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**Immigration: Supply-Side**

**Zachary Briggs**

*Purdue University, USA*

**Clifford Fisher**

*Purdue University, USA*

Corresponding author's e-mail: [zbriggs@purdue.edu](mailto:zbriggs@purdue.edu)

**Abstract:** *The world has changed. Today countries like companies in the free market are competing for goods and the goods of today are human capital. The goal of countries today should be to encourage trade, foreign and domestic, while simultaneously growing their economies. These ideas at the outset seem opposed to one another, but careful inspection will reveal a path toward a better immigration policy. Countries must encourage foreign trade by not stealing all of the human capital of other countries. Countries must remain competent to compete with countries that are producing the greatest minds in the world. A country cannot have a policy that turns away all the great minds that seek to become one with it. There is both great risk and great reward in immigration and discernment is important to achieving the reward rather than falling into disgrace. The issue is the federal government's to bear. The Constitution of the United States clearly enumerates the power of immigration to the federal government. In Arizona vs. United States, the Supreme Court recently ruled in favor of granting more power to the states to enact immigration reform that is in line with federal immigration laws. This does not abdicate the role of the federal government though and should, in fact, serve as a rebuke. The system is broken. The states are doing what they can, but it is not their job to fix, it is the federal governments. The only way to fix this issue is through comprehensive reform of the entire immigration system. A good immigration policy will bring positive economic change to the country, eradicating inefficiencies, and providing new ideas that perhaps have never been seen or used before. The current immigration laws in the United States are suffering from periodic depreciation. The rules are too old and complicated. They need to be revised, simplified, and modernized for a world that has changed.*

**Keywords:** immigration, reform, illegal immigration, and immigration

## **Introduction**

In today's world the importance of a subject can be ascertained by seeing how many people care about it. The easiest way to do this is to see how many people have searched it on Google. Google the word immigration and one will find about 51,200,000 results in 0.20 seconds. Compare this with what happens when one searches the word economy on Google, which pulls in around about 847,000,000 results in 0.14 seconds, or even healthcare which garners about 591,000,000 results in 0.24 seconds (1) and it quickly becomes obvious that immigration is not at the top of most people's priority list. The real question is.... should it be? Immigration certainly plays a major role in the economy and it plays a huge role in every issue from foreign policy to healthcare. Immigration is not discussed as much as it should be, which is why it's problems have not been fixed. Much like Social Security, Medicare, Medicaid and other issues that are divisive, immigration has become an untouchable political issue. While illegal immigration has caught the attention of the populous, its equally important twin, legal immigration, is not being discussed. Legal immigration and illegal immigration are very much connected, but before discussing the problems of illegal immigration, countries should take a closer look at the standing immigration policies, how they should be changed, and then what can be added to them to improve the country. The key concept in designing a suitable immigration policy must begin with understanding the purpose of the policy, its goals, and then beginning the designing process.

The world has changed. Today countries like companies in the free market are competing for goods and the goods of today are human capital. The goal of countries today should be to encourage trade, foreign and domestic, while simultaneously growing their economies. These ideas at the outset seem opposed to one another, but careful inspection will reveal a path toward a better immigration policy. Countries must encourage foreign trade by not stealing all of the human capital of other countries. Countries must remain competent to compete with countries that are producing the greatest minds in the world. A country cannot have a policy that turns away all the great minds that seek to become one with it. There is both

great risk and great reward in immigration and discernment is important to achieving the reward rather than falling into disgrace. The issue is the federal government's to bear. The Constitution of the United States clearly enumerates the power of immigration to the federal government. In *Arizona vs. United States*, the Supreme Court recently ruled in favor of granting more power to the states to enact immigration reform that is in line with federal immigration laws. This does not abdicate the role of the federal government though and should, in fact, serve as a rebuke. The system is broken. The states are doing what they can, but it is not their job to fix, it is the federal governments. The only way to fix this issue is through comprehensive reform of the entire immigration system. A good immigration policy will bring positive economic change to the country, eradicating inefficiencies, and providing new ideas that perhaps have never been seen or used before. The current immigration laws in the United States are suffering from periodic depreciation. The rules are too old and complicated. They need to be revised, simplified, and modernized for a world that has changed.

## **The Economy**

The biggest threat to this reform lies in the illegal immigration debate. This should be made clear from the outset; immigration law enforcement that simply looks to stop illegal immigration is not a fix, it is a Band-Aid. If this effort is not coupled with real reform, it will leave the U.S. in worse shape than it is in now. Many in the public have not yet found a reason to insert themselves into this debate, provided here are two: morals and the economy.

