

Bifurcated Immigration and the End of Compassion*

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Despite appearances, the United States continues to be quite receptive to new immigration. In 2015, the last year of record, more than one million persons (1,051,031) were admitted for legal permanent residence in the country. As enshrined in immigration law, the two primary channels for legal permanent entry are family re-unification and occupational qualifications. Family re-unification, responding primarily to petitions by U.S. citizens, is the primary driver of the process. In 2015, immediate relatives of U.S. citizens (spouses, children, parents) accounted for almost half to the total legal flow (465,068). To this must be added another 214,000 brought in as more distant relatives of citizens or immediate relatives of non-citizen residents.

In total, family connections accounted for about three-fourths of the legal permanent inflow during the last decade. Built into the system, there are other quaint features like “diversity visas”, designed primarily to encourage migration from European countries. In 2015, almost 48,000 new immigrants took advantage of this channel. The sizable inflow of migrants, reflected but not limited to legal permanent entry, is responsible for the sustained growth of the foreign-born population of the nation that, in 2012, reached almost 41 million or 13 percent of the total. If to this number are added the children of immigrants, we have accounted for almost one-fourth of the total population of the country. Without doubt, the United State continues to be a nation of immigrants.

To these trends must be added others that are a source of greater concern. Foremost among them is the bifurcation of the foreign-born population, both geographically and educationally. Overwhelmingly, new immigrants come from less developed countries situated either in Latin America or Asia. For many years, Mexico has been the most important contributor to U.S.-bound immigration and this role continues today. In 2015, 157,227 Mexicans

received legal permanent residence, more than any other country. Mexico was followed, however, by three Asian countries: China (70,977); India (61,380) and the Philippines (54,307). As we shall see presently, the legal permanent flow is only part of the story because to it must be added sizable contingents of temporary legal migrants and those in unauthorized status.

Geographical bifurcation is superimposed on that based on human capital.

Overwhelmingly, Mexican and Central American immigrants are manual workers with low average education and skills, while those coming from China, India, Korea, and the Philippines tend to arrive with above-average educational credentials. The educational split is not due to low average human capital in Mexico and Central American nations, but to a key geographical fact, namely the Pacific Ocean. Indian and Chinese peasants would also love to gain access to the United States and other countries in the rich world but the huge oceanic barrier effectively keeps them from doing so.

Be it as it may, the educational gap between Asian and Latin American nationalities is quite large. According to the last census, 44.5 percent foreign-born Chinese, 51.1 percent Koreans, 70.0 percent of the Taiwanese, and 75 percent of Indians were college graduates. By comparison only 8.4 percent of Hondurans, 6.7 percent of Salvadorians and just 5.3 percent of Mexicans had the same level of education. The high number and high educational achievement of many Asian groups is the determining factors accounting for the non-existent gap in average levels of educations between the U.S. native-born and the foreign-born populations. By the time of the last census, exactly the same proportion of both groups, 28 percent, had college degrees. In 2012, average years of education for both groups, aged 25 and older, were almost at par: 13.4 years among natives and 12.6 years among immigrants who entered during the last five years. Among younger workers, aged 25-34, average educational attainment was the same.

Differences in human capital and, subsequently, socio-economic status among first generation immigrants go on to decisively affect the achievement patterns of future generations. Such differences are then essentialized in stereotypes about below-average “Hispanic” ability levels and the ability and superior achievement of Asian youths. The cultural myths grounded on these obvious educational differences in the parental immigrant generation have been eloquently analyzed and exposed by Jennifer Lee and Min Zhou.

An emerging, and equally important form of bifurcation exists between permanent and temporary immigrants. Since the end of the Bracero Program in 1964, the country subscribed to the idea of immigration as permanent settlement, at least among those coming legally. Accordingly, the federal government sought to suppress unauthorized border crossing, while simultaneously expanding avenues for legal migration. Starting in 1990, things started to change with passage of legislation authorizing temporary entry visas for foreigners of high ability. This was the basis for a new H1-B visa program that authorizes legal residence in the United States for three years for professional immigrants in high demand. The visa can be extended for another three years, provided that the immigrant stays with the same employer.

By 2009, 99 percent of H1-B visa holders had attained a Bachelor’s degree or higher. Forty-two percent were working in computer-related fields and an additional twelve percent in engineering, surveying, and architecture. Geographically, countries of origin of H1-B workers compound the regional disparities observed previously because they come overwhelmingly from Asia. India has pride of place with approximately half of all H1-B visa holders coming from that country. It is followed by China (10% in 2009), Canada (4.1%), and the Philippines (7.3%). The significance of the H1-B program is that it opens a path for legal entry of high human capital flows that it is not conditional on permanent residence in the country. This conditional character

of the visa, tied to a single employer, increases the precarious legal status of the worker. A complaining or otherwise non-pliant H1-B Indian engineer just does not get his visa renewed and must go back home.

Unsurprisingly, the H1-B program has been widely popular with high-tech information, electronics, and engineering companies in the United States which have repeatedly lobbied for its expansion. This popularity is well reflected in the present size of the flow. In 2015, 537,450 H1-B workers and their families were authorized for legal residence in the United States. The figure is larger than the total number of visas granted for family reunification and more than ten times larger than the number of professionals with advanced degrees admitted for permanent residence (44,344). Again, India was the dominant presence in the temporary professional inflow, accounting for about half of the total H1-B visas granted in 2015 (253,377).

