

The Case for a Moratorium

By **EDWIN S. RUBENSTEIN**

Everyone is against illegal immigration (they say). Problem: legal immigration is actually the bigger problem. The legal influx is larger, growing faster, potentially more disruptive—and, because it is set by inflexible statute, just as much out of control.

If, by some miracle, we deported all illegal aliens and prevented new ones from entering, the foreign-born share of the U.S. population would still increase due to new legal immigrants and their U.S.-born children.

Under current immigration policy, immigrants and their U.S.-born children will account for about 80 percent of U.S. population growth, and all of U.S. employment growth, between 2010 and 2050. A 40-year moratorium on new immigrants would reduce the projected 2050 population by 116 million, or 26 percent, below the level that would be reached under current policy, according to the Census Bureau.¹

A temporary halt, or moratorium, on legal immigration may be required to protect the economic well being of native-born Americans.

A 40-year moratorium will lower the foreign-born share of the labor force and raise native wages. Government deficits would fall by hundreds of billions of dollars without cutting benefits to natives or immigrants already in the country. Income inequality would decline.

But the concept of an immigration moratorium has not caught on. Instead, the central feature of immigration legislation since 1965 has been an overall ceiling, or cap, placed on annual legal immigration.

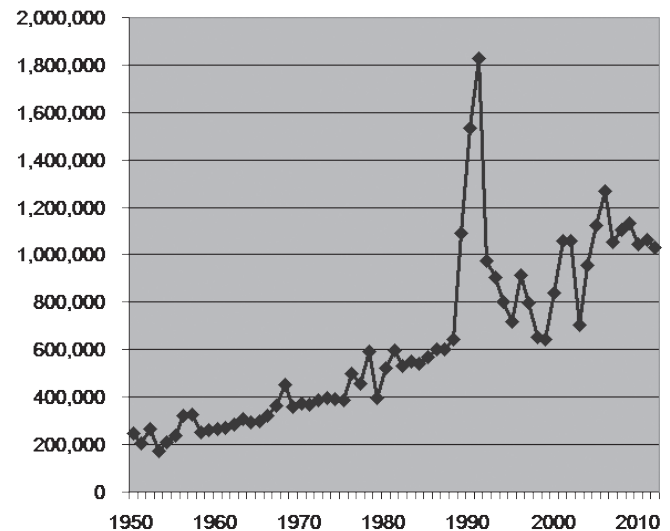
The 1990 immigration law “capped” legal immigration at 700,000 per year. It is still the law of the land. Yet since 1990, there have been only two years in which legal immigration has been below that level.

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From 2005 to 2012 (the latest data) the annual influx of legal immigrants has exceeded 1 million each year. If you exclude the post-IRCA amnesty spike of the early 1990s — which reflected the 1986 amnesty of illegal aliens already here — never in our history have so many come in legally in such a short period of time.

Persons Obtaining Legal Permanent Resident Status, FY1950-FY2012

(Data source: Department of Homeland Security)



By contrast, the illegal immigration population dropped significantly at the onset of the Great Recession. Over the past few years the stock of illegals has stabilized.²

There are about 30 million legal immigrants in the country.³ Notoriously, the U.S. government doesn’t know how many illegals are here. The official estimate is 12 million, but it could be as high as 20 million. This is certainly a scandalous situation. But, either way, there are still more legal immigrants — and their numbers are growing faster.

Leaky caps

Why doesn’t the 1990 “cap” on legal immigration work? Because it exempts “immediate relatives” of U.S. citizens. Current immigration law allows both naturalized and U.S.-born citizens to bring in their spouses, children, and parents without limit — a never-ending

TABLE 1
Legal Immigration to the U.S., 1997–2012
 (Persons Obtaining Legal Permanent Resident Status by Type of Admission)

Fiscal Year	Total	Family-sponsored preferences	Immediate relatives of U.S. Citizens	Employment-based preferences	Refugees and Asylees	Other(a)
1997	797,847	213,292	320,768	90,490	112,060	61,237
1998	653,206	191,396	282,617	77,413	52,048	49,732
1999	644,787	216,705	257,715	56,678	42,509	71,180
2000	841,002	235,092	346,350	106,642	62,928	89,990
2001	1,058,902	231,699	439,972	178,702	107,981	100,548
2002	1,059,356	186,880	483,676	173,814	125,798	89,188
2003	703,542	158,796	331,286	81,714	44,764	86,982
2004	957,883	214,355	417,815	155,317	71,230	99,166
2005	1,122,257	212,970	436,115	246,865	142,962	83,345
2006	1,266,129	222,229	580,348	159,075	216,454	88,023
2007	1,052,415	194,900	494,920	161,733	136,125	64,737
2008	1,107,126	227,761	488,483	164,741	166,392	59,749
2009	1,130,818	211,859	535,554	140,903	177,368	65,134
2010	1,042,625	214,589	476,414	148,343	136,291	66,988
2011	1,062,040	234,931	453,158	139,339	168,460	66,152
2012	1,031,631	202,019	478,780	143,998	150,614	56,220
Total, 1997-2012:						
Number	15,531,566	3,369,473	6,823,971	2,225,767	1,913,984	1,198,371
% of total	100.0%	21.7%	43.9%	14.3%	12.3%	7.7%

a. Includes diversity lottery, Nicaraguan Refugee Fairness Act, cancellation of removal, and unclassified.

