



The Truth About Undocumented Immigrants

by Jonathan Yost*

1. “Immigrants -- both documented and undocumented -- bring violent crime”

Increases in an area’s immigrant population have actually been shown to *decrease* the violent crime rate. In addition, native-born US citizens are *more than twice as likely* to be incarcerated than migrants.



Source: Brennan Center for Justice.¹

According to a 2015 report from the Cato Institute, Jacob Stowell and a team of other researchers examined the relationship between violent crime rates and an increase in concentration of immigrants in 103 US metropolitan areas. They summarized their findings with the following statement:

“[T]he weight of the evidence suggests that immigration is not associated with increased levels of crime. To the extent that a relationship does exist,

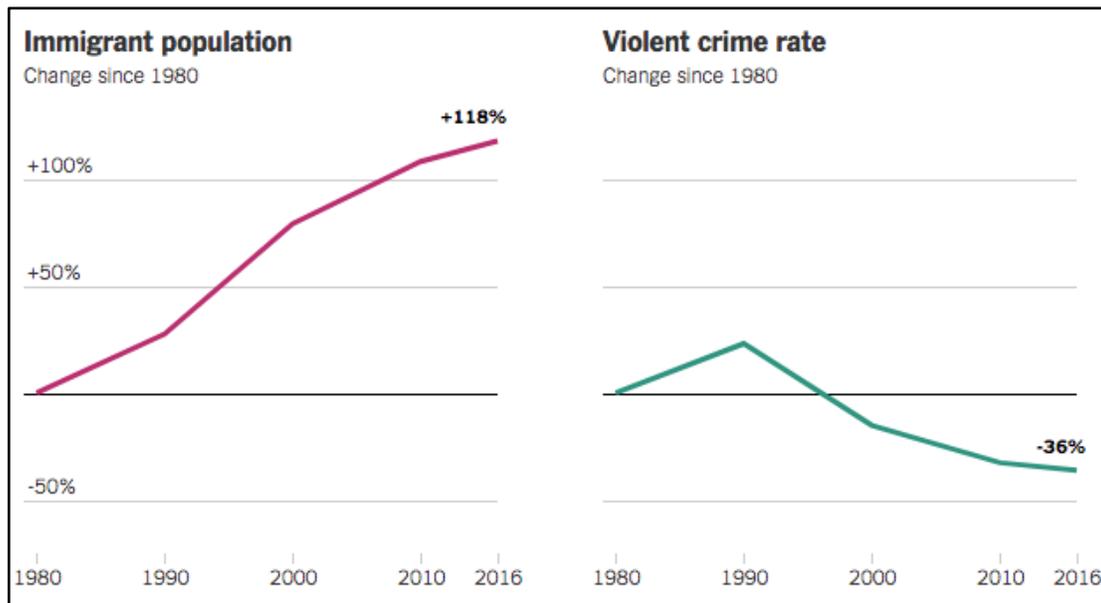
¹ <https://www.brennancenter.org/blog/credit-falling-crime>

research often finds a *negative effect* of immigration on levels of crime, in general, and on homicide in particular.”²

A more comprehensive study examined the same relationship in 200 metropolitan areas over the last several decades. They compared immigration levels and violent crime rates in varying locales across the country with differing sizes in population. They too concluded that overall, the relationship was negative: *more immigrants meant fewer violent crimes*.

According to the March 30, 2018 *New York Times* article reviewing the more comprehensive study, “[I]n 136 metro areas, almost 70 percent of those studied, the immigrant population increased between 1980 and 2016 while crime stayed stable or fell. The number of areas where crime and immigration both increased was much lower — 54 areas, slightly more than a quarter of the total. The 10 places with the largest increases in immigrants all had lower levels of crime in 2016 than in 1980.”³

See the below figure for a visual of the general trend:



Source: *New York Times*.⁴

Furthermore, in 2015, researchers Walter Ewing, Daniel E. Martínez, and Rubén G. Rumbaut of the Migration Policy Institute determined incarceration rates for native-born US citizens to be 3.3% and for migrants 1.6%. Essentially, the native born are *more than twice as likely* to be incarcerated than immigrants -- both documented and undocumented.⁵

Undocumented immigrant crime and sanctuary cities/states:

² <https://www.cato.org/blog/immigration-crime-what-research-says>

³ <https://www.nytimes.com/interactive/2018/03/30/upshot/crime-immigration-myth.html?smid=fb-nytimes&smtyp=cur>

⁴ <https://www.nytimes.com/interactive/2018/03/30/upshot/crime-immigration-myth.html?smid=fb-nytimes&smtyp=cur>

⁵ <https://www.cato.org/blog/immigration-crime-what-research-says>

Based on the lie that immigrants increase crime rates in their place of residence, the Trump administration has pushed for an end to “Sanctuary Cities” and “Sanctuary States.” In theory, these cities and states refuse to assist federal immigration authorities in making arrests of undocumented immigrants. The argument against these cities and states is that they shield what are falsely painted to be violent criminals, and therefore significantly raise crime rates. If sanctuary is removed, crime rates decrease, and therefore public safety increases. According to Dr. Tom Wong of the Center for American Progress, this is simply not true. Not only are crime rates not higher, they are lower than in non-sanctuaries.⁶

2. “Unlawful entry and presence are serious crimes”

Criminal penalties for entering the US unlawfully and being present in the US unlawfully: first-time unlawful entry is a *misdemeanor*. Subsequent entrances are considered low-level felonies. Being undocumented within the boundaries of the US *is not a crime*, only a civil offense. In addition, 40-45% of the entire US undocumented population entered lawfully by plane or boat.