More recently, another temporary labor channel has been greatly expanded -- the H-2 program for manual labor. In the wake of the Great Recession of 2008-10, the clandestine flow of Mexican workers going north dried up, being discouraged by both greater repression at the border and the shrinkage of job opportunities in the U.S. As a consequence, crops started rotting in the fields in states like Arizona and Alabama which had been at the forefront of the anti-immigrant campaign. Alarmed by the situation, farmers' and ranchers' urged their lobbyists in Washington to prevail upon the government to do something. The federal government responded by discreetly expanding the H-2A temporary program for agricultural laborers. H-2A visas are granted for one year and linked to a single employer. The number of such visas tripled between 2006 and 2010 from 46,000 to 139,000 workers. By 2015, the program expanded to 283,500; of these 269,000 came from Mexico. In addition, 120,200 non-agricultural manual workers were admitted with H2-b visas in the same year.

What these figures mean is that, tacitly but effectively, the United States has started sourcing its labor needs, at both ends of the skills spectrum, on the bases of temporary contracts. Like H1-B professionals, H2 manual workers are tied to a single employer without a path to permanent residence. While this is convenient from the standpoint of firms that hire both types of workers, it confines them to a condition of permanent insecurity and vulnerability. In 2015, 1,147,000 H1-B, H2-A, H2-B workers and their families were admitted. This is more than the total for legal permanent immigration in the same year.

The other side of the coin is what has happened to the estimated twelve million (in 2010) unauthorized workers and their families who were already in the country prior to the resurrected H-2 program. They came in the years prior to the Great Recession responding to labor demand north of the border. In the absence of a regular legal program to do so, they crossed the border clandestinely. In subsequent years, they stayed in the United States because of the dangers and costs of repeating that journey. Instead, they sought to consolidate and improve their economic situation in American soil, while seeking facilities for their children to enter the school system.

While exceptions exist, this has proven to be a population of law-abiding, hard-working individuals and families seeking to carve a piece of the American dream. The response by the federal government has not been to try to regularize their situation, given the fact that most have committed no crime other than crossing the border clandestinely and that they did so because there was no other alternative. Instead the federal government through its agency, Immigration and Customs Enforcement (ICE), has engaged in a campaign of mass deportations that, over the last decade, saw over 8.1 million migrants removed or returned to their countries of origin. Mexico alone received over three million deportees during the last five years. While such removals are justified by government authorities as a response to the crimes committed by

unauthorized immigrants, the fact is that the vast majority of the deportees committed no crimes or were guilty only of misdemeanors.

Be it as it may, in 2015 the U.S. government removed 242,450 Mexicans from American territory while admitting 268,934 for temporary agricultural labor and another 95,188 for unskilled non-rural labor. In effect, the federal government has set up a revolving door at the border where the same kind of migrant deported by one of its agencies (ICE), is received and granted a work visa by another (USCIS). How much easier, less costly, and less painful would it have been to regularize the situation of individuals and families already in the country. As is well-known, the campaign of mass deportation has caused untold suffering -- tearing families and communities apart, “orphaning” children prematurely, or compelling them to accompany deported parents to a country they don’t know and whose language they don’t speak. Hundreds of thousands now find themselves in that situation in order to satisfy the ire of American nativists and xenophobes. Along with the replacement of legal permanent residents by temporary precarious workers, the deportation campaign reflects a shift from an immigration policy governed by tolerance and concern for human rights to one where the selfish interests of employers at both ends of the labor market and the narrow views of militant nativists rule the day. It is the end of compassion as we knew it in the past and, along with it, the end of the claim to a unique American moral standing in the world.

A related story pertains to refugees. Compared with the effort led by Germany to resettle hundreds of thousands of Syrian and other Middle Eastern refugees in Western Europe, the 70,000 refugees admitted by the United States in 2015 look paltry. Of these, only 1,682 came from Syria. The total number is actually much smaller than the number of refugees admitted in 1980 under President Carter (207,116) or even under the first Bush Administration in 1990

(122,066). No effort has been made to help Western European countries cope with the refugee crisis. Instead, the new Trump Administration is seeking ways to bar new refugee entries from Middle Eastern countries and other regions under the theory that they represent a threat to national security. Just recently, the Administration announced that the total number of refugees to be admitted this year was to be further curtailed to about 45,000.

So far no Middle Eastern refugee in the U.S. has been convicted of committing or seeking to commit a terrorist act. No such acts or attempts have been reported in the few areas of Muslim immigrants' concentration in the country, such as Dearborn or Detroit. But the politics of fear and intransigent nativism have pretty much done away with the rationality, openness, and generosity guiding America's approach toward its newcomers in the past. The words of Emma Lazarus's poem at the base of the Statue of Liberty:

*Give me your tired, your poor,
Your huddled masses yearning to be free,
The wretched refuse of your teeming shore...
I lift my lamp beside the golden door!*

sound rather empty today. They have been replaced by a narrower, short-sighted discourse.

There is no question that immigration policy in all advanced nations have been governed primarily by domestic economic and political interests. But along with it, a measure of humanitarianism and concern for the most downtrodden populations on earth has grown spearheaded by, among others, by the UN High Commission for Refugees (UNCHR). The category of "refugee" and the increasing admission of people under this label reflect this growing concern. The policies implemented by the U.S. government during 2017 reflect a sharp break with this trend and a return to a policy of narrow nationalism. Consequences of this shift will not

only be paid by its victims, the would-be refugees, but by America whose role and moral sway in the world are being increasingly compromised.