

US Migration Crisis and the ADPA

15 Apr 2021 | Risk Intelligence Team

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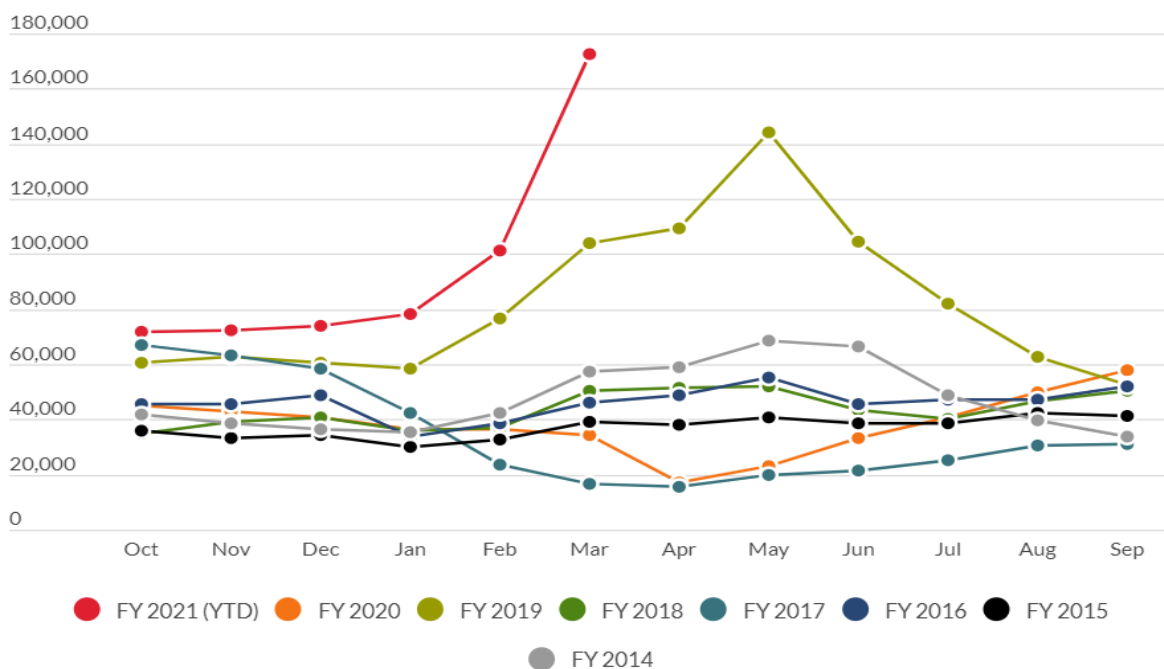
I. INTRODUCTION

Currently, the migration surge at the U.S.-Mexico border is considered to be the worst situation in 20 years. Thousands of unaccompanied minors have been housed in cramped detention camps. In more than 80 percent of cases, the child has a family member in the United States, who are willing to care for them, but cannot do so due to restrictive migration policies. In Feb, about 30 percent of the people illegally crossing the border were under 18. Further, President Biden terminated Trump’s “Remain in Mexico” policy that required Central American asylum seekers to stay in Mexico while US courts reviewed their claims. Thus, this massive influx of migrants from Mexico, comprising mostly of unaccompanied children has given rise to the urgency for implementing the American Dream and Promise Act.

II. MIGRATION CRISIS AT THE SOUTHERN BORDER

With the change in the administration in the White House and compelled by the deteriorating conditions in their home countries, migrants are thronging at the southern borders of America. So much so that Republicans are accusing the Biden administration of causing the sudden influx. While the US President has however defended his more humane stance on migration, the United States continues to expel a large number of migrants under the COVID-19 public health order Title 42. [A comparative study of the immigration policies under the Trump Administration and the Joe Biden Administration can be found in Annexure 1.](#)

SOUTHWEST BORDER APPREHENSIONS 2014-2021



Source: U.S. Customs and Border Protection

Source: ksat.com

III. CHALLENGES

Burden on Mexico: In Mar of 2021, Mexico was induced to introduce new measures to deter illegal crossings at its borders with Guatemala. The number of migrants apprehended at the US-Mexico border in Mar was the highest in 15 years.