The economy is difficult to understand because it attempts to predict the actions of billions of individuals worldwide. It attempts not only to predict their actions but how these actions will shape future actions of individuals. Countries all over the world and over the centuries have experimented with several different methods of fostering a good economy.

In the United States and in many other countries capitalism has been the economy of choice. It is believed that though capitalism has its flaws, its ups and its downs, it is the best economic policy in the long run. When things change in the economy this change is many times followed by pain as seen in temporary recessions and job losses. However, citizens of countries that follow the capitalist model see this pain as a short term problem that will allow for long term success. In fact, capitalism is often credited with having “creative destruction” which in laymen’s terms could be restated “no pain, no gain.” The pain is viewed as a sign of growth and any attempt to stop the pain will hinder future growth. This model is not always easy to believe in. When a worker sees his job replaced by a machine, how is he to know that the money that machine is saving is growing the economy and creating capital and opportunity elsewhere? Even with these struggles people have remained strong and looked to the future knowing that the capitalist system is working in its mysterious way. It seems strange then that when it comes to applying the capitalist method to other areas of governing, legislators of all creeds have overlooked the benefits of applying the capitalist thought process to immigration. Though sometimes disagreeing with Karen Longacher in her article *Losing the Forest for the Trees: How Current Immigration Proposals Overlook Crucial Issues*, one key area of agreement is found in this statement: “To shut the door to new ideas and new blood, while simultaneously pushing out many of the people who are making positive contributions to the U.S. society and economy, would similarly stifle the United States, detrimentally restricting its ability to compete in the global marketplace”(Longacher, K. M. (1997)). In the short run applying a new system would instigate some pain, but in the long run it would provide serious growth.

The value of a countries medium of exchange, its currency, is backed by faith, a subject that is rarely expanded upon. That faith is, when explored more thoroughly, in the productivity of the economy. When the economy is not productive, faith falls and when it is more productive the value of its currency rises. A country that produces nothing, no matter what supply of money they hold, will have money with no value. So what

does this conversation bear on the immigration discussion? To put it simply, bad immigration policy destroys the value of its currency, while good immigration policy promotes the value in a way gold never could. Bad immigration policies bring down productivity levels, because the policies misunderstand the needs of individuals and the economy, and in so doing, create unemployment and poverty. This happens when the immigration policy brings people into a country who cannot operate, for whatever reason, within the society they are brought. A smart immigration policy understands the needs of society and fills these gaps and in so doing creates growth. Bringing hard workers and innovative minds into society promotes productivity. This productivity not only increases the amount of jobs available to others by creating new fields of work, new employers, and fewer money sumps, but it also increases the value of the currency. This creates an upward cycle that if properly maintained will take the economy to levels that it has yet to achieve. For those who believe that the economy doesn't grow, immigration won't make sense in economic terms, but the fact remains that the an economy is not a zero sum game. Increasing the right kind of immigration at a controlled pace will lead to more jobs for everyone. This is better for immigrants, many of whom came to the country to better their lives, and it helps the overall economy which in turn benefits everyone. In this way, the economy even stretches its hand beyond money and into the realm of morals as seen in the betterment of lives.

## **Moral Problems**

This is not the only moral issue that is present in the consequences of immigration. Any legal decision ever made has moral implications. It may be that the issue being dealt with has more than one moral dilemma. Many times the difficulty in crafting legal policy is realizing a perfect moral judgment where more than one problem exists. It is sufficient to say that this is never possible and a country must strive instead to be like King Solomon who created a policy that drove society itself to realize the inherent problems and fix them. With this in mind, there is a growing

problem in America today. That is the “racism” that dominates the United States immigration policy. The word racism is in quotes because as a society the United States is not acting out of a desire to be racist, but the current immigration policy does favor certain people groups. It does not choose to do so out of race but out of proximity. The issue is that of preferring immigrants from Mexico, to those from other countries. This problem is a problem of policy, not people; nonetheless it is not intelligent, equitable, or fair. Many have pointed to the poverty of these groups, many already within the United States illegally, as a reason to accept them in society. This displays a defect within the system, a defect that should be addressed with all groups in mind. Rather than discussing this at length here, let it suffice to say that defects in the system have consequences not only for current illegal immigrants, but also for citizens and potential immigrants. This is a moral problem and it needs to be corrected.

