

# An Ambivalent Nation of Immigrants

Presented by Sara Dady, Attorney  
Dady Law Group LLC, Rockford, Illinois  
815-520-0387 [sdady@dadylawgroup.com](mailto:sdady@dadylawgroup.com)



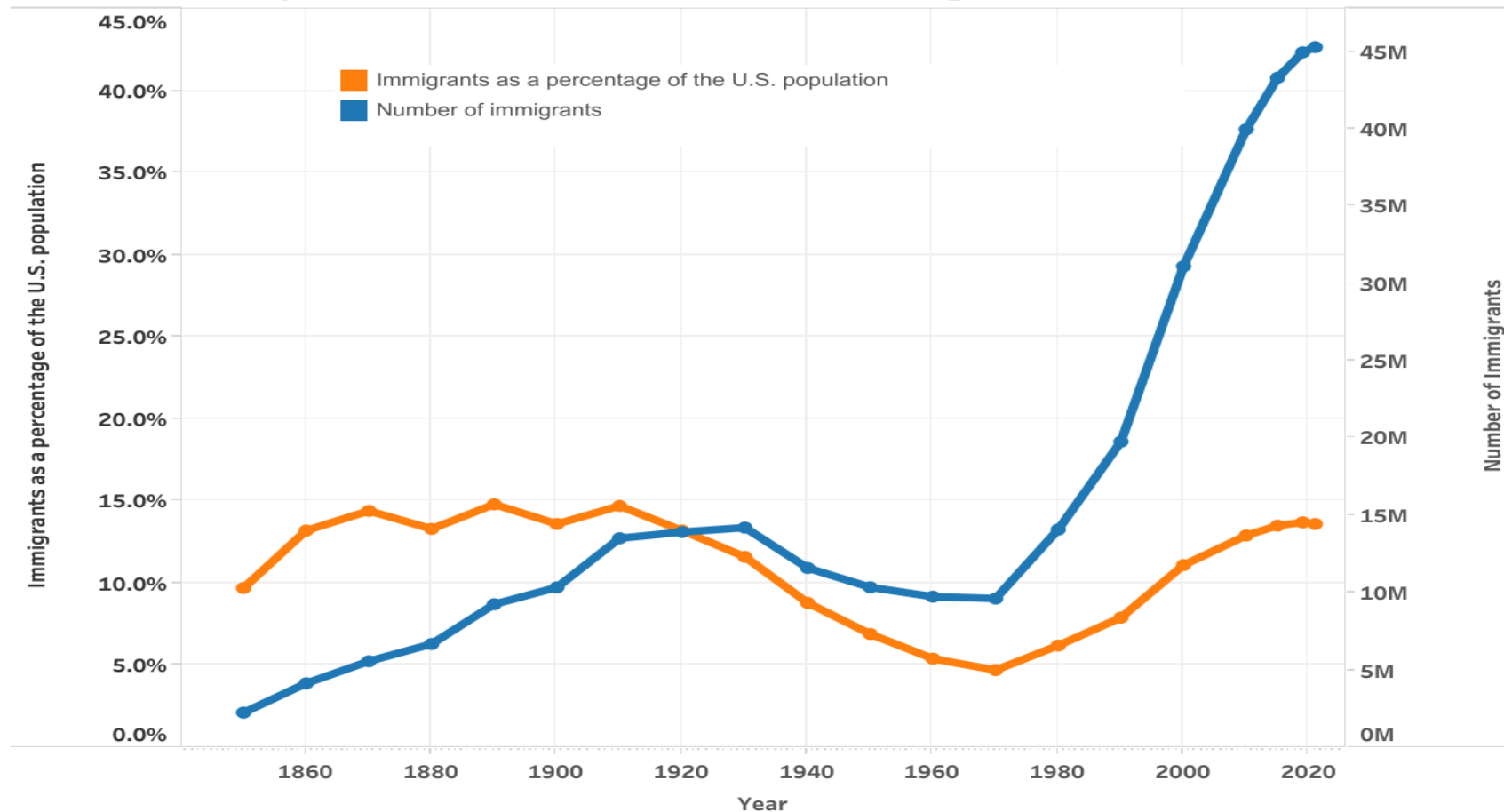
New York, Ellis Island, view No. 3113 E.

# League of Women Voters Position

Immigration policies should promote the reunification of immediate families, meet economic, business, and employment needs, and be responsive to those facing political persecution or humanitarian crises.

# US Immigrant Population 1850 -2021

Number of Immigrants and Their Share of the Total U.S. Population, 1850-2021



## What Most of Us Can Agree on....

- The US has an absolute right to control who crosses its borders.
- There should not be any undocumented people in the US.
- There should be a lawful process for all non-citizens to seek entry to the U.S. for either temporary stays or permanent residency.
- Annual visa numbers should be based on actual U.S. economic need, family needs and humanitarian responsibilities.
- Individuals who pose a danger to the U.S. should not be granted entry and individuals who have harmed the U.S. should be deported.
- Individuals should not be denied entry solely because of their race, religion, color, national origin, sex or other immutable characteristics.

What is the right way to come to the US?  
It depends...

“Immigration laws bear a ‘striking resemblance [to] King Minos’s labyrinth in ancient Crete. The Tax Laws and the Immigration and Nationality Acts are examples we have cited of Congress’s ingenuity in passing statutes certain to accelerate the aging process of judges.”

Lok v. INS, 681 F.2d 107 (2nd Cir. 1982)

**1790 - Naturalization Act of 1790** provided the first rules to be followed by the United States in the granting of national citizenship other than by birth. The law limited naturalization to aliens who were “free white citizens”: leaving out large groups like slaves and Asian immigrants.

**1798 - Alien and Sedition Acts** : Authorized the President to deport aliens considered a threat to the peace & safety of the US and aliens whose home country was at war with US. Expired in 1801.

**1848 GOLD RUSH! RAILROADS!** Over 20,000 Chinese immigrants arrive in US – Burlingame Treaty

**1875-** US passes first law restricting immigration- barred admission of prostitutes and convicts

**1882- Chinese Exclusion Act-** First major law to restrict immigration. Passed out of fear that the .002% of Chinese immigrants in total US population were depressing wages on the West Coast and address concerns about “racial purity”.

**1917 Immigration Act-** imposed literacy test on immigrants and barred all Asian laborers.

**1919-** Immigration declines rapidly, increased deportations of suspected alien enemies, anarchists, Communists and other Radicals

·**1921- Emergency Quota Act:** to preserve Northern European immigrants as majority limited immigration based on 1910 census.

·**1924- National Origins Act-** designed to limit immigration from Eastern and Southern Europe using 1890 census; Border Patrol

·**Great Depression-** restricted immigration drastically- 236,000 in 1929 to 23,000 in 1933

·**1943-** Treaty with Mexico- Bracero Program; Chinese Exclusion Act repealed.

·**1952-** Immigration and Nationality Act: Cold War fears, affirmed National Origins quotas, limited immigration from Eastern hemisphere (but not Western), preferences for skilled workers and relatives of US citizens, heightened security and screening procedures

·**1965 Immigration and Nationality Act of 1965:** eliminated quotas but set 300,000 maximum on annual visas, set per country limit in Eastern Hemisphere to 20,000, no limit for Western. Bracero Program ends.

**1976-1978:** Amendments to the INA to restrict immigration from Mexico- limits to 20,000 per year. Mexico was only country to exceed 20,000 prior to 1976. Sets single world quota to 290,000 visas annually. Only US citizen children age 21 may petition for parents

..

**1980 Refugee Act:** established modern asylum system

..

**1986 Immigration Reform Control Act:** It (1) legalized aliens who had resided in the United States in an unlawful status since January 1, 1982, (2) established sanctions prohibiting employers from hiring, recruiting, or referring for a fee aliens known to be unauthorized to work in the United States, (3) created a new classification of temporary agricultural worker and provided for the legalization of certain such workers; and (4) established a visa waiver pilot program allowing the admission of certain non-immigrants without visas.

..

**1990 Immigration Act of 1990:** raised quota to 700,000, created diversity lottery, retained family based immigration and doubled employment based immigration

..

**1996 Effective Death Penalty Act (AEDPA) and Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA):** immigration detention, limited federal court review of immigration decisions, limited relief from deportation, expanded grounds of deportation and exclusion, created obstacles to legalization, harsh, harsh, harsh, harsh law.



The majority of people do not have a legal way to immigrate to the US.

There never was and still is not a line for 10 million undocumented immigrants to get in.

