

# **TOWARD NEGATIVE POPULATION GROWTH: CUTTING LEGAL IMMIGRATION BY FOUR-FIFTHS**

**An NPG Position Paper  
by David Simcox and Tracy Canada**

## **EXECUTIVE SUMMARY**

Mass immigration, whether through established or extra-legal channels, has by default become the nation's *de facto* population policy. In 2005, new immigrants (legal and illegal) plus births to immigrants accounted for about 2.3 million people – more than 60 percent of America's average annual population growth at the time.<sup>1</sup> In 2008, studies projected that immigration (legal, illegal, and the children of immigrants) would be responsible for 82 percent of U.S. population growth between 2005 and 2050.<sup>2</sup> And in 2013, the Census Bureau projected that by mid-century, international migration would become the principle driver of America's population growth – a first since at least 1850.<sup>3</sup>

While Washington debates the immigrants' skills, status and provenance, their environmental impact is the same: immigrants and their children become part of the population base that intensifies the nation's depletion of resources and environmental stress. Washington has from time to time looked at the environmental effects of mass immigration in hearings and special commissions, but has given them no weight in their ultimate immigration choices. In 2013, as in 2006, Congress and the President were considering so-called "reform" legislation – laws that potentially would double annual immigration rates. Most of Washington's consideration of the population effects has been not the *environmental* risks, but of the supposedly beneficial potential for boosting economic growth.

Current immigration numbers are excessive, if the U.S. is ever to reduce its population to an environmentally-sustainable size. NPG believes that this goal can only be met if illegal immigration is reduced to near zero, and legal immigration is reduced by four-fifths – to about 200,000 yearly. Such reductions cannot be realized without serious changes: immediate enforcement of existing immigration laws, mandatory E-Verify for all employers, elimination of "anchor baby" policies, and deep cuts in family chain migration. Importation of family members, both immediate and more distant, accounts for nearly two-thirds of all legal entries.<sup>4</sup> The proposed 200,000 allotted visas would satisfy core national labor interests in rare and essential skills, as well as humanitarian relief.

The U.S. has accepted nearly 80 million documented immigrants since 1820.<sup>5</sup> Without guilt, our nation can now be generous to the world in new ways: by slowing our profligate consumption and waste dumping, by remaining a major food exporter, and by curbing our intense competition for world energy supplies.

Immigration in all its many forms has in the last two decades become the main driver of America's excessive population growth. Unlike fertility and mortality, immigration is the demographic process most responsive to policy changes and to regulation.

Immigrants of all categories – legal, quasi-legal, and illegal – now add roughly 1.1 million, or approximately half, to yearly national population growth of over 2.2 million. Net illegal immigration accounts for a little more than a third of annual permanent immigration – about 400,000 a year.<sup>6</sup> Net legal and long-term temporary (quasi-legal or Limited Duration) immigration accounts for a net of about 800,000 per year.

By 2005, an average of nearly a million children were born each year to immigrants in the U.S. – about 25 percent of all U.S. births at the time. Births to illegal immigrants, conferring immediate U.S. citizenship, were more than a third of all immigrant births. For many immigrant women, resettlement in the U.S. raises their fertility above that of their counterparts back home.<sup>7</sup> Net new arrivals of immigrants and births together accounted for fully 61 percent of population growth that year. By 2011, the total foreign-born population reached over 38 million, or nearly 12.5 percent of our total population.<sup>8</sup>

Refugee, asylee and other humanitarian admissions also swelled rapidly in the 1980s because of perceived humanitarian emergencies in war-torn Vietnam and Castro's Cuba, and the 1990s' lavish admissions of allegedly "temporary" humanitarian entrants. Though targeted at 50,000 a year in the 1980 Refugee Act, refugee, asylee and other humanitarian admissions averaged 114,000 a year from 1981 to 2000. Total refugee admissions to the U.S. between the end of World War II until 2000 totaled 3.49 million; but 2.1 million of these (62 percent) occurred after 1980. In 2012 alone, the U.S. accepted over 150,000 refugees and asylees.<sup>9</sup>

These conservative estimates of immigration are a severe warning for America's overstressed environment. Growth from immigration is pushing any prospect of population stability into the far future, distancing the prospect of movement toward a smaller, environmentally sustainable population. Immigration in its many forms and disguises has developed an awesome momentum that only the most bold and demanding measures can arrest.

