

# Centennial Institute

# POLICY BRIEF

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## **Our Unwelcoming Welcome Mat**

### **The Case for Immigration Simplification**

**Centennial Institute Policy Brief No. 2014-4**

**By Helen Raleigh**

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#### **EDITOR: AN OPEN DOOR FOR WHOM?**

No matter what comes of the showdown between the President and Congress over how to deal with the millions of foreigners illegally present in this country, two great questions will remain if the United States is to continue in global leadership:

One: How can America live up to our self-understanding as a beacon of liberty and opportunity to the world? Two: How can we counter falling birthrates to maintain a workforce that can drive the economic growth and tax revenues needed for our social contract between the generations?

**Only by offering an open door for the right people  
in the right numbers wishing to immigrate here.**

Even in the overheated climate of current immigration policy discussions, widespread agreement prevails on this much. Neither the one extreme of slamming the door on everyone who wants to enter and live here for good, nor the other extreme of passively admitting all comers with no controls or questions asked, has many advocates.

Where it gets difficult is in defining that broad idea of "an open door for the right people in the right numbers." Who may come, for what reasons, on what terms, for how long? To lead our engagement with this vexed and vital issue, Centennial Institute has appointed Helen Raleigh, a Chinese-born entrepreneur and author, American by choice, as a fellow in immigration policy. Entering the United States on a student visa in 1996, Ms. Raleigh

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only completed her long and arduous journey to U.S. citizenship in 2013. Those 17 years of navigating the complex immigration labyrinth from her personal context for the present policy brief, rounded out by objective research.

The Raleigh plan for immigration simplification is based on core American principles of equal treatment, rule of law, and self-reliance – not on what may be politically feasible in the short run.

It rejects the cynical and unprincipled premise that lawbreaking in sufficiently massive numbers can be allowed to sweep away the law itself – essentially an assertion that might makes right. It instead raises what George Washington called “a standard to which the wise and honest can repair” – a landmark to steer by as policy is gradually put right.

The brief does not address what to do about the untold millions of people currently residing in the United States after violating the law to come or stay here. Rather it looks at the other side of the coin: what we can improve about the legal immigration process itself.

For the compelling reasons stated at the outset, this broken system is worth fixing in itself. And if a fix can be achieved, the policy landscape for solutions on the illegal immigration side may also become more favorable.

Doing nothing is not an option. Here is a logical place to start. We look forward to a constructive public conversation about the Raleigh plan for immigration simplification.

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## **Table of Contents**

<b>Legal Immigrants: A Forgotten Majority .....</b>	<b>3</b>
<b>The Winding Road to Legal Residency.....</b>	<b>3</b>
<b>Problems of the Current System .....</b>	<b>6</b>
<b>A Model from our Neighbor .....</b>	<b>10</b>
<b>Policy Recommendations.....</b>	<b>12</b>
<b>Conclusion: Reaffirm American Principles.....</b>	<b>15</b>
<b>Appendices.....</b>	<b>17</b>

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## LEGAL IMMIGRANTS: A FORGOTTEN MAJORITY

About 41 million immigrants currently live in the U.S. Among them, an estimated 11-12 million are illegal immigrants, while the remaining 30 million are legal immigrants<sup>1</sup>.

This is 13 percent of the total population of the United States, now standing at 313.9 million. For perspective, foreign-born population in the U.S. was at 13 percent or higher throughout the six decades from 1860 to 1920, an immensely productive and self-confident chapter in the American story.<sup>2</sup> Therefore, today's immigration inflow is not out of proportion to historical levels.

Current U.S. immigration laws are complex and confusing. Many legal immigrants, the author among them, have experienced long delays and high financial costs.

***Legal immigrants feel ignored and ill-used***

Some legal immigrants have recently found their applications further delayed due to the surge of illegal immigration cases that have overwhelmed the legal system, including many thousands of unaccompanied minors from Central America.

Legal immigrants have little or no salience in the current immigration debate. When most policy makers talk about immigration reform, they largely ignore the legal immigration group.

Legal immigrants feel a sense of frustration and injustice at the attention and preferential treatment received by illegal immigrants as a group.

It is reasonable to predict that America will never fix its illegal immigration problem unless policymakers fix legal immigration first.

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## THE WINDING ROAD TO LEGAL RESIDENCY

Foreign-born persons seeking to become legal residents of the U.S. face a long and confusing road. The antiquated immigration system is mainly governed by the Immigration and Nationality Act of 1952 and Immigration and Nationality Act of 1965. Both focus on family reunification and birthright citizenship.

Broadly speaking, there are four channels through which someone who was not born here may apply for legal residency (green card). Within each channel are many sub-categories.

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<sup>1</sup> Source: U.S. Department of Homeland Security.