### **General Problems**

Having discussed the economy and morals it is easy to see two major themes that are on the line in the immigration discussion. These do not however point to the specific problem that the system currently suffers. To sum up the problem simply it is scarcity. In economics the term scarcity means that people want more than the available resources can give. It is what drives all economic transactions, and expanding it into the sociological realm, it is what drives the essential immigration problem. People desire to become United States citizens, yet the U.S. does not have the resources to allow everyone to become a citizen. This idea is central to developing a policy that works. Immigration does not cause poverty and it cannot eradicate world poverty. While it is deeply moving to see images of people who suffer, the best thing that can be done to solve this problem is to create a society that grows wealth and creates opportunities.

The U.S. has scarcity when it comes to the amount of citizens that it can sustain. This means that the U. S. should optimize resources to create

an efficient environment so as to create as much opportunity and thus as much return as possible. The current system denies hard working entrants, creates incentives to break rules, and is too slow. The U. S. needs to modernize and simplify what has become the labyrinth of rules and red tape that hurt both the country and those who try to immigrate to it. A good example of this is found in the H-1B visas. These visas used by many highly skilled workers allow the United States economy to compete with countries around the world. These visas can be renewed once and allow the applicant to stay a maximum of six years on the visa if renewed. All visas have behind them an intent. The intent is what the visa is to be used for and in this realm there are two main intents. One intent is to just visit or spend a short period of time in the country and the second is to come to the country with the intent of immigrating. With H-1B visas a holder can have two intents meaning that the holder can apply for full citizenship or stay based solely for employment. As Courtney L. Cromwell explains there have been times when this provision has been threatened. "Among other immigration reforms, the IRA 2007 proposed increasing the cap to 115,000 for fiscal year 2008 and to 180,000 after that. In exchange for the cap increase, the bill proposed several restrictions on the H-1B program. First, it proposed eliminating 'dual intent' for H-1B non-immigrants, preventing H-1 workers and their employers from seeking permanent residence status while in the United States" (2). The elimination of the dual intent would mean that the U.S. simply trains workers and then sends them home which hurts both the economy and the potential immigrant. In addition, many visas that are obtained, like those for schooling, do not have the legal status necessary to allow for the application of full citizenship. In this case, if an applicant would like to change the status of their visa, to do so, they are investigated and it is up to a bureaucrat to decide if this change in status was premeditated. This "guilty until proven innocent" process damages the ability of the government to recruit immigrants which are beneficial to society. It is not the fault of the bureaucrat. He or she is only an innocent person working under a broken system. The system is too complicated and needs reform.



## **Foreign Policy Problems**

While the problems that have been discussed are largely internal, it is important to realize that there are external forces at work as well. One major motivator of immigration policy, arising from necessity, must be foreign policy. This deciding influence requires careful consideration, especially when considering the potential onslaught of highly skilled workers into the country. The statistics support the fact that there are several countries that currently educate and create workers in the skilled market categories. David Yang confirms this when he writes, "This new wave of Asian immigration included a significant number of professionals, constituting the "most highly skilled of any immigrant group our country has ever had." "By 1977, more than 25 percent of immigrants from mainland China and Taiwan self-identified as professionals or managers, up from 12 percent prior to 1965. Indian immigration was even more heavily professional; by the end of the 1980s, almost half of the Indian American population self-identified as professionals. In absolute numbers, 1989 alone saw the arrival of 3,842 occupational immigrants from Taiwan, 1,599 from China, and 6,681 from India. By the end of the 1980s, tens of thousands of Asian professionals had immigrated to the United States. The new wave of immigration has had an appreciable impact on the constitution of the high-tech labor force in the United States. While Asian Americans accounted for less than two percent of all scientists and engineers in the U.S. in 1970, that figure jumped to nearly seven percent by 1990 (in absolute numbers: from 21,000 to 150,000). Notably, of those 150,000 Asian American scientists and engineers in 1990, approximately 83 percent were foreign born." Two of the key Asian countries the United States economy relies on are China and India. The United States relationship with both countries is currently on fairly stable ground but any attempt at immigration reform that openly threatens the ability of these countries to at least earn back some of their coveted workers could create an unpleasant foreign environment. The consequences of this are dire as American corporations and workers around the world stand to be punished if the U. S. inappropriately takes more than its share of foreign

workers. Briefly looking at the flipside, if the U. S. refuses to allow immigration of a healthy number of these workers, then jobs will continue to move overseas at a dangerous rate for the U. S. There are inherent risks in both sides, but thankfully the will of humans, the competition of countries, the competition of the job market, and a balanced immigration policy will dictate that this does not happen.