Let us examine the criminal penalties for both unlawful entry and unlawful presence.

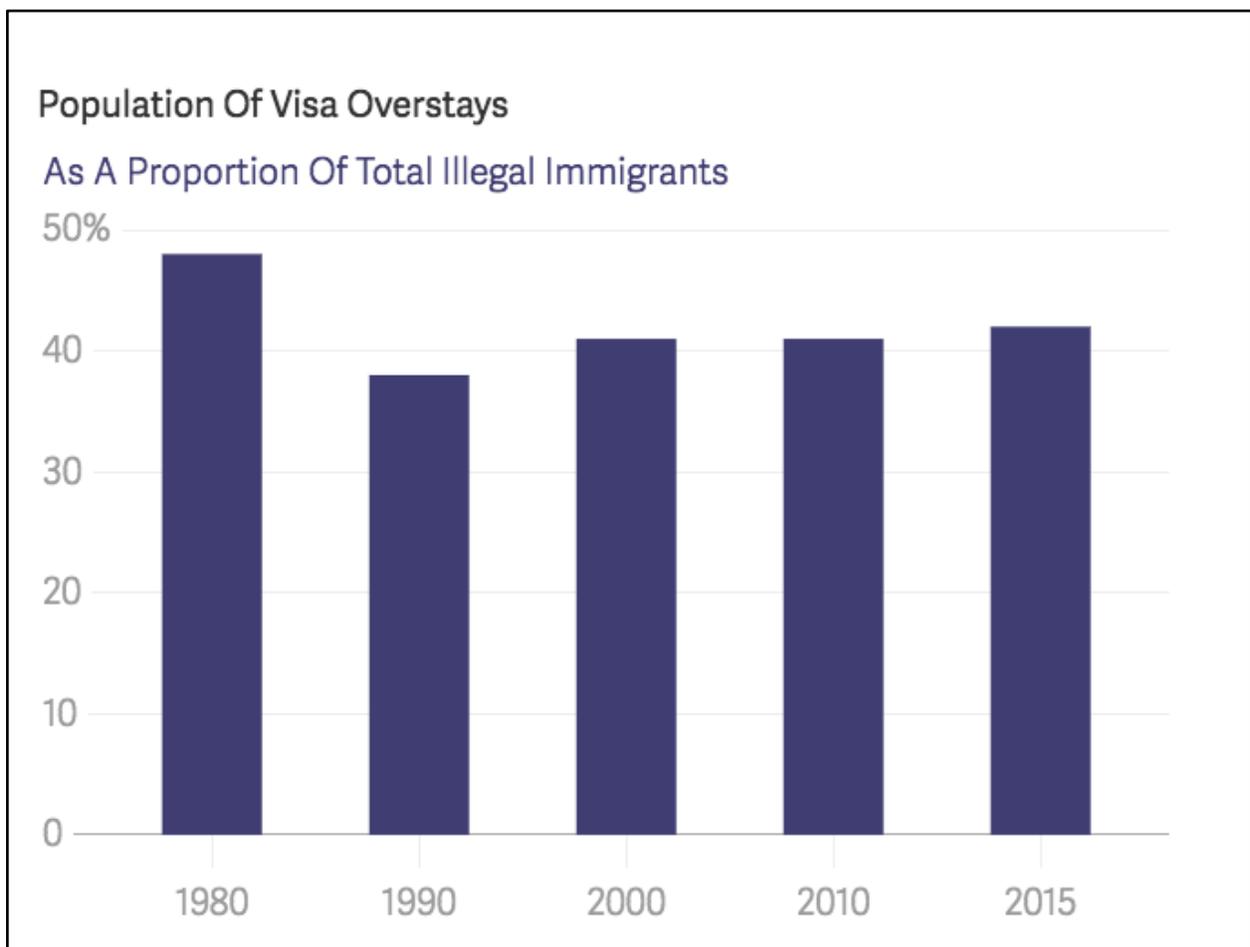
Unlawful entry:

According to federal law, first-time unlawfully entry is a misdemeanor. This puts unlawful entry in the same categorical as petty theft, public intoxication, and disorderly conduct. Repeated unlawful entry is considered a low-level felony.⁷

We must also be aware that *a large portion of the undocumented population enter lawfully*. They enter lawfully with visas by air or boat, but stay in the US for longer than permitted under their visa. Once it expires, they are just as undocumented as those who crossed the border through the US-Mexico desert. According to the Center for Migration Studies (CMS), over the last 45 years, 40-45% of the entire US undocumented population falls into this category. See the figure below.