<sup>2</sup> Source: [www.migrationpolicy.org](http://www.migrationpolicy.org).

<sup>3</sup> **Basics of the Immigration System**, IMMIGRATION SYSTEM by Immigration Policy Center, March 2014.

<sup>4</sup> Source: Annual Flow Report on Refugees and Asylees: 2013. Retrieved from [www.dhs.gov](http://www.dhs.gov)

## One: Family-based Green Card

Since the U.S existing immigration law is largely driven by family reunification, many people become permanent U.S. residents (green card holders) through family members, if the applicant is an immediate relative or an extended family member of a U.S. citizen.

In terms of number of immigrants, family-based immigration is by far the largest category. The family-based immigration is set at a rate of 480,000 visas per year. This is about 70 percent of the annual legal immigration limit (675,000).<sup>3</sup>

## Two: Employment-based Green Card

A person may be eligible to become a permanent U.S. resident based on an offer of permanent employment in the United States. Employment-based immigration is set at a rate of 140,000 visas per year, and is divided into 5 preferences (See Appendix 1).

The employment-based immigration process is much more complicated than the family-based immigration process. Most employment-based categories require an employer to file labor certification paperwork with the Department of Labor to certify that no U.S. workers are available or willing to do the job that the foreign worker will perform.

The employer is also required to show proof of recruiting efforts such as advertisement of the position, or public notices of the position, including the wages, skills, and experience requirements, verification of prevailing wage for the position and the employer's ability to pay.

Once the labor certification is issued, the U.S. Citizenship and Immigration Services (USCIS) conduct a thorough review of the entire case, including details about the employer, employees, and positions. Upon the approval of the labor certification, an employer has to file an immigration petition for the employee and wait for a visa number to become available.

**Employment-based green cards overlook small business**

The entire process is costly and lengthy. Many small businesses can't afford to go through it. From the applicant's side, as a result, those seeking an employment-based green card have a limited number of employers to choose from.

One of the sub-categories of employment-based is immigration through investment. Entrepreneurs who invest \$1 million or at least \$500,000 in a targeted employment area and who plan to create or preserve 10 permanent, full-time jobs will be granted a conditional green card. On an annual basis, up to 10,000 visas may be authorized for this particular category.

## Three: Asylum- or Refugee-based Green Card

**Asylum.** Persons already in the United States who were persecuted or fear persecution upon their return to their home country may apply for asylum within the United States or at a port of entry at the time they seek admission. In total, 25,199 individuals were granted asylum in 2013.<sup>4</sup>

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<sup>3</sup> BASICS OF THE UNITED STATES IMMIGRATION SYSTEM by Immigration Policy Center, March 2014.

There is no limit to the number of individuals who may be granted asylum in a given year. Nor is there a clear definition of what constitutes persecution. In the past, many applicants cited their fear of political or religious persecution. Recently, there has been a surge of asylum applications based on sexual orientation.

**Refugees.** Applicants are people who are fleeing persecution or are unable to return to their homeland due to life-threatening or extraordinary conditions. Unlike asylum, there is a quota for refugee admissions. It is determined by the President, in consultation with Congress, on an annual basis. For Fiscal Year 2013, President Obama set the worldwide refugee ceiling at 70,000 and 69,909 individuals were admitted to the United States as refugees.<sup>5</sup>

#### **Four: Lottery Green Card**

The visa lottery program allocates an annual quota of 50,000 green cards randomly to nationals from countries historically with low levels of immigration to the U.S. But nationals from mainland China, India, Mexico, and a few other countries are not eligible to participate.

The 50,000 lottery winners will become legal permanent residents based on blind chance, as long as they meet the minimum requirements of having a high school education or two years' work experience. There is no minimum English language skill requirement.

This popular but controversial program has been riddled with fraud and scandals since its inception in 1995<sup>6</sup>. Please see Appendix 2 for statistics.

#### **Not Everyone Wants Citizenship**

A green card holder can apply for a U.S. citizenship after being a permanent resident for five years.<sup>7</sup> A green card offers everything that U.S. citizenship offers except: the right not to be deported, the right to vote, and the responsibility to serve on juries.

But these three additional rights and responsibilities that citizenship offers are not necessarily what the majority of immigrants want most. That is why among the 8.8 million green card holders who were eligible to naturalize, only about 750,000 people chose to be naturalized in 2012.<sup>8</sup>

Many immigrants I have spoken to just want to be able to live, work, send their kids to school, move and travel without any constraints and without having to carry their paperwork everywhere they go. For these reasons, a green card is sufficient for them.