A paradigm of what this could look like in some smaller ways is already taking place in a different country. The African community has recognized China's immigration policy as one that facilitates free trade. Whether intentional or by accident, the People's Republic of China has created a powerhouse of economic growth due to their immigration policies. While the US has allowed immigration policy to become bureaucratized and complicated the People's Republic of China has had an immigration policy that works for their economy. They have realized the benefits of having an immigration policy that resembles free trade and thus expands their economy (3). Though global competition helps everyone the U. S. should be wary that they not fall behind. It is important therefore not that the U.S. design a lottery immigration program with no purpose behind, it but rather that the U.S. design a program that takes into account things like competition, a proper balance of immigration, and even the will of man.

Many people in the U. S. and across the world fear the "brain drain." Those that understand the benefits of good immigration feel that for every plus there must be a minus. They worry that as new people immigrate to the United States the country they are leaving is incurably damaged. Some of these people therefore feel it is morally obtuse to "steal" the best talent. To these kindhearted citizens there is a simple explanation. Once again, this explanation revolves around the growth of the economy. The brain drain shouldn't worry countries as much as it does, as this is simply an economy reallocating resources. Consider the words of Bastiat in What Is Free Trade.

*"A man becomes rich in proportion to the remunerative nature of his labor; that is to say, in proportion as he sells his produce at a high price. The price of his produce is high in proportion to its scarcity. It is plain, then, that,*

*so far as regards him at least, scarcity enriches him. Applying, in turn, this manner of reasoning to each class of laborers individually, the scarcity theory is deduced from it. To put this theory into practice, and in order to favor each class of labor, an artificial scarcity is produced in every kind of produce by prohibitory tariffs, by restrictive laws, by monopolies, and by other analogous measures.*

*In the same manner it is observed that when an article is abundant, it brings a small price. The gains of the producer are, of course, less. If this is the case with all produce, all producers are then poor. Abundance, then, ruins society; and as any strong conviction will always seek to force itself into practice, we see the laws of the country struggling to prevent abundance.*

*Now, what is the defect in this argument? Something tells us that it must be wrong; but where is it wrong? Is it false? No. And yet it is wrong? Yes. But how? It is incomplete.*

*Man produces in order to consume. He is at once producer and consumer. The argument given above, considers him only under the first point of view. Let us look at him in the second character, and the conclusion will be different. We may say:*

*The consumer is rich in proportion as he buys at a low price. He buys at a low price in proportion to the abundance of the articles in demand; abundance, then, enriches him. This reasoning, extended to all consumers, must lead to the theory of abundance.”(4)*

In What is Free Trade, Bastiat discusses at length the benefits of free trade on the world and when this trade occurs there is no loser. Though humans are not traded in the same sense, there is certainly a comparable element. Many immigrants take advantage of opportunities in the U. S. that they would likely have not had in their own country in order to profit. However, after making this profit they do not simply forget about the people they left back home. Immigrants often give back to their home country in the form of programs that foster education or scholarships that fund growing minds. After creating jobs in the U. S., paying taxes there, and

living and consuming things, they often send money back to their former home.

Consider also that the economy grows differently in different places and provides different opportunities in different countries. The advantage gained by immigrating to the US provides opportunities that do not exist elsewhere. If competition through free trade is allowed to foster growth, then all countries will benefit. People move to where the opportunities are and different countries have different opportunities. Developing economies have different opportunities and needs than do developed economies, which have different needs and opportunities than undeveloped economies. In a global economy, helping any economy helps the world. When allocating human capital better, the whole world prospers. A good example of this story is found in the creator of 5 hour energy. The creator of the energy drink 5 hour energy is Manoj Bhargava, an Indian man, who after making millions here has sent much of his money back to India to help revitalize their economy (5). Is his sending money back a loss to the U.S. economy? No, because he created jobs there, lives there, and pays taxes there. This man is great for the U.S. economy! Would he have had the opportunity in India that he had in the U. S. to create a product like 5 hour energy? Probably not. His immigration to the U. S. is a perfect example of how immigration, like free trade is good for the world economy. David Yang in his article "Globalization and the Transnational Asian 'Knowledge Class'" sums up these sentiments about immigrants' effect on world economic growth best when he says, "Although most of these immigrants stay in the U.S., many have invested in their home countries, and significant numbers have returned to develop knowledge industries in Asia while maintaining ties with the U.S. and the global economy" (Yang, D. C. (2005)).

