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In Defense of Chain Migration

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Abstract

Opponents of a family-based immigration system want to scare us about an imaginary unending horde of immigrants taking advantage of “chain migration.” They conjure the picture of a single immigrant who enters country, then brings in a spouse, after which each spouse brings in siblings who bring in their spouses and children, and each adult then brings in parents who also petition for their siblings or children, and the cycle goes on and on. Opponents of chain migration argue that we should abandon that system and focus instead on highly skilled immigrants who can help our economy.

Family reunification is certainly at the heart of the U.S. immigration system today. However, the attacks on the family-based categories are disingenuous and not based on data. Attacks on family-based immigration are grounded in xenophobia, and particularly racism, and data actually show that family-based immigration plays an incredibly positive economic role. Furthermore, family-based immigration is critical for the social structure in immigrant communities while promoting the moral good of family unity. Families define us as human beings, are at the center of our most treasured values, and make us whole.

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Introduction

In May 2019, President Trump announced an “immigration reform” plan meant to upend the present “chain migration” immigration system that he and other anti-immigrant groups have come to disdain. At the presentation of his “points-based system” that would favor younger workers with “merit and skill” and advanced education, he complained that “Currently 66% of legal immigrants come here on the basis of random chance. They’re admitted solely because they have a relative in the United States, and it doesn’t matter who that relative is.”¹ Trump’s proposal mimics an old one promoted by Senator Alan Simpson in the 1980s, and a more recent one by Senators Tom Cotton and David Perdue, who introduced the Reforming American Immigration for Strong Employment Act (RAISE Act) in 2017. Cotton and Perdue complain that “chain migration is one of the biggest problems in our immigration system today. [O]ur system prioritizes people based on their family ties, instead of their ability to contribute to our nation’s economic well-being.”² Thus, their bill would eliminate all family sponsorship beyond spouses and minor children of U.S. citizens and lawful permanent residents (reducing the age limit for minor children from 21 to 18), and would lower capped family categories from 226,000 green cards presently to 88,000.

In this chapter, I defend so-called “chain migration.” Family reunification definitely is the heart of the U.S. immigration system today. Consistently, at least 60 percent of new lawful permanent residents to the United States each year were admitted because of family ties. However, the attacks on the family-based categories are either disingenuous or not based on data. Thus, I argue that (1) the attacks on family-based immigration are grounded in xenophobia and, particularly racism, and that in fact (2) family-based immigration plays an important economic role. Furthermore, (3) family-based immigration is critical for social structure in immigrant communities and (4) family-based immigration promotes the moral good of family unity.

While I use the United States as the example, there are perennial tensions in all immigration systems between family-based and employment-based, nuclear and nonnuclear family categories, and fears of family migration anchoring demographic change. While none of these tensions are necessary nor justified, they occur in contexts around the world.

Background

Family unity is a deeply rooted value and promoting family reunification has been a major feature of immigration policy for decades, traceable to the Emergency Quota

Act of 1921.³ In replacing the deeply-flawed national origins quota system with family-based categories under the Hart-Celler Act of 1965,⁴ Congress affirmed family reunification as a core American value.⁵ The reforms made family the cornerstone of the immigration admission system.

The 1965 reforms allotted twenty thousand immigrant visas for every country not in the western hemisphere. Of the 170,000 immigrant visas set aside for eastern hemisphere immigrants, about 80 percent were specified for “preference” relatives of citizens and lawful permanent residents, and an unlimited number was available to immediate relatives of U.S. citizens. The immediate relative category included spouses, parents of adult citizens, and minor, unmarried children of citizens. The family preference categories were established for adult, unmarried sons and daughters of citizens (first preference), spouses and unmarried children of lawful permanent resident aliens (second preference), married children of citizens (fourth preference), and siblings of citizens (fifth preference). Third and sixth preferences were established for 54,000 employment-based immigration visas.

By 1976, a new worldwide preference system (which now included the western hemisphere) was installed with a quota of 270,000 that continued to reserve 80 percent for kinship provisions; the category for immediate relatives of U.S. citizens remained unlimited. The effects of this priority were demonstrated vividly in the subsequent flow of Asian immigration, even though nations such as those in Africa and Asia, with low rates of immigration prior to 1965, initially were handicapped. The nations with large numbers of descendants in the United States in 1965 were expected to benefit the most from a kinship-based system. At the time, fewer than a million Asian Americans resided in the country when the total population was more than 194 million. Although the kinship priority meant that Asians were beginning on an unequal footing, at least Asians were on par numerically, in terms of the twenty thousand visa per country quotas. Gradually, by using the family categories to the extent they could be used and the labor employment route, Asians built a family base from which to use the kinship categories more and more. By the late 1980s, virtually 90 percent of all immigration to the United States – including Asian immigration – was through the kinship categories.⁶ And by the 1990s, the vast majority of these immigrants were from Asia and Latin America.

The Race-Based Assault on Family Begins

Within twenty years of the 1965 reforms, Asian and Latin immigrants began to dominate the family immigration categories. When that happened, somehow the emphasis on family reunification made less sense to some pundits and policymakers. The kinship system attacked—revealing the racist intent of many of the critics. Consider the following critique in 1986:

Nowhere else in public policy do we say not “who are you and what are your characteristics?” but ask rather, as we do in immigration, “who are you related to?” Current policy says: “if you have the right relatives, we will give you a visa; if you don’t have the right relatives, well, it is just too bad.”⁷

Arguing that the system was nepotistic or that the country would be better off with a skills-based system became popular. The following like-minded statement also from the mid-1980s about lawful and undocumented migration reveals the racial nature of the complaint:

If the immigration status quo persists, the United States will develop a more unequal society with troublesome separations. For example, some projections indicate that the California work force will be mostly immigrants or their descendants by 2010. These working immigrants, *mostly nonwhite* will be supporting mostly white pensioners with their payroll contributions. *Is American society resilient enough to handle the resulting tensions?*

...

