



IMMIGRATION

Analysts Don't Expect Significant Changes in Immigration Policy After the Midterms

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WASHINGTON — Despite the record influx of migrants at the U.S.-Mexico border and a shortage of workers in the United States, experts believe immigration policy will remain unchanged after the midterm elections. Some experts say that if Republicans take control of Congress, President Joe Biden likely will turn to the administrative process to accomplish any immigration changes.

Republicans have a "very clear" position on immigration, Neeraj Kaushal, a social policy professor at Columbia University, told VOA. "They want to restrict immigration," said Kaushal, who is also an expert and researcher on immigration policy.

Democrats, on the other hand, are less focused when it comes to immigration policy, she said.

"They have the support of many liberals who are for immigration, who want to treat immigrants at the border in a humanitarian manner ... who want to strengthen the asylum system," she said, but Democrats are "afraid that Republicans will use any policy that they have to show to the public that they are creating open borders."

Biden came into office committed to passing immigration reform. On his first day in office, he unveiled the U.S. Citizenship Act of 2021, sweeping immigration bill that included an eight-year path to citizenship for the estimated 11 million undocumented immigrants in the U.S., a plan to clear employment-based visa backlogs, and a program to prevent dependents of employment-based visa holders from "aging out" of the system, among other changes.

But the legislation stalled in Congress and is largely viewed as dead.

Tevi Troy, a senior fellow of the Bipartisan Policy Center's presidential leadership initiative, a Washington think tank that promotes bipartisan solutions in immigration and other areas, said during an event Monday that if the makeup of Congress changes, it is likely Biden will turn to such options as executive orders for any immigration policy changes.

The Deferred Action for Childhood Arrivals, also known as DACA, is an example of an administrative action. It was created under the Obama administration to temporarily protect from deportation hundreds of thousands of undocumented immigrants brought to the United States as children and has benefitted more than 800,000 people. Biden revised it in an effort to help it survive legal challenges. Yet it remains on shaky ground as Republican-led states continue to fight in federal courts to end the program.

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During Monday's online discussion, Troy explained to the audience that in some ways the Senate is more influential in shaping a president's agenda than the House, mostly because of its constitutional authority to approve or reject Cabinet appointees.

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Immigration system 'broken'

Theresa Cardinal Brown, a former Homeland Security Department immigration official under former presidents George W. Bush and Barack Obama, told VOA the current U.S. immigration system is "broken in every possible way."

"And that is because we haven't really adjusted our immigration policy in so long," she said.

Brown, who is also the managing director of the Bipartisan Policy Center, said the system is not fundamentally meeting current needs of the country. No matter who occupies the White House, there is a continuity of neglect when it comes to immigration policy, she said.

"It doesn't really matter what part of the immigration system you look at. ... [The United States Citizenship and Immigration Services] has a record backlog of applications. In the previous two years, they didn't issue all of the green cards they could under the law because they couldn't get to them. ... The State Department is finally crawling out of a hole that it got into during COVID with a backlog of applications for visas overseas, but it's still in many places really hard to get an appointment," Brown said.

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The asylum system and immigration courts also are backlogged, and those backlogs are growing.

According to the Transactional Records Access Clearinghouse (TRAC), immigration courts closed fiscal 2022 with a backlog of 1.9 million cases of asylum and other immigration applications. The wait time for a hearing on an immigrant's asylum claim is about five years.

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As for refugees, the Biden administration in October set an annual refugee cap of 125,000, but immigration advocates have told VOA the program still needs resources and rebuilding to meet that goal. They had hoped the president would increase the ceiling for refugees further to match the higher worldwide demand after falling short of an ambitious target for fiscal 2022.

SEE ALSO:**Biden Administration Falling Short of US Refugee Admissions Cap**

The three analysts said that no one is willing to form a framework to write immigration legislation because they do not see an electoral advantage.

"Immigration is important to fix," Brown said, "because what we're seeing right now is what happens when we don't fix it. It's chaos everywhere."

At the southern border, immigration analysts say, people will continue to arrive despite deterrence policies kept in place from the previous administration, such as Title 42, a health code order implemented at the start of the COVID-19 pandemic that essentially blocks migrants from asking for asylum.

In fiscal 2022, U.S. immigration officials reported 2.2 million migrant encounters, a number that includes unique and repeated entries.

Out of those encounters, about 1,054,084 migrants were expelled under Title 42. Others were either arrested, quickly removed from the country through the expedited removal process, or they were allowed to try to establish a legal basis to remain in the U.S. by fighting for asylum approval in immigration courts.

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"Everybody wants to make this a partisan issue. Republicans are bad on immigration. Democrats are good on immigration. ... There's been a lot of all-or-nothing politics. And when you play all-or-nothing politics, you get nothing, and I, for one, would rather see something than nothing, because look at what nothing is getting us," Brown said.