## **Distractions**

With the main problems in the open, it is necessary to dissect the distractions and resulting fallacies that arise from them. The best way of

categorizing these distractions is to put them into two groups: petty arguments and half solutions. Discussed at some length already are the defects that arise from the current immigration policy. One of the main problems arises from the United States proximity to Mexico. This situation has allowed thousands upon thousands of human beings to immigrate illegally into the United States. This immigration, due largely to a broken system, has caused problems for employers, police, state and local governments, and U. S. citizens. It has led to an outcry that illegal immigrants must be allowed to stay because they are human beings and to treat them otherwise would be inhumane. This point should indeed be acknowledged. However, it should be seen also as a need for reform. Bad policies hurt people. There are good people in Africa, China, India, Indonesia, Guatemala, Thailand, Iraq, Syria, Poland, Denmark, etc., who are also in desperate need, some just as poor, who cannot, due to their proximity, make it inside the U. S. nor does the U. S. have the capability to allow all of these people to immigrate to the U.S.. When looking at the way visas work for legal immigrants, it is plain to see that getting around these rules is not fair, when some people wait for years to become immigrants. Paul T. Wangerin points this out in his article "A Beginner's Guide to Business-Related Aspects of United States Immigration Law." "Because the yearly demand for immigrant visas generally exceeds the yearly supply aliens often must wait several years to obtain them. Aliens receive their immigrant visas only when visas are available for their "priority dates," the dates on which the aliens initiate the process of seeking immigrant visas. They do that either by filing a petition seeking one of the family preferences or by filing a petition for 'Labor Certification.' Any alien who initiates the immigrant visa application process when the various numerically limited categories have been filled must wait until all eligible aliens with earlier priority dates have obtained visas. Depending on the preference an alien seeks, the waiting process can range from no time at all to upwards of ten years. Although the aliens' immigrant visa applications are 'active,' they remain dormant for the entire waiting period" (Wangerin , P. T. (1984)) . The problem of illegal immigrants serves as one of the biggest distractions to immigration reform. While it should point to a

problem, people see only the symptom of the problem, and refuse to see the cause. The system is broken and it needs to be fixed. The system affects not only those who share borders with the U. S., but also those from around the world. The U. S. needs to fix the system so that it can ensure that whether a person is from a country just across the border or from half way around the world.

Failures are always bad, but they can be used as a teaching tool. This is not only true for individuals, but for countries as well. Seeing that there is an illegal immigration problem can inform policy makers in ways to make sure that they properly handle a new system. These do not quite qualify as goals, but perhaps are more like prerequisites for success derived from past observations. Other than pointing to the need to create a better enforcement process, the illegal immigration problem has a major sociological observation to consider as well. One of the main problems that the U.S. has faced is an assimilation issue. The U. S. has created a new “separate but equal” and it is demoralizing the people affected by it. It is in this light that the U.S. must design an immigration process that allows people to be treated equally; to allow people to become one with the culture, rather than diminishing their opportunities by relegating to them to a new form of segregation.

## **The Goal**

Graven on the pedestal of the Statue of Liberty is a poem by Emma Lazarus entitled “The New Colossus.” The poem reads: “Not like the brazen giant of Greek fame, With conquering limbs astride from land to land; Here at our sea-washed, sunset gates shall stand A mighty woman with a torch, whose flame Is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand Glows world-wide welcome; her mild eyes command The air-bridged harbor that twin cities frame. ‘Keep ancient lands, your storied pomp!’ cries she With silent lips. ‘Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched

refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!” This poem signified the feeling that the world used to have about America’s immigration policy. America was a place where anyone could become anything. How can that be restored? It starts by asking what the intent of immigration policy is. Though the poem on the Statue of Liberty signals a feeling, it does not bear the weight of law and much of it is hyperbole. However the feeling behind the poem is not misguided. Today the complication of the United States immigration policy says “Give me your rich and those who nearest to America.” But the poem says “Give me your tired, your poor, your huddled masses yearning to breathe free[.]” The key aspect of this is the last part “yearning to breathe free[.]” The word yearning evokes the thought of desire, not a dead desire, a simple want, but an active pursuit of a dream. And the word free of course encapsulates the American founding, a dream, the culture, a place where your yearning can be brought to life and is no longer a vision but a reality. This intent is what should drive the U.S. immigration policy today. The U. S. should honor those who yearn, those who work hard, those who pursue knowledge, those who fight for freedom, these are the people who should realize the American dream! A good immigration policy does not discriminate based on race or ethnicity it creates a civil society where hard work is acknowledged and rewarded.