There many lines for a green card but not everyone can get in one.  
10/1/2023

| <b>Family-Sponsored</b> | <b>All Chargeability Areas Except Those Listed</b> | <b>CHINA-mainland born</b> | <b>INDIA</b> | <b>MEXICO</b> | <b>PHILIPPINES</b> |
|-------------------------|--|----------------------------|--------------|---------------|--------------------|
| F1                      | 01JAN15  | 01JAN15                    | 01JAN15      | 22APR01       | 01MAR12            |
| F2A                     | 08FEB19  | 08FEB19                    | 08FEB19      | 01FEB19       | 08FEB19            |
| F2B                     | 22SEP15  | 22SEP15                    | 22SEP15      | 01JAN02       | 22OCT11            |
| F3                      | 08JAN09  | 08JAN09                    | 08JAN09      | 08MAR98       | 08JUN02            |
| F4                      | 22APR07  | 22APR07                    | 08OCT05      | 01AUG00       | 22AUG02            |

226,000 limit on family visas and 55,000 on Diversity Lottery (the four above countries excluded from DL)

## 140,000 limit on employment based green cards

| <b>Employment-based</b>                | <b>All Chargeability Areas Except Those Listed</b> | <b>CHINA-mainland born</b> | <b>EL SALVADOR<br/>GUATEMALA<br/>HONDURAS</b> | <b>INDIA</b> | <b>MEXICO</b> | <b>PHILIPPINES</b> |
|--|--|----------------------------|---|--------------|---------------|--------------------|
| 1st                                    | C  | 15FEB22                    |   | 01JAN17      | C             | C                  |
| 2nd                                    | 08JUL22  | 01OCT19                    |   | 01JAN12      | 08JUL22       | 08JUL22            |
| 3rd                                    | 01DEC21  | 01JAN20                    |   | 01MAY12      | 01DEC21       | 01DEC21            |
| Other Workers                          | 01AUG20  | 01JAN16                    |   | 01MAY12      | 01AUG20       | 01MAY20            |
| 4th                                    | 01JAN19  | 01JAN19                    |   | 01JAN19      | 01JAN19       | 01JAN19            |
| Certain Religious Workers              | U  | U                          |   | U            | U             | U                  |
| 5th Non-Regional Center<br>(C5 and T5) | C  | 15OCT15                    |   | 15DEC18      | C             | C                  |
| 5th Regional Center<br>(I5 and R5)     | C  | C                          | C   | C            | C             | C                  |

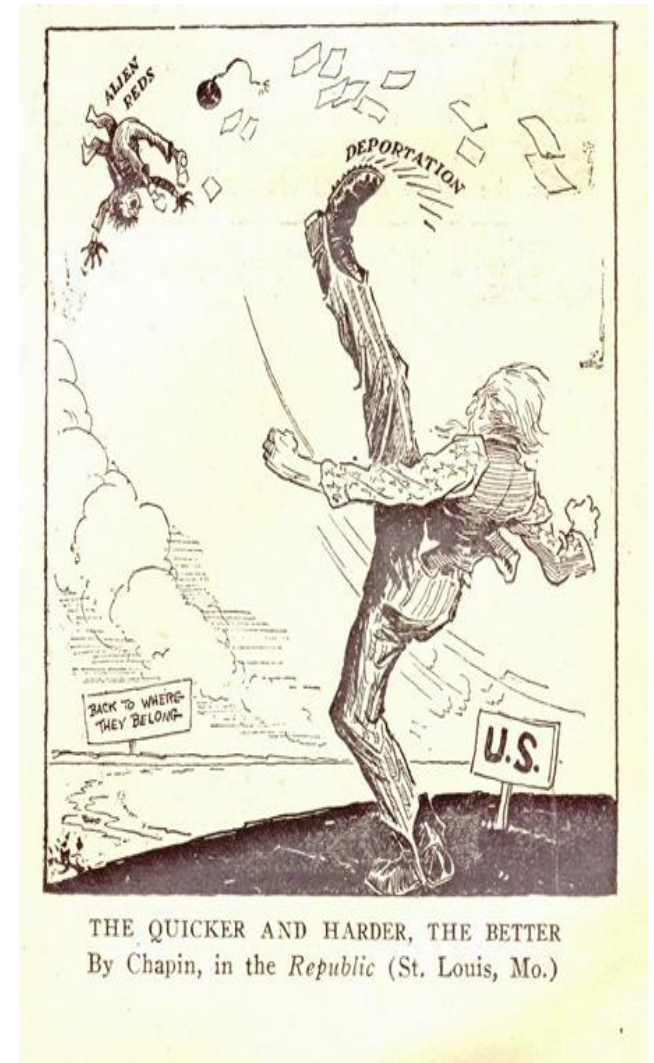
## Second Step: Eligibility/Admissibility

- Entry without inspection (unless petition was filed before 4/30/2001)
- Unlawful presence (3/10 year bars and permanent bar)
- Convicted of crime involving moral turpitude
- Controlled substance offense
- Multiple criminal convictions/sentenced to 5 years or more
- Prior deportation
- False Claim to citizenship and voting in US
- Public charge
- Medical grounds (communicable disease, mental or physical defect danger to others)
- Reasonable ground to believe alien will engage in unlawful activity in US
- Fraud or misrepresentation

# Welcome to the United States of America- don't unpack!

## Deportation Grounds

- Aggravated felony conviction as defined by immigration law
- Felony conviction for a crime involving moral turpitude w/in 5 years
- Two more more convictions for CIMTs
- Controlled substance offense (except 30 grams of cannabis)
- Registering to vote/voting
- Abandonment of Status
- Overstaying non-immigrant visa
- Working without authorization on non-immigrant visa

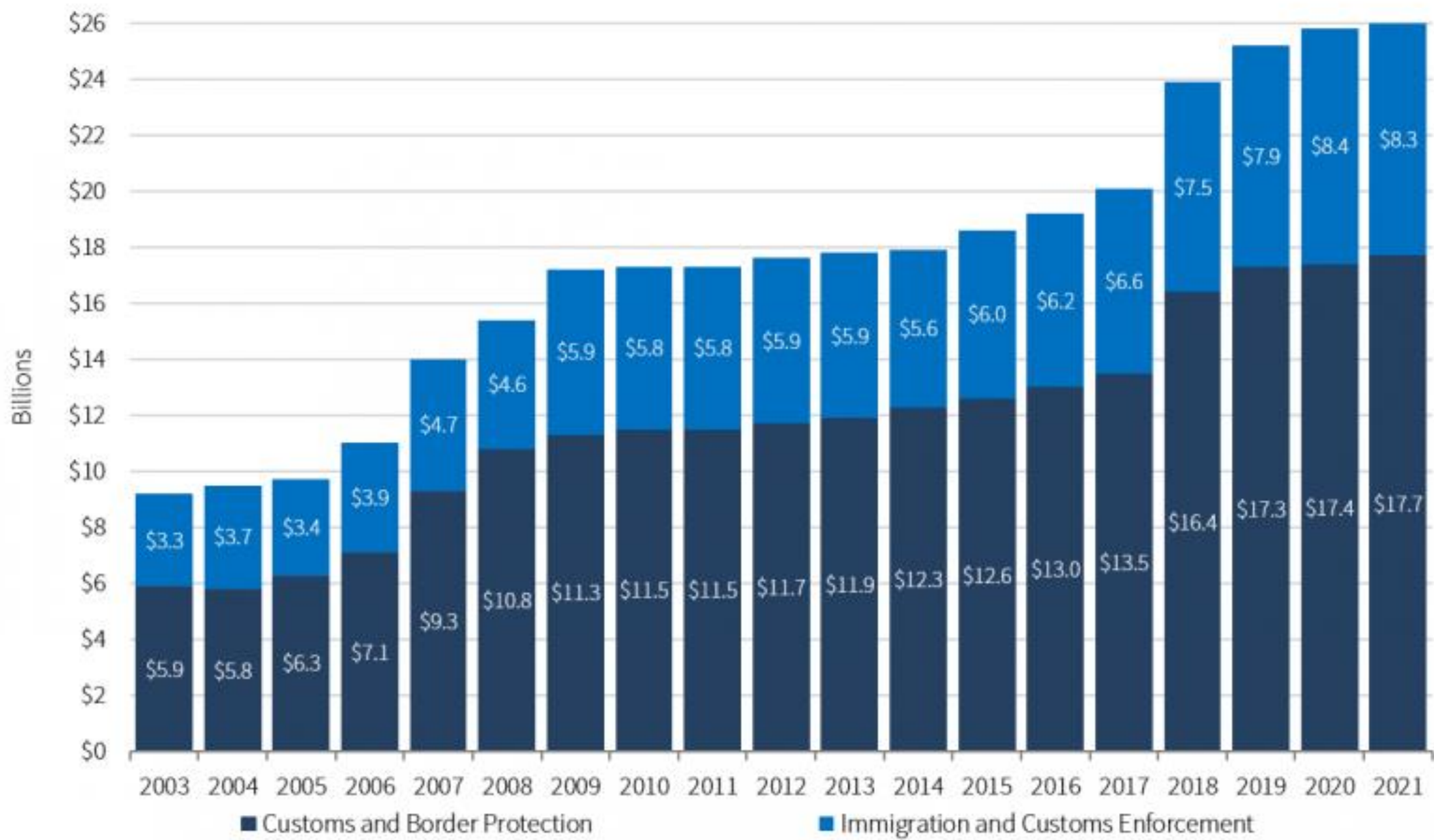


## Deportation- Civil Administrative Process Separate from Criminal Justice Process

- Limited Due Process Rights
- Mandatory Detention for Aliens convicted of aggravated felonies and crimes involving moral turpitude
- AG may choose to detain any alien charged with an immigration violation
- Bond (\$1,500-\$50,000)
- Immigration judges are employees of DOJ
- ICE attorneys are employees of DHS
- No right to a free attorney (37% of aliens have atty/14% of detained aliens)
- 49% of aliens with attorney were granted relief/without counsel 15%
- Limited relief from removal: asylum, cancellation of removal, adjustment of status, waivers

