

**Immigration and Covid-19: Post-Pandemic Policy Recommendations to Restore American
Immigration Systems**

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Biography

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Abstract

In response to the Covid-19 pandemic, the United States federal government enacted various policies limiting asylum requests and delaying legal immigration processes. While these emergency actions may have been temporarily necessary to navigate the uncertainty of global health conditions in flux, prolonged application of outdated and ineffective policies will only harm immigrant and native populations alike. Instead, the federal government should act to reconsider and institute certain immigration policies to help the nation rebound from the devastating health and economic effects of Covid-19. These policies include the revoking of Title 42 and reforming the immigration court system. Such action by the federal government will ensure sustained national health and economic growth for future generations by ensuring public health, maximizing employment, improving labor efficiency, and diversifying demographics.

Keyword: immigration, Covid-19, courts, Title 42, economic growth, policy

Introduction

What lies at the heart of the American spirit? Every great nation has core dreams and values that tell its story in history, a sort of central purpose that shapes the soul of the people. Perhaps a certain confidence in the many blessings of liberty, or a freedom that opens countless possibilities for the everyman. All this is true, but at the heart of the American dream lies the truth that any good man, from anywhere, is welcome in America. President Ronald Reagan relayed a story of a letter mailed to the White House, saying, “He wrote that you can go to live in France, but you can’t become a Frenchman. You can go to live in Germany or Italy, but you can’t become a German, an Italian...But he said anyone, from any corner of the world, can come to live in the United States and become an American.”¹ Americans hail from every ethnicity, religion, and socio-economic status, yet it is precisely those differences that unites the nation under the enduring banners of freedom, justice, and equal opportunity for all.

America welcomes immigrants because our ancestors know what it is like to be unwelcomed. Pilgrims and Syrian Christians fled religious persecution, Afghans and Soviets left political unrest, and Jews and Armenians narrowly escaped mass genocide. They landed on America’s shores, tired and weary, yet hopeful for the promised great opportunities and new life. George Washington embraced this American hope, dreaming that the nation may serve as a refuge for the broken: “The bosom of America is open to receive not only the Opulent and respected Stranger, but the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges.”² Part of America’s unique identity is that we welcome both skilled immigrants from Western nations and poor refugees scarred by political turmoil. We welcome because human dignity demands a kind welcome.

A spirit of welcome is at the heart of America. But immigrants to the West, especially to the United States, have always faced hurdles to finding a new home. Health restrictions, paperwork backlogs, high travel costs, and limited job opportunities discourage immigrants and refugees from making the long, sometimes years-long trek across the sea. Most notably, unfriendly immigration policy, domestic polarization, and national emergencies have slowed the flow of immigrants.

In recent years, American immigration policy at-large has decidedly turned to address questions of national security. Terrorists and erratic despots have expanded their reach on the global stage, encouraging domestic sentiments of nationalism. Rising adversarial great powers in China and Russia and volatile nuclear powers in Iran and North Korea threaten America’s current global status as hegemon, risking future peace and the flourishing of the international order. The question many policymakers and involved citizens pose: in times of rising international tensions and unrest, can America afford to generously welcome immigrants?

¹ Ronald Reagan, “Remarks at the Presentation Ceremony for the Presidential Medal of Freedom,” Ronald Reagan Presidential Library and Museum, January 19, 1989, <https://www.reaganlibrary.gov/archives/speech/remarks-presentation-ceremony-presidential-medal-freedom-5>.

² George Washington to Joshua Holmes, December 2, 1783, in *Founders Early Access: Papers of George Washington*, (Charlottesville, VA: The University of Virginia Press, 2022), <https://rotunda.upress.virginia.edu/founders/default.xqy?keys=FOEA-print-01-02-02-6127>.