The American economy will have more jobs and businesses if illegal alien workers are allowed to enter freely and work in the United States. But the number of jobs and businesses alone is not an accurate measure of the soundness of economic development or *quality of life*. Tolerating heavy illegal immigration introduces distortions into the economy that are difficult to remedy, while imposing environmental and *social costs* that must be borne by the society as a whole.⁸

Apparently, this perception of a good “quality of life” without “environmental and social costs” is one with minimal tension from the presence of “nonwhite” “immigrants or their descendants.” As one commentator recognized, “It may be fair to conclude that the problem masquerading as illegal immigration is simply today’s version of a continuing American – in fact, human – condition, namely xenophobia.”⁹

From the early 1980s to 1996, the leading voice attacking family immigration, especially the sibling category, was Republican Senator Alan Simpson of Wyoming. Simpson had been a member of the Select Commission on Immigration and Refugee Policy that issued a report in 1981 calling for major changes in the immigration laws. However, the Commission had overwhelmingly endorsed the policy of keeping brothers and sisters as a preference category.¹⁰

After the Immigration Reform and Control Act of 1986 (IRCA)¹¹ was enacted to address the issue of undocumented migration through employer sanctions and legalization, Simpson turned his attention to legal immigration categories. At the time, although 20 percent of preference categories were available to labor employment immigrants (54,000), when the unrestricted immediate relative immigration categories were added to the total number of immigrants each year, fewer than 10 percent of immigrants who were entering each year were doing so on the basis of job skills.

Simpson wanted the family immigration numbers reduced. His legislation, S. 358, was approved by the Senate in July 1989, which would establish a ceiling of

630,000 legal immigrants for three years. Of the total, 480,000 would be reserved for all types of family immigration and 150,000 would be set aside for immigrants without family connections but with skills or job-related assets. However, Democratic Congressman Howard Berman from Los Angeles, blocked attempts to reduce the number of family-based visas refusing to “betray[] the core American value and tradition of emphasizing the integrity of the family.”¹²

Enacted on October 26, 1990, a compromise bill turned back attempts to reduce family immigration. Although the main thrust of immigration law continued to be family immigration, the annual number of employment-based visas nearly tripled from 54,000 to 140,000 per year. With racist overtones, Simpson took some pride by announcing that “we [now] open the front door wider to skilled workers of a more diverse range of nationalities.”¹³ Of course to Simpson, “diverse” meant something other than Asians, Latinos, or even Africans.¹⁴

Teamed with Congressman Lamar Smith in 1996, Senator Simpson again took aim at the Asian and Latin-dominated siblings-of-U.S.-citizens category as well as the category available to unmarried, adult sons and daughters of lawful resident aliens. Their efforts ultimately failed, and Simpson retired.

The Assault on Family Renewed

Today, the attack on family immigration is embodied by President Trump’s May 2019 announced and the introduction of the Cotton-Perdue RAISE Act in 2017. Slightly more than a million immigrants are granted lawful permanent residence in the United States each year. Family-based immigration comprises about two-thirds of the annual total. The RAISE Act seeks to halve this million by eliminating most categories for family-sponsored immigration including the parents and siblings of adult U.S. citizens. Senator Perdue admitted that one reason for eliminating the parent category is that someday DACA recipients (who are mostly Latinx) might become U.S. citizens, and “the first thing they’re going to do is turn around and sponsor their parents who brought them here illegally. And you can’t have that. There’s no way that . . . the majority of people in America who want that . . .”¹⁵

These deep cuts to family-based immigration would affect immigrants from some countries more than others. U.S. residents with relatives from Mexico, the Dominican Republic, the Philippines, China, India, and Vietnam are the most frequent sponsors of family-based green cards. And the majority of those sponsorships for all but Mexico and the Dominican Republic are for categories slated for elimination under the RAISE Act—including more than 70 percent of green cards from India and Vietnam.

In an attempt to portray family immigration in negative terms, opponents of family categories enjoy labeling the system as “chain migration.” For example,

Jessica Vaughn, director of policy studies at the anti-immigrant Center for Immigration Studies, argues:

Unlike earlier times in our history, when immigration ebbed and flowed in distinct waves, the last several decades have been a time of constantly increasing immigration. Our immigration system allows this growth both through family chain migration and by expanding the number of initiating immigrants through amnesties, humanitarian admissions, employment visas, and the visa lottery, all of which set off new chains of family migration.¹⁶

The pejorative rhetoric of chain migration is echoed by a slew of others like Senator Charles Grassley, the chairman of the Senate Judiciary Committee,¹⁷ and, of course, President Trump: “[C]hain migration -- think of that. So you come in, and now you can bring your family, and then you can bring your mother and your father. You can bring your grandmother.”¹⁸ Apparently, the president forgets that if the terms of the RAISE Act had been in force years ago, his wife Melania would not have been able to petition for her parents after she became a U.S. citizen.¹⁹