# Executive Authority and Asylum

- Deferred Action – DACA program in 2012
- Parole – Humanitarian parole, family reunification (must have approved immigrant visa petition by family member) and CHVN parole (must have US sponsor) – can apply for work permit right away
- Military parole in place- for undocumented spouse or parents of US military enlistee or veteran
- Asylum – a law which allows a person, regardless of manner of entry, who has been or will be persecuted on account of an immutable characteristic. Can't apply for a work permit until asylum application has been pending for 6 months
- Refugees – people who have had their asylum application approved outside the US before arriving in the US- 60,014 resettled in US in 2023- authorized to work at entry

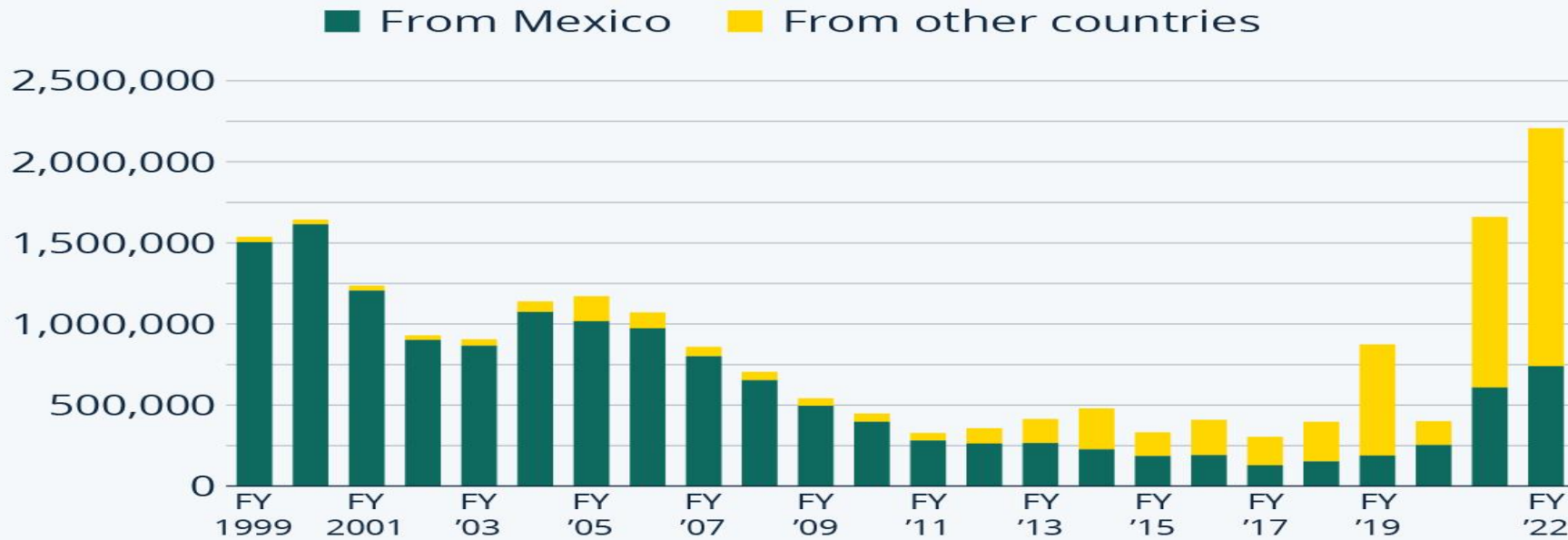




# Annual Border Patrol Apprehensions at the U.S.-Mexico Border, FY 1970 - FY 2022

## Southern Border Apprehensions at All-Time High

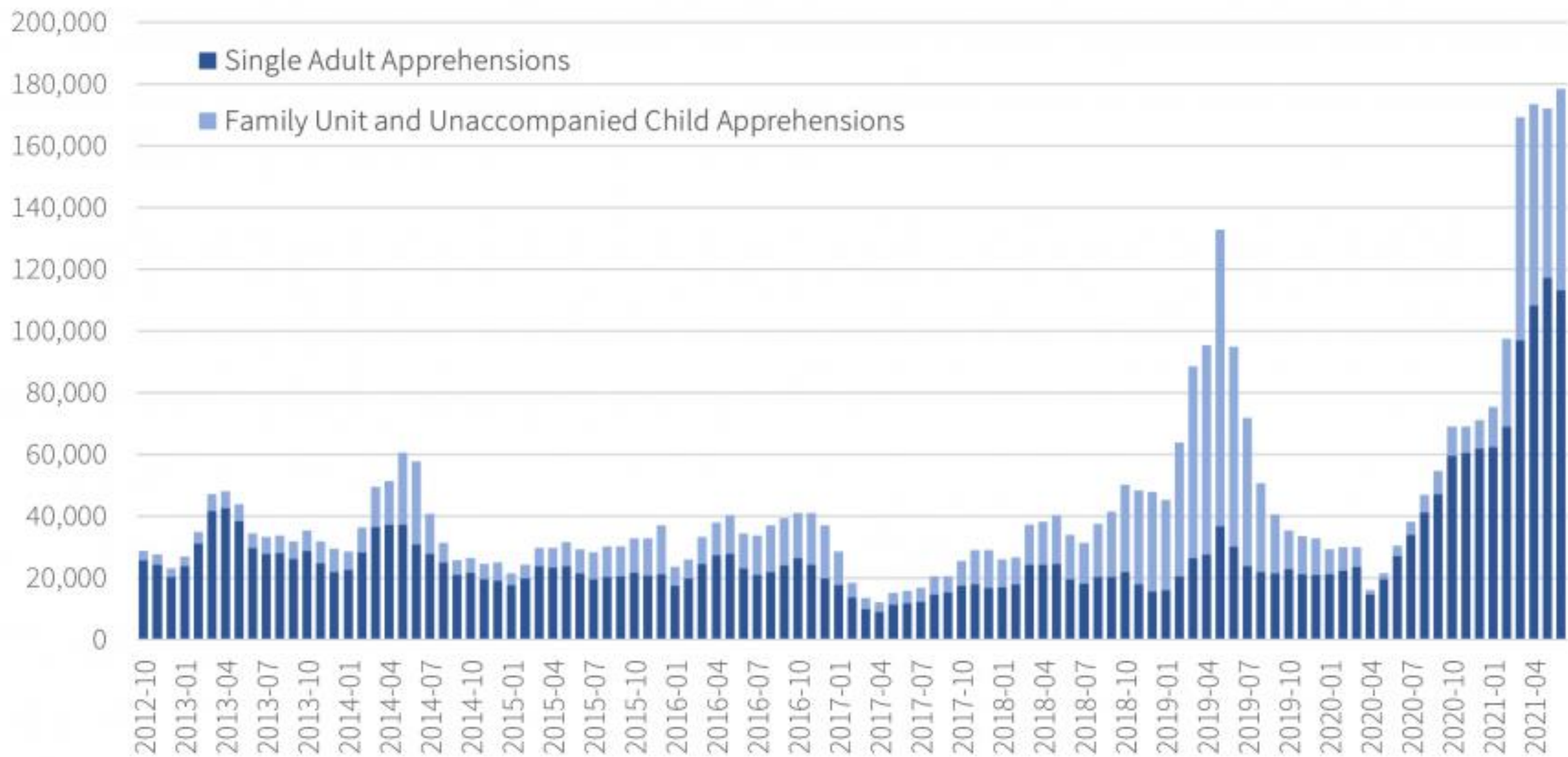
Number of apprehensions of undocumented immigrants at the U.S. Southwestern border, by national origin (1999-2022)



Source: U.S. Customs and Border Protection



Source: U.S. Customs and Border Protection, Monthly Border Patrol Apprehensions, FY 2000-2022.



Source: U.S. Customs and Border Protection.