***The visa lottery follows blind chance and invites fraud***

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<sup>4</sup> Source: Annual Flow Report on Refugees and Asylees: 2013. Retrieved from [www.dhs.gov](http://www.dhs.gov)

<sup>5</sup> Source: Annual Flow Report on Refugees and Asylees: 2013. Retrieved from [www.dhs.gov](http://www.dhs.gov)

<sup>6</sup> Source: "What's Wrong With the Visa Lottery?" by Steven Camarota. Retrieved from the Center for Immigration Studies website ([www.cis.org](http://www.cis.org))

<sup>7</sup> A marriage-based green card holder can apply for a U.S. citizenship after being a permanent resident for 3 years.

<sup>8</sup> Source: "The Negative Value of US Citizenship" by Felix Salmon. Retrieved from [Reuters.com](http://Reuters.com)

A sensible immigration reform which focuses on a path to green cards, not to citizenship, probably will have better chance to win the American people's support. Unfortunately, it is the politicians who hold immigration reform as a hostage by insisting on a path to citizenship.

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## **PROBLEMS OF THE CURRENT LEGAL IMMIGRATION SYSTEM**

The U.S. legal immigration process is notorious for its long delays, huge backlogs, strict quotas, complexity, high costs, and inconsistent messages.

### **Long delay and huge backlog**

In general, there must be a visa available for an applicant before he or she can apply for a green card. Legal immigration applicants are given priority dates based on when their application were received and these priority dates determine when immigration visas will be available.

The State Department's website publishes a visa bulletin on a monthly basis. The visa bulletin shows what priority dates are current for different visa type applicants. Appendix 1 shows the latest visa bulletin for October 2014.

**Wait times to enter  
from some countries  
exceed 12 years**

Here is an example of how to interpret it. I originally came from China in 1996 and finally became a U.S. citizen in 2013. Hypothetically speaking, to sponsor my brother and sister to legally immigrate to the U.S., I would have to file a petition for Family-based visas, category 4 for siblings, on their behalf.

According to the visa bulletin (please see Appendix 1), the priority date of category 4 of family-based visa petition of immigrants from mainland China is January 22, 2002, which means the U.S. Citizenship and Immigration Services (USCIS) is currently processing applications they received on or before January 22, 2002. Given this backlog, therefore, if I were to start applying for family-based legal immigration for my brother and sister in 2014, right now, they would have to wait for at least 12 years to receive the visa.

Both my siblings speak English, are college-educated, and they are at the most productive time in their lives right now. But the effect of waiting for 12 years to become a legal immigrant would be that when their applications are eventually approved in 2026 or later, they would have already passed their prime time.

The wait time for an employment-based visa is only slightly better. Applicants from China and India who hold advanced degrees or certifications still have to wait 6 years to get their employment-based visa. These applicants are highly educated and have highly marketable skills and experiences. Imagine how many of them will likely wait around for 6 years, rather than seeking opportunities elsewhere? The U.S. is effectively sending a message to all skilled workers: thanks for offering to bring your talents to this country, but no thanks.

This long wait is not a unique phenomenon for immigrants from China and India. The same visa bulletin shows for family-based immigration, the wait times of F4 visas for legal immigrants

from Mexico and the Philippines are even longer. For those nationals, USCIS is currently processing applications they received on or before February 1, 1997, which means the wait time is about 17 years.

**Welcome to King Minos' labyrinth**

It's a sad irony that an immigration system ostensibly keyed to family reunification ends up causing so much pain for so many families due to the long delays. Without justifying the illegality, one can understand why many people from south of the border rationally choose to become illegal immigrants instead.

### **Limited Visa Numbers and Strict Quotas**

Why does the legal immigration process take so long? There are a limited number of visas available due to several restrictions. The Immigration and Nationality Act sets an annual limit of all legal immigration at 675,000 – comprising the family-sponsored preference limit at 480,000, the annual quota for employment-based immigrants at 140,000, and 55,000 in other categories.

The act also sets a per-country limit of 7% of the total of family-based and employment based, no matter the size of the population of the country of origin. The dependent area limit is set at 2% of the total number of family-sponsored and employment-based visas.<sup>9</sup>

### **Complexity**

The U.S. immigration laws are some of the most complex laws we have. As presented earlier, there are multiple channels to legal immigration. But within each channel, there are many sub-categories catering to specific groups which are subject to different rules<sup>10</sup>. Some consider the U.S. immigration laws to be more complex than our tax code.

As one federal judge put it:

The statutory scheme defining and delimiting the rights of aliens is exceedingly complex. Courts and commentators have stated that the Immigration and Nationality Act resembles 'King Minos' labyrinth in ancient Crete,' and is 'second only to the Internal Revenue Code in complexity.'” *Chan v. Reno*, 1997 U.S. Dist. Lexis 3016, \*5 (S.D.N.Y. 1997).

Applying for immigration takes much more than filling out the proper forms. Most applicants cannot navigate the process without legal counsel.