⁶ <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

⁷ <http://www.alllaw.com/articles/nolo/us-immigration/crime-enter-illegally.html>



Source: Check Your Fact.⁸

For full CMS study, download at <http://cmsny.org/publications/jmhs-visa-overstays-border-wall/>

Unlawful presence:

Being in the US without documentation by itself *is not a crime*. Rather, it is a civil offense with no criminal penalty.⁹

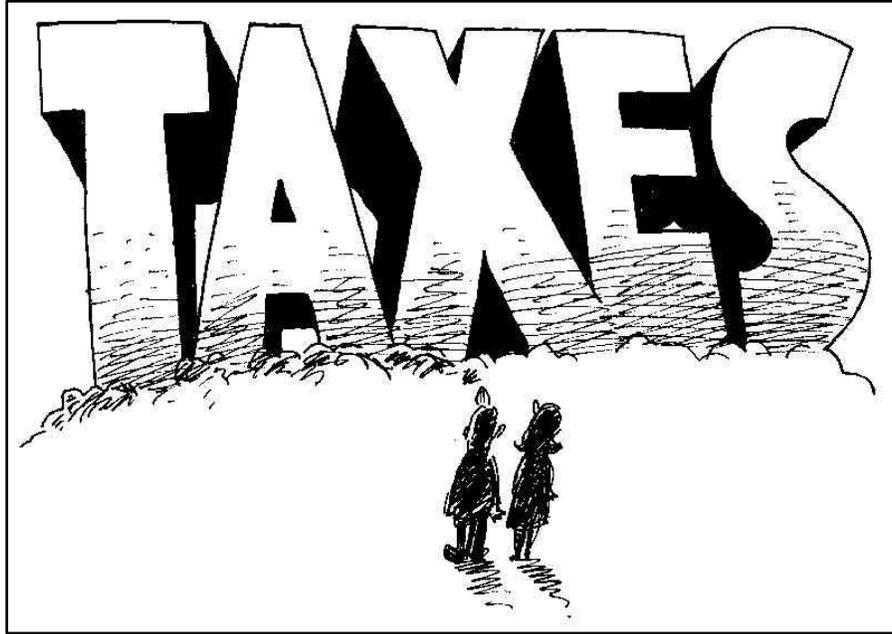
If an undocumented person is in the US on an expired visa, they actually are in violation of zero criminal laws, and face zero criminal penalties. “Illegal” can neither describe them as a person or their behavior.

3. “Undocumented immigrants don’t pay taxes”

Undocumented immigrants pay billions in local, state, and federal taxes every year.

⁸ <http://checkyourfact.com/2018/01/26/fact-check-did-40-percent-of-all-illegal-immigrants-overstay-legal-visas/>

⁹ <http://www.politifact.com/florida/statements/2017/mar/15/florida-conference-catholic-bishops/being-united-states-unlawfully-crime/>



Source: Finer Points.¹⁰

According to the Social Security Administration’s chief actuary Stephen C. Goss, undocumented immigrants pay roughly \$6 billion in federal taxes every year, and are legally barred from using the services they help fund. Regarding state and local taxes, the conservative Heritage Foundation estimated the undocumented paid \$11.6 billion in 2013. This included sales and excise, property, and personal income taxes. This adds up to a conservative estimate of \$17.6 billion paid in state, local, and federal taxes every year.¹¹

4. “Immigrants -- both documented and undocumented -- take more in government services than they contribute in taxes”

We must first understand that first-generation immigrants AND native-born US citizens take more in services than they give in taxes, but first-generation immigrants take less. Second and third-generation immigrants provide larger and larger net surpluses. Adding up all contributions and losses, the economy receives a fiscal benefit of almost \$200 billion over the three generations. In addition, only focusing on taxes paid and public services used by immigrants ignores non-fiscal economic benefits like growth-generating and job-creating consumption of private goods and services.

First-generation migrants *and* the native-born take more in services than they pay in taxes. However, first-generation migrants are less of a net-loss to the government than the native-born at all levels of education (other than a bachelor’s degree).¹²

A September 2016 study published by the National Academy of Sciences, entitled “The Economic and Fiscal Costs of Immigrants,” examined the impact of both documented and

¹⁰ <http://finerpointstax.com/the-most-important-changes-to-your-taxes-in-2018/>

¹¹ <http://www.politifact.com/punditfact/statements/2016/oct/02/maria-teresa-kumar/how-much-do-undocumented-immigrants-pay-taxes/>

¹² <https://www.nap.edu/read/23550/chapter/13#440>

undocumented immigrants on the economy. The formative, 550-page report stated that all first-generation immigrants, both documented and undocumented, consume \$57 billion more in public services than they contribute in taxes every year. The second-generation immigrant population, with improved education and greater contributions in taxes, give more in taxes than they consume in government services, actually adding \$30 billion every year. For third-generation immigrants, this upward trend jumps to a net contribution of \$223 billion a year.¹³

Keep in mind that by only focusing on taxes paid and public services used by immigrants ignores non-fiscal economic benefits like growth-generating and job-creating consumption of private goods and services.

5. “Low-skilled immigrants -- both documented and undocumented -- steal jobs”

Low-skilled migrants and low-skilled native-born Americans rarely compete for the same jobs, so there is little “job-stealing.” The little that exists is predicted to decrease even further.



Migrant agricultural laborers. Source: GRIID.¹⁴

According to Urban Institute scholar Maria Enchautegui, low-skilled immigrants generally do not steal natives’ jobs. While studying the occupations of 16 million immigrant and non-immigrant workers in the US without high school diplomas, she found that within this group, the two groups perform very different work. Furthermore, she found that competition is reduced even greater at higher levels of skill, due to the centrality of the English language in the higher tiers of the US job market. The differences exist most likely due to limited English-speaking ability, lower technical skills, and less exposure to the US job market. Enchautegui argues that even if undocumented workers were to attain legal status, they still may not be competing with natives for low-skilled jobs.¹⁵

¹³ <https://www.nytimes.com/2016/09/22/us/immigrants-arent-taking-americans-jobs-new-study-finds.html>

¹⁴ <https://griid.org/2010/11/14/the-2010-election-the-big-losers-are-immigrants/>

