



# IMMIGRATION TOPIC: NEGATIVE

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Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

A look at negative arguments provided by Rich Edwards, Baylor University



# DISADVANTAGE: BRAIN DRAIN

- Uniqueness: Immigration limited now.
- Link: The plan increases immigration of skilled immigrants.
- Impact: Economic problems for other nations (may focus on unique circumstances in India or China)

Eliot Dickinson, (Prof., Politics, Western Oregon U.), GLOBALIZATION AND MIGRATION: A WORLD IN MOTION, 2017, 83. Skilled migrants leave for a wide range of reasons, but usually because they can earn more money, have greater social opportunities, and enjoy a higher quality of life abroad. The effect on countries that lose such valuable human capital is a serious problem inasmuch as it increases the already large economic disparity between rich and poor. It further disadvantages communities that are already struggling, and it contributes to keeping peripheral countries caught in a cycle of dependency and economic underdevelopment.





# DISADVANTAGE: POLITICS (MIDTERMS)

- Uniqueness: Democrats will take back Congress in midterms if nothing changes.
- Link: The plan activates the Republican base.
- Impact: More years of Republican control.

Perry Bacon, (Journalist, FiveThirtyFive), WHAT HAPPENS IF REPUBLICANS KEEP CONTROL OF THE HOUSE AND SENATE?, May 22, 2018. <https://fivethirtyeight.com/features/what-happens-if-republicans-keep-control-of-the-house-and-senate/>. If Republicans control the House and Senate next year, I would expect them to push some kind of health policy proposal that uses the so-called reconciliation process, which requires only a majority of votes in the Senate, rather than a filibuster-proof 60. That legislation could be a full-scale repeal of Obamacare.





# DISADVANTAGE: HORSE-TRADING

- Uniqueness: Current impasse in Congress prevents change in immigration policy.
- Link: Any liberalization of legal immigration will cause draconian crackdown on undocumented immigrants.
- Impact: Destroy families/cause chaos.

Associated Press, THE MORNING CALL, Feb. 23, 2017. <http://www.mcall.com/business/getsmart/mc-fast-facts-how-much-would-deportation-of-illegal-immigrants-cost-the-us-economy-20170222-story.html>. Undocumented workers make up about 5 percent of the U.S. labor market. 8 million illegal immigrants in the U.S. are of working age, according to Pew. What is the value of undocumented immigrant labor? According to a study issued by the National Bureau of Economic Research, loss of that segment of the labor force would cost the U.S. economy \$5 trillion over a decade. Illegal immigrants provide \$500 billion in output a year, according to study co-author Francesc Ortega.





# DISADVANTAGE: HEGEMONY BAD

- Uniqueness: U.S. leadership undermined now by Trump policies on immigration.
- Link: Plan actually claims to restore U.S. leadership in the world by reforming immigration policies.
- Impact: U.S. hegemony bad.

Liu Mingfu, (Prof., China's National Defense University), THE CHINA DREAM, 2015, 58. American hegemony is the root cause of the current attempts at nuclear weapons proliferation. American war has not stopped since the Cold War concluded, and the reason is not nuclear weapons, but America's imposed hegemony. The first strategic task necessary to guarantee world peace is not denuclearization, it is the end of hegemony. Only if America halts its hegemonic campaigns can the world denuclearize.





# DISADVANTAGE: POPULATION

- Uniqueness: U.S. population growth is under control at present.
- Link: Immigration increases U.S. population.
- Impact: Species destruction, overwhelming carrying capacity.

Philip Cafaro, (Prof., Environmental Studies, Colorado State U.). HOW MANY IS TOO MANY?: THE PROGRESSIVE ARGUMENT FOR REDUCING IMMIGRATION INTO THE UNITED STATES, 2015, 29-30. Once again, at the risk of stating the obvious: which immigration rate we choose will make a huge difference to US population numbers in the coming years. A good rule of thumb is that for every half million immigrants admitted annually we increase America's population at the end of this century by 72 million people. Another is that under all mass immigration scenarios with more than a few hundred thousand net immigrants per year, the US population cannot stabilize and instead continues to grow.



# H-1B: KEEPING THE “BEST AND BRIGHTEST”

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- The case typically claims the U.S. is facing a major shortage in STEM (science, technology, engineering, and math) fields.
- Deny the STEM shortage.

Jamin Xu, (JD), INTELLECTUAL PROPERTY & TECHNOLOGY FORUM AT BOSTON COLLEGE LAW SCHOOL, Spr. 2016, 7. While employers continue to needlessly hire foreign workers under the H1-B visa program, U.S. born workers are left without work in their fields of expertise, and thus, underemployed. In 2010, there were 25,000 individuals born in the U.S. with Masters' or Ph.D. engineering degrees who were unemployed and another 68,000 with advanced degrees who were not in the labor force.