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<sup>9</sup> However, not all immigration channels have annual visa quotas. For example, there is no limit on the number of individuals who may be granted green cards through asylum in a given year.

<sup>10</sup> See page 16 for an absurdly convoluted roadmap on how to become a legal resident in the U.S., developed by the Washington Post.

## Cost

Becoming a legal immigrant in the U.S. is a costly endeavor. There are several categories of expenses:

- **Filing fees.** These are fees charged by the U.S. government for various forms. Some forms do not charge any fees, but many do. Filing fees vary by form and range from \$35 to as high as \$1500 per person. Whether your immigration petition is approved or denied, these fees are non-refundable. More than 90% of USCIS operating costs are covered by fees.
- **Lawyer fees.** Since the U.S. legal immigration system is so complex and the process is so time-consuming, many legal immigrants have to hire lawyers to help them navigate the system and file any additional paperwork to remain legal while they are waiting. Depending on the visa categories, some immigrants will end up paying tens of thousands for immigration lawyers.
- **Other expenses.** Some legal immigrants are required to take a medical exam and pay for the expense associated with it. Some have to incur travel expense to USCIS branch offices for an interview. The USCIS schedules interviews via regular mail only and the interview schedule takes no consideration of applicants' availability or any circumstances. If an applicant cannot make the initial interview appointment, rescheduling sometimes take a year. Therefore, most applicants have no choice except taking time off from work and trying to be at the interview no matter where they are and how far they have to travel.
- Other costs cannot be quantified, such as the emotional toll on applicants due to the uncertainty. During the seemingly endless long wait, many legal immigrants are afraid to travel abroad, afraid to change jobs or afraid to buy a home, because they are uncertain if they can legally stay or not.

## Unequal Treatment

We are a country which was founded upon the principle that “all men are created equal.” Yet there are many examples of inequality in our immigration policies, processes, and enforcement.

- *Not all visa categories have quotas.* There is an annual limit on the number of employment-based, family-based immigrants, and investment-based immigrants, but there is no limit of number of political asylum seekers. So what message does this send? That our country believes one group of people is more special than another group of people?
- *Not all visa categories are subject to country-of-origin limitation.* As mentioned earlier, there is a per-country limit of 7% of the total of family-based and employment based, no matter the size of the population of the country of origin. But for the asylum/refugee-based visa, there is no country-of-origin limitation. For the visa lottery program, some countries are excluded completely from participating. But for those countries and regions that are allowed to participate, there is no country-of-



origin limit, which results in Africans and Europeans together making up 75-80% of all visa lottery winners in the last four years from 2009-2012 (see [Appendix 2](#)). So what message does this send? That our country values one kind of diversity over another kind?

- *Not all visa applicants have to wait for a long time.* While many family-based and employment-based immigrants are waiting for decades for their petitions to be processed, many recent asylum cases based on sexual orientation were processed within a few months to a year. So what message does this send? That our country prefers one kind of relationships or one kind of value over others? Or that our country believes one group of people is so special that they deserve to jump ahead in lines?
- *Minimum eligibility requirements are vastly different for different visa applicants.* Some visa categories lack clear definitions of qualifications. Examples include the asylum program and the lottery program. Some visa categories have very low standards. For example, the visa lottery program allows people who have no ties with America to become legal residents overnight based on luck, as long as they meet the minimum requirements of having a high school education or two years work experience. On the other hand, to qualify for an employment-based, 2<sup>nd</sup> preference category visa (see [Appendix 1](#)), an applicant is required to hold an advance degree or have exceptional ability, plus at least 5 years of professional work experience. The requirement for investment-based immigration is even more rigid. Entrepreneurs who will invest \$1 million or at least \$500,000 in a targeted employment area and who plan to create or preserve ten permanent full time jobs will be granted a conditional green card. So what message does this send? That our country picks and chooses favorites among all immigrants? That our country cares less about the knowledge, skills, and contributions some immigrants can bring?  
**What message does rampant inequality send?**
- *Illegal immigrants are treated better than legal immigrants.* Currently, at least 18 states allow illegal immigrants' children to pay in-state college tuition rates, and five of those even allow undocumented children to receive state financial aid. However, children of those who are here legally and waiting in line for years to get their applications processed, have to pay out-of-state tuition rates and are not eligible for state financial aid. The U.S. prides itself on being a country ruled by law. Yet what message are these 18 states sending? That it is okay to break some laws? That there are no rewards for abiding by the laws? No wonder many legal immigrants feel frustration and a sense of betrayal by the attention and preferential treatment received by illegal immigrants.  
**Why are illegal immigrants treated better than legal ones?**

## **National Security Threats**

While many legal immigrants are waiting for years to be admitted into the U.S. legally after paying all the fees and providing every kind of legal documents there is about themselves, the visa lottery program randomly gives 50,000 visas to people from under-represented regions. This program, which has especially benefited Africans and East Europeans, has very low language and work experience requirements, and the immigrants thus selected don't have to go through a strict vetting process.