Burden on US: Texas which shares a border with Mexico filed a suit in Apr 2021 against the Biden administration's move to end the Migrant Protection Protocols. Texas claimed that the ending of the policy has put undue financial and other strain on the state.

Migrant Smuggling: The Biden administration has reached agreements with Mexico, Guatemala, Honduras and El Salvador countries to use troops to crack down on migrant smuggling.

Child Rights- Thousands of unaccompanied minor who attempt to cross the borders find themselves in often overcrowded and inadequate detention facilities.

IV. RECENT TIMELINE OF MIGRATION POLICES IN THE U.S.



(DREAM) Act

In 2001, the DREAM Act was introduced to create a process by which immigrants would be eligible to apply for conditional residency which would eventually lead to permanent residency, based on the age of the immigrants at the time of entry into the United States. The DREAM Act has failed to pass despite numerous introductions.

Deferred Action For Childhood Arrival

In 2012, President Barack Obama passed an executive order- Deferred Action for Childhood Arrivals, or DACA, that granted the temporary right to live, study and work to about 800,000 undocumented immigrants age 30 or younger who had come to the U.S. before age 16, also referred to as Dreamers.

Donald Trump

In 2017, President Donald Trump rescinded DACA

American Dream and Promise Act

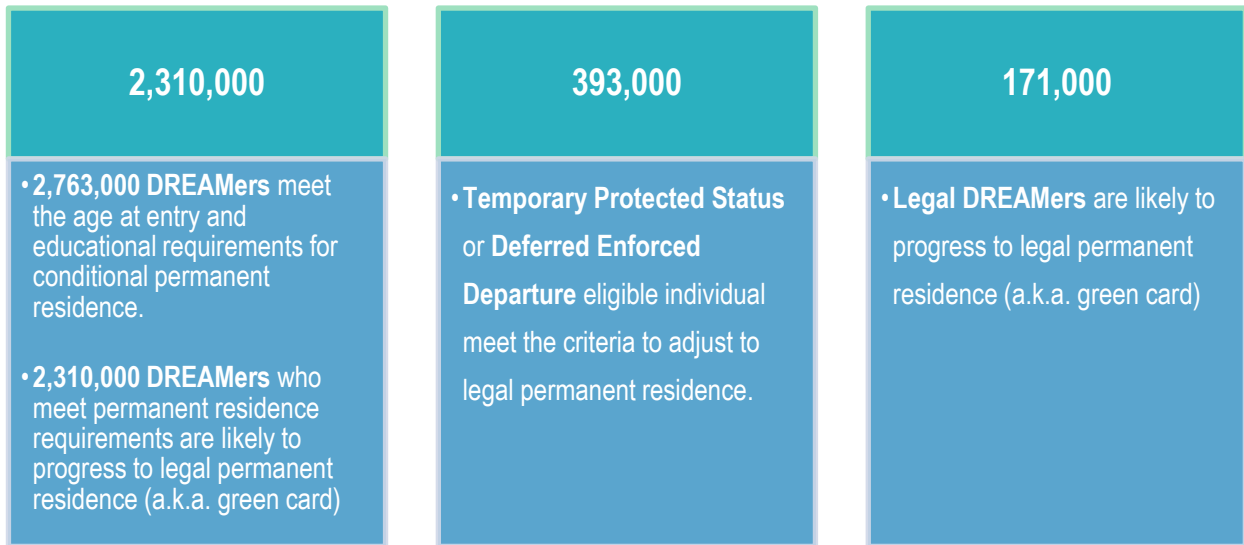
In 2021, under the Joe Biden administration, the American Dream and Promise Act comes as an extension of efforts to resolve Dreamers' status. DACA recipients and other DACA-eligible Dreamers who still meet the requirements needed to obtain DACA would