# SYRIAN REFUGEES

- Minimize the impact by pointing to U.S. funding of resettlement programs in neighboring countries, including Jordan.

Alexander Betts, (Prof., Migration Studies, U. of Oxford), FOREIGN AFFAIRS, Nov./Dec. 2015. Retrieved Apr. 8, 2018 from <https://www.foreignaffairs.com/articles/levant/2015-10-20/help-refugees-help-themselves>. Jordan offers one place to begin. There, a reconsidered refugee policy would integrate displaced Syrians into specially created economic zones, offering Syrian refugees employment and autonomy, incubating businesses in preparation for the eventual end of the civil war in Syria, and aiding Jordan's aspirations for industrial development. Such an approach would align the interests of a host state with the needs of refugees and might prove broadly applicable to refugee crises elsewhere.





# CLIMATE REFUGEES

- Refugee status currently is based upon showing “well founded fear of persecution”
- Broadening the definition of “refugee” will demean existing categories of refugees.

Breanne Compton, (JD., U. Colorado Law School), COLORADO NATURAL RESOURCE, ENERGY, AND ENVIRONMENTAL LAW REVIEW, Summer 2014, 371. Any attempt to broaden the internationally ratified definition of refugee to include environmental refugees will likely be met with severe resistance. There are several arguments that support this opposition. First, broadening the reach of the current refugee definition arguably devalues existing protection for refugees. Second, environmental refugees do not meet any of the requirements of the current definition of refugee, and thus to include them would completely restructure the existing framework. Third, environmental changes affect nations across the globe, and to open the floodgates of international law to a broader designation of refugees would significantly backlog the system.



# OPEN BORDERS

- Open borders would not help the world's poor; only the most well-off persons in developing countries are able to migrate. This would leave behind the poorest of the poor, increasing the wealth gap.

Lea Ypi, (Prof., Political Theory, London School of Economics), *MIGRATION IN POLITICAL THEORY: THE ETHICS OF MOVEMENT AND MEMBERSHIP*, 2016, 164. Typically, only those who are not absolutely deprived where they are and have sufficient means at their disposal—skills, savings, foreign contacts, or all of these in combination—can afford the risks involved in transport and the costs of settlement in a completely different environment.



# RIGHT TO COUNSEL

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- There is an inadequate supply of skilled immigration attorneys; studies show that having a poorly trained immigration attorney is worse than having none at all.

Banks Miller, (Prof., Political Science, U. Texas at Dallas), LAW AND SOCIETY REVIEW, Mar. 2015, 230. Another startling finding is that having no attorney is consistently more beneficial than having a low quality attorney. This finding has serious policy implications in regard to proposed reforms concerning representation for all asylum seekers, which we discuss more in the section below.



# AGING WORKFORCE

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- It is actually fortuitous that “baby boomers” are retiring, since automation will be replacing U.S. workers at a rapid rate.

Ginger Szala, (Staff), THINK ADVISOR, Sept. 2017. Retrieved Apr. 20, 2018 from Nexis. This smart technology growth expands across the globe, which is exciting, he said, it also can be scary, as studies done by Oxford University and MIT have found that 47% of jobs in the U.S. today will be "automated away" by 2022. For India 69% of jobs will be lost to technology and for China 77%.



# HUMAN TRAFFICKING

- There are many tools designed to protect trafficking victims beyond the U visa, including the Trafficking Victims Protection Act and the T visa.

Efthimia Barbagiannis, (Editor), *CARDOZO JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW*, Summer 2017, 590. The T-Visa program can serve as a model for other countries to replicate. Other countries should create similar long-term residency programs that are suited for victims of trafficking. Long-term residency reduces the chances of a victim being repatriated to a place where his or her vulnerabilities can be exploited to re-traffic them. With a fifty percent rate of re-trafficking, long-term residency programs could significantly reduce that percentage, and doing so, better combat human trafficking.

# TRAVEL BAN

- The fact that the first and second travel bans were rejected by the courts demonstrates that the system has worked. Only the third travel ban – one with many exceptions – was approved.