Upon realizing the proper intent of what immigration policy should be it remains to create a successful policy. The creation of a successful immigration policy starts with creating an implementable immigration policy. As has been mentioned, this means that the U.S. must both simplify and modernize the out of date, maze of immigration policy rules and red tape. The second component in a successful immigration strategy is a drafting policy that is good for the country. Since the word good can be used in a variety of different ways it is beneficial to explore what good means in this context. Good means that immigration is taken on in a way that is good for the economy, good for foreign relations, good for immigrants, and good for current citizens. Yan Chen argues much the same point in his article “An Examination on Regulating the Employment of

Foreign Skilled Workers in the United States” when he states, “An effective and equitable regulatory framework for employment of foreign skilled workers should be able to achieve two major objectives. First, it should generate a competitive workforce for the economic growth of the country while protecting domestic labor markets from unfair competition with efficient administrative channels available to implement such ends. Second, the individual rights of foreign workers should be sufficiently protected against undue coercion” ( Yan, C. (2003)). Achieving this entails creating a bold plan with a balanced approach to be implemented in a simple way. Perhaps a good model for thinking through this would be the American enterprise system. In America, the engine of the economy is capitalism. Perfect capitalism is a free market governed by a few simple rules with a safety net for those who fall on difficult times. In the same way our immigration program should be a free market where those who work hard are given citizenship and those who fall on tough times like refugees are allowed to immigrate on the principle of a safety net. Like those on welfare it is, of course, expected of even refugees to become contributing members of society as soon as the system has allowed them to find their feet again. In essence the U.S. supplies immigrants with citizenship, which to them is opportunity, in the hope that they will create a return by contributing to society perhaps even exceeding expectations. This act should begin with the immigrant who supplies hard work in hope of achieving citizenship and then after achieving this reciprocates the provision of citizenship by delivering more work in hope of more opportunities thus growing the economy. This is the goal of a good immigration policy.

## **Solution**

Like any problem that plagues a country a solution to immigration is not easy to divine if only because of the country’s sheer size. However, presented here is one possible solution to the host of problems the United States faces with immigration. As the problems of immigration have been explored it has become abundantly clear that part of the problem is the



series of Band-Aids that have been used to fix it in the past. With this in mind, immigration does not need more Band-Aids; it needs a simple comprehensive reform. The biggest change in the U. S. immigration policy in a new plan should be the idea that all visas aside from the visitor's visa be dual intent visas. This change leaves the decision completely up to the individual as to whether or not he or she will immigrate to the United States. This prevents any discouragement of foreign trade from what appears to be a theft of a country's best citizens. It also allows the U.S. to not lose all the talent that they have helped foster. Both of these benefits are achieved by using the dual intent model to keep countries neutral about immigration policy.

The solution to immigration requires the simplification of a system into multiple categories. The categories that should be included in the new U. S. immigration policy should be two types: temporary residents and workers. These two types can be broken down further. The categories included under temporary residents will be student and visitor. Visitor's will not be allowed to stay for future immigration under any circumstances and must go back to their home country to change their immigration status. Student temporary residents may apply for immigration in the U. S., after completing their degree. It should be noted that under this plan that non-student visas do not allow for schooling in the U. S. This again is a protection of the neutrality of both countries that are sharing citizens. The U. S. will not take all their best students, because it is up to the student to choose, and the other country cannot take away a student's right to choose by sending them to the U.S. with a visa that allows for schooling, but not the potential of citizenship.

Under the worker category there will be three different types considered: refugee, non-skilled workers, and skilled workers. Though refugees are not necessarily coming to the United States for work, it is clear from their status that they are seeking full time residency here and will therefore be integrated into the work force. Since knowledge about their educational background varies they have a category all of their own. Refugees should remain a concern in the U. S. immigration policy, because

of the plight that they face. The U. S. has always tried to fulfill the mission of being the light on the hill and leaving a space for refugees in the immigration policy is certainly one key way this is done. The next type of worker visa to be considered is the skilled worker visa. This type of visa is where things get harder to follow. The recommendation put forward here is to work mainly off of a more employment based model of visas. This closely resembles the H1B visa status currently in place. The Bureau of Labor Statistics each year projects the number of specialized workers that are needed to fill job shortages around the country. These workers tend to be involved in “STEM” or Science, Technology, Engineering, and Mathematics fields. After the Bureau of Labor Statistics puts out these estimates the U. S. should analyze the number of domestic students graduating with degrees that match these fields, add this number to the current average unemployment rate across all industries and subtract that number from the projected shortage. The final number of jobs left open after this math has been completed should be awarded to immigrants to fill. This helps domestic companies to continue to create capital which is good for the economy.