This little-checked program raises serious national security issues. For example, Hesham Mohammed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002, had been allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner. Nor was he an isolated case. Close to 40% of the visa lottery winners from Asia in 2012 were Iranian nationals (see Appendix 2).

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## **A MODEL FROM OUR NEIGHBOR**

Not all countries share the kind of immigration issues that we do. Our neighbor to the north, Canada, has a very effective immigration system. The Canada immigration system has 10 categories, the first seven of which focus on attracting skilled laborers:

- Federal skilled workers
- Federal skilled trades
- Quebec-selected skilled workers
- Canadian experience class
- Start-up visa
- Self-employed Persons
- Live-in caregivers
- Family sponsorship
- Provincial nominees
- Refugees

An applicant can apply for the first six categories, which are focused on skills and jobs, based on his/her own merit, no sponsorship is required. Let's use the federal skilled worker (FSW) program as an example.

According to the government of Canada's website, FSW applicants are "chosen as permanent residents based on their ability to settle in Canada and take part in our economy."

Applicants are required to have a minimum of one year work experience and minimum language ability (a proof-of-language test is required.) In addition, applicants are asked to fill out a scorecard, which will assess each applicant based on six selection categories, as follows:

<b>Federal Skilled Worker Scorecard (Canada)*</b>	
Selection Factor	Maximum points
English and/or French skills	28
Education	25
Experience	15
Age	12
Arranged employment in Canada	10
Adaptability	10
<b>Total</b>	<b>100</b>
<b>Pass mark: 67 out of 100 points</b>	

\*Source: <http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp>

If your score is 67 points or higher, you may qualify to immigrate to Canada as a federal skilled worker.

If your score is lower than the pass mark of 67 points, you will not qualify to immigrate to Canada as a federal skilled worker. It is better not to apply at this time.

The Canadian points-based scoring system is straightforward, transparent, simple, objective and effective. Over 60% of Canadian immigrants each year (see Appendix 3 ) are skilled/employment based, while only 20% of U.S. legal immigrants are employment-based each year. An individual with good language skill and/or work experiences can apply for legal immigration to Canada on his/her own merit, without any sponsorship.

Yet the same individual cannot apply for immigration to the U.S. based on his/her ability. The applicant either has to be sponsored by someone such as family, a relative in the U.S., or an employer, or has to be seeking political protection. This individual is at the dependent position from the very beginning.

The two immigration systems seem to be driven by two different philosophies. The U.S. immigration system engenders dependency, whereas the Canadian system engenders self-reliance.

**Canada's system engenders self-reliance. Ours engenders dependency**

Canada is not the only country that uses a scoring system to attract skilled laborers. Australia has a similar scoring based system. The purpose of these points-based evaluation systems is to enable host countries to select skilled migrants who offer the best economic benefits to the host countries.

The U.S. is facing a skilled labor shortage. CBS News has reported that there are 227,000 open manufacturing jobs that are hard to fill because they require people who are good at math and science. A recent survey found 22% of American businesses say they are ready to hire if they can find the right people. Countries such as Canada and Australia are using a skill-based scoring system to select those immigrants who best serve their national interests. Why can't the U.S. adopt a similar merit-based scoring system to select immigrants who bring economic benefits to America?

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## POLICY RECOMMENDATIONS

Summarizing the discussion to this point, we have seen that legal immigrants, who constitute the vast majority of the immigrant community, face long delays and high financial costs due to the very complex and confusing immigration laws.

Their experiences offer no motivation for illegal immigrants to participate in the legal immigration process. The U.S. will never fix its illegal immigration problem unless policy makers fix legal immigration first.

***Start by eliminating the visa lottery program***

Having walked this road myself, I believe legal immigration can be fixed based on the following recommendations:

1. **Reaffirm three principles:**
  - All men are created equal
  - Rule of law
  - Self-reliance
2. **Keep It Simple.** Instead of creating more and more thinly sliced and diced visa categories as some have proposed,<sup>11</sup> we should do the following to simply our immigration system:
  - Eliminate ineffective and unfair visa programs, starting with the visa lottery. We want people who are truly motivated to come here and willing to roll up their sleeves and contribute to the economy. A green card shouldn't be based on luck. The lottery program violates every principle of equality and fairness.

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<sup>11</sup> An example is Congressman Lamar Smith's bill from 2012, the STEM Jobs Act (HR 6429, passed by House, died in the Senate). It would have created new "V" visa categories for families awaiting reunification as well as visas for Ph.D. and Masters graduates in the science, technology, engineering, and mathematics (STEM) fields. The proposal had the right idea but a wrong approach. There is no need to create a new visa category. It is the opposite of keeping it simple. The more visa categories we have, the bigger the bureaucracy we have to deal with, which in turn means higher costs, longer delays, and lower satisfaction. Bureaucracy is inherently anti personal freedom.