¹⁵ <https://www.theatlantic.com/politics/archive/2015/10/immigrants-arent-stealing-american-jobs/433158/>

She said this difference is expected to grow in the future, citing increasing native education levels and an increase in the number of immigrants without a high school degree. According to Enchautegui, by the year 2022, 4 million more jobs that do not require a high school education will be added to the US economy. Given more natives will generally be moving on to higher-skilled jobs, US demand for low-skill documented and undocumented immigrants will increase.¹⁶

In addition:

In her August 2017 essay “The Wall,” Brookings Institute Senior Fellow Vanda Felbab-Brown stated that “the impact of immigrant labor on the wages of native-born workers is low... However, undocumented workers often work the unpleasant, back-breaking jobs that native-born workers are not willing to do.”¹⁷ These jobs include picking produce in the fields under the hot sun, gutting fish, sawing apart livestock to be placed in the meat section at your local grocery store, washing dishes, etc.

Specifically, with picking produce, there have been many failed attempts by farm owners to attract native-born citizens to take these difficult jobs. Under Trump’s crackdown on the undocumented and immigrants more generally, farmers have experienced massive shortages. These shortages have driven them to desperation, sometimes offering higher wages to attract non-immigrants. This was the case in Napa Valley, as reported by the Los Angeles Times in March of 2017.¹⁸ Even with higher pay, natives still were unwilling to work in the fields.

Many low-skilled immigrants simply work jobs that native-born US citizens refuse to perform. Here the idea of the job-stealing undocumented immigrant can be disproven using more specific cases. Many undocumented low-skill laborers work in agriculture, specifically picking produce. Over the years, several efforts to attract native-born US citizens for produce picking positions have failed.

6. “Unlawful migration at the US-Mexico border is at crisis levels”

The latest data shows there is no immigration crisis at the US-Mexico border, instead that migration flows are near a historic low.

¹⁶ <https://www.theatlantic.com/politics/archive/2015/10/immigrants-arent-stealing-american-jobs/433158/>

¹⁷ <https://www.brookings.edu/essay/the-wall-the-real-costs-of-a-barrier-between-the-united-states-and-mexico/>

¹⁸ <http://www.latimes.com/projects/la-fi-farms-immigration/>



Source: Shot from Guns¹⁹

Experts use the number of apprehensions of unlawful border crossers as a proxy to estimate the volume of unlawful migration flows.

To best understand the current volume of unlawful migration flows, we must compare total arrests at the border for the first five months of this fiscal year (October-May of 2018) to the same period of years past. See graphic below.

¹⁹ <https://shotfromguns.wordpress.com/2010/04/29/beyond-borders-what-does-illegal-immigration-mean-to-you/>

Potential migrants who intend to migrate unlawfully across the US-Mexico border have few legal pathways, or “lines” to enter, and moving through these lines can take over 20 years. Migrants already residing in the US unlawfully have no line to enter.



Source: CNBC Media.²⁴

The situation faced by those intending to migrate unlawfully:

The majority of those intending to migrate are Mexican, Honduran, Salvadoran, and Guatemalan nationals²⁵ who lack a high school degree.²⁶ Let’s examine what their legal entry options are.

In our immigration system, there are 4 main ways to legally enter the US: family visas, employment visas, humanitarian visas, and lottery visas.²⁷

Family visas

If you are an *immediate* family member of a US citizen, or in some cases a Legal Permanent Resident (aka green card holder), there are lines for you to enter. Depending on how immediate your relationship is, there may be a yearly limit to the number of spaces in these lines.

If you are a minor, spouse, or parent of a US citizen, there are lines for you to enter with unlimited yearly space. These visas, or spots in line, are called “Immediate Relative Immigrant Visas.”

²⁴ <https://www.cnbc.com/2017/11/01/trump-will-ask-congress-to-end-green-card-lottery-program.html>

²⁵ <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Demographic>

²⁶ <http://www.pewhispanic.org/2015/03/26/share-of-unauthorized-immigrant-workers-in-production-construction-jobs-falls-since-2007/>

²⁷ Hanson, Gordon Howard. The Economics and Policy of Illegal Immigration in the United States. Washington, DC: *Migration Policy Institute*, 2010.

If you are an unmarried adult son or daughter, married adult son or daughter, a brother or sister of a US citizen, or a spouse, minor, or unmarried adult son or daughter of a Legal Permanent Resident, there are lines but with limited yearly space. These are called “Family Preference Immigrant Visas.”²⁸ See below graphic for breakdown of limits. If the line most applicable to you has limited space, and you apply when that year’s line is already full, you are pushed back into the next year with available space.

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

Description of Family Preference Immigrant Visas. Source: U.S. Department of State.²⁹

If you do not have an immediate family member who is a US Citizen or Legal Permanent Resident, such as an aunt, uncle, grandmother or cousin, there is no family-based line for you to enter.³⁰

Even if you are eligible for a Family Preference Immigrant Visa, due to the limits described above, these lines can take you decades to move through: *wait times can regularly exceed 20 years*. This is especially true for Mexican nationals (see graphic below). The extreme wait times are a result of the limit on yearly visas, or spots in line, being set equal across all countries, and the disproportionate level of desire of Mexican nationals to migrate to the US.³¹ As a Mexican national, when you apply for your visa, you go to the back of an already very long line.