President Trump’s rhetoric readily reveals his racist motivations. He wants to end the “visa lottery system” as well as chain migration” because those programs “hurt our economy and allow terrorists into our country.” In particular, he asked rhetorically, why we would want people from Haiti or Africa here: “Why do we want these people from all these shithole countries here? We should have more people from places like Norway.”²⁰

Civil rights organization Asian Americans Advancing Justice is blunt about the RAISE Act:

The RAISE Act is a direct attack on our communities and part of a larger strategy to scapegoat immigrants and people of color. The idea that immigrants are to blame for declining wages, or unsafe communities, is completely unfounded and fosters an offensive race-baiting and xenophobic narrative.²¹

The xenophobic nature of the attacks on family-based migration should appall us theologically as well as out of a sense of justice. In developing a biblical theology of migration, Luis Rivera-Pagan reviews the tension between xenophobia and racism on the one hand, versus love and welcome for the stranger on the other. Professor Rivera-Pagan points out that on one side:

Caring for the stranger became a key element of the Torah, the covenant of justice and righteousness between Yahweh and Israel. “When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt . . .” (Leviticus 19:33f). “You shall not oppress a resident alien . . . for you were aliens in the land of

Egypt” (Exodus 23:9). “The Lord your God is God of gods... who executes justice to the orphan and the widow, and who loves the strangers, providing them food and clothing. You shall also love the stranger . . . (Deuteronomy 10:17ff).²²

As such, these and other biblical passages can fairly be read as a “command to care for the stranger . . . [and] to love the sojourners and resident foreigners.”²³

However, Professor Rivera-Pagan also reminds us of biblical passages that display distaste for the alien. For example, “it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families... and they may be your property . . . These you may treat as slaves” (Leviticus 25:44-46). And epilogues of Ezra and Nehemiah “demonstrate the beginning of the establishment of a religious tradition that leaned toward traditionalism, conservatism, exclusivity, and xenophobia.”²⁴

Professor Rivera-Pagan ultimately relies on Jesus’ disruptive actions and attitudes to reject nationalistic exclusion and racism. We must “welcome and embrace the immigrant, the people in our midst who happen to be different in skin pigmentation, culture, language, and national origins.” Why? Because they are, in their powerlessness and vulnerability, the sacramental presence of Christ. “For I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me” (Matthew 25:35). Thus, these “vulnerable human beings turn out to be . . . the sacramental presence of Christ in our midst.”²⁵

Pitting Family Visas against Employment Visas

As the debate over immigration and border enforcement roils today, anti-immigrant voices once again seek to place the family immigration categories on the negotiating table. Denying a racial motivation, President Trump and Senators Cotton and Perdue assert that their proposals are rooted in a desire to help the economy. Implicitly, family-based immigrants hurt the economy. Theirs is a variation on the wouldn’t-it-better-to-choose-immigrants-based-on-skills theme, by positioning family visas in opposition to employment-based visas. As Doris Meissner of the Migration Policy Institute has asserted:

There is an *inherent tension* in the immigration system between job and family-based admissions. In allocating visas between family and employment criteria, the goal of family reunification cannot be entirely reconciled with the problem of visas as a scarce resource.²⁶

Inherent tension? Of course there is only an “inherent tension” between employment- and family-based visas if we choose to accept the premise that visas are a “scarce

resource,” or if we insist on pitting the two types of visas as oppositional. If instead we view the two systems as complementary ways of achieving and reflecting our goals and values as a society, then we do not have a problem of tension. In other words, if, for the sake of argument, we use immigration to help our economy, to promote the social welfare of the country, and to promote family values, then family and employment categories together can meet those goals.

The Labor Force Picture

Placing employment visas in opposition to family visas implies that family immigration represents the soft side of immigration while employment immigration is more about being tough and strategic. The wrongheadedness of that suggestion is clear: family immigration has served our country well even from a purely economic perspective. The country needs workers with all levels of skill, and family immigration provides many of the needed workers.

Workforce needs. Some policymakers are concerned that the vast majority of immigrants who enter in kinship categories are working class or low-skilled. Their claim that current immigrants are very low skilled is misleading. In fact, new immigrants to the United States are more highly educated than native-born Americans. About 39 percent of immigrants admitted to the United States in 2015 had a college degree or above compared to about 31 percent of adult natives. New immigrants are more educated than people realize and are increasingly better educated over time.²⁷ Beyond that oversight by the complainants, what we know about the country and its general need for workers in the short and long terms is instructive.

The truth is that we need immigrant workers of all skill levels today, and we will need them in the future. As of 2017, 27.4 million immigrants were in the U.S. labor force, representing 17.1 percent of the total labor force. Latinos account for 47.9 percent of the foreign-born labor force and Asians are more than a quarter of the immigrant workforce.²⁸ Roughly 7.8 million are undocumented workers. This represents about 4.8 percent of the total U.S. labor force.²⁹

Immigrants are also found in jobs that are expected to be important in serving tomorrow’s aging population. Seniors are expected to increasingly generate demand for medical, home care, and other services, many of which require workers with only on-the-job training. According to the Bureau of Labor Statistics, eight of fifteen occupations projected to grow most rapidly and several of the occupations projected to have largest absolute growth are medical support occupations that includes medical records technicians, nursing and home health aides, registered nurses, occupational therapist assistants and aides, personal and home care aides, and the like.³⁰

In summary, forecasts of occupational growth suggest continued strong growth in occupations requiring better educated workers. However, substantial growth will also occur in jobs requiring little training and in which immigrants are already well represented. Educational forecasts suggest that throughout the next decade, immigrants are likely to play an important role in restructuring the U.S. labor force.³¹

In communities across the country, many employers are having trouble finding enough skilled workers. A large share of immigrant workers are in lower-skilled jobs, however, with the right access to education and training they need to advance their careers, many have the potential to meet these labor force needs. The Urban Institute observes that workforce development services could help immigrants develop their skills, earn higher wages to support themselves and their families, and meet employer demands.³²

Immigrants should be part of a local workforce development strategy. Middle-skilled jobs are an avenue for many of these workers to get good jobs without needing a four-year degree. And employers have expressed a need for workers with bilingual and cultural skills to serve an increasingly diverse public. Many cities and organizations are engaged in upskilling their immigrant workforce.