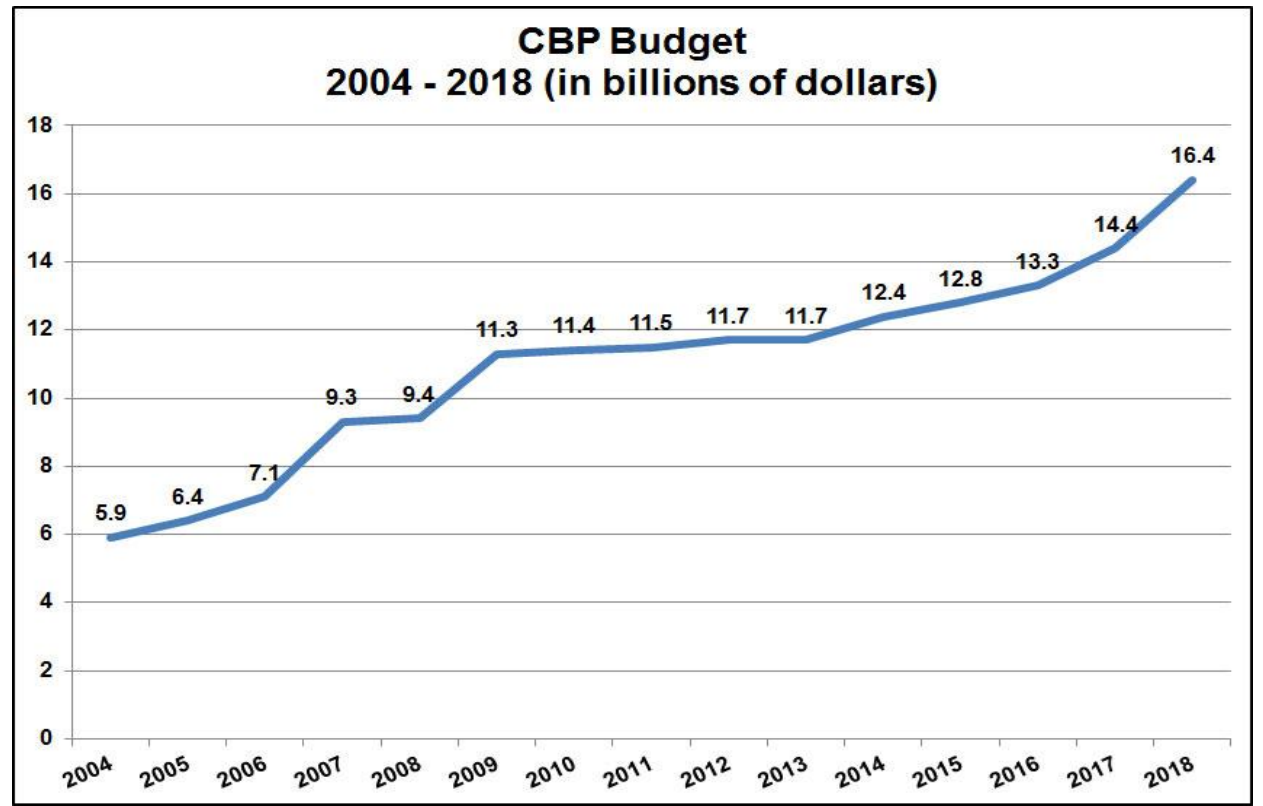
# Invasion! Disease! Famine! Poverty! Criminality!



GREAT BRITAIN SEEMS TO BE STILL AGAINST US. the Steamship *Nestoria*, April 15th, from Galway, Ireland.

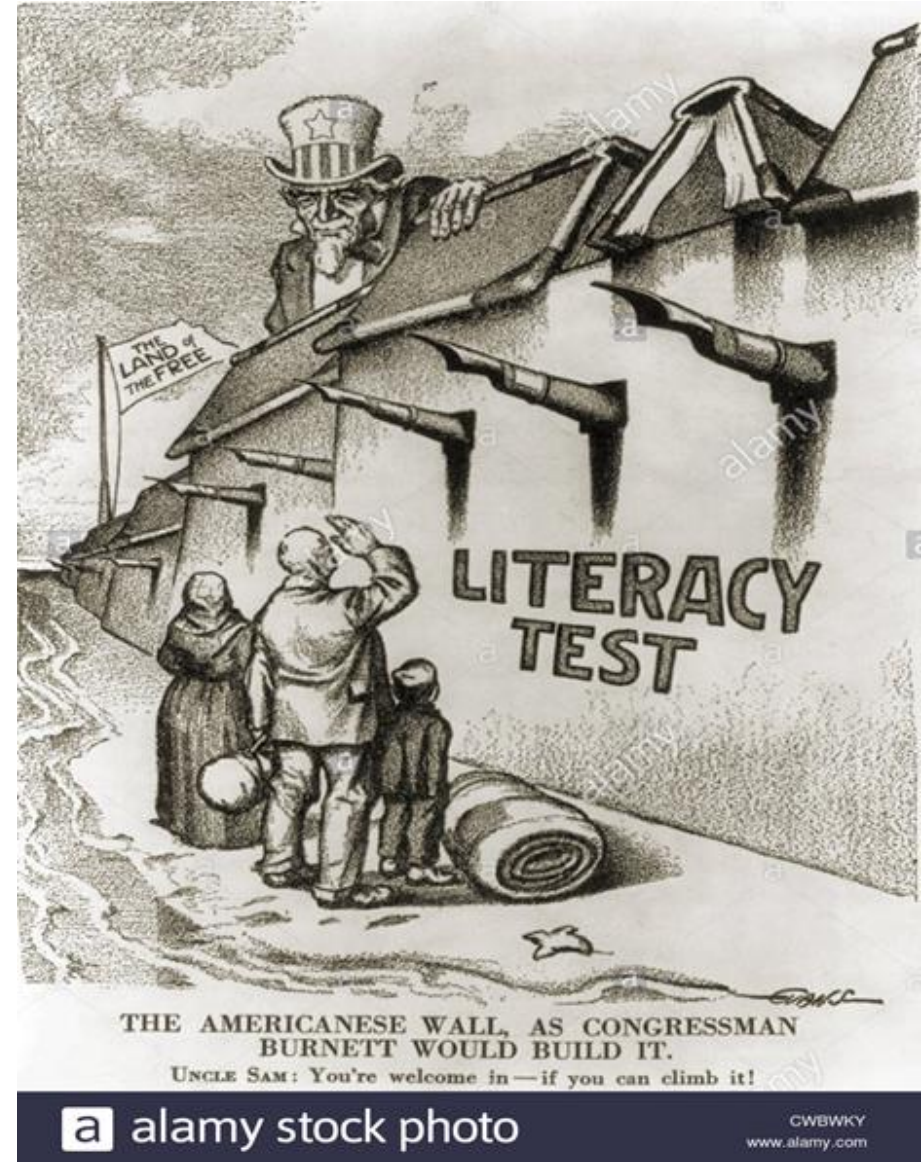
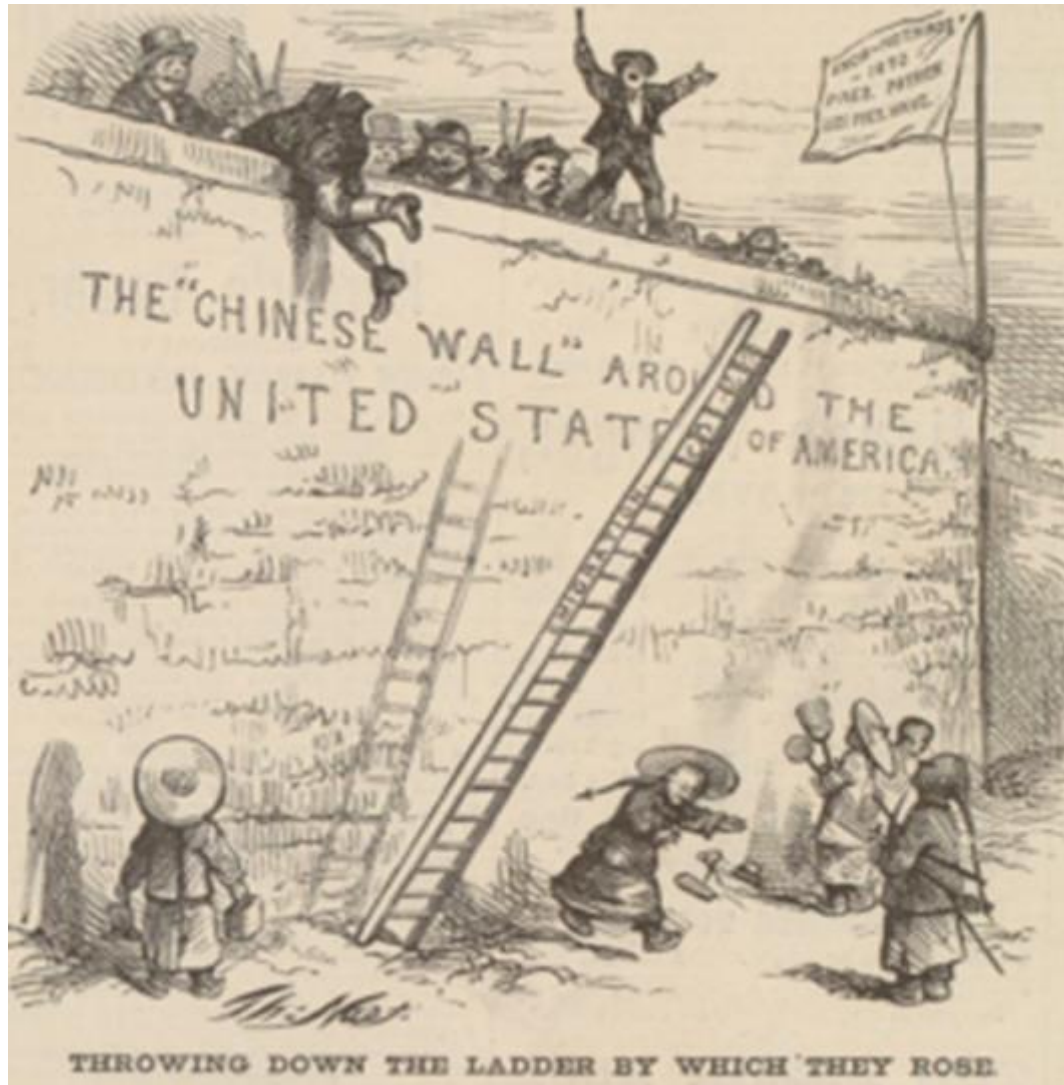
## Customs and Border Protection Agency (Treasury, Labor, Justice now Homeland Security)