## **POPULATION POLICY & MASS IMMIGRATION**

Washington's policy for the last 30 years has been described as "benign neglect" toward immigration, and, particularly in the case of legal immigration, the use of restrictionist rhetoric to cloak expansionist measures.<sup>10</sup> Annual illegal immigration has more than doubled between the 1970s and 2008, with Washington's acquiescence.

Even when under public pressure, Congress still enacted the 1986 Immigration Reform and Control Act (IRCA). Right up to September 11, 2001 it neglected to implement any truly effective systems to control the border, to identify and block the hiring of illegal aliens, and to end the abuse of temporary visitors' visas to settle and work.

Those features of IRCA that expanded admissions through amnesties, however, were zealously carried out. Well over 5 million illegal aliens have been legalized by general and special amnesties since 1986. Congress in the 1990 Immigration Act further expanded overall legal immigration, justifying it as opening the "front door" of legal immigration after having supposedly "closed the back door of illegal immigration" in the 1986 Act. The 1990 Act also created an open-ended "temporary protected status" – by 2005, the status had been used by over 400,000 persons from troubled areas that could not qualify as refugees. Most are still here.

To appease Americans hoping for reduced immigration, the legislators shamelessly implied that the 1990 Act's Orwellian-sounding "pierceable ceiling," under which overall family immigration continued to grow rapidly, was somehow restrictive. To keep pace with the generous increases for family immigration, the 1990 Act raised employment-based immigration from 54,000 to 140,000. At the same time, Congress further opened the door to the ostensibly "temporary" entry of hundreds of thousands of skilled workers and their dependents for extended or often unlimited stays.

Has Washington seriously considered the effects on population growth in the three decades of prodigious increases in immigration? Yes, but perfunctorily and usually as a sop to its conservationist constituencies. If anything, national leaders and opinion formers have shown more concern over too little population growth, not too much, as the post-baby boom fertility of American women fell below replacement level.

The Senate's 2013 immigration reform bill (S. 744) and the House's 2014 Statement of Immigration Reform Principles openly favor population expansion through immigration. For Washington, immigration is now an elixir to spur growth by providing needed workers and consumers, magically injecting innovation and entrepreneurialism, and counteracting the "Aging of America."

### **NEW CATEGORIES AND STRATEGIES FOR IMMIGRATION LIMITS**

Immigration laws, like the tax laws, are complex for a reason. Their complexity numbs the latent anger Joe Citizen would voice if he could pierce the legal camouflage surrounding the huge numbers actually arriving. Congress still increases admissions while seeming to restrict them. Good examples are the limits proclaimed on annual conferral of formal asylum status: in 2006, the limits were 10,000 a year for all asylees and 1,000 a year on grants of asylum for persons claiming

to flee coercive birth control policies, such as in China. In fact, in most years considerably more are admitted as "conditional asylees" in these classes and become U.S. residents. Then it's only a wait for available ceiling spaces to be designated formal asylees. During 2012, the U.S. granted asylum to 29,484 individuals.<sup>11</sup> For purposes of population economy, these are truly ceilings that do not seal.

Forget the proliferating opaque categories of immigration used in Washington-speak. New labels are coined with confusing frequency as special interests or the courts succeed in tweaking Congress or the Executive into some new twist of law or regulation. A simpler way of thinking about the complexities of our immigration laws might be both an incentive to action and a clearer guide to the actions needed.

Those concerned about the mid and long-term damage of today's big numbers on the nation's future quality of life must concentrate more on cutting the overall numbers than on juggling the categories.

