

Talking About Immigration in 2020

**Robert Cotter**

Social Policy & Politics Fellow

 [@TWSocialPol](https://twitter.com/TWSocialPol)**Nathan Kasai**

Senior Policy Counsel

 [@Nathan_Kasai](https://twitter.com/Nathan_Kasai)

In the next election, immigration will either help Democrats build on victories made in the 2018 midterms, or it will become one of the primary causes of a Republican resurgence. With impeachment hearings underway, Trump is sure to reach back into his old bag of tricks to enflame border anxiety, just as he did in 2016 and 2018.¹ Despite failing to convert his anti-immigrant rhetoric into gains at the polls in 2018, there are no signs that congressional Republicans have kicked their proclivity for echoing the President in tone or policy. How Democrats combat Trump-inspired candidates on immigration may make all the difference in Democrats keeping the House majority, taking back the Senate, and ultimately winning back the White House.

Fortunately, the effective path forward for Democrats is clear. Democrats took back the House even while the President and Republican congressional candidates fought to make immigration the central focus of the 2018 cycle. Candidates flipped 40 congressional seats by rejecting hardline Republican narratives on immigration and countering with a strong vision

of their own.² In the House, Democrats like Abigail Spanberger and Xochitl Torres Small beat Republicans in districts Trump won in 2016 by addressing voters' concerns and championing a bipartisan approach to fixing our immigration system. In the Senate, Jacky Rosen waged the only successful campaign against an incumbent Republican senator with a similar message of principled, commonsense solutions. All three acknowledged the faults in our current immigration system and proposed a path forward to keep our country safe, keep families together, and ensure that immigrants continue to be able to contribute to their communities.

Successful Democrats in the midterms didn't win their seats by simply criticizing the President or by advancing policies that sound like "open borders" to critical voters.³ They stood strong on security and talked about solutions more than mere opposition to President Trump. Voters want answers to the real problems they see on the border and throughout our immigration system, and candidates who present reasonable and commonsense solutions will earn their votes. That's how Democrats made substantial gains in Congress in 2018 and how they can prevail again in 2020.

This memo lays out what we believe is a winning path forward for candidates on immigration. Democrats who will win on immigration in 2020 will: 1) call for reforms to our legal immigration system that provide order while adhering to our values, 2) support smart enforcement alternatives to Trump's wasteful border wall, and 3) advocate for an asylum system that protects those seeking safety through an orderly process.

The Problem: A Broken System Made Worse by Trump's Mismanagement and Cruelty

A Longstanding Problem. Many of the problems plaguing our immigration system predate Trump. In the final years of the Obama administration, the profile of the undocumented population looked very similar to how it does today. The 11 million undocumented immigrants were already here. Wait times for green cards exceeded 16 years for most applicants from Mexico (the wait time is currently closer to 22 years).⁴ And we still struggled to enact even the most universally agreed upon and necessary reforms, including a path to citizenship for DREAMers. Since the turn of the century, multiple attempts at comprehensive immigration reform have failed in both the Bush and Obama administrations. The most recent near-miss came in 2013, when the bipartisan "Gang of Eight" in the Senate drafted a compromise immigration bill that included a pathway to citizenship and various work visa reforms, as well as significant increases in funding for enforcement. That legislation passed with the support of nearly 70 Senators—a true feat in the modern era. But ultimately, a Republican-controlled House failed to even take that bill up for debate.

Trump is adding cruelty to an already broken system. Trump's mismanagement and cruelty have dashed any immediate hopes of addressing the genuine deficiencies in our immigration

system. From the family separation crisis, which shook the country to its core, to current metering and “Remain in Mexico” policies, orderly processes and systems are breaking down along the border. Directly stemming from Trump’s failures, a growing backlog of 20,000 asylum-seekers has now been forced to wait in another country for months in dangerous conditions before they can make their case.⁵ This is literally a matter of life and death. Mothers and children have died while waiting on the Mexican side of the border or while taking increasingly dangerous routes of entry to avoid the policy.⁶ And on our side of the border, the Trump administration has strained the resources of detention facilities creating mass overcrowding and dangerously unsanitary conditions, resulting in at least 24 deaths in detention facilities.⁷

Trump’s policies have failed to make us safer. In fact, they are having the opposite effect. Instead of specifically targeting our enforcement resources towards individuals with criminal histories, Trump’s dragnet system has drained our resources and created unnecessary confusion and chaos on the border. A record 50,000 people currently sit in ICE custody. Nearly 70 percent of them have no criminal record.⁸ Yet, the average length of stay in detention has increased from 28 day to 46 days, at a daily cost of upwards of \$800 dollars.⁹ An overextended Department of Homeland Security has had less resources to deal with national security matters and FEMA has been stripped of \$155 million dollars in disaster relief money this year to fund the administration’s outlandish detention demands.¹⁰ Mexico has not and will not pay for his wall, and thus far, it doesn’t look like the President will ever get his unnecessary vanity project. More importantly, Trump’s insistence on delivering the wall to his base has stood in the way of compromise on smart border security.