- Consolidate all different work visa types into one for skilled workers. Let the market decide if our country needs more engineers, professional athletes, or fruit pickers. Let everyone under this one work visa type enjoy the same rights and privileges.
- Simplifying the visa categories will also free up resources of USCIS so more manpower can be spent to vet out every applicant through the same standard national security review as a starting point. This will also help reduce wait time and backlog.

### 3. **Eliminate visa quotas.**

- *No more annual visa number limit.* This is imperative to cut the backlog and greatly reduce the wait time. The quotas for various visa programs are arbitrary, unrealistic and not a representation of any economic reality. They are more of a result of special-interest lobbying and political horse-trading. They cause the decade-long wait time which is inhumane, discourages legal immigration, and incentivizes illegal immigration. Our free-market system, helped by a scorecard similar to Canada's, will tell us how many immigrants it can absorb.
- *Eliminating quotas won't open the floodgate to huge number of immigrants if linked with more effective restrictions on access to welfare systems.* Illegal immigrants shouldn't qualify for any welfare benefits. Legal immigrants won't qualify for any welfare benefits for the first 5 years. Only a U.S. citizen is eligible to access welfare systems. This restriction will discourage those who come here just to get access to the welfare system and shift the financial support of future immigrants back to the applicants and/or their sponsors. All immigrants, no matter which visa category they apply for, are required to prove either they can support themselves and their families financially or someone else (other than the US government) – be it an employer, a family or friend, and/or a charity organization, can provide them with financial support.
- *Eliminating the visa quota does not mean open borders.* The current visa quota is not an effective border control tool anyway. Without a visa quota, government resources can be spent more on border control and screening potential immigrants, rather than administering the complex quota system.
- *No more country-of-origin restrictions.* So what if we have many engineers and programmers from China and India? Most probably received their higher education in American universities with significant subsidies from federal and state governments. In other words, we as U.S. taxpayers have already helped to fund their higher education. Why should we send these smart kids home? It benefits America more if they stay here to start new businesses, invent new medicines or build rockets.

**What's the logic of country-of-origin restrictions?**

#### 4. Adopt a scoring system.

A scoring system can serve several purposes:

- reduce the complexity;
- set all applicants at an equal starting line with objective measures;
- prescreen applicants and allow them to easily read through and to self-select and evaluate their eligibility before they flood the system with applications;
- promote self-reliance by selecting immigrants based on their language skills, education, meaningful work experiences, and their appreciation for what America stands for;

Some critics think the Canadian scoring system favors college graduates, the “good students” type. They argue someone like Steve Jobs won’t pass the scoring system because he was a college dropout. It’s true that college graduates and productive workers are hardly synonymous. So in borrowing from Canada’s point-based scoring system, the U.S. should improve it by up-weighting experience to give it the same point value as education, yielding a modified scorecard like this:

Selection Factor	Maximum points
English Skill	22
Education	22
Experience	22
Age	10
Arranged employment in US	12
Adaptability	12
<b>Total</b>	<b>100</b>

Notice three important points about the proposed scorecard revision:

- Study after study shows that English proficiency is a strong predictor of economic success among immigrants, regardless of the amount of education they have attained.<sup>12</sup> Therefore, all immigrants should be required to pass an English language test, the results of which should be part of their application.
- The kind of skills and experiences we are seeking should be market-driven. For example, the U.S. manufacturing industry is booming again due to the abundant supply of cheap energy (thanks to fracking). But the growth of this sector is being held back by a serious skilled labor shortage. Deloitte Consulting LLP did a survey of American manufacturers in October 2011 and 74% of respondents said they faced a shortage of machinists, craft workers, and technicians. Foreign nationals who have

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<sup>12</sup> An example is a study done by Sege Nadeau, on Canadian immigration in 2011. It shows that immigrations who are very proficient in either English or French earn as much as 39 percent more than immigrants who are minimally proficient in either of them.

these skills but lack college degrees should have no problem to get a passing score and be able to sponsor themselves for green cards. To ensure the skills and experiences are market-driven, I would propose to have a private organization or consortium (U.S. Chamber of Commerce, Business Roundtable, etc.) maintain an active database of what skill sets are needed in the marketplace and channel the needs to the immigration scorecard.

- The adaptability criterion should be structured to test applicants’ civic knowledge and appreciation for the United States. Aspiring immigrants should learn what makes this country great: rule of law, private property rights, free markets, and limited constitutional government. We only want people who really want to be there, who love America, appreciate American values and want to integrate to be part of the society.