- Largest federal agency: 60,000 employees
- Processes 1.1 million travelers per day
- Inspects over 300,000 vehicles, trains, sea vessels, trains
- \$7.7 billion in goods
- Criminal and civil law enforcement
- FY22 \$17 billion funding



[www.cbp.gov](http://www.cbp.gov)

Safety!



# Restricting Lawful Immigration

The Nativists: Founder John Tanton

–Federation for American Immigration Reform (FAIR)

–NumbersUSA

–Center for Immigration Studies (CIS)

“Hate groups like Center for Immigration Studies want you to believe they are mainstream” SPLC Report 03/23/2017;

Southern Poverty Law Center, “The Nativist Lobby: Three Faces of Intolerance” 2/2009;

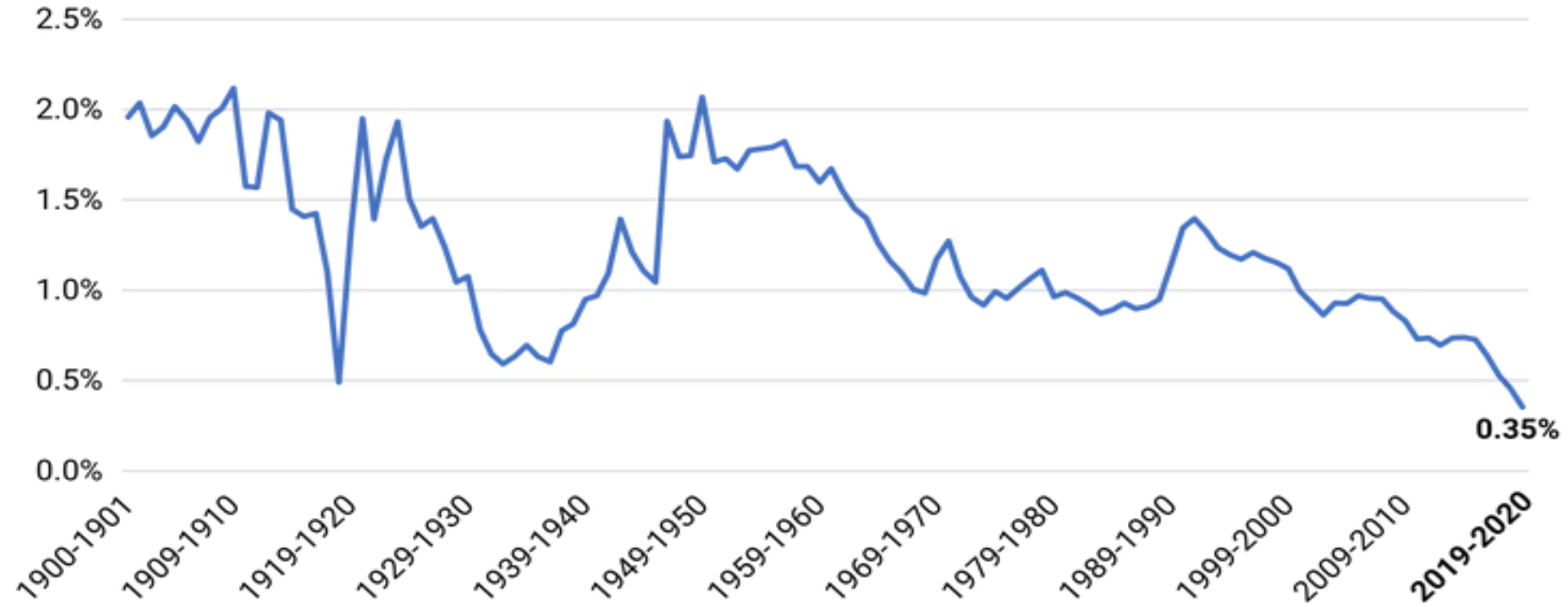
This is the immigration system we have- is it the one you want?



The 2020 census data indicates that US population is experiencing a declining, aging population and becoming more diverse. Population growth is necessary for economic growth. White population will be minority by 2045.



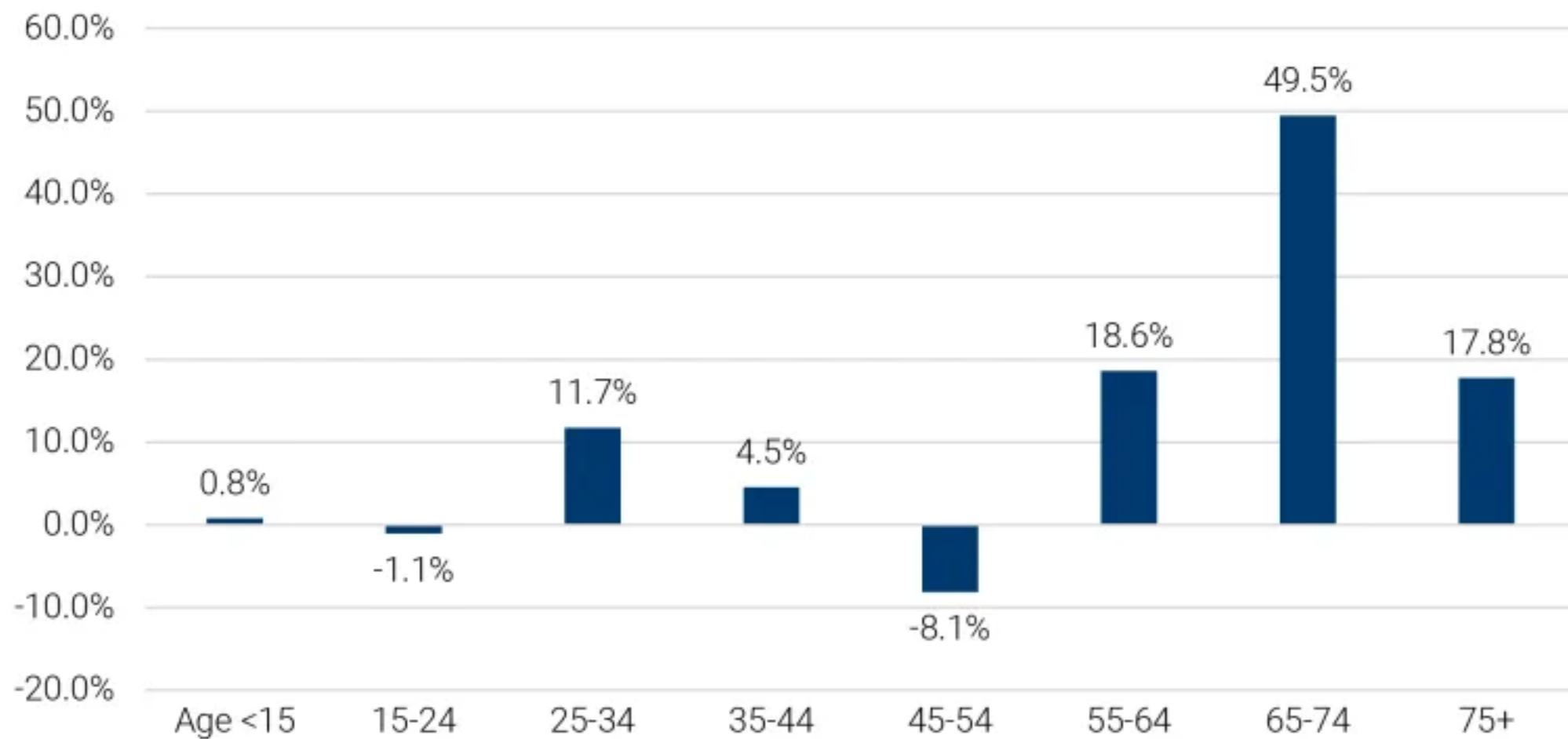
**Figure 1. US annual population growth: 1900 to 2020\***



\* From July 1 of beginning year to July 1 of end year from U.S. population estimates.

