

Response to Questions for the Record from Sen. Grassley
For Jessica Vaughan
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U.S. Senate Committee on the Judiciary
Hearing on “Oversight of the Administration’s Decision to End
Deferred Action for Childhood Arrivals”
October 3, 2017

Economic Arguments for DACA Legalization

Question 1. Do DACA beneficiaries, on average, work jobs that Americans wouldn’t or couldn’t work? In other words, if DACA recipients weren’t able to work, would those jobs simply disappear, or would they be filled by American workers?

Answer: There is very little socio-economic, educational, or employment data available to the public about DACA beneficiaries, but in what little information about this population that has been disclosed, there is nothing to suggest that DACA beneficiaries are filling jobs that Americans (or legal immigrants) can’t or won’t do. The DACA policy did not require applicants to have completed a minimum level of education or have any particular skills. Applicants only had to have completed high school or be enrolled in an educational program, loosely defined, and applicant claims were not verified. As I mentioned in my written statement, the most credible research on the DACA population suggests that a significant share of the beneficiaries, perhaps as many as one-fifth or more, are adults who have not completed high school, with perhaps another one-fifth who have a high school degree but are not going on to college. An approximately equal number are believed to have a college degree or are attending college.

This means that the DACA beneficiaries likely span the entire spectrum of educational achievement, but on average they are somewhat less educated than the U.S. population as a whole. According to the Census Bureau, approximately 12 percent of the general population of the United States aged 18-34 has not completed high school (compared to an estimated 20% of DACA beneficiaries), and 26 percent has a bachelor’s degree or higher (compared to an estimated 20% of DACA beneficiaries).¹

Not only are the approximately 700,000 DACA beneficiaries not uniquely well-educated or highly skilled participants in the U.S. labor market, clearly there are many un- and under-employed Americans who likely could replace them. As of last year, there were 6.8 million unemployed American workers over the age of 16. Of these, about 1.3 million were Americans who had a college degree.²

Americans who have not obtained a higher education have had especially dismal labor force participation rates in recent years. In 2016, about thirty percent of Americans aged 18-65 who

¹ U.S. Census Bureau data, “Educational Attainment of the U.S. Population 18 years or Older, 2016.”

² Steven A. Camarota, “The Employment Situation of Immigrants and Natives in the Third Quarter of 2016,” Center for Immigration Studies, December 2016, <https://cis.org/Report/Employment-Situation-Immigrants-and-Natives-Third-Quarter-2016>.

lacked a college degree were not working. This number has increased since 2012, when the DACA policy was adopted.³ If DACA beneficiaries were to leave the United States, there are many available Americans at all levels of education and skills who could do these jobs. There might not be a direct replacement for every individual DACA worker, but there would be no significant economic disruption either. Rather, the labor market would adjust and American workers would have the opportunity to move into most of these jobs. The likely result would be improved economic prospects and reduced dependence on public assistance for hundreds of thousands of U.S. workers.

Derivative Citizenship and Chain Migration

Question 2. As Congress considers potential fixes to DACA, how can we craft a policy that not only gives DACA recipients some type of status, but also doesn't unfairly grant an immigration benefit to, potentially, millions of people who willfully abused our immigration laws?

Amnesties are inherently unfair to legal immigrants and their sponsors who have followed the rules, and they are especially unfair to Americans who because of illegal immigration lose job opportunities, experience depressed wages, bear a higher tax burden, endure school overcrowding, or suffer harm from criminal aliens.

Amnesty programs typically have offered full legal status, including eligibility for the beneficiary to become a citizen. A grant of permanent residency with a path to citizenship means that amnesty beneficiaries eventually are able to sponsor relatives for green cards through the process of chain migration. According to historical administrative data, recent immigrants have sponsored an average of 3.45 additional relatives for permanent residency.

There is an extremely high likelihood that, if given amnesty, the DACA beneficiaries will apply to become citizens at the earliest opportunity. Under our current system, this will enable them to sponsor their parents, most of whom presumably are in the United States illegally, for permanent residence and eventually citizenship, which will in turn enable the parents to sponsor additional relatives. I estimate that an amnesty for approximately 700,000 DACA beneficiaries will result in the eventual admission of at least 1.4 million of their spouses, parents, siblings, and other relatives over a 10 to 20 year period. Therefore, under our current system, an amnesty for DACA beneficiaries is not only an amnesty for their parents, but also a significant increase in legal immigration. Of course, an amnesty that is broader than those who currently have DACA would result in exponentially more chain migration under current law.

If Congress enacts an amnesty, to mitigate the fiscal and labor market effects of the inevitable increase in legal immigration, Congress should also enact simultaneous reductions in legal immigration. Specifically, Congress should terminate three superfluous green card categories: the visa lottery, the category for siblings and nieces/nephews of U.S. citizens (F-4), and the category for married adult sons, daughters and grandchildren of U.S. citizens (F-3). In addition, Congress should impose an annual numerical limit on the category for parents of U.S. citizens, which currently is one of the largest and fastest growing chain migration categories. Together,

³ Camarota, loc cit.

these changes likely would reduce legal immigration by approximately 20 percent, or two million admissions over 10 years. This is nearly equal to the estimated increase in green cards that would result from a DACA amnesty and subsequent chain migration of their relatives.

Some have suggested that DACA beneficiaries should be granted legal residency without the opportunity to become citizens, or with an extended path to citizenship that puts off the legalization of their parents and other relatives. This proposal would limit future chain migration, but it would also create an inferior type of permanent residency for DACA beneficiaries, and breed understandable resentment among DACA supporters. If an amnesty is to be offered, it should be full permanent residency, with all the benefits and responsibilities of this status, including a path to citizenship. There is no conceivable national interest in granting permanent residency to a large class of people who have no hope or prospect of obtaining citizenship, except by later sponsorship by their children. If Congress decides to let DACA beneficiaries stay permanently, they should be invited to become citizens under the same rules as other legal immigrants.

As part of any DACA amnesty legislation, Congress must also act to prevent another surge of illegal immigration, as has occurred after other amnesties. At this time, the most effective deterrent to illegal immigration would be the implementation of a phased-in universal E-Verify mandate. It is widely recognized that illegal immigration is motivated primarily by the availability of jobs. Employers will continue to hire illegal workers if there is no meaningful effort to prevent them from doing so, and if there are no consequences for illegal hiring practices. E-Verify is a well-established, proven tool to prevent illegal hiring and, together with other initiatives such as measures to combat identity fraud, will reduce the availability of jobs to illegal aliens. As demonstrated in the states that have adopted universal mandatory E-Verify, this will significantly reduce the size of the illegal population in a just a few years.⁴

In addition, Congress should pass legislation to address the problem of sanctuary policies that hinder immigration enforcement, vulnerabilities in how we handle asylum seekers, the need for more barriers along the border, and to increase the number of ICE agents for interior enforcement.

Together, this package of reforms could be expected to produce the same net level of legal immigration and a significant decrease in illegal immigration – and gain the support of Americans who value a legal immigration system where the rules are reasonable, respected and enforced.

⁴ See, for example, Magnus Lofstrum et al, *Lessons From the 2007 Arizona Legal Workers Act*, Public Policy Institute of California, March 2011, http://www.ppic.org/content/pubs/report/R_311MLR.pdf.