²⁸ <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/family-based-immigrant-visas.html>

²⁹ <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2018/visa-bulletin-for-march-2018.html>

³⁰ <https://travel.state.gov/content/visas/en/immigrate/family/family-preference.html>

³¹ Ngai, Mae M. “The Civil Rights Origins of Illegal Immigration.” *International Labor and Working-Class History* 78(1):93–99. 2010.

July 2018 Family Visa Bulletin:

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22APR11	22APR11	22APR11	01AUG97	01JUN06
F2A	22JUN16	22JUN16	22JUN16	08JUN16	22JUN16
F2B	15AUG11	15AUG11	15AUG11	08MAR97	01FEB07
F3	01MAY06	01MAY06	01MAY06	01DEC95	15APR95
F4	15NOV04	15NOV04	22MAR08	15JAN98	22MAR95

Source: U.S. Department of State.³²

The above table shows wait times for family visas as of July 2018. The date “01AUG97” under the “MEXICO” category means if you applied for an “F1” Family Preference Immigrant Visa before August 1st, 1997, you can now enter the US legally, *21 years later*.



Source: Other Words Media.³³

Employment visas

There are both permanent and temporary employment visas.

Permanent employment visas:

³² <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2018/visa-bulletin-for-july-2018.html>

³³ <http://otherwords.org/stone-cold-immigrants/>

If you have specialized skills (i.e. are an engineer, lawyer, doctor, etc.), it is relatively easy to obtain one of these visas compared to those lacking these skills.³⁴ If you are low-skilled, every year you compete with workers from all over the world for *just 5,000 visas*.³⁵

Lawmakers recognized the large mismatch between an annual supply of only 5,000 visas and the much greater demand for low-skilled immigrants, and created temporary employment visas.

Temporary employment visas:

The relevant temporary visas for the vast majority of those coming from south of the border are the H-2A and H-2B visas. The first allows low-skill immigrants to temporarily work in the agricultural sector. The second allows them to temporarily work within non-agricultural sectors like hospitality, food service, construction and landscaping.³⁶

In theory, these visas would help align the immigration system with economic supply and demand. However, in practice, this has not been the case.

H-2A:

This is especially true for the H-2A visa. Despite there being no limit to the amount of visas a US employer could use to bring in temporary foreign labor, using H-2As to fill demand is bureaucratically burdensome.³⁷ To bring in immigrant workers, an employer has to go through four different federal agencies, provide these workers with housing and transportation, spend time and money recruiting natives for the position, and demonstrate that hiring these immigrants did not negatively impact native wages and working conditions of US citizens.³⁸ Despite an increase in popularity of the H-2A in the last couple years,³⁹ strict guidelines and enforcement have generally discouraged employers from using the visas.⁴⁰

H-2B:

Regarding the H-2B visa, its burdens employers in a different way.⁴¹ Unlike the H-2A, the number of total visas per year is capped. Over the years, the limit resulted in an inadequate supply of the visa. This is largely due to finding fewer and fewer native-born US citizens to fill positions in the aforementioned non-agricultural sectors. As a result of employer frustration, the limit has been raised several times to try and meet labor demand for jobs Americans have been unwilling or unable to work. On May 25th, 2018, the Department of Homeland Security raised

³⁴ FitzGerald, David. "Mexican Migration and the Law." (2011).

³⁵ Hanson, Gordon Howard. *The Economics and Policy of Illegal Immigration in the United States*. Washington, DC: *Migration Policy Institute*, 2010.

³⁶ <https://www.uscis.gov/sites/default/files/USCIS/Resources/Resources%20for%20Congress/Congressional%20Reports/H-2A%20and%20H-2B%20Nonimmigrant%20Worker%20Classifications.pdf>

³⁷ Hanson, Gordon Howard. *The Economics and Policy of Illegal Immigration in the United States*. Washington, DC: *Migration Policy Institute*, 2010.

³⁸ <https://www.fas.org/sgp/crs/homesecc/R42434.pdf>

³⁹ <http://www.growingproduce.com/citrus/its-time-to-improve-flawed-h-2a-program-for-growers/>

⁴⁰ Nowrasteh, Alex. "Immigration Reform: The Portable Guest Worker Visa Solution." CATO Institute. 28 January, 2013. Web. 1 September, 2016.

⁴¹ <https://www.foreignlaborcert.doleta.gov/h-2b.cfm>

the initial 2018 limit from 66,000 to 81,000, a number that has still proven to be insufficient in the eyes of employers.⁴²

Humanitarian Visas

Humanitarian visas are designed to provide refuge to those fleeing violence or natural disaster.

For decades, the majority of those intending to migrate unlawfully did not qualify for humanitarian visas, as they were looking for economic opportunities and to reunite with family.⁴³ However, in the last few years the portion of those looking for refuge from south of the border has dramatically increased. This increase is the result of Central American countries Guatemala, El Salvador and Honduras facing growing violence from transnational criminal organizations like MS-13 and the 18th Street Gang, as well as narco-traffickers. Due to the inability of their governments to provide safety at home, nationals are seeking refuge in the US.

Regarding the violence they face, as of 2018 these Central American countries are all in the top 10 of world murder rates, *with El Salvador having the highest murder rate in the world.*⁴⁴

Rank	Country	Homicide Rate (Per 100,000 Inhabitants)
1	El Salvador ←	108.64
2	Honduras ←	63.75
3	Venezuela	57.15
4	Jamaica	43.21
5	Lesotho	38
6	Belize	34.4
7	South Africa	34.27
8	Saint Kitts and Nevis	33.55
9	Guatemala ←	31.21

Source: World Atlas.⁴⁵

⁴² <https://www.houstonchronicle.com/opinion/editorials/article/The-other-migrant-crisis-Not-enough-visas-for-13044454.php>

⁴³ Hanson, Gordon Howard. The Economics and Policy of Illegal Immigration in the United States. Washington, DC: *Migration Policy Institute*, 2010.