Source: William H. Frey analysis of U.S. Census Bureau historical estimates including 2010-2020 annual estimates released December 22, 2020.

**Figure 3. Estimated US population growth by age, 2010 to 2020**

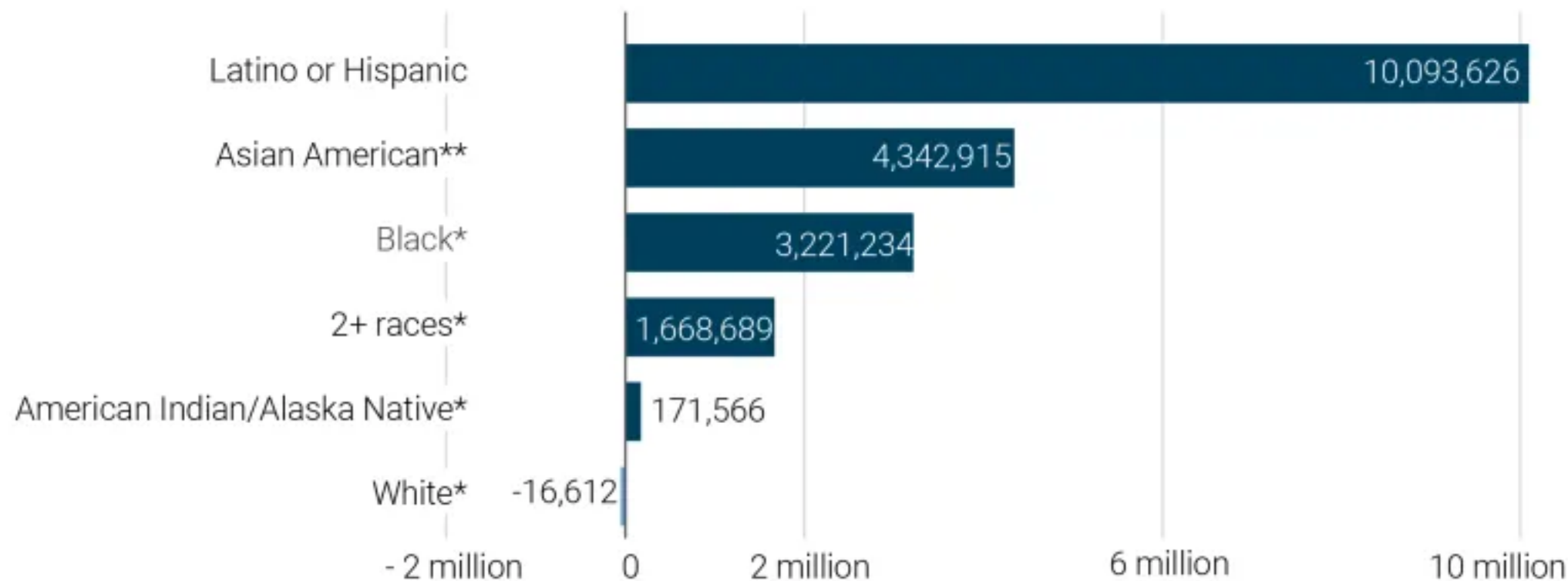


Source: William H Frey analysis of 2010 U.S. census and 2020 Census Bureau demographic analysis estimates, released December 15, 2020.

**B** Metropolitan Policy Program  
at BROOKINGS

### Figure 4. Race-ethnic contributions to change in US population

2010 to 2019



\* Members of race group who do not identify as Latino or Hispanic

\* Non-Latino or Hispanic Asians, Hawaiians and other Pacific Islanders

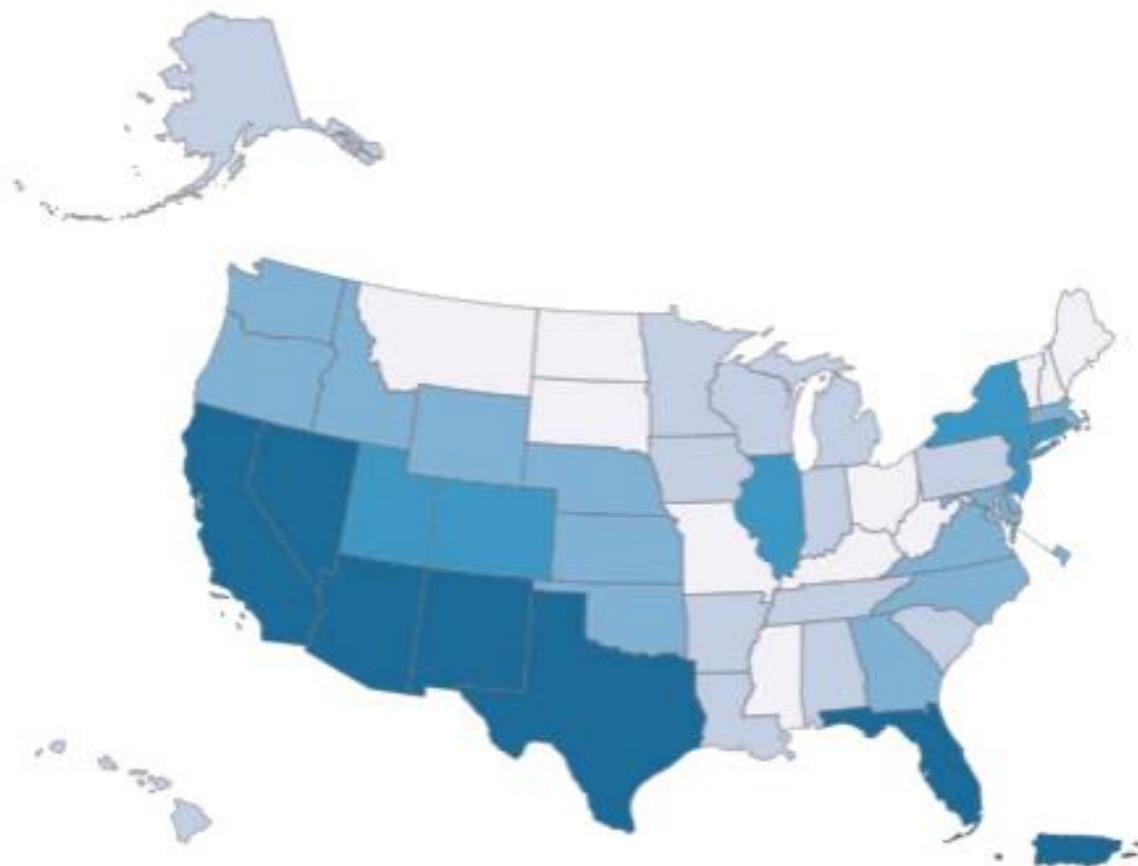
Source: William H Frey analysis of Census population estimates released June 25, 2020

## U.S. States

|                      |       |
|----------------------|-------|
| New Mexico           | 47.7% |
| California           | 39.4% |
| Texas                | 39.3% |
| Arizona              | 30.7% |
| Nevada               | 28.7% |
| Florida              | 26.5% |
| Colorado             | 21.9% |
| New Jersey           | 21.6% |
| New York             | 19.5% |
| Illinois             | 18.2% |
| Connecticut          | 17.3% |
| Rhode Island         | 16.6% |
| Utah                 | 15.1% |
| Oregon               | 13.9% |
| Washington           | 13.7% |
| Kansas               | 13.0% |
| Idaho                | 13.0% |
| Massachusetts        | 12.6% |
| Nebraska             | 12.0% |
| Oklahoma             | 11.9% |
| Maryland             | 11.8% |
| District of Columbia | 11.3% |
| North Carolina       | 10.7% |
| Delaware             | 10.5% |
| Virginia             | 10.5% |
| Georgia              | 10.5% |
| Wyoming              | 10.2% |
| Hawaii               | 9.5%  |
| Arkansas             | 8.5%  |
| Indiana              | 8.2%  |

## Percent Hispanic or Latino by State: 2020

United States: 18.7%



Interested in viewing  
counties?

Use the filter to select a state  
then click the arrow to view  
counties.