Domestic political polarization has also failed to provide viable ways forward for efforts to reform American immigration systems. In just twenty years, Democrats have practically performed an about-face: Bill Clinton fought illegal immigration to protect American workers, while 2020 presidential candidate Julian Castro wants to decriminalize all border crossings and Senator Kirsten Gillibrand and others are calling for the abolishment of ICE and other key federal agencies.³ The Republican mainstream message, too, has evolved over a few decades from Reagan's high refugee cap to Trump's populist rhetoric. Endless media attention incentivizes aggressive soundbites and destructive public rhetoric, further stoking the ever-widening partisan divide on immigration. Productive immigration policy, then, is increasingly more difficult to pass with a broad bipartisan coalition. Any small partisan successes through executive orders or bureaucratic action are likely to be undone by the next administration, so immigrants cannot count on a consistently friendly outlook from any president.

Finally, and most relevant to the status quo, the Covid-19 pandemic has devastated the state of global immigration. Hopes of potential and newly present immigrants were wrecked or prolonged by travel restrictions, expulsion of asylum seekers under Title 42, and immigration court dysfunction. While the Biden administration has publicly advocated for increased immigration and more open borders, his legacy regarding immigration has so far been doomed by inefficient effectuation of humanitarian assistance and continuance of some unsuccessful policies of the previous administration.⁴

The state, of course, must recognize national security and political stability as vital considerations to ensure national survival and success. But legislators should take care to not neglect the net positive impacts of immigration on both the newly arrived and voting constituents. In response to the hypothetical question posed paragraphs ago, immigration is not simply a generous appeal to the nations or a benevolent, idealistic reflection of the American spirit. Strategic immigration policy creates a stronger America today and tomorrow. To recover from the devastating effects of the pandemic, public servants must recognize that immigrants play a central role in shaping the future of our national health, economy, and demographics.

Detrimental Impacts of Covid-19 on Immigrants

In March of 2020, the Covid-19 pandemic paused much of American public life. The public health crisis severely handicapped the humanitarian and enforcement capabilities of government bureaucracies. The health shutdown also damaged private businesses and religious institutions around the country by limiting their workforce and investment capacities, thereby restricting their abilities, whatever their intentions, to welcome and support immigrants.

³ Asma Khalid, "Democrats Used to Talk About 'Criminal Immigrants,' So What Changed the Party?" *NPR*, February 19, 2019, <https://www.npr.org/2019/02/19/694804917/democrats-used-to-talk-about-criminal-immigrants-so-what-changed-the-party>.

⁴ Franco Ordonez, "A Year After Mobilizing for Biden, Young Supporters Feel Let Down on Immigration," *NPR*, Jan. 19, 2022, <https://www.npr.org/2022/01/19/1073931133/a-year-after-mobilizing-for-biden-young-supporters-feel-let-down-on-immigration>.

In times of emergency, nations, states, and institutions typically prioritize survival. Understandably, continuing and supporting immigration was not high on the priority list during the crisis. Protecting native populations from the deadly virus preempted most other humanitarian or even long-term considerations. At the start of the pandemic, governments quickly implemented travel restrictions and immigration limits to restrict the speed of viral movement. Public actors and health specialists considered such actions as torqu沿海s to ward off the worst cases, giving the states time to gather resources and enact strategic plans.

While such emergency public health actions may have been temporarily necessary to navigate the uncertainty of global conditions in flux, prolonged application of outdated and ineffective policies has proved to harm both immigrant and native populations alike. The promised two weeks to stop the spread soon became two months, then twelve. Now, as the nation finally looks to move from crisis to management mode after two years of pandemic-induced shutdowns, many unsustainable immigration policies and practices are still in place. The federal government, states, and interest groups must move quickly to restore institutional trust and effectiveness. Actors should first consider the status quo, identify possible changes, then enact practical, sustainable solutions directed toward long-term national success and flourishing.