For a more simplified model, consider that there are three interacting and mutually-nourishing streams in today's mass immigration: illegal immigrants, legal immigrants, and quasi-legal immigrants. Illegal and quasi-legal immigrants tend, over time, to become legal. All streams bring in people for extended or permanent stays, making them full contributors, regardless of their category, to the polluting and resource-devouring base population.

All three immigration streams are now largely ungoverned by any effective numerical limits and devoid of any rational comprehensive management. If policy is more clearly defined by the actions of a government rather than by written documents, then America's immigration policy has been simply "more" – more people and more immigration, with no ultimate limits.

The following discusses the goal of reducing immigration to a demographically neutral size and how it might be managed. It does not deal with illegal immigration. Strategies and policies for eliminating illegal entries are addressed in separate NPG publications.

### **CRITICAL TO REDUCTION: CLOSING OUT CHAIN MIGRATION**

The official immigration numbers released by the Department of Homeland Security (DHS), show a count of annual grants of legal residency – just over 1 million in 2012 – rather than the real world inflow of people. Yet millions more are in the pipeline for Green Cards. If the government chose to do so – and there are serious pressures from interest groups to do just that – it could easily double its annual output of new legal residents from this backlog. In 2006, some two-thirds of those stamped in were already living in the U.S. – either illegally (at that time about 160,000 illegals were legalized each year) or under some conditional status.

The first population effect of “green carding” is the new legal resident’s right to apply for admission of family abroad under limited quotas. But the event of greatest demographic consequence in the immigration cycle is naturalization – usually attained by the alien six to nine years after his legal admission. Now annual naturalizations are the highest in history, reaching 757,434 in 2012.<sup>12</sup>

Naturalization is the golden key to chain migration for the newcomer, opening the door to prompt admission, without quota limits, of his or her spouse, children and parents. The new citizen, subject to quota limits, also gets a preference to bring in his or her adult children and siblings. The annual intake of immediate relatives of citizens – an unlimited category – has increased apace, rising from 235,000 a year in 1992 to nearly 479,000 in 2012.

This “chain migration” dynamic now powers the legal immigration conveyor belt and stimulates the illegal immigration of relatives. While satisfying one immigrant’s kinship needs, admission of his relatives thereby creates several newly entitled persons to eventually seek fulfillment of their longings for overseas families. Over 66 percent of all persons made legal residents in 2012 entered because of kinship to earlier immigrants. Less than 14 percent were admitted for their skills or business abilities. Most of the remaining 20 percent are humanitarian immigrants and “Diversity” visa lottery winners.<sup>13</sup>

The ominous momentum of immigration is evident in the increasingly long waits for quota numbers among relatives of non-citizens, and in the staggering backlog of unattended petitions for family preference. By 2005, the State Department had ceased releasing the worldwide totals on waiting lists. But in July of that year, the shortest waiting period for any form of quota-limited family visas was over four years. In the most oversubscribed category, brothers and sisters of U.S. citizens, the 2012 average wait was over 11 years.<sup>14</sup> Another backlog, the petitions for immigration preference waiting to be filed, reached six million in 2004.<sup>15</sup>

Some would conclude from these data that the rationing intended in our immigration laws is working and that the U.S. is not taking in immigrants faster or in greater numbers than it should. But the mere approval of petitions in heavily oversubscribed categories creates in many recipients a sense of entitlement to come and do their waiting in the U.S. Pressure from sponsoring immigrants here compels top immigration managers to switch more money and people to campaigns to clear backlogs or to give special “temporary” visas to relatives to join their family members in anticipation of a quota number becoming available. The result is hurried, rubber-stamp casework and diversion of scarce DHS resources needed elsewhere. The “temporary” family visa given to fiancées and certain relatives



of citizens and permanent residents is nothing more than permanent immigration with a head start.

