

What Is to Be Done?

An immigration policy for twenty-first century America

BY WAYNE LUTTON AND JOHN TANTON

[Editor's note: This set of policy recommendations has been revised in 2014 from the authors' original 1994 essay.]

There are three main aspects to our nation's immigration problem: illegal immigration, legal immigration, and asylees/refugees. Each of these requires separate attention and reform.

First, a moratorium

Developing the political consensus needed for meaningful reforms will require time. Unfortunately, we do not have much time left. That is why the authors, with their combined 90 years of study of U.S. immigration problems, have concluded that first we need to declare an immediate moratorium on immigration into the U.S. — to enable us to get the situation under control.

Only with a pause in immigration — a timeout — will we be able to coolly debate this issue, formulate strategies, and implement new policies.

Throughout our history, periods of high immigration have always been followed by long breaks in the flow that provided time to assimilate recent arrivals. Such pauses in immigration occurred during the Colonial period, again through the 1860s and 1870s, and most recently from 1925 to 1965.

Since the mid-1960s, we have experienced nearly 50 years of massive, constantly expanding and uninterrupted immigration — greater than the heavy immigration between 1890 and 1914. Since 2000, the U.S. has admitted over thirteen million legal immigrants.

The first two of the earlier breaks were *not* brought about as acts of deliberate public policy. They were accidents of history. However, the third one, beginning in 1917, was passed by Congress in response to popular demand.

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By 1924, Congress had passed laws reducing immigration from over 1 million a year down to about 150,000. This is what needs to happen again. And it is for this type of moratorium that we specifically call — with a reduction on the same order of magnitude.

If we limited immigration to only spouses and dependent, minor, never-married children of U.S. citizens, and a few bona fide political refugees, we would still be admitting about 200,000 persons per year...not as steep a cut as 1924.

As for refugees, the United States has done more than its fair share over the past 70 years, taking in more refugees for permanent resettlement than the rest of the world combined. (Many other countries take in people *temporarily*, until they can move on to some other country — too often the U.S.!) During the moratorium, we should call on the other signers of the UN Resolution on the Status of Refugees to do their part. Strictly acting as a *temporary* haven (for details, see the section below on asylum and refugees), the United States might continue to accept a very small number of refugees.

A moratorium would give us a chance to gain control of immigration and to have the open and honest public policy debate needed to frame the type of immigration policy we want for the twenty-first century.

What is the purpose of immigration?

First and foremost, Congress must decide on the purposes of immigration to guide its legislative efforts. Father Hesburgh of the Select Commission on Immigration and Refugee Policy called for this in the early 1930s. Amazingly, we still do not now have such a document or consensus on exactly what we are trying to achieve. It is little wonder then that we have an inconsistent and incoherent policy, since we do not know what our objectives are.¹

In our view, such a statement would, as a minimum, make it clear that immigration is to serve, first and foremost, the interests of the American people. It should be subservient to other American goals for the general economy, employment, education, health, welfare, population, and the environment. It would hold that illegal immigration is unacceptable and must be reduced to the

practicable minimum. Finally, it would assert that We, the People (not previous immigrants, nor others overseas), should determine who enters, in what numbers, and what measures will be used to enforce these limits.

Here are our ideas for a new immigration policy:

1. ILLEGAL IMMIGRATION

We consider illegal immigration first. If people are not following the rules governing entry into a country, it makes little difference what those rules are. So initially, we must get illegal immigration under control.

Illegal aliens enter in one of two ways: they either enter the country be stealth without valid documents, or they come with legal documents, and then overstay their welcome. People cross into the U.S. chiefly over our land borders with Mexico and Canada, or through our ports — the air terminals and seaports.

The land border has two parts to it: the formal ports of entry, manned by the Immigration and Customs Enforcement (ICE), where people can pass through legally and under inspection. Then there are the stretches between these entrances where *no one* is supposed to cross into this country. These are guarded by the U.S. Border Patrol.