In 2008 the United States hit its highest naturalization of citizens in recent year taking in 1,046,539 new citizens (6). Since this is the highest number of citizens taken in recent years, and the next highest number is in the mid 700,000’s it makes sense to use this as a percentage gauge for measuring the United States immigration programs. In 2008, one million new citizens made up about .33% of the current United States population. Under this model, the United States would look to bring in approximately .33% of new population each year. The policy would begin by filling the industries with job shortages and would then look to fill the remaining two thirds of the available immigration spots to applicable college students using three main criteria namely: level (Master, Ph.D., etc.), degree type (Engineering, Math, etc.), and lastly institution (Purdue, Yale, Stanford, Purdue, etc.). Changing how the United States seeks out new talent for industry shortages is something that has been championed by many groups. In “Help Wanted The Role of Foreign Workers in the Innovation

Economy” a report put out by the Information Technology Industry Council, the Partnership for a New American Economy, and the U. S. Chamber of Commerce, it notes that, “As a near term solution to fill the perceived STEM shortage, University Presidents, STEM employers, STEM workers, and others have called on Congress to reform U. S. immigration laws to recruit and retain high-skilled foreign-born STEM workers, and members of Congress have taken up the call for reform. Both Democrats and Republicans from the U. S. Senate and the U. S. House of Representatives have introduced bills to provide green cards to foreign advanced degree graduates in STEM from U. S. universities. Polls have shown broad bipartisan support for these bills across political, ideological, racial, and ethnic lines.”(7). However, no comprehensive reform has yet to be achieved.

After filling the industries and choosing the best college graduates for the economy the U.S. immigration policy would ensure that the remaining one third went to unskilled workers who were applying for citizenship. To summarize, there is an overall goal of taking in immigrants that make up .33% of the current population. This .33% is only considered after filling industry shortages. The first two thirds of the .33% goes to students in the U.S. and the remaining one third goes to non-skilled workers. Under this plan refugees are not bound by any sort of cap and are left to Congressional discretion.

There are a few distinctions that could be made under this immigration plan that resolve current immigration problems and strengthen a new immigration plan. One of these ideas is that for nonimmigrant’s who have been living in the U. S. prior to the enactment of a new policy that a path to citizenship be provided aside from those to be set in place in the future. These two methods of reaching citizenship can be found in portions of the Dream Act which allowed Army service as a path to citizenship (8). Senator Marco Rubio also had a proposal that allowed young Americans without criminal background to be considered for citizenship (8). Given that these two methods are for addressing problems under the old system and that these people already live in the U. S., it would

also seem fitting to allow them this opportunity apart from the enforcement of the new system of immigration put forward here. As far as strengthening the new system is concerned it is perhaps worth some thought at expanding what is considered a skilled worker currently described as an H1B. Under a new immigration system perhaps the skilled worker category could be expanded to include entrepreneurs who plan to hire United States employees within their first three years in the U.S. and have the detailed business plan and budget to prove it.

Under a new immigration program innovation and hardwork would be the path towards citizenship. Fairness would be increased through the dual intent visa expansion. Fairness in race and in choice would foster a healthier immigration policy in the U. S. The new design of the program has several benefits the least of which is that new immigrants will have a strong desire to assimilate and act on behalf of the U. S. This will occur across the board; whether it be refugees who have sought asylum from their enemies, unskilled workers who have new opportunities before them, a skilled worker who was encouraged to help an industry in need, or a college student who spent years here studying, and was then offered the opportunity of citizenship Conclusion

The solutions provided to fix the immigration problem are viable. The solutions are real and so is the problem. The U.S. needs the federal government to step up to the plate and exercise the power it was given by the Constitution. The U. S. needs comprehensive immigration reform. As has been discussed this reform will not discourage foreign trade or cost the U. S. by losing too much human capital. To protect against the loss of human capital, the U.S. must fix the immigration program in order to ensure justice, while simultaneously bettering the economy through hard work and innovation by crafting an immigration policy designed around these principles. In World War II scientists from all over the world flooded to America for protection from instability and dictators. They propelled industries and helped in the war effort. When the war was over the U.S. government had a massive debt, the world was struggling from the human cost of war and from the lingering effects of the Great Depression. The U. S.