Travel Restrictions and Temporary Immigration Suspension

First, the pandemic led to policies that disrupted travel and suspended immigration opportunities. Among other actions by both recent administrations, President Biden issued executive guidance last November that barred entrance to any immigrants recently present in multiple southern African nations.⁵ While such actions were temporary reactions to Omicron variant surges, immigrants were still affected. Additionally, CDC guidance mandates that all non-U.S. citizens and immigrants receive the Covid-19 vaccine before entry into the United States.⁶ American citizens are not likewise required to confirm vaccination status before international flights; they may instead submit proof of a negative test. Lack of vaccine access in other nations and at the border limited immigrant travel.

Title 42 Expulsions

Next, the Biden administration has continued to expel asylum seekers on the southern border. Donald Trump’s administration weaponized executive power to disrupt asylum processes at the start of the pandemic, using bureaucratic authority to accomplish political goals. Center for Disease Control (CDC) chief Robert Redfield announced on March 20, 2020, that section 265 of Title 42 of the Public Health Service Act would be invoked, empowering U.S. Customs and Border Protection (CBP) to immediately expel asylum seekers citing public health concerns.

⁵ Joseph R. Biden, “A Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease,” *The White House*, 2019, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/11/26/a-proclamation-on-suspension-of-entry-as-immigrants-and-nonimmigrants-of-certain-additional-persons-who-pose-a-risk-of-transmitting-coronavirus-disease-2019/>.

⁶ U.S. Department of Health and Human Services, “Non-U.S. Citizen, Non-U.S. Immigrants: Travel to and from the United States,” January 27, 2022, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/noncitizens-US-air-travel.html>,

Under Title 42, law enforcement refused to recognize the legitimacy of any asylum claims, removing claimants by vehicle back to Mexico or by plane to other central American nations like Guatemala. Such distance removals were met by great dismay from many international humanitarian organizations like the United Nations refugee agency (UNHCR).⁷ Hundreds of thousands of asylum seekers have been turned away at the border or removed, when before, they would have been eligible to advocate for their case before an asylum officer. Only select numbers of claimants have been approved to circumnavigate the new order to seek asylum, and only 272 out of 3,217 migrants who were allowed to interview with asylum officers were approved to continue in the process circa September 2021. Physicians for Human Rights recognizes the major implications of Title 42 enforcement, noting that the policy “has been used by the Department of Homeland Security to carry out more than 750,000 expulsions and to essentially eliminate asylum at the border, resulting in dire humanitarian consequences, such as the severe overcrowding of families in migrant shelters and encampments in northern Mexico.”⁸

CBP statistics predictably demonstrate a sharp drop in asylum claims since March of 2020. Yet, the rate of apprehensions on the border has since risen steadily, then capaciously. The chart below shows the rapid increase in apprehensions by American law enforcement agencies from year to year. Note the steady acceleration beginning in April 2020, weeks after the initial implementation of the CDC’s order:



Figure 1: U.S. Customs and Border Protection, “Southwest Land Border Encounters,” January 4, 2022, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁷ “UNHCR Alarmed Over US ‘Expulsion Flights’ to Southern Mexico,” *UN News*, August 11, 2021, <https://news.un.org/en/story/2021/08/1097612>.

⁸ Physicians for Human Rights, “Title 42 Border Expulsion: How Biden and the CDC’s Misuse of Public Health Authority Expels Asylum Seekers to Danger,” May 2021, <https://phr.org/wp-content/uploads/2021/05/PHR-Title-42-Order-Fact-Sheet.pdf>.

Title 42 complications only serve to exacerbate existing weaknesses, especially CBP and Border Patrol’s already limited enforcement capabilities. The gross total of apprehensions did increase compared to previous years, but notably, repeat offenders have also risen to a recent high. Total border apprehensions doubled in 2021 compared to 2019, but unique apprehensions only increased by 24%.⁹ As such, Title 42 ties the hands of law enforcement regarding due process for recidivistic border crossers; the policy practically forces officers to play catch-and-release. Because immigrants do not receive an official deportation order under Title 42, asylum seekers removed to a nearby area across the border can simply mount additional surreptitious attempts within hours of first apprehension. “Without a deterrent, repeat entries continue,” one DHS official complained. Another enforcement official recognizing that reduced prosecution efforts under Title 42 renders practically “no consequences” for habitual border jumpers.¹⁰ These repeated attempts are wearing down already thin enforcement resources, diverting money, time, and personnel from proactively securing other weak border positions, especially regarding anti-drug and anti-human trafficking efforts.