Data Source: Dept. of Homeland Security, Yearbook of Immigration Statistics, various years, Table 6.

<https://www.dhs.gov/yearbook-immigration-statistics-2012-legal-permanent-residents>

chain. Legal residents (i.e., Green Card holders) may have to wait several years before bringing their families to America (legally). But of course, once they're here, they're here.

The “immediate relative” loophole accounted for 478,780 immigrants in 2012 — about 46 percent of all immigrants admitted that year. Over the past 15 years it has been far and away the largest category of legal immigrant admissions.

Proposal 1: Enact an “immediate relative” moratorium, during which only the spouse and the couple’s dependent, never married children would be admitted. This would break the migration chains by not including parents, siblings (especially married ones), or other relatives.

Such restrictions on what constitutes an extended family member would reduce legal immigration significantly without lowering the overall cap.

Proposal 2: Eliminate two egregious loopholes which illegal aliens exploit to make themselves citizens. First, the anchor baby scam whereby a child born in the

U.S. to an illegal alien mother is automatically a U.S. citizen. Second, the marriage scam, by which marriage to a U.S. citizen confers citizenship upon illegal alien spouses. Marriage rings have orchestrated hundreds of sham nuptials for the purpose of obtaining green cards for local and overseas clients.

The 1990 Act increased the number of *Employment Based Visas* from 54,000 to 140,000 — where it stands today. Over the past fifteen years 14 percent of all legal immigrants were admitted on these visas. Many of these individuals are already working here as temporary nonimmigrant workers, i.e., H-1b visa holders. (See below.)

The assumption behind this vast expansion was that the nation faced a severe shortage of skilled workers — a shortage only foreign-born workers could fill. This was a myth. The reason Americans shun science and engineering fields is simple: salaries have not kept pace with those in other fields, while the time and expense of obtaining a degree in those areas has skyrocketed. For foreigners, of course, an American salary remains

attractive—relative to their options at home.

The Employment Based visa program is simply a form of corporate welfare for the high-tech industry. By flooding the Science and Engineering labor market with cheap immigrant labor, it only makes the problem worse.

Proposal 3: Cut the 140,000 per-year ceiling as close to zero as possible whenever the overall science and engineering unemployment rate remains above, say, 5 percent, as was the case during the Great Recession years 2009 and 2010. Alternatively, government projections for Science and Engineering job growth should be used to adjust the number of Employment Based Visas issued annually.

Refugees are another category exempt from the worldwide limit. A refugee is defined as “an alien outside the United States who is unable or unwilling to return to his or her country of nationality because of persecution or a well founded fear of persecution.”

A sister category — asylee — refers to such people who have somehow already gotten into the U.S. Refugees and asylees accounted for 12.3 percent of all legal immigration over the past fifteen years.

The 1980 Immigration Act authorized federal funding for the resettlement of refugees. These tax dollars created a de facto refugee assistance industry, non-governmental organizations (NGOs) dedicated to expanding refugee assistance programs even when the underlying need has diminished. The reason, of course, is money. Refugee NGOs are quite profitable. Fifty-eight percent of Catholic Charities’ budget, for example, goes to salaries, including \$150,000 for its director.

The industry presents itself as a paragon of good works, helping refugees attain economic self-sufficiency. Behind the PR is a brutal truth: refugee NGOs routinely abandon their charges before they find work, moving on the next, more profitable, cycle of fresh refugee admissions.

There are an estimated 15 million refugees in the world. If the U.S. (and every other “rich” country) were to double, triple, or (fill in the multiple) spending on refugee resettlement, only a fraction of the global refugee population could be absorbed. Refugees are better served by upgrading their camps and removing barriers to their repatriation than allowing a lucky few to settle in a place like the U.S.

Proposal 4: Place an immediate halt on all refugee and asylee programs. Audit all such programs with an eye towards terminating those that have outlived their usefulness.

The “diversity lottery” dominates the “other” category. It allows millions of people around the world to send in an electronic lottery number from which 50,000 winners are picked each year. Diversity visas are only

available to countries with low rates of immigration to the U.S. Countries in Africa and Eastern Europe are some of the main beneficiaries in recent years.