WASHINGTON POST, June 26, 2018. Retrieved June 26, 2018 from [https://www.washingtonpost.com/opinions/trump-has-not-been-vindicated/2018/06/26/7b29b92e-795b-11e8-93cc-6d3beccdd7a3\\_story.html?utm\\_term=.d7b4f292e478](https://www.washingtonpost.com/opinions/trump-has-not-been-vindicated/2018/06/26/7b29b92e-795b-11e8-93cc-6d3beccdd7a3_story.html?utm_term=.d7b4f292e478). On Tuesday, a five-member majority of the Supreme Court upheld this so-called travel ban. Given that it had been revised twice after flunking judicial and public scrutiny, and now includes various exceptions, and covers not all Muslim nations but only a handful, it could not be said to violate the First Amendment ban against religious discrimination, the court concluded. . . . The Trump policy was forced to change; checks and balances did operate to that extent.





# PATHWAY TO CITIZENSHIP

- The Trump administration rhetorical attacks on immigrants are very much about theater and less about actual increases in deportation. There is no deportation crisis.

ECONOMIST, Dec. 14, 2017. Retrieved May 15, 2018 from <https://www.economist.com/united-states/2017/12/14/donald-trump-is-deporting-fewer-people-than-barack-obama-did>. While campaigning, Mr. Trump had promised to “round up” and remove all 11m undocumented immigrants estimated to be living in America. It was an impossible vow to keep, but the country still braced for an onslaught of deportations. Yet figures released by the Department of Homeland Security (DHS) on December 5th show that the total number of deportations has declined over the past fiscal year—from October 1st 2016 to September 30th 2017—to the lowest level seen since 2006.





# PROTECTING DREAMERS

- More than 1 million persons eligible for DACA have not registered because of concern for their families being deported; there is no reason to believe that the DREAM Act would work any differently in the Trump administration.

Ali Linan, (Staff), LAS CRUCES SUN-NEWS, Jan. 26, 2018, A2. The main concern for many "Dreamers" is that their freedom does not come at the cost of their families. The Trump administration laid out a proposal Thursday afternoon that would grant 1.8 million young undocumented immigrants a pathway to citizenship in exchange for a \$25 billion trust fund to pay for a wall along the United States-Mexico border. But, it leaves out one key request of the Dreamers, and that is protection for their loved ones.







# SANCTUARY CITIES

- Courts are protecting sanctuary cities; the Justice Department threats have actually created useful legal activism protecting federalism.

Jonathan Shaub, (Assistant Solicitor General, State of Tennessee), UNIVERSITY OF RICHMOND LAW REVIEW, Mar. 2018, 685. In other words, state attorneys general serve as a check on the executive branch where one otherwise may not exist. The existence of their threat is ever-present and obvious as the executive branch chooses its actions. State attorneys general thus further a fundamental principle of our constitutional system by acting as an outside check on the exercise of executive authority in order to protect individuals and their liberty from a government in which the powers have not been separated. Although state attorneys general are not a formal part of the Constitution's separation of legislative and executive powers, they have become vital to protecting it in light of the evolution of the administrative state and statutory delegation. Without them, delegation enforcement may be impossible.





# INTERNATIONAL ADOPTION

- Restrictions on international adoption agencies are fully justified since these agencies have sometimes engaged in child sex trafficking.

Gabriela Misca, (Prof., Health & Society, U. of Worcester), FAMILY COURT REVIEW, Jan. 2014, 62. Intercountry adoption is often hampered by illicit activities such as human trafficking and the exploitation of children. The increased demand of children from developing countries has, at times, turned intercountry adoption into a cover for illicit movement of vulnerable children. Thus, many vulnerable children become victims of child laundering where they are illegally separated from their birth families and processed through the adoption system as "orphans". Acknowledging the illegal movement of children underlines the importance of ethical and legal considerations that cannot be ignored, particularly as intercountry adoption operates on the premise of protecting children from further harm.



# IMMIGRANT DETENTION

- Alternatives to detention would enable “net widening” in the Trump administration.

Liat Ben-Moshe, (Prof., Disability Studies, U. of Toledo), BEYOND ALTERNATIVES TO INCARCERATION AND CONFINEMENT, 2017, 12. The problem with such so-called alternatives is that they only increase the scope of incarceration and become an addition to traditional forms of incarceration, instead of an alternative. Even though electronic monitoring was supposed to be a tool of decarceration, it became an accompanying tool of incarceration, in addition to prisons and jails, and has not been shown to decrease prison or detention populations in any significant way. GPS monitoring systems and home surveillance would also not be construed as very useful by some prisoners and anti-prison activists, as these are only alternatives to prisons, and do not provide alternatives to incarceration in a meaningful way. Such so-called alternatives then do not comprise a decline of segregation, but its intensification through other means.



# FAMILY REUNIFICATION

- Family reunification already dominates U.S. legal immigration, constituting by far the largest category.

