



# FOOTNOTES

## ALICE IN WONDERLAND: U.S. IMMIGRATION POLICY

Lewis Carroll would be proud. Present U.S. asylum and immigration policies bear the distinctive mark of the Mad Hatter.

### The Sequence of Events

As a starter, we have laws concerning the permissible levels of immigration — not very rigorous laws, perhaps — but then we create an asylum policy whereunder any person who can get here and claim political asylum is given a work permit and allowed into the country. (They could be held for a hearing, but INS — the Immigration and Naturalization Service — does not have the funds to detain any but a tiny fraction. There is a huge backlog, and detention regularly leads to legal appeals. Years later, INS will send an invitation — frequently to a fictitious name at a fictitious address — to have his or her case heard. Half the invitees do not show up, at which point the INS marks the case “closed” and the person presumably lives happily ever after.)

To make sure the invitation is understood, the Attorney General in the Bush administration issued an order that there would be a presumption of refugee status for Chinese who object to the Chinese government’s “one child family” policy. Acting on these instructions, immigration judges have been granting 85 percent of the asylum applications to Chinese who do show up for their hearing. Moreover, after the 1989 Tiananmen massacre, the U.S. Government invited all Chinese here at the time to stay. These invitations are still in effect, overseen by a Republican General Counsel of IRS (Grover Reese) whom the Clinton administration has not gotten around to replacing.

Then we are astonished when ships begin arriving along both coasts, run by smuggling gangs and bearing poor Chinese looking for work, who have been instructed to tear up their identity documents and say the magic words “political asylum”. Concurrently, and acting perhaps on tips, the INS discovers apartments and a warehouse full of Chinese workers who are being held as slaves while they work off their \$30,000 passage fee in gang-affiliated sweatshops. One said he had been working for 70 cents an hour.

What does the government do? It announces rather huffily that it is seeking international action to curb the smuggling of illegal aliens (Reuters, June 7.) The Chinese government says it will cooperate. It arrests a few alleged smugglers and (Chinese justice being swifter than ours, if not necessarily just) it hands out some light sentences. At the same time, the Foreign Ministry spokesman makes the not unreasonable point that U.S. asylum policy has encouraged the human smuggling operations.

As if to underline the extent to which U.S. immigration laws have become a mockery, consider the odyssey of the Chinese gang leader who managed the arrival this month of one group of

nearly 300, six of whom drowned coming ashore. As the INS reconstructs it (*New York Times* June 10), he came to the U.S. as a teenager (illegally) in 1980, was convicted of attempted grand larceny in 1986, served time and was deported, returned across the Mexican border the next year, was soon arrested for gang activity, was convicted of illegal entry but beat the deportation proceedings by claiming political asylum. During those years, he apparently travelled to and from the U.S. at will on false papers.

### The Wondrous Contradictions

In short, the asylum procedures, seen by their more idealistic proponents as a lifeboat for those who are in danger because they have stood up to tyrants, become the means for the enslavement of some desperate Chinese and the enrichment of street gangs, and a source of cheap and obedient labor for employers in our cities’ Chinatowns. The nation has minimum wage laws and a law against importing people for indentured servitude, and the asylum process is making a travesty of both.

This is the labor that, apologists say, fills the “jobs that Americans won’t take.” Do those apologists really believe that Americans should work for as little as 70 cents an hour and be locked up every night in a crowded and windowless room? As with other commerce, the lowest bid tends to set the price of labor, and this indentured labor drives down wages and takes jobs from the other unskilled people in the cities. At a time when only 45 percent of young Blacks and 58 percent of young Hispanics have regular jobs, nationwide,<sup>1</sup> we are frightened by the periodic eruptions in our cities, but the government does not make the connection between immigration and those tensions.

To continue this weird tale: the Bush administration extended the invitation to placate zealots who sought to punish the Chinese for using abortion as a population growth control. Granted, the Chinese have used measures that most of us would decry. On the other hand, we don’t have 1.2 billion people. Not yet. The time may come, for us too, when desperation overcomes squeamishness. In effect, President Bush was attacking the Chinese for trying to deal with the population problem that generates the flow of desperate migrants that we are trying to stop. Whatever its faults, and despite the efforts of the Bush administration, the Chinese policy succeeded last year in bringing fertility below replacement level (and lower than ours.) Despite us, they may eventually work their way out of their problem, and thus spare us the problem of illegal Chinese migration.

The Clinton administration has disavowed the Bush population policies but has not yet reversed them in this instance.