Since no ties to relatives in the U.S. are required, the program was supposed to allow a more geographically diverse group of people to obtain permanent resident status.

It hasn’t worked. Most of the winning lottery tickets are eventually disqualified because of fraud — many individuals sending in multiple entries under different aliases. And the winners are disproportionately from the Muslim world — with several implicated in terrorism in the United States.

Proposal 5: Eliminate the Diversity visa. Most diversity visa applicants have opportunities for green cards through other programs. The rampant fraud and security risks outweigh the benefits.⁴

And then there are legal “non-immigrants,” a group that includes H-1Bs who are admitted because their (allegedly) high-tech skills are (allegedly) in short supply. H-1Bs are capped at 65,000. They are supposed to be temporary workers who return home when the shortage passes. In fact, most stick around until their employers sponsor them for permanent resident status, green cards, and ultimately, citizenship.

The law requires employers to pay H-1B workers either the same wage as other employees with similar skills or the “prevailing wage,” whichever is higher. Sounds good, until you realize that: a. employers write H-1B job descriptions so as to ensure that no native workers have comparable skills, and b. employers are allowed to conduct their own wage surveys in calculating the prevailing wage.

In his comprehensive analysis⁵ of this scam, author John Miano writes:

Through this mechanism, employers paying low wages are simply re-affirming their own low standards, rather than providing a real comparison to industry or wider labor market standards.

Another guest worker program, the H-2B, admits persons who “perform services unavailable in the U.S.” They’re mainly seasonal workers in tourist areas and construction sites. This program is also “capped” at 65,000 per year.

And in case you’re wondering: a. spouses and children of guest workers are not counted towards the cap, and, b. as with illegal aliens, a baby born to guest workers makes them nearly impossible to deport.

Proposal 6: Require U.S. employers to pay a hefty fee, say \$25,000 or \$50,000, for each H-1B hired. If the candidate is truly unique and possesses skills not available in the U.S., employers will pay the fee. If not, an equally qualified U.S.-born native will fill the bill.

A moratorium in today’s economy

Too many people. Not enough jobs. This is the dilemma facing the U.S. economy. Even though the employment picture has brightened since the depths of the Great Recession, few would characterize it as sunny. Certainly not native-born workers.

Although the general unemployment rate has declined, immigrants have received the lion’s share of new jobs. Over the past five years (January 2009 to January 2014) the number of immigrants working in this country rose by 2.1 million, or 9.7 percent, while native-born employment rose by 905,000 — a mere 0.7 percent.

Historically, the federal government has done a better job of reducing the number of job seekers than in creating jobs. The “Great Wave” of mass immigration in the late nineteenth and early twentieth century was ended first by World War I and then, in the early 1920s, by federal immigration legislation. The restrictionist policies capped legal immigration at between 50,000 and 160,000 per year over much of the next 40 years. As the immigrant share of U.S. population fell, economic conditions of ordinary native-born Americans

rose. Groups that had been displaced by immigrants — blacks and uneducated whites — were sought after, used, and paid. The distribution of income became less uneven and more egalitarian.

Not until mass immigration resumed in the mid-sixties did poverty, unemployment, welfare dependency, wage declines, and fiscal deficits become a seemingly inevitable part of the American economy. But memories are short. Washington acts as if admitting one million legal immigrants each year plays no role in the current malaise. ■

Endnotes

1. www.census.gov/.../projections/files/comparison/NP2009_T2.xls
2. <http://www.nytimes.com/2013/09/24/us/immigrant-population-shows-signs-of-growth-estimates-show.html>
3. <http://www.pewhispanic.org/2013/01/29/a-nation-of-immigrants/>
4. <http://fusion.net/justice/story/diversity-lottery-15345>
5. <http://www.newcoalition.org/Article.cfm?artId=18535>

Switzerland: Time to Limit Immigration

The Swiss majority demanded “protective measures” to curb skyrocketing immigration in a February 9, 2014 referendum. “The last years have shown [an increase] in immigration and it was Switzerland’s answer to say, ‘stop. We have a limit,’” said Luzi Stamm, vice president of the Swiss People’s Party. He went on, “the substance of every individual country is to have control over immigration...nobody would agree ‘we just open the borders for anybody who wants to come and live here.’” People who really bring support and can build up Switzerland will be allowed in, but the uncontrolled movement of people will no longer be permitted. ‘Business interests’ and the EU opposed the ballot initiative, which witnessed a record post-World War Two voter turnout.



Swiss Syndrome: ‘Any independent country should have the right to control immigration,’ Russia Today (RT.com), February 24, 2014

—Wayne Lutton