Near the end of 2005 the U.S. Senate, including the Chairman of the Judiciary Committee, introduced several major bills that would more than double family immigration or remove the numerical limits on family members of certain classes of immigrants.<sup>16</sup> Recently proposed immigration “reform” legislation, if enacted, would also increase family immigration levels. The present family immigration system is a dam with many leaks waiting for complete collapse. Moreover, the rationing of visas is unappealing to harried legislators, and the clamor grows to circumvent the waiting lists.

### **GETTING ALONG WITH JUST 200,000 IMMIGRANTS A YEAR**

NPG accepts that there must be some immigration to fulfill the ideal of the “open society” and to meet irreducible national interests, such as investors, otherwise unavailable rare skills and specialties, and refuge of last resort for limited numbers of those truly fleeing mortal danger and lacking any other options. But above all, NPG believes the nation’s population should decline to an environmentally sustainable level – fewer than 200 million Americans – as soon as reasonably possible. Prolonging the transition will compound the environmental damage to the nation and the planet.

We believe the maximum allowable level of immigration to attain these competing ends is 200,000 a year.<sup>17</sup> At that level, over time, average emigration would be in approximate balance with immigration. The 200,000 ceiling could be fine-tuned in future years, depending on trends in fertility, emigration, and mortality.

To reach 200,000, the nation must sharply curtail and eventually end the family reunification privilege for everyone – immigrants and U.S.-born citizens alike. Family chains alone have historically produced over 600,000 newcomers

a year, a number antithetical to a reversal of population growth.

Those 200,000 admissions should be selected with great care to satisfy priority national interests without creating additional expectations. NPG has no recommendations as to how these numbers should be allotted to the various world regions or how that might be done. A distribution of admissions roughly proportionate to the world’s major regions would be the most defensible against criticism. The numbers could be best allocated among the categories of immigration as follows:

**a) Humanitarian** – Up to 30,000 for permanent humanitarian admission of refugees, asylees and displaced persons that in the strictest sense are in mortal peril and have no other options. All other humanitarian admissions, granted only in truly life-threatening situations, would be temporary – not more than a year – until the threat abroad had eased or resettlement elsewhere had been arranged. There should be a ceiling of 50,000 on humanitarian migrants allowed to remain temporarily at any one time.

**b) Work /Business** – 110,000 for skilled professionals, technicians, artists and entrepreneurs and their immediate families. There would be no admissions of semi-skilled or unskilled workers. Existing long-term “temporary” visas for skilled workers and professionals, which now account for hundreds of thousands of “quasi-legal” immigrants a year, would be abolished and those determined most needed by labor market measurements would be incorporated into this category.

**c) Special Needs** – Up to 10,000 to cover a range of special immigrant allocations, such as religious ministers, rare specialty workers and artists, military recruits and espionage specialists, and foreign employees of the U.S. government abroad.

**d) Family Reunification Transition** – The reunification of nuclear families is too emotion-

laden a process to be ended overnight. Those U.S. citizens with approved petitions for spouses and minor children at the time of enactment would not be affected. To phase out the last of family reunification, 50,000 slots would be set aside for qualified spouses of U.S. citizens and their biological children under 16, over the next 5 years.

Eligibility during transition would be limited to one spouse only, who must have also lived in legal wedlock with the sponsor for at least three uninterrupted years before the sponsor's petition. The immigrating spouse's children from other marriages would not be eligible. The immigrating spouse would have to leave the U.S. if the marriage ended by divorce before his or her naturalization.

Also ineligible would be "mail-order brides" and other arranged marriages; spouses who would not have been eligible to marry under U.S. law, such as child brides, multiple wives, and close relatives; and marriages contracted while the non-citizen partner was in the U.S. illegally or in non-immigrant status.

Financial requirements for sponsors would be stringent: income at least two and a half times the poverty level, performance bonds if necessary, and prearranged full coverage health insurance for the arriving family members.