State and local law enforcement, including Texas Rangers and the National Guard, have been forced to increase border patrols in the face of drained federal resources. State officials contend that federal failures have “open[ed] up gaps along the border for drug smugglers.”¹¹ This intergovernmental association often fosters miscommunication regarding consistent policy and enforcement action. Immigration advocates have also expressed concern that federal and state collusion presents constitutional problems regarding federalism and police powers.

Not only did Title 42 create havoc for border communities and law enforcement, but the dubious history of the order’s intentions also kneecaps its effectiveness. The CDC, under the Trump administration, marketed the order not as an immigration restriction, but rather as a public health precaution. President Biden’s Secretary of Homeland Security Alejandro Mayorkas repeated similar rhetoric as the prior administration, admitting that Title 42 “is not an immigration policy that we in this administration would embrace, but we view it as a public health imperative...”¹² Tellingly, the order only applied to non-citizens, and such strict restrictions were in no way applied to any other class of those entering the United States,

⁹ U.S. Customs and Border Protection, “Southwest Land Border Encounters,” January 4, 2022, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>; ‘Unique apprehension’ statistics preclude any person who has been apprehended before within that same year.

¹⁰ Nick Miroff, “As U.S. Expels Migrants, They Return, Again and Again, Across Mexico Border,” *Washington Post*, August 8, 2020, https://www.washingtonpost.com/immigration/migrants-border-repeatcrossings/2020/08/08/2fdbd97c-d9bf-11ea-b9b2-1ea733b97910_story.html.

¹¹ Gabe Gutierrez and Al Henkel, “State Troopers, Local Police Ramp up Along Border as Federal Resources Are Stretched Thin,” *NBC News*, May 5, 2021, <https://www.nbcnews.com/news/us-news/state-troopers-local-police-ramp-along-border-federal-resources-are-n1266449>

¹² Michael Isikoff, “Mayorkas: Title 42 ‘Is Not an Immigration Policy that We in this Administration Would Embrace,’” *Yahoo! News*, October 12, 2021, https://news.yahoo.com/mayorkas-dhs-title-42-immigration-095900696.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuY2JzbnV3cy5jb20v&guce_referrer_sig=AQAAAHHypqwwv44efTIRetG1xS3BcDCX2ZNDmWHjek9x163TIyUrsUAgXMq99TdwkECbaJ8JxrySQTdD0S1aYaCEpyKM9paJs8SxsYOwcOgAgEMnXmZlhfO2GfRl0qTDQTxe0_N1VkB6AmCYq0wxwwSRAYVvj5ArjAiCe3v2_ymU-.

including travelers for business or pleasure. The American Immigration Council denounces the dubious claim that the CDC order was meant to curb the rate of Covid-19 infections:

When Title 42 was originally created, CDC scientists expressed opposition to this invocation of Title 42, arguing that there was no public health rationale to support it. Ever since then, public health experts outside the CDC have continued to agree, arguing that while international borders remain largely open to other travelers, there is no need to turn away refugees and expel them to their home countries or Mexico.¹³

Former CDC officials and nationally-renowned experts wrote to Biden administration officials to express their disagreement with Title 42, claiming that the administration “continues to disregard science in favor of a cruel and unjust policy.”¹⁴ Both Trump and Biden, according to these experts, chose political expediency and resource allocation over good public health policy meant to safeguard immigrants and Americans. Dr. Monik Jiménez of Harvard Medical School rebuffs the predicted argument that asylum seekers are less essential than other travelers: “Asylum seekers are not coming here to be put in detention facilities. They are coming here because they need safety. And they want to work...So, I think the way that we process asylum seekers and cage them keeps them from becoming important contributors to our society in all aspects.”¹⁵ According to publicly reported claims, CDC experts actually advised against the institution of Title 42 when first recommended, but the department allegedly changed their tune when Vice-President Mike Pence asked Redfield to implement the new policy.¹⁶