Interrogating the low-skill/high-skill binary. In attacking family-based immigration, Trump, Cotton, and Perdue trumpet “high-skilled” immigration.³³ The low-skill/high-skill binary is insulting to workers who are not classified as high-skilled. While the rhetoric is pervasive, in truth, the purportedly “low-skill” occupations often demand a level of ability that requires cultivation and experience (i.e., a skill). For example, in his ethnography of migrant farmworkers, Seth Holmes describes the difficulties skillfulness involved in harvesting fruit that is required from migrant workers to meet the demands of the industry.³⁴ As Silas Allard aptly points out in his chapter:

The common parlance for this bifurcation is high-skill versus low-skill, but these categories are inaccurate and obfuscate the value determinations implicit in differentiating between these kinds of work. A skill is the ability to do something well, and thus we can speak of highly skilled workers in any field, i.e., those workers who perform well at whatever task they are assigned on the basis of whatever metrics measure success.³⁵

Moreover, Silas points out that the work is often “literally disabling” and is often “accompanied by increased risks of both accidentally injury . . . and chronic health conditions.”³⁶

As such, interrogating the “false” binary between high and low skill helps to clarify how family-based immigration has vital economic benefits that are not considered in a points-based system.

Support for Social Security and Medicare. The aging of the baby boomer generation will slow labor force growth, increase the burden of older, retired persons on younger workers, and create a potential drag on productivity growth. The aging of the population will change the dependency ratio – the number of nonworking dependents compared to economically active workers. That ratio is expected to rise as the baby boomer generation enters retirement and as U.S. fertility rates remain low, leaving a greater number of elderly to be supported by each worker. The decreasing number of taxpaying workers supporting each retiree will strain public assistance programs for the elderly including Social Security and Medicare.³⁷ An infusion of young taxpaying immigrants can help address future shortfalls in these programs. While immigration cannot be expected to solve the problem on its own, the evidence suggests that greater immigration could aid elderly assistance programs and lessen the Social Security and Medicare burden on native workers.

Housing. The foreign-born population in the United States also contributes significantly to the housing market. More than half of the foreign-born population are homeowners. In 2015, 50.7 percent of immigrant heads of household owned their own homes, compared with 65.2 percent of U.S.-born heads of household. Homeownership rates are comparable between native-born and naturalized immigrants, 64.6 percent of whom owned their own homes in 2015.³⁸ Immigrants contribute \$3.7 trillion to housing markets nationwide.³⁹

Productivity. Immigration also boosts productivity, because immigrant workers tend to be younger and therefore generally more productive than older workers. According to the National Academy of Sciences, the children of immigrants (the second generation) are among the strongest economic and fiscal contributors in the U.S. population, contributing more in taxes than either their parents or the rest of the native-born population.⁴⁰ Potential problems created by the aging of the U.S. labor force cannot simply and entirely be solved by more immigration, but budget and productivity shortfalls at least will generate demand for generous numbers of skilled immigrant workers. Immigrants can be expected to contribute to meeting the future demand of many industries.¹

Immigration has been an important source of labor force growth in the past, and the skills required of the occupations important to the future, in both technology and health care industries, will likely match reasonably well with the skill profiles of immigrants today and the projected skill profiles of future immigrants. Immigrants currently play a large role in several of the occupations expected to have most growth both in terms of the rate of growth or growth in numbers of workers, and therefore

¹ Daniel Costa, David Cooper, and Heidi Shierholz, “Facts About Immigration and the U.S. Economy: Answers to Frequently Asked Questions,” Economic Policy Institute, Aug. 12, 2014, <https://www.epi.org/publication/immigration-facts/>.

can be expected to contribute to meeting the future demand of these industries.⁴¹ Immigration plays an important part in a more comprehensive solution.

The Labor Force Summarized. The evidence is clear that immigrants who largely arrive due to family ties have contributed mightily to the U.S. economy. They added an estimated \$2 trillion to the U.S. GDP in 2016. They also boost productivity through innovation and entrepreneurship.⁴² In 2010, more than 40 percent of Fortune 500 companies were founded by immigrants and their children. This includes 90 companies founded by immigrants and 114 companies founded by children of immigrants. These companies employ more than 10 million people worldwide.⁴³ As Baby Boomers retire en masse over the next 20 years, immigrants will be crucial to filling these job openings and promoting growth of the labor market. From 2020 to 2030, 7 million U.S.-born individuals, on net, are expected to leave the labor force. Two million immigrants and 6.9 million children of immigrants are projected to join the labor force during the same period.⁴⁴ Looking further, from 2015 to 2065, immigrants and their descendants are expected to account for 88 percent of U.S. population growth.⁴⁵ As such, immigrants and their children will be critical both in replacing retiring workers—preventing labor market contraction—and also in meeting the demands of the future economy.⁴⁶ The current family-centered system brings in designers, business leaders, investors, and Silicon Valley-type engineers. And much of the flexibility available to U.S. entrepreneurs in experimenting with risky labor-intensive business ventures is afforded by the presence of low-wage immigrant workers.

