immigration. Again, what you're going to be changing is not all that significant.

WASEM: Uh no, I think it is.

EVANS: In terms of — uh, it is significant.

WASEM: I think it is.

EVANS: OK.

WASEM: Because it is the largest single group of who comes into this country and it's foundational

to how we've always defined ourselves under family reunification. So changing it is would be a major change and a major shift in the direction of our priorities.

EVANS: OK. So going from an immediate family that some people think as a nuclear family, rather than an immediate family, when you're thinking about a daughter-in-law. That's a mother- or son-in-law, that's what we're going from something that we normally think is a family that you're going to put around and Thanksgiving dinner right versus your having a reunion in a mountain larger in a city with cousins. So those are kinds of decisions. The other thing I really want to talk about get your opinion about is — this an employment-based admission would be favored over family-based admissions. It seems like the others *[overlapping]*.

WASEM: That would be the shift. That's what it sounds like.

EVANS: Yeah. So —

WASEM: The president says —

EVANS: Yeah.

WASEM: Is shifting priorities away from. Now, in some proposals they would just cut immigration altogether.

EVANS: Yeah.

WASEM: But then, other times the president has talked as if he'd be willing to reallocate those numbers that he would cut from family-based over to employer-based. And at the same time is promoting a point-based system. Now, my concern with that, and I think it's something for us to think about, is we're shifting then from an immigration priority that pits US citizens and their family against businesses and corporations. In terms of who sets immigration policy. Or the rights of a citizen to be reunited with their family less than a corporation and their expectation for certain types of workers. So again, there's a lot of minefields.

EVANS: Yeah.

WASEM: In this one. A lot of minefields. And the president and some of his supporters have been talking extensively about shifting it to a point system. This is not a new idea. Point systems were on the table in 1990, and Congress rejected them. In fact, they got morphed into the diversity visa lottery, and that's why the criteria for what you had to do to win the lottery included economic skills, and they were on the table in 2006, 2007, when President Bush and McCain and Kennedy had their immigration bill — that was one of the reasons that bill ultimately went down. And they were rejected again in 2013. One of the reasons that the points system gets rejected is not that it doesn't have some inherent value of thinking. So I'm fascinated by the point system because it's — it's about having a conversation, and a process to think. OK. What type of immigrants are in our national interest? Who is it that we need? Do we need unskilled laborers picking fruit, or do we need high-tech biomedical people working in labs? Who is it that we need? And I think that's a good discussion. The problem came in is that business? Well, it's kind of like family based. It's who you know. Just like with immigration policy, the family is who you marry, or who's your blood relatives, and in business, it's who you want to hire. Our current employment-based system is based on an employer making a decision having gone through a national and international job

search, that this is the person I want to hire. It's a personal choice. So that whole screening process about on national need, we're giving that to the employer. And their best judgment. And employers, generally speaking, do not like a point system, just like the average American wouldn't say, uh well, we've admitted all the best people from around the world, and you can choose your spouse from this group any more than an employer wants to be told, this is the pool from which you can hire. It's part of the American DNA. We like to make our own choices.

EVANS: Yes. I think that's a very good [point]. I haven't heard it that said that way in terms of these comparisons. I think that's a very important thing to keep in mind as we move through this. So again, I'm trying to respect your time but there is one more area that is the four pillars is the wall. And you know obviously in Texas this is important because we have the longest international border in the United States. And this is an important issue for us in Texas as well as nationally. Can you talk to us a little bit about the approach the Trump approach to the wall in terms of building a physical wall.

WASEM: The wall — I don't understand why you would argue... we got a raise of course, why do we need a physical barrier? Now, I think we need major improvements to border security. I'm not saying we don't infuse a lot of public money into border security. But the first place I would put that is in infrastructure at the ports of entry. The infrastructures are dated, everyone who has researched, the field of whether you're talking about criminal elements, or national security risks, they are not crossing the desert. They're coming through ports of entry. And we need to beef them up not just for our public safety, but for our commerce. Goods and services need to move elegantly and efficiently through our ports of entry. And they are obsolete and dated and vulnerable. That's where the money should go. And if we have money left over, there are all sorts of surveillance techniques — all sorts I don't want to minimize them by calling them high-tech, but there are so many ways to surveil our border.

And frankly, when you look at the globe, and you look at countries that are peaceful neighbors. We probably already have the most surveilled border in the world. I mean, you have to go to warring in countries like India and Pakistan that are at odds. Or the Koreas to find places, ratchet up to the extent that our current president is talking about. So I think, we're the smartest group of people in the world. We can come up with much more sophisticated ways to secure our borders than a physical structure.

EVANS: Thank you, Ruth. Ruth, I want to invite you back because this is just the beginning. *[laughter]* It's not to begin back to the future in a lot of these different provisions. These are recurring issues, and we are these struggles are really important struggles. So, I hope you'll come back as this moves along in the Congress, moves along in terms in the state of Texas. So thank you so much, Ruth.

WASEM: My pleasure.

EVANS: OK. Thank you.