Immigration enforcement for the interior of the United States is the responsibility of ICE. Every year, investigators must contend with the 2 million or more aliens who manage to elude the Border Patrol, or who enter through our seaports and air terminals, often sporting tourist or student visas, or claim to be refugees seeking asylum. For this huge task, their ranks are thin indeed.

Protecting our border

To better prevent surreptitious entry across the border between the ports of entry, we need more Border Patrol agents and equipment; better barriers, including ditches and fences; better cooperation between ICE and the Drug Enforcement Administration; use of the National Guard when appropriate; and access to mili-

tary equipment as needed. We may very well need to deploy National Guard and regular military personnel on the border. Mexico and Israel do, as a way to control the illegal influx of people into their countries.

Back in 1982, Mexico created a 4,000-man quick reaction force to protect its own southern borders from aliens. The purpose of the force, according to a government spokesman, was “to defend the country’s southern border... against a spill-over of Central America’s turbulent guerrilla wars.”

A realistic goal for border enforcement measures is not absolute, 100 percent prevention of illegal entry. Rather, as with any law enforcement issue, it is reduc-

ing it to tolerable levels.

It is simply not true that we “cannot” do much more to control our borders than we have in the past, as apologists for the status quo often argue. While U.S. armed forces are currently deployed around the globe to secure the borders of such distant countries as South Korea, Kuwait, and Macedonia (to name

but a few), the fact remains that our political leaders have never tried to secure the borders of our country.

Building better barriers and maintaining patrols around the clock along the most heavily crossed area can clearly go a long way toward minimizing illegal entry.

Securing Our Points of Entry

To prevent illegal entry through the ports of entry, we also need more personnel and better equipment to speed and increase the accuracy of inspections. Border-crossing documents should be machine-readable; more drug-sniffing dogs would be helpful; and a program to discourage document fraud is essential.

The murderer of two CIA officials at the agency’s headquarters in Langley, Virginia (January 25, 1993), most likely entered the U.S. on a forged Pakistani passport. (Trade in fake visas flourishes in Karachi and Quetta — his points of departure.) Two weeks after he arrived in this country, he claimed that his passport had been lost and another was issued. This is a common tac-



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tic used by persons travelling on forged documents and underscores the need for more secure identification documents.

Controlling our ports of entry is a task of mammoth proportions. In any given year, over 300,000,000 aliens enter the U.S.² If we misjudge just one percent of those applying for admission, it comes to 3,000,000 people per year! That alone is more than 10 times our proposed moratorium flow! Cross border traffic itself may need to be reduced, though this flies in the face of the North American Free Trade Agreement (NAFTA), which was adopted in 1994 without specific provisions for controlling immigration. These will now have to be arranged after the fact.



Disincentives

In addition to securing our borders and ports, the campaign against illegal immigration must include employer sanctions — penalties against employers who knowingly hire persons not lawfully in the country and entitled to work here.

Employer sanctions must be defended against continuing attacks in Congress and the courts, and strengthened by some form of electronic or call-in verification system, so that employers can easily and accurately tell whether a prospective employee is legally in the country. This could work similarly to the system used by merchants to verify credit cards.

Second, denying health and welfare benefits to those not legally in the country is a must if we are not to become the hospital and welfare agency for the world. These benefits attract people and the costs are prodigious. This will also require some system of secure identification to confirm that applicants are qualified to receive benefits.

Third, we need enhanced measures to counter crime, including anti-smuggling, anti-fraud, and violent

gang task forces; better drug enforcement; and proactive as well as reactive efforts to deal with alien crime syndicates or criminal organizations.

Overstays

The problem of overstays can be addressed through better screening by our State Department and consular officers overseas where visas are issued. We need to consider such devices as bonds to assure return, and/or non-refundable roundtrip airline tickets. All documents should be machine-readable at the ports of entry. Records of those who do not leave the country on time should be turned over to ICE.