⁴⁴ <https://www.worldatlas.com/articles/murder-rates-by-country.html>

⁴⁵ <https://www.worldatlas.com/articles/murder-rates-by-country.html>

There are permanent humanitarian visas (also known as asylum) and temporary humanitarian visas.

Permanent humanitarian visas:

The total number of permanent humanitarian visas is set each year by the President of the United States. Under President Trump, the total number of visas set for 2018 is 45,000. This is *less than half* that set by President Obama in 2016, who allowed a total of 110,000, and *the lowest of any president*. The second lowest visa allowance was 67,000 in 1986 by then President Reagan. Keep in mind that this is the *maximum* number of asylum visas allowed to be issued, while the actual number issued to refugees is often far lower, especially after the 9/11 attacks.⁴⁶

Those fleeing Central American countries have had a very difficult time gaining asylum in the US for years, with an average denial rate of roughly 80% from fiscal year 2011 to fiscal year 2016.⁴⁷ Mexicans have a denial rate of 88%, the highest of any nationality.⁴⁸

Asylum update:

As of June 11, 2018, the Trump administration revised asylum policy by making a significant distinction between “private” and “public” violence. Private violence was considered to be at the hands of non-political entities, while public violence was, and ruled that the former was not grounds for asylum in the US. According to the administration, violence by transnational gangs like MS-13 and domestic abuse would be categorized as private unless asylees can prove their government condoned the persecution or an inability to protect them.⁴⁹⁵⁰ This means asylum denial rates for Central Americans *will climb even higher*, especially for women and children.⁵¹ In addition to border officials being ordered to immediately reject asylum claims based on domestic and gang violence, they were given the power to penalize asylum-seekers for unlawful entry when deciding their claims.⁵² The latter is a violation of international asylum law.

Temporary humanitarian visas:

For Salvadorans and Hondurans, there existed an option to apply for a temporary humanitarian visa, called Temporary Protected Status (TPS). *Both programs have been canceled under President Trump*.⁵³ Currently, there is no TPS program for Mexican nationals.⁵⁴

⁴⁶ <https://www.theguardian.com/us-news/2017/sep/27/donald-trump-caps-refugee-admissions-2018-historic-low>

⁴⁷ <http://trac.syr.edu/immigration/reports/448/>

⁴⁸ <https://www.cnn.com/2018/05/03/world/us-asylum-denial-rates-by-nationality/index.html>

⁴⁹ <http://www.newsweek.com/donald-trump-immigration-policy-h-1b-visa-978219>

⁵⁰ <http://thehill.com/latino/391684-trump-admin-to-stop-granting-asylum-to-victims-of-gang-violence-domestic-abuse>

⁵¹ <https://www.voiceofsandiego.org/topics/news/border-report-why-central-american-asylum-seekers-keep-making-their-way-to-americas-doorstep/>

⁵² <https://www.cnn.com/2018/07/11/politics/border-immigrants-asylum-restrictions/index.html>

⁵³ <https://www.usatoday.com/story/news/world/2018/06/12/donald-trump-cutting-legal-immigration/692447002/>

⁵⁴ <https://www.uscis.gov/humanitarian/temporary-protected-status>

TPS for Salvadorans was canceled January 8, 2018, giving the 200,000 Salvadorans legally residing in the US under the program having until September 9, 2019 to self-deport.⁵⁵ For Hondurans, their TPS program was canceled May 4th, 2018. The 57,000 Hondurans who have been legally residing in the US for the past 20 years will have until January 4th, 2020 to self-deport.⁵⁶

As stated above, being *forcibly returned to El Salvador and Honduras can result in murder.*

For more information about Central American asylum-seekers, see **“Immigrants and asylum seekers are abusing the asylum system with false claims of persecution,” “Passing the ‘credible fear’ test is an easy pass into the United States,” “If asylum seekers are released from immigration detention before their asylum hearing, they will disappear,” and “Criminal groups like MS-13 are exploiting the asylum system to place gang leaders in the US”** below.

Lottery visas

The last avenue to enter lawfully is through the annual diversity visa lottery. Every year, the lottery makes 50,000 visas available to nationals of countries with low rates of immigration to the United States. For the 2019 lottery, *Mexican and Salvadoran nationals are ineligible*, as their levels of immigration are too high to qualify. Hondurans and Guatemalans are eligible for the lottery.⁵⁷

Recently, President Trump argued the lottery program needed to be replaced with a “merit-based” system, making it seem as if there were no merit-based visa requirements. This is false. Those eligible must have proof of high school education or “two years of work experience within the past five years in an occupation that requires at least two years of training or experience to perform.”⁵⁸

Despite being eligible for the visa program, many Hondurans and Guatemalans may face great difficulty in obtaining these visas. They live in one of the most dangerous non-war zones on the planet where levels of educational attainment and employment are low. As a result, fulfilling the visa requirements can be difficult.⁵⁹ Furthermore, the application process requires a lot of waiting, and in their situation, waiting could mean death at the hands of criminal gangs.

