

## Evolution of Policy for Illegal Migration in the United States

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### INTRODUCTION

With the current state of chaos in the status quo of Afghanistan, immigration has now become a global issue. While the viral video of thousands of people grappling at whatever they could find of the flight headed to the United States for a second chance at life at the Kabul airport stunned millions of people, it also shed light on the shocking condition of the migrants and refugees desperately seeking to escape, not only in Afghanistan but from all parts of the world. This incident not only brought the issue of immigration to the limelight in the global sphere but also raised some important questions surrounding people seeking asylum in the United States.

### DIFFERENCE BETWEEN MIGRANTS AND IMMIGRATION

One needs to distinguish between immigration and migrants. While immigration refers to the process by which asylum-seekers are granted access to a country, migrants are those people who move from one country to another, often fleeing war, persecution or natural disasters in their home country.

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## AFGHAN REFUGEES

Under the Biden administration, around 65000 refugees have been evacuated from Afghanistan. While it is a common misconception within the United States that by bringing refugees into the country, one is allowing for extremism to spread, but this is often not the case. Before anyone is allowed access into the country's borders, they undergo a very rigorous screening process where their fingerprints and biographical data are collected and run through numerous criminal and terrorism-related databases multiple times.

## HOW CAN THE REFUGEES ENTER THE UNITED STATES?

Refugees can come to the United States via a number of means. Firstly, they can apply for a visa that is either sponsored by a family residing within the United States or by applying through the Special Immigrant Visa Program. Secondly, they can also seek entry via a humanitarian parole. While humanitarian parole seems like a lucrative option for immigrants, there are multiple problems associated with it. Anyone who applies via humanitarian parole is not legally a refugee; therefore, they do not have access to the same services as refugees do. This is a policy problem that needs to be solved through legislative action that offers humanitarian parole seekers the same rights as a refugee.<sup>2</sup>

## SYRIAN REFUGEES

The United States is also home to several Syrian refugees. During his tenure, President Obama pledged to accept at least 10,000 refugees over the course of one year. However, the Paris attacks changed the course of debate around Syrian refugees within the United States. Rumours about how one of the attackers entered Europe through Greece with a fake Syrian

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<sup>2</sup> Gold, Ashley; Blake, Paul. *How a Syrian Refugee gets to the US*. BBC News. November 19, 2015. <https://www.bbc.com/news/world-us-canada-34848248>

passport started circulating. This sparked major controversy as Governors of 31 US states opposed the resettlement of Syrian Refugees within their respective states. Although controversial, this move was dubbed 'meaningless' since 1) governors do not have any legal authority to ban refugees and 2) any threat of extremism is often mitigated by the extremely stringent and thorough process that is followed while giving admission to asylum seekers into the United States.<sup>3</sup>

## PROCESS OF INDUCTION OF NEW REFUGEES AND IMMIGRANTS

First, asylum seekers are brought to the UN Refugee camps in the neighboring vicinity of their home countries. They are then extensively surveilled by officials and their documents are collected. Post this a small portion of refugees are recommended to the United States Government where background checks are done by Border Patrol officials, the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) and the Department of Defense. Once all of this is completed, less than one per cent of applications are recommended to the government as satisfactory applicants to be let into American soil. This extensive process can take anywhere from 8 to 12 months, making it cumbersome for those fleeing urgent and deadly circumstances within their home country.<sup>4</sup>

## THE MS ST. LOUIS TRAGEDY

While talking about immigration, it is important to trace back the history of opening borders to people from other countries to the MS St Louis tragedy. Right before the advent of the rule of Hitler in Europe, 937 Jewish passengers aboard the MS St Louis sought to seek refuge within the United States. However, since the ship was not on the docking list, it was sent back to Nazi Germany where over 1/3rd of the occupants of the vessel were eventually killed in

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<sup>3</sup> Last Week Tonight. 2015. *Migrants and Refugees*. YouTube Video.  
<https://www.youtube.com/watch?v=umqvYhb3wf4>

<sup>4</sup> Gold, Ashley; Blake, Paul. *How a Syrian Refugee gets to the US*. BBC News. November 19, 2015.  
<https://www.bbc.com/news/world-us-canada-34848248>

the Holocaust. This incident shook the world community and motioned the United States to issue a public apology. This changed the course of policymaking concerning migrants and refugees and lead to the adoption of more welcoming policies over the years.

## **POLICY CHANGES UNDER FORMER US PRESIDENT DONALD TRUMP**

However, the progressive nature of these policies drastically changed with the swearing-in of Donald Trump into the executive office. Trump ran on an explicit anti-immigration agenda as one of his major highlights throughout his Presidential campaign. Upon being elected to office, he:<sup>5</sup>

- 1) reduced legal immigration by 49% without any change in US Immigration Law
- 2) denied H-1B petitions with the denial rate growing from 6% in 2015 to 30% in 2020
- 3) denied entry to refugees and migrants from countries with a significant Muslim population
- 4) constructed a border wall between the US and Mexico, and
- 5) increased the deployment of ICE and Border Patrol officials, among several other policy changes.

All of these policies resulted in an obvious shift of US foreign policy from being welcoming and accepting towards refugees to cultivating a more hostile, unwelcoming approach under the new administration.

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<sup>5</sup> Anderson, Stuart. A Review of Trump Immigration Policy. Forbes Magazine. August 26, 2020.  
<https://www.forbes.com/sites/stuartanderson/2020/08/26/fact-check-and-review-of-trump-immigration-policy/?sh=2931aee456c0>

## **POLICY RECOMMENDATIONS TO PREVENT ILLEGAL MIGRATION**

By making regular immigration seem like an appealing option, it is possible to prevent the inflow of illegal migrants into the United States. The following are some policy recommendations that can help ease the process of seeking asylum within the US:

- 1) Reduce the time taken to process applications of prospective immigrants – Immigrants are often fleeing traumatic conditions from their home country. By speeding up the process of screening applications, it gives them an easy exit from their current situation.
- 2) Process the applications of migrants on United States soil – This includes setting up border camps and allowing refugees to wait in special facilities while applications are being processed. By doing this, the immigrants are not only removed from the chaos and disorder in their home country, but they are also provided a temporary safe haven.
- 3) Criminalise the separation of migrant children from their migrant parents
- 4) Decriminalise the Deferred Action for Childhood Arrivals (DACA)
- 5) Provide safe and hospitable conditions to migrants in border camps
- 6) Reduce the role and responsibilities of ICE in deportation of illegal migrants
- 7) Reduction in presence of unnecessary border patrol officials
- 8) Provide adequate reintegration facilities to migrants ranging from education, job training and access to currency conversion facilities to providing a nominal stipend upon arrival to the United States

## CONCLUSION

It is imperative that we develop a more humane approach while dealing with refugees and migrants, since they are often forced to abandon their home country in order to flee tumultuous conditions. By typecasting them as extremists or closing-up borders to desperate people, one denies these vulnerable group of individuals a chance at a second, better life. Now, as one of the largest superpowers in the international arena, it is important for the United States to be a torchbearer of progressive immigration policies.

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