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## CONCLUSION: REAFFIRM AMERICAN PRINCIPLES

A country can reap great cultural, social and economic benefits with the right immigration policy. Just look at our neighbor to the north – Canada. Almost 20 percent of all Canadians are foreign born.

With a simple and straightforward score based immigration system, Canada is attracting the kind of immigrants that serve its economic and national interests.

For example, 2,500 immigrants enter Canada annually through its Investor program, and they provide a direct economic contribution of \$1.9 to \$2.0 billion per year to the Canadian economy<sup>13</sup>.

Suppose we could, as recommended above, replace the 50,000 visa lottery winners with 50,000 investment-based visa holders. With each of those being required to invest \$1 million or create 10 jobs in America<sup>14</sup>, that is a \$50 billion direct investment in the U.S. or 500,000 new jobs.

### ***Simplification Landmarks***

- ***Free Markets***
- ***Rule of Law***
- ***Equality***
- ***Fairness***

America has its own rich immigration history. America has always been and will always be a country of immigrants. Even the loudest opponents of immigration reform today can trace their heritage to somewhere outside of America.

Immigrants are Americans by choice, because the founding principles of this great nation transcend all cultures. For more than two centuries, influxes of immigrants from around the world enriched American culture and helped build the world’s wealthiest nation.

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<sup>13</sup> “The Economic Contribution of Immigration in Canada” by Sege Nadeau, 2011. Canadian investor immigration program requires each investor to invest C\$800,000.

<sup>14</sup> The U.S. requires each investor visa applicant to invest a minimum of \$1 million (or \$500,000 in a rural area), or create or preserve 10 jobs.

The immigration issues we are facing today are the unintended consequences of an outdated immigration policy, which does not serve our country’s economic needs or national interest.

We don’t do enough to keep those who intend to harm America out; yet at the same time, we make it difficult for those hardworking, America-loving, law-abiding people to come and stay. Our immigration policy sends a mixed message and exacerbates the illegal immigration problem.

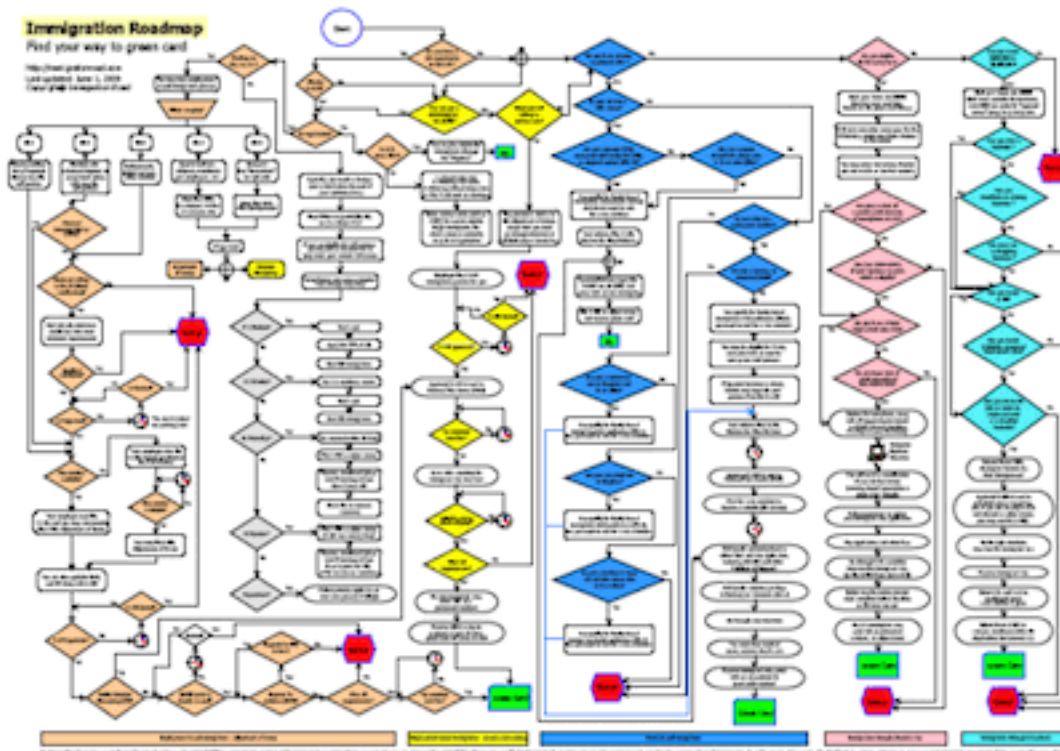
Nor would the latest bipartisan compromise Senate immigration reform bill (The Gang of 8 legislation) solve any of this. It is just another patchwork, which if passed would only worsen the problems of long delays, the backlog, and the complexity – not to mention the politically explosive “amnesty” or “path to citizenship” issue, which crowds out the incremental steps we could be taking.