The situation for undocumented migrants already in the US:

⁵⁵ https://www.washingtonpost.com/world/national-security/trump-administration-to-end-provisional-residency-for-200000-salvadorans/2018/01/08/badfde90-f481-11e7-beb6-c8d48830c54d_story.html?utm_term=.fa2205630a9b

⁵⁶ <https://www.vox.com/2018/5/4/17320352/tps-honduras-cancel-trump-temporary-protected-status>

⁵⁷ https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/DV-2019-Instructions-Translations/New_DV-2019_Restart_Plain_Language_Instructions_and_FAQs_.pdf

⁵⁸ https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/DV-2019-Instructions-Translations/New_DV-2019_Restart_Plain_Language_Instructions_and_FAQs_.pdf

⁵⁹ <http://www.cfr.org/transnational-crime/central-americas-violent-northern-triangle/p37286>

For those already here, obtaining legal status is even more difficult. With the exception of those applying for a humanitarian visa (for the time being -- see June 29th, 2018 regulation being considered by Trump administration), those who were victims of crime resulting in substantial mental or physical abuse while here and are cooperating with a police investigation, or those who were trafficked while here and cooperating with a police investigation, *there simply is no line*. They must exit the US and apply for legal status from their country of origin and face the same situation as those intending to migrate.⁶⁰

8. “Immigrants and asylum seekers are abusing the asylum system with false claims of persecution”

There exists no evidence of abuse, and U.S. Citizenship and Immigration Services, the Executive Office for Immigration Review, asylum judges and Department of Homeland Security attorneys have the necessary tools to identify and investigate fraudulent asylum claims.

According to a 2015 United States Government Accountability Office (GAO) report, there is *no evidence* to support the claim that those seeking asylum are committing fraud in an effort to “sneak in” to the United States. In that same report, the GAO found U.S. Citizenship and Immigration Services and the Executive Office for Immigration Review to have the necessary infrastructure in place to detect and investigate abuse. In addition, asylum judges and Department of Homeland Security attorneys also have the tools to identify fraud.⁶¹

9. “If asylum seekers are released from immigration detention before their asylum hearing, they will disappear”

Existing research has shown that asylum-seekers attend their court hearing 83-100% of the time. In addition, declaring those who fail to appear as having fraudulent asylum claims ignores several other valid explanations such as their notice to appear being sent to the wrong mailing address or never being sent at all, due to lack of sufficient information given by US officials upon release at the border, as well as no access to legal counsel.

According to the US Justice Department, during the last five years *all* released undocumented immigrants -- including asylum-seekers -- attend their hearings at a rate between 60-75%.⁶²

Due to shortage of targeted data, the percentage of only asylum-seekers who do and do not show up is difficult to determine. However, we can use what data is available. A program called Family Case Management Program, ended in June 2017, enrolled 630 asylum-seeking families. Their court hearing attendance rate was 100%. Their attendance at Immigration and Customs Enforcement check-ins was 99%.⁶³ In addition, the American Immigration Council (AIC) conducted a longer-term study on asylum-seekers fulfilling their legal obligations. They found data from the year 2000 showing a compliance rate of 83%.⁶⁴

⁶⁰ Prieto, Greg. n.d. *The Immigration Debate: The Legal Production of Immigrant ‘Illegality.’* Unpublished draft. Pg. 72-73.

⁶¹ <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>

⁶² <https://www.justice.gov/eoir/page/file/fysb16/download#page=49>

⁶³ <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-22-Nov17.pdf>

⁶⁴ https://www.americanimmigrationcouncil.org/sites/default/files/research/a_humane_approach_can_work_the_effectiveness_of_alternatives_to

Also, the argument that those who fail to appear are asylum-seekers with fraudulent claims is problematic. Those who make this argument fail to consider a host of other legitimate reasons. According to PolitiFact, applicants may not show up due to notice of their hearing being sent to the wrong mailing address or never being sent at all, due to lack of sufficient information given by US officials upon release at the border, as well as no access to legal counsel, among other reasons.⁶⁵

10. “Criminal groups like MS-13 are exploiting the asylum system to place gang leaders in the US”

Little to no evidence of this exists. Out of all Central American unaccompanied minor arrests at the border, 0.06% were *suspected* of ties to any gangs, and 0.02% *suspected* of MS-13 ties.

To restate: there is *little to no evidence* from any academic or governmental institution proving criminal organizations -- including MS-13 -- are exploiting the flow of unaccompanied minors to the US.⁶⁶

According to acting Border Patrol Chief Carla Provost, out of 262,861 unaccompanied minor arrests from fiscal year 2012 to May of fiscal year 2017, 159 were *suspected* of have ties to any gangs. That’s 0.06% of all minor arrests. 56 of those were *suspected* of having MS-13 ties, 0.02% of all minors caught at the border.⁶⁷ I emphasize the word “suspected” because these ties were not proven.

Furthermore, the Washington Office on Latin America states that membership in the MS-13 within the US (including Puerto Rico) accounts for *less than 1% of all active gangs*, and that number has not grown in the past few years.⁶⁸ So, with a large increase in Central American children showing up at our border, with many entering the country, MS-13 membership has not grown. This is further evidence rebutting the claim of gang infiltration.

11. “The threat of terrorists sneaking across the US-Mexico border is high”

Foreign-born terrorists who have entered the US to execute an attack have very rarely done so by sneaking across the US-Mexico border. From 1975-2017, only three have. A higher number of terrorists have entered through the Canada border, but the vast majority have entered lawfully with non-immigrant visas.