The aforementioned experts also contended that Title 42 expulsions unfairly target asylum seekers for health-based removal while ports of entry are open for business as usual. If the federal government rebuffs migrants and asylum seekers for alleged health concerns, then a lack of similar restrictions at ports of entry unfairly limits specific classes of immigrants from receiving due process and consideration for entry.¹⁷ Columbia University professor Monette Zard led the group of scientists issuing the letter, and she issued concerned denunciations of the CDC’s missteps, writing, “Applying a public health policy to justify the expulsion of vulnerable people into harm’s way runs counter to the public health tenets of preventing disease, prolonging life, and promoting health.”¹⁸

¹³ American Immigration Council, “A Guide to Title 42 Expulsions at the Border,” October 2021, https://www.americanimmigrationcouncil.org/sites/default/files/research/title_42_expulsions_at_the_border.pdf.

¹⁴ Anika Backster, et al., “Letter to CDC Director Walensky, HHS Secretary Becerra, and DHS Secretary Mayorkas on the August 2021 Title 42 Order,” *Columbia Public Health*, September 1, 2021, <https://www.publichealth.columbia.edu/node/76271>.

¹⁵ Joanna Naples-Mitchell, “There Is No Public Health Rationale for a Categorical Ban on Asylum Seekers,” *Just Security*, April 17, 2020, <https://www.justsecurity.org/69747/there-is-no-public-health-rationale-for-a-categorical-ban-on-asylum-seekers/>.

¹⁶ Jason Dearen and Garance Burke, “Pence Ordered Borders Closed After CDC Experts Refused,” *Associated Press*, October 3, 2020, <https://apnews.com/article/virus-outbreak-pandemics-public-health-new-york-health-4ef0c6c5263815a26f8aa17f6ea490ae>.

¹⁷ “A guide to Title 42”

¹⁸ Backster, et al., “Letter.”

Immigration Court Backlog

Finally, immigration courts are still severely overloaded or dysfunctional. The surge in migrants paired with poorly funded and managed systems threatens to cripple the American immigration system for years to come.

Title 42 asylum proceedings have overloaded immigration court caseloads and complicated judicial proceedings. According to a new report by the Transaction Records Access Clearinghouse, 1.6 million asylum claimants are queued for a hearing, and the average migrant now waits between three and five years for one hearing that may take only a few hours.¹⁹ The administration's Remain in Mexico policy displaces most migrants back across the border while they wait for their hearing.

Judges allege bureaucratic inefficiencies and understaffing as primary causes for the backlog. The 600 immigration court judges nationwide attempted to unionize to advocate for the hiring of further support staff and colleagues, but President Trump's Justice Department declared judges to be simply administration and management officials, thus killing the union effort.²⁰ Additionally, federally-imposed quotas severely limit immigrant access to lawyers, threatening due process and leading to many lost cases. Only one-quarter of all deported claimants utilized litigation services, a number that lies far below the average for all cases.²¹

Immigration judges also face political pressure from the Justice Department. Most federal judgeships are life-long appointments and are thereby unaffected by political pressure. Immigration judges, on the other hand, are selected by political appointees at the attorney general's office, thereby subjecting them to the whims of Beltway drama if they want to keep their jobs.²² Jeremy McKinney of the American Immigration Lawyers Association notes the dangers of the politicized status quo: "Regardless of their administration or political party, Attorneys General can abuse the extraordinary power they have over the immigration courts and sacrifice due process for expediency."²³ Each new administration imposes different regulations and quotas on immigration judges to achieve political and policy ends, actions that only serve to further exacerbate the extensive case backlog. Immigration courts, judges argue, should not be a battlefield for executive policymaking; rather, judges should be empowered to objectively seek justice.