**Current policy deters those we ought to be welcoming, and vice versa**

Those steps should focus on legal, not illegal, immigration. They should reflect the principles our country stands for – free-market economics, rule of law, equality, and fairness.

With incremental policy changes that reaffirm these beliefs and bring tangible benefits, America can again offer the right kind of open door and a true welcome mat. ■

### HERE’S WHAT NEEDS SIMPLIFYING: LEGAL IMMIGRATION TODAY



Source: <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/01/29/the-path-to-legal-immigration-in-one-insanely-confusing-chart/>



## Appendix 1

### Example of a Recent Visa Bulletin from U.S. State Department<sup>15</sup>

#### Family-BASED PREFERENCES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
<b>F1</b>	22-May-07	22MAY07	22-May-07	22-Jun-94	1-Sep-04
<b>F2A</b>	1-Feb-13	1-Feb-13	1-Feb-13	22-Jul-12	1-Feb-13
<b>F2B</b>	1-Nov-07	1-Nov-07	1-Nov-07	01AUG94	15-Dec-03
<b>F3</b>	1-Dec-03	1-Dec-03	1-Dec-03	22-Oct-93	1-Jun-93
<b>F4</b>	22-Jan-02	22-Jan-02	22-Jan-02	1-Feb-97	8-Apr-91

**First: (F1)** Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

**Second:** Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

**Third: (F3)** Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

**Fourth: (F4)** Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

<sup>15</sup> Visa Bulletin for October 2014, U.S. State Department Website. Retrieved from: <http://travel.state.gov/content/visas/english/law-and-policy/bulletin/2015/visa-bulletin-for-october-2014.html>

## EMPLOYMENT-BASED PREFERENCES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	15-Nov-09	1-May-09	C	C
3rd	1-Oct-11	1-Apr-09	15-Nov-03	1-Oct-11	1-Oct-11
Other Workers	1-Oct-11	22-Jul-05	15-Nov-03	1-Oct-11	1-Oct-11

**First:** Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

**Second:** Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

**Third:** Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "\*Other Workers".

**Fourth:** Certain Special Immigrants: 7.1% of the worldwide level.

**Fifth:** Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

## Appendix 2

### Lottery Visa Statistics

<b>Continents</b>	<b>2009</b>	<b>% of Total</b>	<b>2010</b>	<b>% of Total</b>	<b>2011</b>	<b>% of Total</b>	<b>2012</b>	<b>% of Total</b>
Africa	24,648	51.31%	24,745	48.22%	24,015	46.98%	13,582	39.41%
Asia	7,759	16.15%	8,824	17.20%	9,167	17.93%	6,481	18.81%
Europe	14,241	29.65%	16,083	31.34%	16,378	32.04%	13,093	37.99%
North America	1	0.00%	13	0.03%	2	0.00%	3	0.01%
Oceania	605	1.26%	639	1.25%	578	1.13%	562	1.63%
South America	782	1.63%	1,008	1.96%	978	1.91%	742	2.15%
<b>Grand Total</b>	<b>48,036</b>	<b>100.00%</b>	<b>51,312</b>	<b>100.00%</b>	<b>51,118</b>	<b>100.00%</b>	<b>34,463</b>	<b>100.00%</b>

#### Lottery Visa Statistics Asia

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Asia	7,759	8,824	9,167	6,481
Iran	1,117	1,854	2,023	2,428
% of Asia total	14.40%	21.01%	22.07%	37.46%

Source: U.S. Department of State:

<http://travel.state.gov/content/visas/english/immigrate/diversity-visa/diversity-visa-program-statistics.html>

### Appendix 3

#### Statistics of Canada Immigration

Canada – Permanent residents by category, 2011-2013

Category	2011		2012		2013	
	# of Immigrants	% of total	# of Immigrants	% of total	# of Immigrants	% of total
Family class	56,450	22.69%	65,010	25.21%	79,586	30.77%
Skilled immigrants	156,117	62.76%	160,821	62.36%	148,037	57.24%
Refugees	27,873	11.21%	23,098	8.96%	23,968	9.27%
Other immigrants	8,305	3.34%	8,960	3.47%	7,028	2.72%
Category not stated	3	0.00%	5	0.00%	0	0.00%
<b>Total</b>	<b>248,748</b>	<b>100.00%</b>	<b>257,894</b>	<b>100.00%</b>	<b>258,619</b>	<b>100.00%</b>

Source: <http://www.cic.gc.ca/english/resources/statistics/facts2013-preliminary/01.asp>

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#### **Our Unwelcoming Welcome Mat The Case for Immigration Simplification**

Centennial Institute Policy Brief No. 2014-4

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