Interior enforcement

For all kinds of illegal immigration, we need a vigorous interior enforcement system to apprehend illegals once they are in the country. We cannot tolerate a situation in which you are “home free” if you manage to slip into the country. This means hiring more agents for interior work. We must also insist that state and local police and social service authorities cooperate with ICE. This is now prohibited by many local governments.

Illegals in jail should have deportation hearings while still in custody so they can be deported immediately when they have served their time. They should not be allowed back into society, as now often happens.

Many other measures are possible and necessary, but this short list will show that it is feasible to control illegal immigration if we have the will to do so.

II. LEGAL IMMIGRATION

The basic and most fundamental requirement for legal immigration is an overall, inclusive ceiling covering *all* classifications of entrants, including refugees and asylees.

How might we set the ceiling for the numbers to be admitted? It certainly cannot be on the basis of demand, for there are literally tens of millions, if not billions, of people who would come to the United States if they could.

How many and who?

Rather, a ceiling must be set in view of our own national interests. The chief consideration, in our opinion, should be the demographic future we desire for the United States. How big do we want our population to get? And how fast do we want to get there? Of what groups do we want our population composed, and in what proportion? We need, as a nation, to debate and settle these points during the moratorium we have proposed.

During the 1970s and 1980s, picking an immigration ceiling was an easier proposition, since fertility in the U.S. was below replacement. We could afford some

additions to our numbers through immigration and still look forward to stabilizing our population.

In the twenty-first century, U.S. fertility remains high. According to the U.S. Department of Health and Human Services, National Vital Statistics Report, a total of 3,952,841 births were registered in the United States in 2012. When population growth from immigration is added to this, it means that, if allowed to continue, the U.S. population will never stop growing.

We believe, as poll results suggest, that very few Americans want this. After all, our population has multiplied sixty-four times since 4 million people were counted in the first census in 1790; if it doubled two more times, we would be bigger than present-day India, nearly as large as China, with a standard of living headed in their direction.

If overall U.S. fertility rates rise above replacement, then immigration must virtually cease if we are to stabilize our population. Were this achieved, our population would continue to grow unless birthrates fell to replacement levels. Paradoxically, the main reason the U.S. birthrate has gone up is the high birthrates of recent immigrants.³

Three-hundred million is enough!

Given current fertility rates, immigration must be sharply reduced if we Americans want to stabilize our numbers just above 300 million — twenty percent above the 1990 level of 250 million. Three-hundred million Americans are more than enough to provide any economies of scale, and might — with good planning, and a good measure of luck! — still allow us and our children to enjoy a decent quality of life for many years to come.

The alternative of perpetual population growth, with all that it implies for our political system, the environment, and the quality of our lives, is simply not acceptable.

Some other specific measures

There are many other details on legal immigration that need attention. After clearly stating the purposes of immigration policy, and setting an overall ceiling, we need to:

- Stop chain migration, where the admission of married sons and daughters, or married brothers and sisters, opens up the spouses' extended families to immigration. We should admit only nuclear family units: spouses of U.S. citizens and their dependent, minor, never-married children.
- End the absurdity of granting U.S. citizenship simply by virtue of being born on U.S. soil, even if the parents are illegal aliens.

Scholarly opinion holds that this *does not* require a constitutional amendment.⁴