¹⁹ "Immigration Court Backlog Tool," *TRAC Immigration*, 2021, https://trac.syr.edu/phptools/immigration/court_backlog/.

²⁰ Erich Wagner, "Labor Authority Continues Effort to Bust Immigration Judges Union, Without Management Support," *Government Executive*, January 24, 2022, <https://www.govexec.com/workforce/2022/01/labor-authority-continues-effort-bust-immigration-judges-union-without-management-support/361115/>.

²¹ "State and County Details on Deportation Proceedings in Immigration Court," *TRAC Immigration*, 2021, <https://trac.syr.edu/phptools/immigration/nta/>.

²² Gabe Gutierrez, "Immigration Judges Decide Who Gets into the U.S. They Say They're Overworked and under Political Pressure," NBC News, June 13, 2021, <https://www.nbcnews.com/politics/immigration/immigration-judges-decide-who-gets-u-s-they-say-they-n1270460>.

²³ "Lofgren Introduces Landmark Legislation to Reform the U.S. Immigration Court System," Office of U.S. Congresswoman Zoe Lofgren, February 3, 2022, <https://lofgren.house.gov/media/press-releases/lofgren-introduces-landmark-legislation-reform-us-immigration-court-system>.

Clearly, the Justice Department does not prioritize resource allocation to immigration courts. For example, other courts moved online almost immediately during the pandemic; immigration courts did not receive approval to proceed virtually for seven months, and many courts are still closed for public health concerns.²⁴ Courts are funded at the whims of political appointees, and immigration judges have little to no administrative support staff to process cases quickly and justly.

Proposed Policy Solutions

The federal government should act quickly to recontinue and expand immigration policies to help the nation rebound from the devastating health and economic effects of Covid-19. A dual policy action plan is recommended. First, the CDC should revoke or limit use of Title 42 and remove other pandemic-related immigration restrictions. Second, Congress should overhaul the immigration court system by relocating court authority as an independent judiciary, increasing access to lawyers, and hiring more support staff and judges.

Title 42 and the Family Case Management Program

The federal government should first halt enforcement of Title 42. As previously established, Title 42, especially under the auspices of a public health order, rests on shaky legal and moral grounds. The policy also wreaks havoc on border communities by overwhelming law enforcement and encouraging migrant recidivism.

In response to this move, President Biden's administration would receive widespread applause, at least from the left and some moderates. Biden badly needs a political victory after his previous failures in Afghanistan and on the southern border, so revoking Title 42 would regain valuable political capital with immigration advocates.

The administration must take great precaution when considering possible actions, though, as revoking Title 42 could lead to another large spike in asylum applications that could easily contribute to further backlog at the border and in the courts. To curb any negative effects of the pause of Title 42, the administration should consider further application of alternative community-based options like the Family Case Management Program. This program, which achieved great success before President Trump ended it in 2017, partners with NGOs to release, then monitor and assist, select migrant families into specific American localities while awaiting asylum hearings. Contrary to popular belief, FCMP is extraordinarily safe and effective, as the program incentivizes "high compliance, including court appearance rates of 96-97%, at a fraction of the cost (3-7%) of individual detention."²⁵ Instead of playing catch-and-release on the border or detaining migrants en masse, the reinstatement of this program would protect vulnerable families, decrease the burden on American taxpayers, improve detention conditions, and free up invaluable border patrol resources.

²⁴ Rick Jervis, "COVID-19, Surge in New Cases Create Historic Backlog Jam in US Immigration Courts, Report Says," *USA Today*, January 19, 2022, <https://www.usatoday.com/story/news/nation/2022/01/19/covid-19-creates-huge-backlog-us-immigration-court/6581042001/>.