Trump is attacking even legal immigrants. The President has directed the majority of his public ire towards our southern border, but his agenda has demonized and attacked immigrants of all kinds, including those who came to this country through the regular legal process. The President began his term with the blatantly prejudiced “Travel Ban,” the 2017 executive order that temporarily ended all travel from seven Muslim-majority countries.¹¹ The move caused angst and frustration for green card holders in the country and abroad, for their families, and for the institutions that rely on their talents. Trump has continued undermining the legal immigration system ever since, recently attacking legal immigration through ‘public charge’ regulations that punish those who have followed every rule we put before them but have simply received public assistance.¹² And most recently, the administration announced new policy that will ban would-be green card holders who are unable to purchase health insurance within 30 days of arrival.¹³ Analysts have estimated that nearly two-thirds of future green-card applicants will be unable to meet the new standards.¹⁴

Immigration Answers

Democrats have clear solutions on immigration. We need to: 1) reform our legal immigration system to ensure it reflects our values, 2) invest in smart enforcement at the border, and 3) ensure our asylum system has an orderly process that protects those seeking safety and gives them a chance to make their case.

Immigration Reform that Reflects our Values

Despite loud fraying voices at both ends of the political spectrum, voters still want common ground solutions on immigration. A full 83 percent of voters say immigration should be an important priority for Congress, and 80 percent of Democrats and 75 percent of Republicans want bipartisan answers to get there.¹⁵ But the last time Congress considered comprehensive immigration reform was 2013. That's ancient history to voters and simply not good enough. Democrats running in 2020 need to lay out exactly what comprehensive immigration reform means for voters: 1) a pathway to citizenship for the 11 million undocumented immigrants in our country who have stayed out of trouble and pay a reasonable fine or back taxes, 2) bringing our legal immigration system into the 21st century so it works for those who want to come here as well as for Americans, and 3) making sensible improvements to our enforcement system, including better technology, better training, and upgrades at ports of entry.

As part of building a system of immigration that reflects our values, we need to address the loss of faith in our internal enforcement agencies. While calls to "abolish I.C.E." are consistently proven unpopular and ineffective, the American people are undeniably conflicted with the President's enforcement policies and want better oversight and accountability for the agencies carrying them out. Recent polling shows that 68 percent of independents oppose family separation, and women of all political affiliations abhor the policy.¹⁶ But voters still want to be kept safe from bad actors, without tearing mothers away from their children. Candidates running in 2020 should champion oversight, accountability, and reform for I.C.E. and C.B.P. Congress should enact laws that: 1) increase effective oversight from Congress and independent inspectors, 2) create independent ombudsmen for detained immigrants, 3) expand safeguards for citizens erroneously targeted, 4) improve agency standards through mandatory reviews and updates, 5) build professionalism with training and leadership opportunities, and 6) prioritize targeted resources and reinstating enforcement priorities. Further detail can be found in our [Six Things Congress Should do to Reform ICE](#) memorandum.

Smart Border Protection

Donald Trump's wall is immoral and inefficient. Estimates for its completion go as high as \$67 billion. Republican in Congress know that the President's wall is an unnecessary vanity project as do most of the American people. Staunch conservative Thom Tillis has said of the wall that "we need to recognize that a continuous wall from one end of our Southern border to the

other is neither feasible nor effective. A 20-foot wall on a 3,000-foot sheer cliff will not stop human crossing or drug trafficking, and neither will 20-foot wall on the Rio Grande River.”¹⁷ Instead of capitulating to his ridiculous demands, Democrats should run on a platform of bringing smart and effective border protection. Smart technology has proven far more effective and doesn’t waste billions of dollars for the sake of satisfying the whims of the President.¹⁸

Asylum Reform that Allows People to Efficiently Make their Case

It’s clear the situation on the border is an urgent humanitarian crisis. Three-quarters of Americans see it that way, 60 percent of independents disapprove of the treatment of migrants at the border, and a similar number believe asylum seekers should be able to make their case in the United States.¹⁹ Democratic candidates across the country should stand firm against Trump’s lawlessness at the border—but they also need to make their solutions crystal clear. While voters disapprove of the job Trump is doing at the border, independents often cannot articulate where Democrats stand, and what they stand FOR. To answer these concerns, Democrats should champion: 1) increasing the number of immigration judges to reduce backlogs and allow those who are applying through our legal process to fairly and efficiently make their case, 2) expanding case management programs that make sure more than 90 percent of applicants appear for hearings and are a cost-effective alternative to detention, 3) returning order to the border so that those who legally qualify can stay and those who do not can be returned to their home country.

Conclusion

The truth is that we can have safe borders and an orderly legal process without compromising American values and separating children from their parents. We can keep our country safe while welcoming immigrants who come here to follow our laws and contribute to our communities. That is what Democrats should stand for in 2020.

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