V. WHAT IS THE AMERICAN DREAM AND POLICY ACT OF 2021?

The Biden-Menendez Amnesty would give legal status to 12 million immigrants, but it will not pass as a whole. Pieces of it, however, might pass, making the American Dream and Promise Act a likely bill that could pass, which has been introduced as a stand alone bill. The most important part of the bill is giving a green card to farmers' children and to illegal immigrants who came to the United States when they were minors and are thus not responsible for their actions legally. This is sometimes referred to as the DACA, based on the work permit program

that President Obama decreed in 2012. While 800,000 people got DACA at one point, the Dream Act would give green cards and eventual citizenship to well over 2 million illegal immigrants.

WHO IS POTENTIALLY ELIGIBLE?



WHY HAS IT NOT YET BEEN PASSED?

- In order for a bill to become a law, the bill first has to pass in the House.
- Proceeding which, it passes onto the Senate.
- And for it to finally become a law, the bill requires the President's signature.
- As of now, the bill is yet to pass in the senate.
- The Senate needs 60 votes to advance.
- It is unclear whether either of these bills will garner support from at least 10 Republicans.

VI. RAMIFICATIONS OF THE ADPA

POLITICAL	<ul style="list-style-type: none"> • Diplomatic relations with other countries could be more favourable, as immigration has been a key node in bilateral ties. For instance, under the Trump administration one of the major issues was on granting H1B visas for Indian-Americans or Indian migrants. • The American Dream and Promise Act could improve ties with neighbouring countries in the Americas such as Mexico, Colombia, Venezuela, Puerto Rico etc.
ECONOMIC	<ul style="list-style-type: none"> • The ADPA would increase both illegal and legal immigration, significantly increase agency and court backlogs, and lead to skyrocketing costs for the American taxpayer. • With immigration the entire population becomes younger, there are more working-age people who are contributing to economic growth, and also given current trends in immigration the population becomes more educated.

<p>SECURITY</p>	<ul style="list-style-type: none"> • The U.S. Department of Homeland Security (DHS) was created to bridge gaps between the intelligence community and immigration functions. • Yet, the restructuring was not comprehensive, and threats to national security continue to evolve. • Criminal networks that smuggle drugs and other contraband and potential terrorists could increase. • More influx could mean illicit drugs being smuggled into the United States hidden within cargo containers, private vehicles, or in other non-commercial vehicles unless border patrolling is increased.
<p>HEALTH</p>	<ul style="list-style-type: none"> • There would need to be broad-based readiness and planning in which DHS plays a critical role. • Assuming migrants bring in diseases with them is a common misconception. • Though there are some historical examples such as the spread of disease from European colonizers. Decades of research have debunked the idea that modern immigrants pose an extreme health risk. • In fact, Congress passed several stimulus measures intended to provide financial support to individuals, businesses, and governments across the country while also increasing the availability of medical testing and treatment. • There would have to be proper testing at borders and immigration facilities in order to stop the coronavirus from spreading.
<p>BUSINESS</p>	<ul style="list-style-type: none"> • The entrepreneurial pool in the United States will be widened as a result of migration. Immigrant entrepreneurs play a vital role by generating opportunities for all Americans, as new business formation slows in the United States. • Immigrants or children of immigrants make up some of the most powerful well established enterprises in the United States. This is especially true in the tech industry, where people like Google founder Sergey Brin, Yahoo founder Jerry Yang, who emigrated from Taiwan and Microsoft CEO Satya Nadella, who emigrated from India, are examples. • As consumers in local communities, immigrants create demand for small businesses and strengthen the economy. • Employers who hire illegal workers (knowingly or unknowingly, as many illegal migrants present fake documents) hurt the economy by providing incentives (jobs) that attract low-skilled workers who might ultimately burden government resources (as they don't pay taxes), and by making it harder to compete and turn a profit. • On the other hand, some argue that illegal workers tend to take jobs that many U.S. citizens would refuse anyway, so the net effect on the economy – increased production from low-skill, low-wage positions – is likely to be positive.