²⁵ Backster, et al., "Letter."

Additionally, the Department of Homeland Security began an Alternatives to Detention Case Management Pilot Program last August. The program awards funds to nonprofits and local governments to provide key services at the border to non-citizens not currently processed under Title 42.²⁶ Further organizational expansion and funding through this program may decrease overall caseload and encourage better treatment and less detention.

Immigration Court Reform

The federal government should also consider overhauling the immigration court system. As previously established, courts are subject to political pressure and unrealistic quotas by the Justice Department, and judges are handicapped by systemic ignorance of due process and lack of judicial support.

To reform the immigration court system, Congress should consider passage of H.R. 6577, also known as the Real Courts, Rule of Law Act of 2022. Rep. Zoe Lofgren (CA-19)'s bill would "establish, under Article I of the Constitution of the United States, a court of record to be known as the United States Immigration Courts."²⁷ Article I of the Constitution, the Judiciary Act of 1789, and the Court of Appeals Act of 1891 outline a basic structure for the federal court system, but they do allow Congress to further define the structures and jurisdictions of Article I courts. Under that power, the bill would move immigration courts out of Justice Department jurisdiction, ensuring that qualified judges can serve free of political mandates. Courts could then "establish their own budget without review by the Executive Branch and empower immigration judges to control their own dockets and compel agency action that is unlawfully withheld or unreasonably delayed."²⁸ The court's new status under Article I would grant judges the option to inflict fines for contempt of court, compelling greater attendance by claimants. Finally, courts could address due process concerns by appointing temporary immigration judges and staffers to guarantee speedy hearings.²⁹

Proposed Solutions Benefit America's Future

The above proposed ideas, notably revoking Title 42 and reforming immigration courts, are humanitarian solutions that improve conditions for future and current immigrants. But these pro-immigration policy solutions also expand American opportunity and enhance a long-term vision for national flourishing.

²⁶ U.S. Department of Homeland Security, "DHS Announces Alternatives to Detention Case Management Pilot Program," August 17, 2021, <https://www.dhs.gov/news/2021/08/17/dhs-announces-alternatives-detention-case-management-pilot-program>.

²⁷ Congress, House, *The Real Courts, Rule of Law Act of 2022*, 117th Cong., 2nd sess., H.R. 6577, *Congressional Record*, 168, no. 22, daily ed. (February 3, 2022): H946.

²⁸ "Lofgren Introduces Landmark Legislation."

²⁹ Erich Wagner, "A New Bill Would Move Immigration Judges to the Judiciary, Protecting Them From Political Interference," *Government Executive*, February 3, 2022, <https://www.govexec.com/management/2022/02/new-bill-would-move-immigration-judges-judiciary-protecting-them-political-interference/361581/>.

Health Benefits

Foreign-born healthcare workers lead many public health efforts in the United States, as great numbers of American doctors and nurses grew up abroad. The future medical workforce can be bolstered by increasing and managing immigration now. Quickly processing families and young working adults can empower them to make a living and receive proper education, then rapidly enter the workforce. To prepare for another pandemic, the United States must invest in medical infrastructure and workforce, and immigrants are more than willing to receive specialized training and work hard.

Additionally, ensuring proper Covid-19 safety protocols in immigration processes such as those required for normal international travel will eliminate any danger of increased disease from migrants. Instead of simply turning migrants away through Title 42, programs like FCMP can give proper health screenings to entrants before placement and hearings.

Employment Benefits

Immigration opponents often claim that immigrants steal jobs from blue-collar American workers. In fact, most excellent scholarship demonstrates the opposite: in the long-term, immigrant employment across a diversity of industries contributes to economic growth and labor efficiency.