Alabama



Percentage of total  
population

- 25.0 or more
- 15.0 to 24.9
- 10.0 to 14.9
- 5.0 to 9.9
- Less than 5.0

**Table 1: Undocumented Immigrants' State and Local Tax Contributions***Current vs. Full Legal Status for All Undocumented Immigrants*

| State         | Current State and Local Taxes | State and Local Taxes if Granted Full Legal Status | Tax Change     | State             | Current State and Local Taxes | State and Local Taxes if Granted Full Legal Status | Tax Change              |
|---------------|-------------------------------|--|----------------|-------------------|-------------------------------|--|-------------------------|
| Alabama       | \$63,783,000                  | \$81,984,000                                       | +\$18,201,000  | Montana           | \$2,207,000                   | \$3,047,000  | +\$840,000              |
| Alaska        | \$3,512,000                   | \$3,863,000  | +\$351,000     | Nebraska          | \$42,096,000                  | \$49,529,000                                       | +\$7,433,000            |
| Arizona       | \$231,450,000                 | \$273,902,000                                      | +\$42,452,000  | Nevada            | \$91,035,000                  | \$100,138,000                                      | +\$9,103,000            |
| Arkansas      | \$58,605,000                  | \$71,934,000                                       | +\$13,329,000  | New Hampshire     | \$8,205,000                   | \$9,076,000  | +\$871,000              |
| California    | \$3,170,401,000               | \$3,619,437,000                                    | +\$449,036,000 | New Jersey        | \$590,302,000                 | \$667,608,000                                      | +\$77,306,000           |
| Colorado      | \$134,582,000                 | \$170,450,000                                      | +\$35,868,000  | New Mexico        | \$67,999,000                  | \$76,022,000                                       | +\$8,023,000            |
| Connecticut   | \$136,233,000                 | \$157,772,000                                      | +\$21,539,000  | New York          | \$1,108,625,000               | \$1,355,008,000                                    | +\$246,383,000          |
| Delaware      | \$11,966,000                  | \$17,244,000                                       | +\$5,278,000   | North Carolina    | \$275,840,000                 | \$368,514,000                                      | +\$92,674,000           |
| Dist. of Col. | \$27,083,000                  | \$33,157,000                                       | +\$6,074,000   | North Dakota      | \$3,759,000                   | \$4,311,000  | +\$552,000              |
| Florida       | \$588,086,000                 | \$646,894,000                                      | +\$58,808,000  | Ohio              | \$84,857,000                  | \$110,595,000                                      | +\$25,738,000           |
| Georgia       | \$358,753,000                 | \$464,430,000                                      | +\$105,677,000 | Oklahoma          | \$77,268,000                  | \$94,278,000                                       | +\$17,010,000           |
| Hawaii        | \$30,231,000                  | \$39,881,000                                       | +\$9,650,000   | Oregon            | \$78,169,000                  | \$114,882,000                                      | +\$36,713,000           |
| Idaho         | \$26,248,000                  | \$31,468,000                                       | +\$5,220,000   | Pennsylvania      | \$139,404,000                 | \$190,931,000                                      | +\$51,527,000           |
| Illinois      | \$743,288,000                 | \$897,781,000                                      | +\$154,493,000 | Rhode Island      | \$33,438,000                  | \$40,442,000                                       | +\$7,004,000            |
| Indiana       | \$89,253,000                  | \$116,970,000                                      | +\$27,717,000  | South Carolina    | \$67,697,000                  | \$86,085,000                                       | +\$18,388,000           |
| Iowa          | \$37,381,000                  | \$46,292,000                                       | +\$8,911,000   | South Dakota      | \$4,252,000                   | \$4,677,000  | +\$425,000              |
| Kansas        | \$69,278,000                  | \$80,435,000                                       | +\$11,157,000  | Tennessee         | \$105,277,000                 | \$115,836,000                                      | +\$10,559,000           |
| Kentucky      | \$37,368,000                  | \$53,352,000                                       | +\$15,984,000  | Texas             | \$1,542,397,000               | \$1,696,637,000                                    | +\$154,240,000          |
| Louisiana     | \$61,060,000                  | \$74,726,000                                       | +\$13,666,000  | Utah              | \$67,102,000                  | \$87,109,000                                       | +\$20,007,000           |
| Maine         | \$4,344,000                   | \$5,483,000  | +\$1,139,000   | Vermont           | \$3,918,000                   | \$4,543,000  | +\$625,000              |
| Maryland      | \$308,055,000                 | \$393,669,000                                      | +\$85,614,000  | Virginia          | \$245,857,000                 | \$324,148,000                                      | +\$78,291,000           |
| Massachusetts | \$201,369,000                 | \$262,080,000                                      | +\$60,711,000  | Washington        | \$292,169,000                 | \$321,385,000                                      | +\$29,216,000           |
| Michigan      | \$83,833,000                  | \$109,845,000                                      | +\$26,012,000  | West Virginia     | \$4,204,000                   | \$5,596,000  | +\$1,392,000            |
| Minnesota     | \$77,066,000                  | \$94,713,000                                       | +\$17,647,000  | Wisconsin         | \$80,863,000                  | \$98,333,000                                       | +\$17,470,000           |
| Mississippi   | \$21,872,000                  | \$26,930,000                                       | +\$5,058,000   | Wyoming           | \$3,625,000                   | \$3,987,000  | +\$362,000              |
| Missouri      | \$48,273,000                  | \$62,690,000                                       | +\$14,417,000  | <b>All States</b> | <b>\$11,643,936,000</b>       | <b>\$13,770,107,000</b>                            | <b>+\$2,126,171,000</b> |

## Immigrants and Social Security

- FACT: Undocumented workers are not (and have never been) eligible to claim social security benefits. Moreover, most undocumented workers will use a false social security number to prove work authorization, therefore paying money into a benefit system that they will never be eligible to use.
- FACT: Undocumented workers contribute about \$13 billion per year to the Social Security Trust Fund.
- “You could say legitimately that had we not received the contributions that we have had in the past from undocumented immigrants . . . that would of course diminish our ability to be paying benefits for as long as we now can,” [the chief actuary told MSNBC](#). He said undocumented immigrants have contributed \$100 billion into Social Security over the last decade. Boston Globe 09/20/2014

Why don't we have a fair immigration system that meets our economic, humanitarian and security needs?

## So What's the Solution?

1. Identify the correct problem: Prevent undocumented immigration while meeting U.S economic, humanitarian and security needs.
2. Identify the correct solution(s):
  - ❖ Broad legalization program for individuals already here and fully integrated into our communities
  - ❖ Broad legalization will clear out the immigration court backlog so DOJ and DHS can more quickly and fairly process asylum claims and focus on aliens who pose a danger to the US.
  - ❖ Use civil detention sparingly
  - ❖ Make the immigration courts an Article I speciality court under the judicial branch.
  - ❖ Hire more immigration judges.
  - ❖ Pass a real worker visa program that is decoupled from specific employers and tied to actual labor demand.
  - ❖ Increase family and employment visa numbers to clear out the existing 'lines'.
  - ❖ Effectively fund humanitarian aid and support diplomacy



So what's the problem?