overcame these things as a nation partially due to these immigrants. Innovation through immigration helped our struggling economy to create jobs. Today, the U. S. government again has what appears to be an insurmountable debt, the U.S. is struggling to recover from the human cost of the wars in Afghanistan and Iraq, and the U.S. is besieged by the greatest recession since the Great Depression. What the U. S. needs now, is what it needed after World War II, more innovative and hard-working people. The U. S. already has many in the country who are ready to help, but there are even more who are waiting to enter onto the U.S. shores. The U.S. needs to create a policy that brings them to America. This isn't about race, ethnicity, or background; America is made up of people from all parts of the world who cling to the principles of freedom and hard work.

There is an American ideal so buried within the culture that, though it is not noticed, it is lived out every day. U.S. citizens carry a reminder of this principle in their pockets and hand it from person to person daily. The idea is that of *E Pluribus Unum*. It is a Latin phrase that found on every United States coin and dollar bill and it translates roughly to "in many one." This idea is seen in American Universities, as the word university itself broken down to its roots translates roughly to "one in many." This is seen in the United States government as the many states make up the one federal government. This is seen in the corporations as various departments make up one company. And this idea should be seen in the U. S. immigration policy as it allows many people from all over the world to become a part of the one United States of America. The current U.S. immigration policy has tarnished the Golden Door that Emma Lazarus referred to in her poem, but if the U.S. reinvents the immigration policy to once again reflect the principles of the U. S., then the beacon of light will once again gleam brightly as it reflects from the Golden Door.

## Endnotes

1. Google search conducted Monday June 4<sup>th</sup>, 2012 at 4:42AM New York Time.
2. Brook. J. Corp. Fin. & Com. L. 455
3. *Go east: African immigrants in china*. (2012, March 07). Retrieved from <http://www.polity.org.za/article/go-east-african-immigrants-in-china-2012-03-07>
4. Bastiat, F. (1867). *What is free trade?*. NEW YORK: G. P. PUTNAM & SON. Retrieved from <http://www.gutenberg.org/files/16106/16106-h/16106-h.htm>
5. *Manoj bhargava, richest indian in us commits 90% earnings to charity*. (2012, April 10). Retrieved from [http://articles.economictimes.indiatimes.com/2012-04-10/news/31318781\\_1\\_charity-work-manoj-bhargava-rs-5k-crore](http://articles.economictimes.indiatimes.com/2012-04-10/news/31318781_1_charity-work-manoj-bhargava-rs-5k-crore)
6. United States. Department of Homeland Security. Yearbook of Immigration Statistics: 2011. Washington, D.C.: U.S. Department of Homeland Security, Office of Immigration Statistics, 2012.
7. Help wanted the role of foreign workers in the innovation economy. In information Technology Industry Council partnership for a new American economy U.S. Chamber of Commerce. Retrieved from <http://www.uschamber.com/reports/role-foreign-workers-innovation-economy>
8. DEPARTMENT OF HOMELAND SECURITY, United States Citizenship and Immigration Services. (2013). *Provisional unlawful presence waivers of inadmissibility for certain immediate relatives*(78 FR 536)
9. Time for a two-party deal on immigration. (2013, February 05). *The Capital*, p. A10.

## References

Bastiat, F. (1867). *What is free trade?*. NEW YORK: G. P. PUTNAM & SON. Retrieved from <http://www.gutenberg.org/files/16106/16106-h/16106-h.htm>

Longacher, K. M. (1997). Losing the forest for the trees: How current immigration proposals overlook crucial issues. *Temple International and Comparative Law Journal*, doi: 11 Temp. Int'l & Comp. L.J.

Wangerin , P. T. (1984). A beginner's guide to business-related aspects of united states immigration law. *Northwestern Journal of International Law & Business*, doi: 5 NW. J. INT'L L. & BUS. 844

Yan, C. (2003). An examination on regulating the employment of foreign skilled workers in the united states. *University of Pennsylvania Journal of Labor & Employment Law*, doi: 6 U. Pa. J. Lab. & Emp. L. 179

Yang, D. C. (2005). Globalization and the transnational Asian "knowledge class". *Asian Law Journal*, doi: 12 Asian L.J. 137