- Deter marriage fraud, whereby an alien obtains legal resident status through a sham marriage to a U.S. citizen.
- Require foreign students to return home after their training in the U.S.
- Implement the Systematic Alien Verification for Entitlement (SAVE) program nationwide, to reduce fraudulent immigrant claims on welfare.
- Tie our immigration program to the needs of our labor market to assure that newcomers do not displace our own people in the workforce. Move the administration of immigration back to the Labor Department, where it was before Franklin Roosevelt transferred it to the Justice Department in the 1940s.
- Assure that all aliens do not get the right to vote until they are naturalized, and that illegal aliens are not counted for representation in our legislative bodies.
- Prohibit affirmative action benefits for immigrants.
- Give credits for knowing English in the selection of immigrants, and require English language skills in the naturalization exams that are high enough so that newly naturalized citizens can vote in English. Then repeal the bilingual ballot section of the Voting Rights Act, and end other mandated bilingual programs in education and public services.
- Fully automate ICE and simplify the immigration laws so they are no longer a lucrative field for lawyers; charge adequate fees to cover the services rendered; provide citizens legal standing to sue to enforce immigration laws, and provide for a “sunset” on the basic immigration law, so that Congress must reconsider and revise it every few years (as is done with other programs) to help it conform to prevailing economic, social, and political conditions.
- Transform the Social Security card into a fraud-resistant identification document for *all* entitlement programs. Do the same for state drivers licenses.
- Close the local government-sponsored centers that help place illegal aliens in jobs.
- Finally, grant no more amnesties!

This is only a partial listing of measures that need to be taken. But enactment of these proposals would go far to achieve our goal of controlling immigration. All we need is the will to act.

III. ASYLEES AND REFUGEES

The question of how to deal with asylees and refugees is one facing all developed countries. With population “push” pressures developing and with so few legal immigration avenues open, prospective immigrants are abusing the asylum and refugee system as a means of entering developed countries, including the U.S.

Temporary succor

First of all, we need to completely revise our refugee policy, changing it to one of *temporary* haven rather than permanent residence. All the beneficiaries should agree in advance to repatriation when conditions at home allow it. Then, we must insist that the other 126 nations who have signed the UN Resolution on the Status of Refugees take their proportionate share of refugees.

The UN High Commissioner for Refugees argues that the main solution for refugee problems worldwide must be repatriation, with financial support for the countries of first asylum (usually a neighboring country).

We, in the U.S., can get the most good from the limited dollars as we have available for refugee assistance by spending them on refugees in their country of first asylum. This will allow us to help many more people than does the current policy of bringing a few persons here for very expensive diplomatic and economic pressure at our disposal to improve the demographic, political, and economic conditions in source countries, to reduce the push for immigration.

End the brain drain

One effective way we can help the countries of origin is by assuring that their educated classes do **not** emigrate to the U.S., but rather stay home and work to change the conditions they find unsatisfactory. How else can conditions be improved and the pressure for migration be reduced?

It would be self-satisfying and politically expedient to call for large-scale foreign aid to the source coun-

tries, since so many “refugees” are in reality economic migrants. But over 70 years of foreign aid efforts leave us still debating what measures are effective. And, in any event, our till is empty. We would be less than candid to suggest that the world’s migration problems can be solved through more foreign aid.

IV. THE END OF THE AGE OF MIGRATION

From the dawn of human history, picking up and moving on has been a workable solution to many human problems. However, there are no longer any vacant, habitable regions to which one can run. Every liveable area is now occupied, if not to its absolute carrying capacity, at least to a level where few of the current residents will welcome any newcomers.

Of all the members of the United Nations, only a handful still take in any substantial numbers of legal immigrants, and it seems very likely that even those countries will in the near future conclude that they have reached their limit. What then?

Mass migration is no longer a solution to human problems. People will now have to stay in the land of their birth, and work to change the conditions they do not like. This is the effort that should be occupying our attention and efforts, not shuffling the deck chairs on our global *Titanic*.

International migration is yesterday’s solution for yesterday’s less-crowded world. ■

Endnotes

1. For those who wish to pursue this topic, we recommend Otis L. Graham, Jr.’s *Rethinking the Purposes of Immigration Policy*, Center for Immigration Studies, 1629 K Street, NW, #600, Washington, D.C. 20006, 202-466-8185.
2. U.S. Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service*, 1992 (Washington, D.C.: U.S. Government Printing Office, 1993), p. 170.
3. Leon Bouvier, *Fifty Million Californians?* (Washington, D.C.: Center for Immigration Studies, 1991).
4. Peter H. Schuck and Rogers M. Smith, *Citizenship Without Consent* (New Haven: Yale University Press, 1985).