---

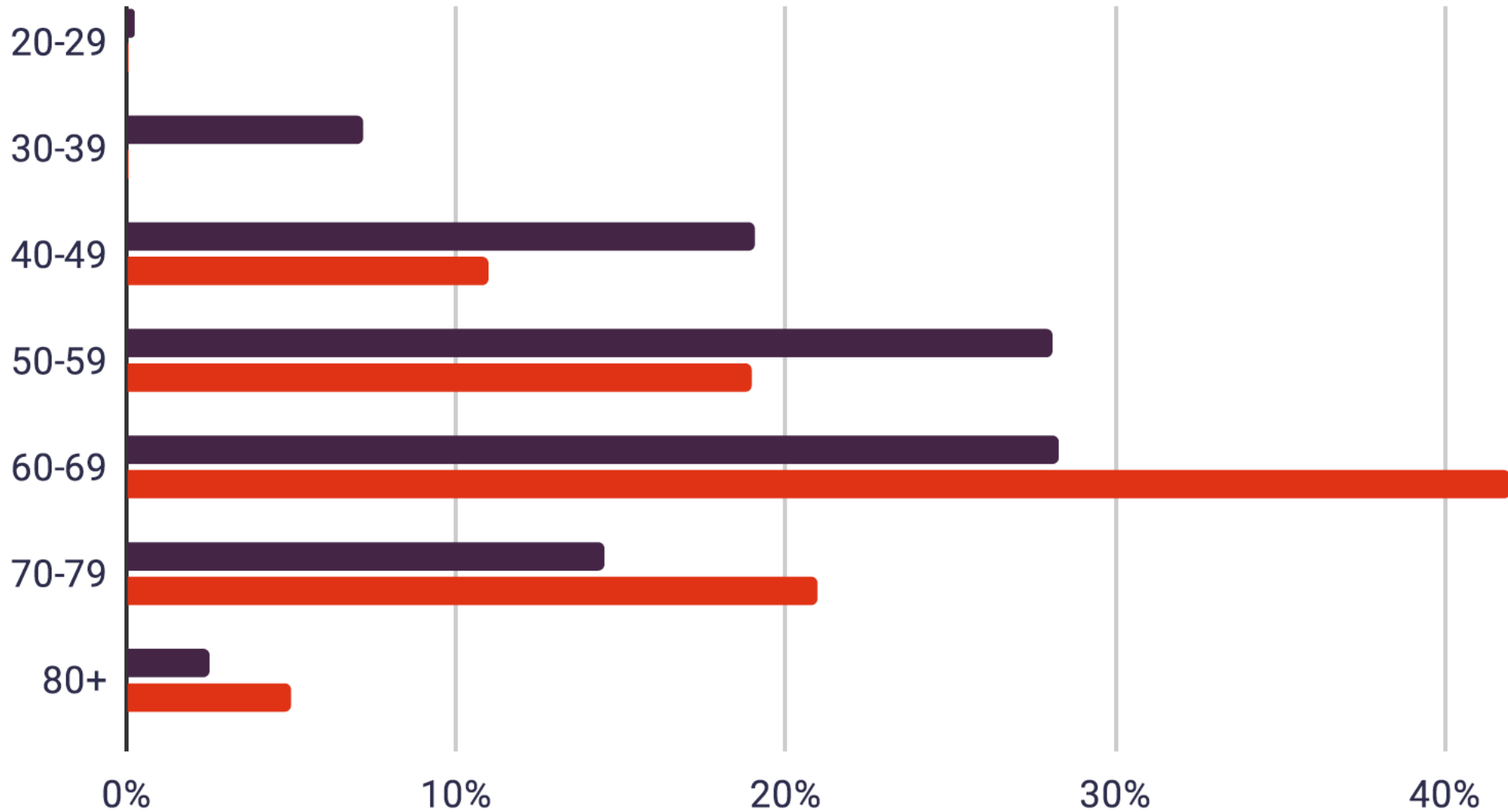
## Most Represented Age Groups

---

HOUSE ●

SENATE ●

---

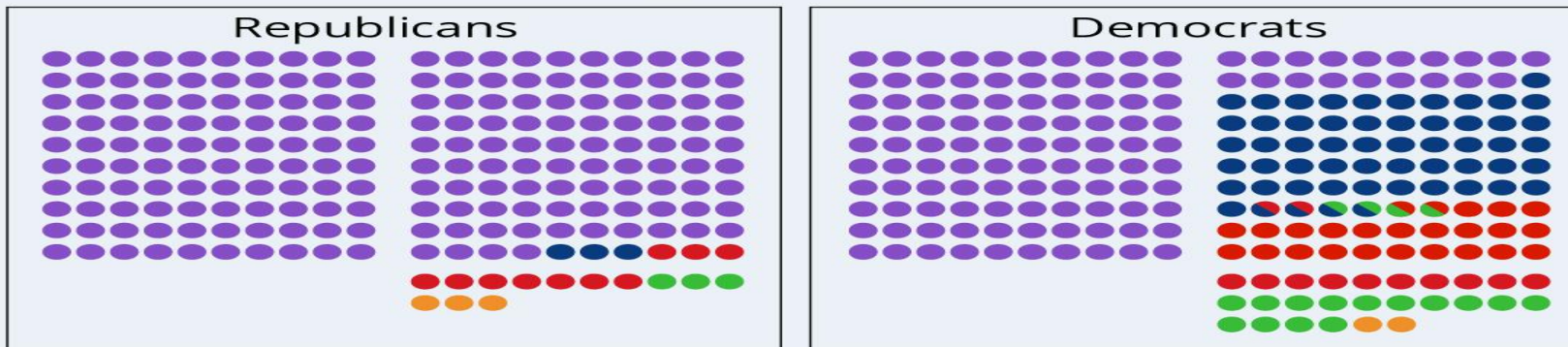


# How Diverse is Congress?

Members of the 117th U.S. Congress by race/ethnicity

- African-American
- Hispanic
- White
- Asian/Pacific Islander
- American Indian

House 439



Senate 100



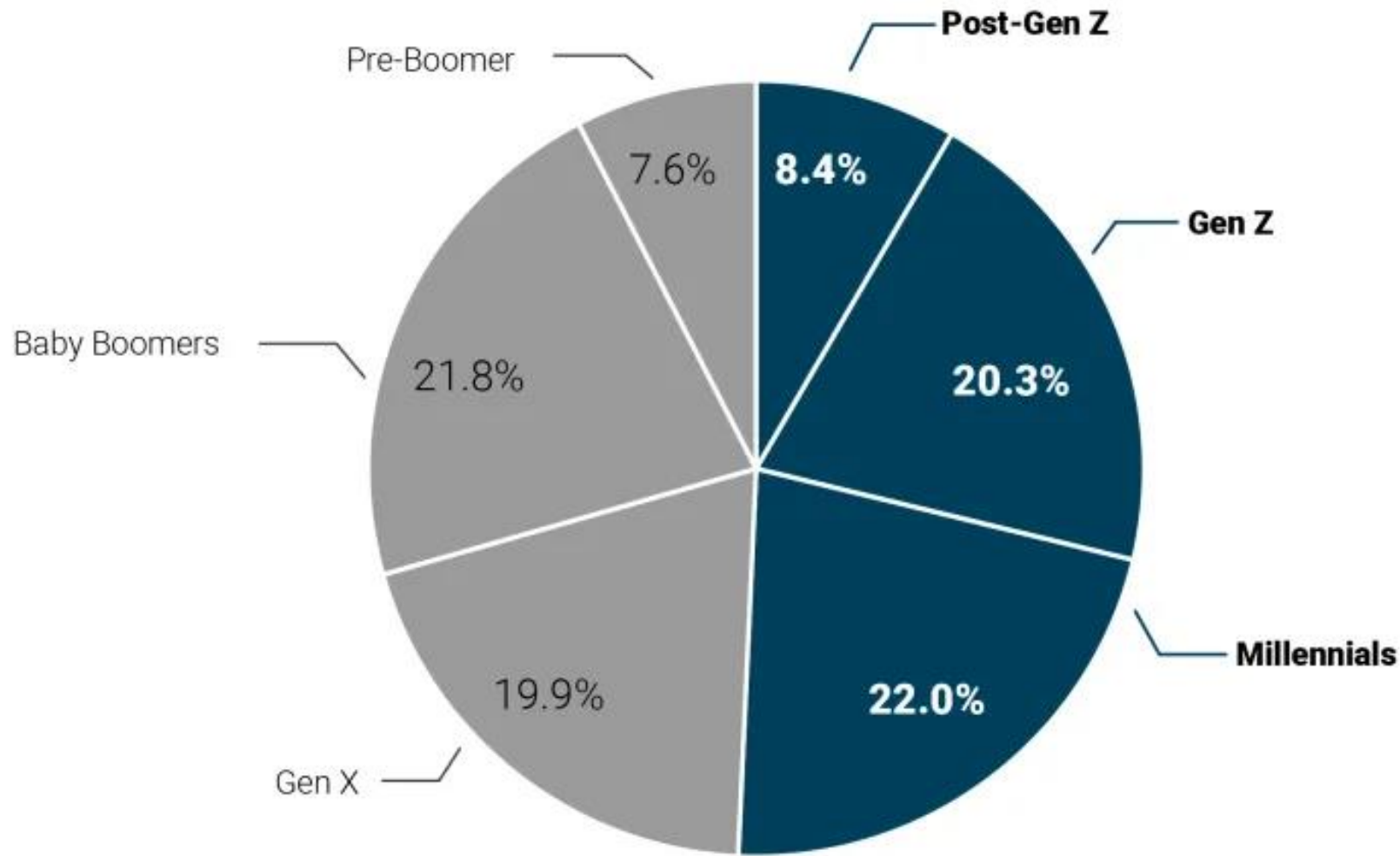
\* and Independents

Excludes two vacant House seats as of Jan 20, 2021.  
Includes delegates and commissioner of Puerto Rico  
As of January 7, 2021

Sources: House.gov, Senate.gov, CBS



**Figure 5. Share of US population by generation**



Numbers pertain to July 1, 2019

Note: Birth years are as follows: Post Gen Z (2013+), Gen Z (1997-2012), Millennials (1981-1996), Gen X (1965-1980), Boomers (1946-1964), Pre-Boomer (1945 and earlier).

Source: William H. Frey analysis of Census Bureau population estimates released June 25, 2020.

# Dignity Act of 2023

## HR 3599

- More funding for CBP
- Would allow DACAs and TPS holders to apply for permanent residency
- Legalization program for undocumented people- 7 years, pay \$5000 fine, must file taxes and meet other requirements
- Addresses backlog of immigrant visas
- Updates to asylum system
- Reforms some worker visas

# DREAM Act of 2023

## S. 365

- Would allow DACA holders to apply for lawful permanent residency (green card)
- DACA is likely to end after court appeals- probably in 2025

Things you can right now:

Take a breath and remind yourself that we are a STRONG country

Stick to goals most of us agree on and strike up conversations

Know who your local, state and federal elected representatives are and call them!

LWVIL sign up for immigration updates and news at [immigration@lwvil.org](mailto:immigration@lwvil.org)

Ask your U.S. Rep to advocate for comprehensive immigration form that includes broad legalization, a real work visa program, immigration court reform and honors our humanitarian obligations

Write a letter to the editor

Join ICIRR.org

Run for office- local, state or federal!