The Benefits of Family Immigration and the “Corazon” Effect

The economic data on today’s kinship immigrants are favorable for the country. The entry of low-skilled as well as high-skilled immigrants leads to faster economic growth by increasing the size of the market, thereby boosting productivity, investment, and technological practice. Technological advances are made by many immigrants who are neither well-educated nor well-paid and by white collar immigrants. Moreover, many kinship-based immigrants open new businesses that employ natives as well as other immigrants; this is important because small businesses are now the most important source of new jobs in the United States. The current family-centered system results in designers, business leaders, investors, and Silicon Valley-type engineers. And much of the flexibility available to U.S. entrepreneurs in experimenting with risky labor-intensive business ventures is afforded by the presence of low-wage immigrant workers. In short, kinship immigrants contribute greatly to this country’s vitality and growth.

Chinese immigrants, Ru-Liang Zhang and Xan-Xia Hong, are examples of how family immigrant visas have contributed to American society. The Chinese couple waited nine years to obtain their family visa. Once they arrived in the U.S.,

they worked seven days a week at a garment factory and eventually owned and operated a small business convenience store. They continued to work seven days a week until their retirement. It has been twenty-eight years since they immigrated to the United States, and their children have great jobs and are financially independent.

Another example is the story of Thomas Louie, who arrived as a teenager on a family-based visa more than sixty years ago. His family was sponsored by his grandfather. Their family now consists of a physician, a college professor, and a math teacher. Louie's grandson, 23 year-old Nicholas Louie (born in the U.S.), says he does not take his family for granted and cannot imagine a world where families are separated because of visa restrictions.⁴⁷

Consider also John Tu, the founder of Kingston Technology. John Tu was born in China in 1942 and lived with his parents and sisters. John described himself as a mediocre student unable to attend China's best colleges and after being denied a U.S. visa, he went to Germany to earn an electrical engineering degree. His sister, who had married a Taiwanese-born U.S. citizen, naturalized and sponsored John through the sibling preference category. John immigrated and opened a gift shop in Arizona, then went into commercial real estate and moved to Los Angeles. He and another immigrant, David Sun, created a computer memory products company, Kingston Technology. After selling 80 percent of the company for \$1.5 billion, Tu and Sun set aside \$100 million as bonuses to Kingston's U.S. employees. These bonuses, up to \$300,000, enabled Kingston employees to further their educations, pay off mortgages, and erase debt. Tu and Sun eventually bought back Kingston, which now employs over 3,000 people and is listed by Fortune magazine as one of the "Best Companies to Work for in America."⁴⁸

One of my students, A.K., recounts this personal family immigration story:

My paternal step-grandfather ("grandfather") was brought to the [United States] as a child from the Philippines. My grandfather returned to the Philippines when he was around 18 where he met and married my grandmother. A year after, my grandfather, as an LPR, petitioned for an F2 Visa for my grandmother and my infant aunt. The family moved back to the [United States] and settled down. My grandparents started a large construction company in Hawaii. Had my grandmother and aunt not been permitted to immigrate with a family-based visa, my grandfather would have stayed in the Philippines and may have started his business there. Beyond providing for the U.S. economy and job market by way of my grandparent's business, the existence of the family-based visa program has had a ripple effect on the lives of my step-dad, my mom, my siblings, and me. My step-dad spent years working with adults with physical and mental disabilities in group homes and now owns and operates a store in Alabama. When my step-dad met my mom, she was a single parent struggling to make ends meet, but

with the help of my step-dad, the two were able to provide for me (and later my siblings) while avoiding government assistance. Because of my grandparents and my parents, my siblings and I have had opportunities to gain an education that will have a further impact on the country by way of our career accomplishments which all would not have been possible without the family-based visa program

And the family history of another student, C.W., demonstrates other ways that family immigrants contribute to the community:

My Italian mother immigrated to the United States through my father, a U.S. citizen. Since she has immigrated she has greatly contributed to our family and the local community. When she first immigrated she taught English as a second language (ESL) for several years helping newly arrived foreign nationals in their transition to the United States. She also taught Confraternity of Christian Doctrine (CCD) to children through our local Catholic Church.

She has been employed as an administrator in the public school system for over 25 years, has served on the Parent Teacher Association (PTA) board, and received an award from the PTA for her volunteering efforts. She also was a Girl Scout Troop leader for 9 years. She is now retired but she still makes a point to contribute to the community. She recently has served as an interpreter for a family with a special needs child in Walnut Creek to help them communicate with their school district on behalf of their child.

Even in her hobbies she makes a point to give back to the community. My mom is an avid quilter. Through the Quilters Guild of Contra Costa County she works with other members to make baby quilts that are distributed to the local county hospitals every month. Apart from the volunteer and employment efforts, my mother has always been my rock and the person I can turn to for advice and comfort. I contribute my success in life directly to how she has raised me and the skills and life lessons she has taught me.

My student, C.Q., tells me about her boyfriend's sister:

My boyfriend's oldest sister, Lola, was petitioned by my boyfriend's mother. Lola was already an adult, married and a mother to her oldest son when her mother petitioned her. Lola waited almost a decade before she received her green card.