In a post-pandemic age where lack of workers is artificially increasing wages, “immigrants appear to be taking low-skilled jobs that natives are either not available or unwilling to take” in essential industries like agriculture and manufacturing.³⁰ An influx of immigrant workers creates small, yet positive, wage increases on those low-skill fields: “To the extent that negative wage effects are found, prior immigrants—who are often the closest substitutes for new immigrants—are most likely to experience them, followed by native-born high school dropouts, who share job qualifications similar to the large share of low-skilled workers among immigrants to the United States.”³¹ The same national study recognizes that immigrants in high-skilled fields bring even more positive wage effects to their industry. Skilled immigrants complement the skill sets of many native-born workers, expand the overall knowledge base, and rapidly innovate to maximize national levels of production. Immigrant workers age concentration hovers around forty and is trending younger, so the workforce will continue to expand and bring new skills to industries for decades to come.³²

Immigrants also improve labor efficiency in local markets. As a at-large demographic, immigrants are more mobile than native workers, or more willing to move to different geographical areas with higher wages and labor demand. Mobility raises efficiency and stability to markets, as mobile workers can quickly fill in labor gaps caused by changes in demand or production. Studies following the 2008 Great Recession show that immigrant workers brought

³⁰ Mary C. Waters and Marisa Gerstein Pineau, *The integration of immigrants into American society*, (Washington, DC: The National Academies Press, 2015), 267.

³¹ Francine D. Blau and Christopher Mackie, *The economic and fiscal consequences of immigration*, (Washington, DC: The National Academies Press, 2017), 5.

³² *Ibid*, 3.

equilibrium to local and regional industries; their increased mobility developed stronger community reactions to market shocks and decreases the negative effects of those shocks on native workers.³³ Many of these mobile immigrants serve as “‘marginal’ workers whose location decisions arbitrage wage differences across regions,” writes Harvard economic George Borjas, concluding that “the immigrant population may therefore play a disproportionate role in helping the national labor market attain an efficient allocation of resources.”³⁴ The mobility and flexibility of new immigrant population increases market efficiency and supports native workers.

Demographic Benefits

Finally, immigrant workers lead to improved age demographics. Greater immigrant populations increase the national birth rate, as Giovanni Peri demonstrates that in 2017, native fertility rate equaled 1.76 children per woman, while the immigrant fertility rate was 2.18.³⁵ A higher birth rate positively adjusts long-term projections for the worker-to-retiree ratio, thereby helping to support Social Security for the next generation.

Immigrant communities do provide long-term support for government funding, and, in the end, provide net positive money to the state. First-generation immigrants often lay a greater burden on states because of education costs for children, and the very structure of state taxes often fail to reclaim those funds lost through education. Later in life, the federal government reaps the benefits of earlier educational investment through income and corporate taxes. Second-generation immigrants and beyond are a boon to government coffers, as they contribute more than they take in benefits.³⁶ More education of immigrants generally equals more future government tax revenue and a greater market impact, regardless of generational status.

Conclusion

The Covid-19 pandemic transformed many aspects of American immigration policy. Now, immigrants to America must overcome many challenges, especially travel restrictions, Title 42 asylum procedures, and a dysfunctional legal bureaucracy. To increase community safety, the CDC should consider revoking Title 42 in favor of community-oriented release. Congress should also consider enacting the Real Courts, Rule of Law Act to empower independent immigration courts to conduct proceedings fairly and efficiently.

The two recommended policy actions will contribute to a more healthy, more productive, and more promising American future for all. Immigration reform brings hope to many Americans that the national spirit of peaceful welcome is not yet lost. In the face of global unrest and fear, anyone can still become a proud American.

³³ Brian C. Cadena and Brian K. Kovak, "Immigrants Equilibrate Local Labor Markets: Evidence from the Great Recession," *American Economic Journal: Applied Economics* 8, no.1 (2017): 257-290.

³⁴ George J. Borjas, "Does Immigration Grease the Wheels of the Labor Market?," *Brookings Papers on Economic Activity* 32, no.1 (2001), 71, <https://www.brookings.edu/bpea-articles/does-immigration-grease-the-wheels-of-the-labor-market/>.

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