After five years these transitory provisions would lapse. The lower immigration levels would create fewer family chains. All admissions of immediate family members would thereafter have to qualify under other immigration sub-quotas. There would be an immigration fee for

all but humanitarian issues of at least \$10,000 per person. The 50,000 temporary allocations would be prorated among the three basic categories of permanent immigration.

There would be no carry-over of unused numbers to subsequent years, though surplus numbers in any category could be transferred to oversubscribed categories within the 200,000 cap.

### **AUTOMATIC CITIZENSHIP BY BIRTH IN THE U.S.: UNWISE AND UNNECESSARY**

The practice of granting citizenship to babies born in the U.S. to illegal and temporary visa alien mothers is both a magnet to illegal entry and a source of new migration chains. Defenders of the practice claim it is sacrosanct under the 14<sup>th</sup> Amendment, but bills introduced into Congress every session to end it are predicated on the conviction that the amendment's ambiguous language can be resolved legislatively. Such legislation deserves a try. If it is denied by the courts, then a constitutional amendment should be enacted.

### **ZEROING OUT QUASI-LEGAL IMMIGRATION**

Long-term "temporary" visas and other forms of quasi-legal immigration increased rapidly during the 1990s. They served as a disguised form of permanent immigration of highly skilled labor, temporarily protected migrants who don't qualify for refugee status and those on waiting lists to join immediate families ("fiancée" and "V" visas). The most commonly abused are the H1-b "specialty occupations" visa and the L1 "intracompany transferees." In 2012, nearly 972,000 visas were issued to workers and their dependents in those two classes alone.<sup>18</sup>

Persons admitted for periods of five to ten years or without any time limit, such as treaty traders and investors, add to the permanent U.S. population base regardless of nominally temporary status. All such "temporary" categories must be limited

#### **IMMIGRATION ALLOCATIONS UNDER 200,000 ANNUAL CAP BEFORE AND AFTER FIVE-YEAR TRANSITION**

Category	Transition Numbers	Post-Transition Numbers
Humanitarian	30,000	40,000
Work/Business	110,000	149,000
Special Needs	10,000	11,000
Transitional Reunification Nuclear Families of Citizens	50,000	None

to much shorter stays of one year or less, with no family members to accompany. If longer periods are essential, the migrants should be accommodated within the work/business sub-ceiling.

It is incomprehensible that in a nation with a labor force of over 155 million, more than 10,000 post-secondary education centers, and 45 million college graduates, some can claim that annual intake of hundreds of thousands of skilled and professional workers is vital to its economic growth.

### **A U.S. TRANSITION: FROM “MOTHER OF EXILES” TO EXEMPLAR OF SUSTAINABLE POPULATION**

The United States should feel no shame or guilt for these massive reductions. The nation historically is the most generous receiver of immigrants in the world. Nearly 80 million people have immigrated to America since 1820, not counting most illegal aliens. Even at 200,000, U.S. admissions of immigrants would rank it well for generosity among so many nations that accept few or none.

Now the U.S. needs to be generous to the world in other ways, by ending its profligate consumption of goods and energy and dumping the masses of waste in the world’s common sink. By population discipline, the U.S. can be a guide and example

to other nations beset with runaway numbers. A smaller U.S. population would cease its brain-draining intake of a sizable share of the world’s energetic workers and skilled professionals. More human capital would become available for nation-building in the Third World.

By curbing its consumption of energy, America can reduce world price pressures and slow the coming depletion of the world’s stock of hydrocarbons. By slowing its own demand for food, the U.S. can remain the grain producer and exporter of last resort for the famine-prone world. In general, a smaller U.S. population would be a less intense competitor for the resources of a shrinking planet.

Perhaps most important is that a smaller America could concentrate on building its citizens quality of life in depth rather than defining it in the ethos of “more.”

Continuation of our current rapid population growth through mass immigration means evermore competition for resources within the U.S. and the world, greater income inequality, spreading environmental decay, and even more regimentation to keep basic order in an increasingly crowded nation. That is not an acceptable vision of the American Dream.



#### **NOTES**

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