Cassidy Cloninger, (JD), CAMPBELL LAW REVIEW, Spr. 2017, 416. With limited exceptions, America's current immigration system annually accepts 675,000 permanent immigrants worldwide. Immigration to the United States is prioritized based upon the principles of reunifying families and "admitting immigrants with skills that are valuable to the U.S. economy, protecting refugees, and promoting diversity." Noticeably, the "[p]reference allocation for family-sponsored immigrants" is the first category of immigrant visas discussed in the Immigration and Naturalization Act ("INA") Section 203. This is important because family reunification has been, and should remain, at the heart of America's immigration system. Family-based visas seek to accomplish the goal of reunification.





# GUEST WORKERS

- Mechanization of agriculture eliminates the need for large numbers of immigrant guest workers.

Jeff Daniels, (Staff, CNBC), FROM STRAWBERRIES TO APPLES, A WAVE OF AGRICULTURAL ROBOTS MAY EASE THE FARM LABOR CRUNCH, Mar. 8, 2018. Retrieved May 15, 2018 from <https://www.cnbc.com/2018/03/08/wave-of-agriculture-robotics-holds-potential-to-ease-farm-labor-crunch.html> . Some farmers are responding to the worsening farm labor shortage by turning to automated harvesting equipment and other advanced technology that perform tasks such as pruning, seeding and weeding. Robotic harvesting vehicles are being tested in Florida and California to pick strawberries and replace labor-intensive tasks normally performed by dozens of farm workers. Also, robotic machinery is being tested to harvest apples and other crops, and efforts are underway to develop small agriculture field robots that can attack weeds or take care of other farm work. Large farming companies are helping to champion the robotic solutions by sometimes becoming strategic investors in the technology firms and by participating in testing of the next-generation farm equipment. It comes as advancements in processor speeds also have paved the way for robotics to become more practical and cost effective.





# INVESTOR VISAS

- Investor visas produce little in actual investment and create opportunities for fraud.

Peter Elkind, (Staff), FORTUNE, July 24, 2014. Retrieved May 15, 2018 from <http://fortune.com/2014/07/24/immigration-eb-5-visa-for-sale/>. But because the EB-5 industry is virtually unregulated, it has become a magnet for amateurs, pipe-dreamers, and charlatans, who see it as an easy way to score funding for ventures that banks would never touch. They've been encouraged and enabled by an array of dodgy middlemen, eager to cash in on the gold rush. Meanwhile, perhaps because wealthy foreigners are the main potential victims, U.S. authorities have seemed inattentive to abuses.





# TEMPORARY PROTECTED STATUS

- Courts are protecting TPS immigrants from Trump administration efforts to send them home prematurely.

Wites & Kapetan, Attorneys at Law, Dec. 29, 2015. <http://wklawyers.com/immigrants-temporary-protected-status-may-soon-eligible-apply-lawful-permanent-residency/>. Temporary Protected Status (TPS) holders who entered the United States illegally may now be eligible to adjust their status to “Lawful Permanent Resident” (LPR), according to a recent groundbreaking decision by a United States Court of Appeals. The decision serves as a stunning departure from previous United States Citizenship and Immigration Services (USCIS) policy requiring TPS holders to first leave the United States before applying for LPR status





# SPOUSAL ABUSE

- The Violence Against Women Act (VAWA) adequately protects immigrant women from abuse.

Lianna Donovan, (Editor), RUTGERS LAW REVIEW, Spring 2014, 758. Congress's passage of the Violence Against Women Act of 1994 ("VAWA 1994") was the first measure to explicitly "provide a federal role" in the prosecution of acts of domestic violence and the protection of victims of these crimes. From the outset of VAWA's enactment, Congress sought to end abusers' continued use of immigration status as a "key tool of control." By incorporating provisions that allowed undocumented victims to petition for legal status for themselves and their children without their batterer's knowledge and cooperation, VAWA reflected congressional intent to ameliorate immigrant victims' dependency on their abusers.







# SPECIAL IMMIGRANT VISAS (SIV)

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- Congress has approved increases in the SIV visa quota.

US OFFICIAL NEWS, Dec. 13, 2017. Retrieved May 15, 2018 from Nexis. In this legislation, Senator Shaheen secured the authorization of 3,500 visas for the Special Immigrant Visa (SIV) program for Afghan interpreters and support staff. Senator Shaheen has championed the Afghan SIV program, which allows Afghans who have supported the U.S. mission in Afghanistan and face threats as a result of their service to apply for refuge in the United States. Earlier this year, Shaheen played a critical role in securing additional Afghan visas to avert a lapse in the program.