VII. ASSESSMENT

While the American Dream And Promise Act could potentially be politically beneficial, it has its challenges if implemented. Having a younger population would undoubtedly increase the productivity of the United States spanning across sectors, however in the age of a pandemic, public health and safety will be one of the primary obstacles that would have to be borne by the Biden administration.

Testing at borders would have to increase along with ensuring immigration facilities are well sanitised, and that proper access to medical care and facilities are provided by the U.S. government. Some senators are also concerned about the drain on social services, such as public education and healthcare, posed by illegal immigrants. In addition to this, this bill provides amnesty and green cards to millions of illegal immigrants, which could make the country prone to fraud and reward law breaking.

However, achieving the dream of allowing an influx of migrants to become naturalised U.S. citizens can be accomplished if border security is beefed up and there is regular border patrolling by the DHS along with managing federal funding that will not impinge on American taxpayers.

ANNEXURE 1: DIFFERENCE BETWEEN DONALD TRUMP’S AND JOE BIDEN’S IMMIGRATION POLICY

POINT OF DIFFERENCE	DONALD TRUMP’S IMMIGRATION POLICY	JOE BIDEN’S IMMIGRATION POLICY
Agenda	<ul style="list-style-type: none"> ● Trump held that immigrant workers increase labour market competition and drive down wages of native-born workers. ● low-skilled immigration is responsible for African American and Hispanic unemployment. ● Aimed and planned to end chain migration and the visa lottery system, and instead turn to a merit-based immigration system. 	<ul style="list-style-type: none"> ● Joe Biden’s immigration agenda is far less restrictive than that of Trump. ● Aims at turning to a model where every type of immigrant, documented or undocumented, could gain access to government resources and a path to citizenship. ● The driving principles are foremost equality and opportunity, but also, economic growth and prosperity.
Border Security	<ul style="list-style-type: none"> ● Trump started the construction of a border wall between the United States and Mexico to stem the flow of immigrants entering the country. ● He declared a national emergency in Feb 2019; deployed members of the military’s Ready Reserves, to seize private lands, and repurpose military construction (MilCon) funding for the construction of the wall. 	<ul style="list-style-type: none"> ● Biden condemns the southern border wall and supports ending the national emergency that secures funding for the wall from the military. ● Rather, he has proposed investing in technology for better security at the border, implementing better screening infrastructure such as cameras, sensors, large-scale X-ray machines, and fixed watch towers at points of entry.
Travel restrictions	<ul style="list-style-type: none"> ● In 2017, President Trump restricted entry from eight countries—Chad (later removed from the list), Iran, Iraq, Libya, North Korea, Syria, Venezuela, and Yemen. ● Often considered as a “bias” against Muslims. ● Restrictions were imposed on six additional countries: Burma, Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania. 	<ul style="list-style-type: none"> ● Biden has put an end to the “Muslim ban”. ● Anti-Muslim bias could harm America’s economy, betray secularism, and can serve as a powerful terrorist recruiting tool. ● Holds that there is no intelligence or evidence that suggests that such bans makes America more secure.
Deferred Action for Childhood Arrival	<ul style="list-style-type: none"> ● President Donald Trump ended DACA- a program that protects young undocumented immigrants — known as “dreamers” — from being deported, on 05 Mar, 2018. ● He believed that DACA helped spur a humanitarian crisis — the massive surge of unaccompanied 	<ul style="list-style-type: none"> ● Since DACA was a major focus of Obama-era immigration policy, Biden is trying to reverse President Trump’s efforts to end the DACA program.

	<p>minors from Central America including, in some cases, young people who would become members of violent gangs throughout our country.</p> <ul style="list-style-type: none"> • Also, it denied jobs to thousands of Americans by allowing those same jobs to go to illegal aliens. 	<ul style="list-style-type: none"> • He is also attempting to strengthen the protections for Dreamers so that they have a path to citizenship. • Biden would make Dreamers eligible for federal student aid, such as loans and Pell grants, as part of his higher-education plan.
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Prepared at the Risk Assessment and Analysis Centre, Bangalore

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