Given the above statistics on crossing success rates, one may conclude that the US-Mexico border is an obvious way for a terrorist to enter the country. According to the US Customs and Border Protection (CBP), this is the *main* justification of their existence, and therefore their massive budget. This is confirmed on the CBP website, which states that “The priority mission

[detention for asylum seekers.pdf](#)

⁶⁵ <http://www.politifact.com/truth-o-meter/statements/2017/oct/19/jeff-sessions/jeff-sessions-claim-about-asylum-system-fraudulent/>

⁶⁶ <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>

⁶⁷ <https://www.judiciary.senate.gov/imo/media/doc/06-21-17%20Provost%20Testimony.pdf>

⁶⁸ <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>

of the Border Patrol is preventing terrorists and terrorist's weapons, including weapons of mass destruction, from entering the United States.”⁶⁹

Before jumping to frightening conclusions, we must look at evidence as to whether terrorist penetration has been a frequent occurrence along the southwestern border. According to immigration expert Alex Nowrasteh of the Cato Institute, from 1975-2017 a total of three terrorists have crossed the border unlawfully with intent to commit a terrorist act. *Three terrorists over 42 years*. None were successful, with no resulting loss of American lives. Given the low likelihood of detection at the US-Mexico border, one may think it makes sense for a terrorist to take advantage of that. However, the facts show that they do not. Instead, more terrorists have entered the US through the border with Canada than with Mexico. In addition, the vast majority of foreign-born terrorists have entered the US lawfully on non-immigrant visas.⁷⁰

12. “Unlawfully crossing the border is low-risk for migrants and asylum seekers”

Due to enforcement policies of the mid-1990s, migrants have been forced to cross the US-Mexico border through the desert where they face many potentially fatal environmental and human dangers. This is reflected in the deaths of thousands -- possibly tens of thousands -- of migrant men, women, and children.

According to the U.S. Commission on Civil Rights, through mid-1990s enforcement policies like “Operation Gatekeeper” the government has redirected unlawful crossings away from safer urban areas into the treacherous, potentially deadly desert.⁷¹

In the desert, migrant men, women, and children face both environmental and human dangers. They trek through the harsh desert, rugged mountains, thick bush and across bodies of water where they face environmental dangers like fatal heat and cold exposure, as well as drowning. Human risks include robbery, kidnapping, sexual assault and murder at the hands of violent gangs, cartels, traffickers, and smugglers.

According to American Civil Liberties Union (ACLU) researcher Maria Jimenez, migrants who fall behind the group they are attempting to cross with, for any reason, are left to fend for themselves in extreme conditions where something as minor as a stepping on a cactus needle can become a death sentence.⁷² For migrants and asylum-seekers traveling from Central America, the journey is even more extreme, having to ride on top the infamous La Bestia train, or “The Beast,” and risk falling off and being amputated. In addition, the likelihood of being confronted by the above environmental and human dangers is much higher. Those confronted from Central America are mostly women and children.

Regarding sexual violence, a 2010 Amnesty International report found that roughly 6 out of every 10 females who unlawfully cross the border are sexually assaulted.⁷³ A 2014 report by

⁶⁹ <https://www.cbp.gov/border-security/along-us-borders/overview>

⁷⁰ <https://www.cato.org/blog/congressman-perry-terrorists-did-not-cross-border-attack-las-vegas>

⁷¹ https://www.usccr.gov/pubs/migrant/summary.htm#_ftnref2

⁷² https://www.aclu.org/sites/default/files/field_document/humanitarian_crisis_report.pdf, pg. 25.

⁷³ <https://fusiondotnet.files.wordpress.com/2014/09/amr410142010eng.pdf>

Fusion found that rate to be even higher. They reported *roughly 8 out of every 10 females had endured sexual violence*.⁷⁴ Due to the difficulty in collecting large amounts of data, it is very challenging to calculate sexual assault rates in a way that can be attributed to *all* girls and women who cross, but these reports provide an enough evidence to appreciate just how dangerous the journey is for females.



Memorial for dead migrant men, women and children. Source: Mother Jones.⁷⁵

The environmental and human dangers have led to the deaths of thousands of men, women, and children. According to Border Patrol data, 7,209 migrants have died while crossing over the last 20 years. However, the actual death toll is likely much higher. According to a five-year investigation by *USA Today* researchers, more comprehensive estimates -- adding human remains recovered by local law enforcement, humanitarian groups, ranchers, etc. -- were 25% to 300% higher than that of Border Patrol.⁷⁶ If these percentages were applied to the 20-year time period, a more complete estimate could range from 9,100 to just under 29,000 deaths.⁷⁷ Even these figures would be underestimates, based on the fact that many human remains simply disappear in the harsh elements of the desert, and therefore cannot be recorded.

⁷⁴ <https://splinternews.com/is-rape-the-price-to-pay-for-migrant-women-chasing-the-1793842446>

⁷⁵ <https://www.motherjones.com/politics/2010/09/juan-doe-migrants-die-forensics-matt-nager/>

⁷⁶ <https://www.azcentral.com/story/news/politics/border-issues/2017/12/14/investigation-border-patrol-undercounts-deaths-border-crossing-migrants/933689001/>

⁷⁷ Use caution when applying these percentages over 5 years to the 20-year period for accurate estimates, as perfect accuracy could only be achieved if percentages for each year during the 20-year period were applied.

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