Lola's mother, Angela, left Mexico when Lola was only four years old. Angela could not support her daughter or her mother in Mexico and made her way to the United States. It took ten years for Angela to bring Lola to the United States and another twelve years to finally petition her. Angela deeply regrets waiting too long to petition Lola and now understands how important

it was to petition her daughter before she turned twenty-one years old. Nevertheless, Lola is grateful for the way things turned out for her because she learned to value her lawful permanent resident status.

While Lola waited for her green card, she attended English learning classes at a community college in the Silicon Valley at night and worked during the day at a local motel. Lola was often discriminated against because of the color of her skin and her limited English. She often felt alone, especially since she was the only one in her family who was undocumented. Lola was anxiety ridden for all those years because she knew this would probably be her and her husband's only chance to get legal status in the United States.

When Lola finally received her green card, she was "in the clouds" and overjoyed with emotion. Since her English speaking skills improved, she felt more "free" to join her family at public outings and even attend her children's school functions.

Lola is an active school and soccer mom. Her oldest son recently earned a full four year scholarship to attend Cal Poly San Luis Obispo where he is studying to be an engineer. Her middle son is earning a reputation as a "soccer star" and has represented the United States in Spain and Argentina on multiple soccer teams within his age group. Her youngest son is starting to find his path as an artist. All of Lola's children are academic scholars and attribute their success to their parents. Lola is proud of the home her and her husband have built for their children.

Beyond the obvious economic benefits of the current system, a thorough consideration of the benefits of the family-based immigration system must include the psychological, non-monetary values of such a system. The psychic value of family reunification is generally overlooked by empiricists perhaps because of difficulty in making exact calculations. Yet the inability to make such a calculation is no reason to facilely ignore the possibilities.

Perhaps as a first step in getting a sense of the unquantifiable values of family reunification, we could begin by thinking of our own families and what each one of our loved ones means to us. How less productive would we be without one or more of them? How less productive would we be, having to constantly be concerned about their sustenance, safety, or general well-being? How more productive or emotionally satisfied are we when we know that we can come home at the end of the day and enjoy their company or share our days' events with them?

I call this psychic value, the "Corazon" effect, after the name of one of my former clients: Corazon Ayalde. Corazon ("heart" in Spanish) became a U.S. citizen several years after she immigrated to the United States as a registered nurse to work in a public hospital devoted to caring for senior citizens. When her sister Cerissa,

who had remained in the Philippines became widowed without children, the two sisters longed to be reunited – especially after Cerissa became ill. Corazon filed a sibling petition, and after years of waiting, Cerissa’s visa was granted. Corazon felt her “heart being lifted to heaven” as the sisters reunited to live their lives together once again. I think of the Ayalde sisters often in the context of my own mother’s inability to successfully petition for her sister’s immigration out of mainland China to be reunited when I was a young attorney. First there was the paperwork for the application, complicated by the difficulty in obtaining documents from China. Then there were the backlogs in the sibling category, and finally the hurdles of getting travel documents out of China in the 1970s. When my mother received word that her sister had passed away, the tears she shed were only a fraction of the pain she had endured being separated from her sister for decades.

Is there truth behind the “Corazon” effect? Ask Ming Liu, a design engineer for a U.S. telephone and electronics equipment company from China. Liu was doing fine, better than his boss expected, and always had his nose to the grindstone. But he became an even better worker after his wife and child rejoined him following a two-year immigration process. Liu’s productivity skyrocketed. His boss observed Liu’s personality opening up after his family arrived, and Liu came up with a completely new, innovative concept that helped the company change direction and increase sales. In Liu’s words, after his family immigrated, he could “breathe again.”

Or ask Osvaldo Fernandez, a former pitcher for the San Francisco Giants. He had defected from the Cuban national baseball team, leaving his wife and child back in Cuba. After a mediocre first half of the 1996 season, his wife and child were allowed to leave Cuba and join Fernandez in the United States. Overnight, his pitching performance radically improved. He attributed this turnaround to reunification with his wife and child.

Another of my students, N.V., was able to petition for her father (one of the categories attacked by the RAISE Act) and experienced the “Corazon” effect:

My father immigrated through the family immigration category. As an adult U.S. citizen, I was able to petition him as my father. . .

I cannot imagine not having been able to petition my father. My father has always been the pillar of both my immediate and extended family. He has particularly been a great support system for my mother, my brother and me. Even though my brother and I are already married and are no longer living at home, my father continues to be a big part of our lives. Even now that I am an adult, my father continues to help me in any way that he can either emotionally or financially and I know that he does the same for my brother.

For example, ever since I began attending law school and had to leave my job, my father has volunteered to pay for all my textbooks every semester so I don’t have to increase my loans. This has been a huge help for me. I also always go for advice to him because I trust his judgment a lot and I have

always been very close to him. Now that he has his green card, he is also able to travel and visit my brother who lives out of state and helps babysit my brother's daughter (my father's granddaughter) and in general is now able to be part of his granddaughter's life. Having my father with legal status here in the United States gives me a piece of mind as I no longer need to worry about him being separated from the family.

My mother relies a lot on my father as well. She does not speak English and he does, so he takes care of any paperwork or finances that need to get done. My mother also does not have any immediate family here, aside from her family through marriage, so not having my dad here would be very difficult emotionally.

My student, E.M., talks about the importance of family and particularly having his aunt in the United States:

When you look at Latinx heritage, an essential part of the culture surrounds the family unit..