The odyssey of the gang leader dramatizes another twist in our immigration law. The Immigration Reform and Control Act of 1986 (IRCA) was intended to forbid the hiring of illegal

aliens (unless of course they uttered those magic words "political asylum.") However, it provided no way of identifying who is entitled to work here. This in turn led to a massive traffic in false identity documents, with the result that an entire class of people can now move in and out of the country with one or more false identities, and it makes it very easy to elude the law, whether your purpose is terrorism, drug smuggling, the trade in indentured servants, tax evasion, or simply getting a job.

### The Turn of Opinion

After years of political torpor, this tragicomedy of the Chinese boat people has spurred a sudden frenzy of reform proposals. There are more than twenty new bills before Congress. The National Security Council is said to be chairing an inter-Departmental group developing ways of dealing with illegal immigration, including tougher laws and the use of sophisticated surveillance procedures heretofore unavailable to the INS. If this is a fruit of the change of administration, congratulations.

For the first time in decades, genuine reform of our immigration procedures may be a possibility. Congressman Romano Mazzoli (D-KY), chairman of the House Subcommittee on Immigration, Refugees and International Law, has introduced legislation (HR 1679) to give the INS more power to judge asylum applicants speedily and send the unqualified applicants home. Members of his committee have introduced even tougher legislation, including Bill McCollum (R-FL; HR 1355) and Elton Gallegly (R-CA), whose HR 1078 would increase Border Patrol personnel; his HR 1079 would create a tamper proof identity card for aliens entitled to work in the U.S., HR 1080 would ban direct federal financial benefits and unemployment benefits to aliens not lawfully permanent residents, and HR 1083 would ban federal assistance to localities that do not cooperate in apprehending illegal aliens (there are jurisdictions that refuse to cooperate.) Rep. Anthony Beilenson (D-CA) has introduced bills (HR 1029 and 1031) that would enlarge the Border Patrol and provide a fraud-proof Social Security card.

In the Senate, the key player is Senator Edward Kennedy (D-MA), chairman of the Subcommittee on Immigration and Refugee Affairs. Long an obstacle to effective immigration controls, he is singing a new tune. He says the asylum problem "has been festering for years, but these Chinese slave ships have made inaction indefensible." (*Washington Post*, June 12.) He plans to introduce a bill to toughen asylum procedures. His Republican counterpart, Alan Simpson of Wyoming, has already done so (S 667).

Out of all these proposals, there may emerge some serious legislation. Readers who are concerned about the role of immigration in population growth are urged to take note of those names, perhaps to commend the two chairmen for their initiatives, and to urge their own Congressperson and Senators to sign on.

In part, this FOOTNOTE is intended to alert readers to the window of opportunity. Beyond that, however, it is intended to warn that Chinese are not the only illegal immigrants, and asylum fraud is not the only way they come. Illegal immigration is a major if unmeasurable element of U.S. population growth, an important component of the disintegration of the cities, and one source of the impoverishment of the nation's urban poor, who are themselves disproportionately minorities.

The dramatic arrivals by boat are probably a small part of the problem. These people have all been from Fujian (Fukien) Province, which has not heretofore been a major source of migration to the U.S. We may assume that similar rings are operating, more effectively, in Toishan and Chungshan districts, the traditional "Chinese connection", and indeed in various other countries.

In earlier papers, NPG has addressed the questions of how to control illegal immigration,<sup>2</sup> and another study of asylum policy is in the works.

Meanwhile, the Bureau of Census clings to the belief that net annual illegal immigration is only 200,000, most of it from Mexico. The INS puts the figure at 250,000-500,000 per year, about 100,000 of them Chinese.<sup>3</sup> Nobody in government really addresses the government's own statistics suggesting that overstaying "non-immigrants" arriving by air may add hundreds of thousands or even more to our population annually.<sup>4</sup> With all those people in the inner cities eluding identification, part of our problem may be that the cities are simply bigger than we think. Perhaps it is time for a real hard look both at the evidence and at the arguments for an improved identification system that will make it possible for the INS and the police to keep a better watch on these elusive customers.

--Lindsey Grant, Editor

### NOTES

1. Bureau of Labor Statistics *Employment and Earnings*, January 1993, p. 22. The figures are for the non-institutional (i.e. not in jail) population 20-24 years of age not enrolled in schools who have full time employment.
2. See David E. Simcox *Sustainable Immigration: Learning to Say No* (NPG FORUM March 1990), reprinted as Chapter 14 of Lindsey Grant et al *Elephants in the Volkswagen* (New York: W.H. Freeman & Co., 1992), or David Simcox & Rosemary Jenks *Refugee and Asylum Policy: National Passion versus National Interest* (NPG FORUM February 1992).
3. Associated Press, 6-7-93, 22:08.
4. Lindsey Grant *What We Can Learn from the Missing Airline Passengers* (NPG FORUM November 1992)

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