My aunt Alicia, who came in the family sibling category, is also my godmother, is a mother of five children, works in a factory near her home, and most importantly, is an essential part of our whole extended family. Through the hard work of herself, her husband, and her now adult children, she has been able to purchase a home with space large enough to host all family events. My aunt provides a space where not only her brothers and sisters can reminisce about their home country, but where they can gather to support one another in making new memories in the United States. It is this home where their citizen children learn of their struggles, pass on tradition, and connect with one another. It is my aunt's selflessness and welcoming nature that brings everyone in the family together, and this is how Latinx-American children succeed, with the support of a strong family network. It is because my aunt is in the country that my Mexican American family is able to support one another and provide a safe space when navigating a Eurocentric education system and work force. Family unity is a large part of the Latinx community, and depriving families of pursuing the family immigration visa pathway would hinder the growth of Latinx families in the country. Looking just at citizen children, their parents and older family members are not complete without their siblings, and children without their cousins.

The family promotes productivity after resettlement in the United States through the promotion of labor force activity and emotional stability at home. The benefits of having parents, siblings, and adult children by your side as you navigate life are obvious. The current family immigration system recognizes that value to a

large extent. The RAISE Act's elimination of family immigration categories would create real problems for real families, while solving no perceptible problem.

Those who would eliminate family categories contend that family separation is a fact of life (sometimes harsh) that we can get over or live with. Yes, most of us live without someone whom we love dearly either because of that person's death, or because the person lives across the country. Yes, we can get over this separation and perhaps become as productive as ever. Yet to take this ability to recover and place it in the context of immigration policy and say to someone who wants to reunify with a brother, sister, son, or daughter, "No, your relative cannot join you; you cannot reunify with this person on a permanent basis," is cruel. That policy choice would remove control from the family and place the burden and challenge of recovery on them unnecessarily. The policy would prevent voluntary choice by adults who are capable of making important life decisions relating to very private family matters.

There are countless reasons why a person may want to petition for their family member to join them. A family unit can provide a stable, solid, supportive foundation for individuals. Families provide support and companionship that significantly impact one's quality of life. With family nearby, parents are able to rely on other family members for childcare rather than miss an important opportunity. Children are able to stay in school when they have family members who can support them to avoid dropping out to get a job. By helping individuals to be more productive or develop more human capital, the entire nation benefits, not simply the individual. When people have support systems, they are much more likely to succeed. Family provides an inherent safety net that immigrants can rely on, should they need help or assistance.

When a person immigrates to the United States, a number of sacrifices are made to start a new life. Hard work and determination are necessary to be successful. The decision to petition for family members signals two important realities.

First, the person has positioned themselves to take on the financial responsibility of another family member. They are aware of the time and effort entailed in the immigration process. They know about the public charge ground of inadmissibility, fully conscious of their legal and moral responsibility for the newcomer. By petitioning for a family member, this person is signaling that they have the ability to support the beneficiary as a result of the work that they have invested.

Second, petitioning for a family member communicates a clear commitment to living in the United States. Petitioning for a relative signals a devotion to making a better life and to making a living to live comfortably and peacefully in the adopted country. That commitment is important no matter what class of worker. The commitment tells us that this is the type of person who wants a better life for their

family, and that is the type of person who is good for the country. The person wants the country to thrive so that their family will as well. Admitting family members strengthens the ties that the immigrant family has to this country. The people they love and care about are in the same place, helping the family to feel at home in the United States.

In relevant terms, the Select Commission on Immigration and Refugee Policy defended the family reunification system in its 1981 report:

The reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States.⁴⁹

Conclusion

The opponents of the current family-based system contend that unending chain migration has resulted. They conjure the image of a single immigrant who enters, who then brings in a spouse, then each spouse brings in siblings who bring in their spouses and children, and each adult brings in parents who can petition for their siblings or other children, and the cycle goes on and on. These opponents of the system hope to scare us about an imaginary unending horde.

Certainly for a period of time, family categories result in the arrival of certain relatives. However, the purveyors of the image of limitless relatives forget two important facts: (1) because of numerical limitations, backlogs exist in most family categories that severely limit annual admissions to the United States,⁵⁰ and (2) that throughout the course of immigration history to the United States, these so-called family chains are invariably broken. For example, although virtually limitless numbers of western Europeans were permitted to immigrate to the United States throughout the past two hundred years, at a given point, decisions were made – some slowly and gradually – by families about who was willing or wanted to come to the new country and who did not. As a result, immigration numbers from western European countries dramatically dropped eventually. Hundreds of thousands of immigrants from the United Kingdom, Germany, and Ireland immigrated to the United States in each decade of the first part of the twentieth century. The figures continued to be substantial for Germans and British nationals through 1970, but then the figures diminished significantly after that.

In further twisted reasoning, supporters of family category reductions argue that because the categories are backlogged many years (especially the sibling category), they should be eliminated because they are useless and do not achieve any family values. However, the categories certainly are not useless for those who have waited their turn and who are now immigrating. And if there is real sympathy for

those on the waiting list, then providing extra visa numbers for awhile to clear the backlog is in order, something the bipartisan Select Commission on Immigration and Refugee recommended more than a quarter century ago.

In an era of promoting family values, proposals to eliminate family immigration categories seem odd. What values do such proposals impart? What's the message? That parents, brothers, and sisters are not important? Or (in the case of the proposal to limit children of lawful permanent residents) that once children reach a certain age, the parent-child bond needs not remain strong? Eliminating such categories institutionalizes concepts that are antithetical to the nurturing of family ties, that ignore the strong family bonds in most families, and that discourage ideals that should be promoted among all families. Indeed, the proposals send a strong antifamily message.

Without an empirical foundation for attacking the entry of immigrants with low job skills, critics of the current family-based system simply argue that there is a better way of doing things. They are not satisfied that immigration fills needed job shortages and aids economic growth as a result of the entry of ambitious, hard-working family immigrants and their children, many of whom are professionals as well as lower skilled workers with a propensity for saving and investment.

As we have seen, the proponents of the chain migration image are simply engaging in scare tactics that have serious racial overtones. Their arguments about preferring "skilled" migrants is a pretext for their xenophobia, coming at a time when three in four immigrants are from Latin America or Asia.

Family immigration categories should be retained. The President claims that by eliminating certain family-based categories it would allow more "quality" immigrants to be admitted. However, a person's worth to their neighborhood and country is not solely determined by what that person earns. People can contribute to the greatness of a country and goodness of the community in different ways. Just because these immigrants did not enter based on employment skills does not mean they have not added value to the society.

In her chapter in this treatise, Gemma Tulud Cruz provides a theological framework for understanding our responsibility to the "unwanted" migrants who are victims of forced displacement.⁵¹ The three parts of the framework, one bread, one body and one people, guide us to recognizing that the Christian revelation of the unity and common destiny of the human race compels us to welcome the unwanted. Her framework highlights the importance of "social responsibility, especially to those in need, by witnessing to solidarity and the common good from a collective or global perspective."⁵² This responsibility is also helpful in responding to challenges to voluntary family migrants who are mislabeled of "poor quality" or "low skilled." Sponsoring relatives demonstrate responsibility to their family members, and we should recognize our own responsibility to these families. There is no basis for any of

the rest of us to judge that migrant relatives are not a worthy part of our collective selves. They come in good grace to be part of our figurative as well as literal family.

The preamble to the Universal Declaration of Human Rights highlights the unity of the family as the “foundation of freedom, justice and peace in the world” for good reason. Our families make us whole. Our families define us as human beings. Our families are at the center of our most treasured values. Our families make the us strong.

Suggested Reading

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² U.S. Senators David Perdue, Tom Cotton, and Chuck Grassley, *Any DACA Deal Must Include An End to Chain Migration*, The Hill, Jan. 18, 2018.

³ Emergency Quota Act of 1921, Pub. L. No. 67-5, § 2(d), 42 Stat. 5, 6 (1921) (“[P]reference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancées [of United States citizens and legal residents].”).

⁴ Hart–Celler Act, Pub. L. No. 89-236, §§ 201(b), 203, 79 Stat. 911 (1965) (providing that immediate relatives are not subject to numerical limitations and children, spouses and parents of U.S. citizens fall under the “immediate relative” category. The Act prioritized the following family relationships that were subject to numerical limitation: unmarried sons and daughters of U.S. citizens, spouses, unmarried sons or daughters, and parents of lawful permanent residents, married sons or daughters of U.S. citizens, and brothers or sisters of U.S. citizens).

⁵ Representative Harold Ryan testified in support of eliminating the quota system, “It is unfair—it is unjust—it is pure discrimination for us to stamp a ‘second best’ rating on any individual because of his birthplace.” Representative William Barrett testified, “It is perhaps unnecessary for me to reiterate the well-known fact that the national origins quota system . . . is based upon an infamous lie. . . . This outrageous and untrue theory, and proven to be such by facts, history, and science, is a black mark on the fair face of the United States in the eyes of the world. . . . We must enact statutes which permit families in this country to be united.” *See Immigration and Nationality*

Act: Hearing on H.R. 7919 before Subcomm. No. 1 of the H. Comm. on the Judiciary, 88th Cong. 208 (1964).

⁶ *See generally*, Bill Ong Hing, *Making and Remaking Asian America Through Immigration Policy* (Stanford Univ. Press 1993).

⁷ Testimony of Barry R. Chiswick before the Joint Economic Committee, Congress of the United States, S. Hrg. 99-1070, May 22, 1986, at 236. Of course this statement was factually incorrect; even under the system at the time, prospective immigrants with skills needed by an employer could qualify for a labor employment category.

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¹⁷ Chuck Grassley, United States Senator for Iowa (2018). *Op-Ed - Any DACA deal must include an end to chain migration*. [online] Available at: <https://www.grassley.senate.gov/news/commentary/op-ed-any-daca-deal-must-include-end-chain-migration> [Accessed 2 Dec. 2018]. (“Chain migration is one of the biggest problems in our immigration system today.”); See also Bui, Q. and Dickerson, C. (2018). *What Can the U.S. Learn From How Other Countries Handle Immigration?* New York Times. [online] Available at: <https://www.nytimes.com/interactive/2018/02/16/upshot/comparing-immigration-policies-across-countries.html> [Accessed 11 Dec. 2018]. (The family based system “is far more generous than I think the spirit of the United States is today.” Quoting Professor Justin Gest of George Mason University); and Girduskey, R. (2018). *It's time For Congress to End Chain Migration and Put America's Working Class First*. FoxNews.Com. [online] Available at: <https://www.foxnews.com/opinion/its-time-for-congress-to-end-chain-migration-and-put-americas-working-class-first> [Accessed 5 Dec. 2018]. (“chain migration . . . is both a national and economic threat [to the] country and [its] working-class.”)

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