Forum:	Legal Committee
Issue:	Reform of the US Immigration System
Student Officer:	Niki Katsara-Antonakea
Position:	Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Niki Katsara-Antonakea and it is my honor to be serving as the Chair of the Legal Committee in the 6th session of PS-MUN. I have participated in the 3rd, 4th and 5th session as a delegate, Judge of the International Court of Justice and Student Officer in the Special Conference in that respective order.

Having been an active member of my school's MUN Club since the 7th grade, I have been provided with the chance to attend so far, 13 MUN conferences altogether; not only in my own country, Greece, but also abroad. Through my involvement with the MUN throughout the past years, I have come to understand the immense value of being involved in such an activity and simulation. MUN undoubtedly provides all young people involved with the unique opportunity of understanding international politics, taking an active role while being called upon to find effective solutions, which - if implemented- could solve some of the most complex and demanding issues our world is faced with. My role, as a chair, is to enhance your efforts in researching, forming your resolutions and coming up with solutions to problems that political leaders and diplomats have failed to find an adequate solution to. This is the objective I am trying to accomplish by writing this study guide. So, I sincerely hope that this study guide proves helpful. In any case, you should not rely solely on this study guide, as the issue of Immigration nowadays is a vast one and you will certainly need to research more, especially in order to understand the need for the reform of the US immigration system and modify your ideas into feasible solutions. So, I strongly urge you to contact me anytime if you need any clarifications or further information.

Although MUN is a model of the real procedures followed within the UN, the true success lies in what one does with such a simulation. For me every MUN conference, every experience, every moment does not end, when it theoretically does. It follows me every day. I carry the things I learn in MUN conferences everywhere with me, the people I meet leave a mark on me and the moments I lived there lead me to being in every conference the best version of myself. I am a firm believer that one should not give up on things that bring out the best in them. And for me, that thing is MUN.

I am looking forward to meeting all of you at the conference.

Regards,

Niki Katsara-Antonakea

INTRODUCTION

According to the American Community Survey conducted by the US Department of Commerce, there are approximately 40 million immigrants currently living in the United States of America. Out of them roughly 30 million are authorized. Specifically, 36% of them are naturalized citizens, 32% are legal permanent residents, and 4.2% stay in the US using non-immigrant visas (mainly work and student visas). The 27% (i.e. app. 11 million) that remains is made up of unauthorized immigrants.

The problem that the United States faces concerning the issue of immigration is one that can be easily spotted in the aforementioned figures. It is a problem of both practical and legal dimension, the existence of which is deeply rooted in the structural inefficiencies of the United States. The problem with the current status quo can be separated into three main sub-problems: a. the ineffective enforcement of immigration, b. the insufficient current process for legal immigration c. the condition of the millions of unauthorized immigrants in the US.

A Reform of the US Immigration System is not an issue of merely domestic importance. Even though it seemingly only affects the United States, it would absolutely be inconsiderate to assume that the system's current condition does not have an impact on countries like Mexico, countries of South or East Asia, and countries in the regions of the Caribbean, Central America and South America; in essence on the origin-countries of the immigrants. Even if this impact is small though, the humanitarian effect of the current status quo is one that heavily burdens the international community. This legitimizes it to take action, always respecting every country's right to sovereign rule (in the particular case the United States'), and provide solutions.

A. Ineffective Enforcement of Immigration Policy

The problem is that however hard the United States of America has tried to secure their borders from unauthorized immigration since 1996, the increased control cannot be in any way associated with a decreased number of unauthorized immigrants in the country. This can be easily understood by the US-Mexican border example. At the moment and since 1996 18.600 US border control agents serve there. Moreover, in place are 650 miles of fence and high security surveillance, even 10 unmanned drones. However, all these measures have only been directly associated with an increased difficulty for unauthorized immigrants to "self-deport" themselves and higher fatality rates in the border area.

The United States currently employ three main methods of dealing with immigrants caught crossing the border. The first one is the "catch and release" method; the immigrant is caught and released on the other side of the border. The second one is the transportation of the immigrant to another part of the border or to the interior of Mexico. The third is common criminal prosecution (which also bans all convicted from legally entering the United States for five years following it).

B. Insufficient Process for Legal Immigration

Legal Immigration in the United States is probably the most important sub-problem, since it is the root of both the other sub-problems. This can be attributed to it being very timely, very complex, based on controversial criteria and in discordance with the demands of the American market. At the moment there are two main types of legal immigration in the United States of America: work-based immigration and family-based immigration.

Work-based Immigration

In essence, this type of immigration exists in order to fulfill the American professional market's demands for workers. The American employers are requesting the issue of temporary work visas for their prospective employees. The problem is that the number of visas issued every year to cover this category of immigrants is capped. This means that the United States only issues 65.000 H1B visas (for high-skilled[1] workers) and 66.000 H2B visas (for low-skilled[2] workers) every year. Companies tend to hit both these caps very quickly.

Family-based Immigration

This type of immigration concerns the families of US citizens and permanent residents (including green card holders). These people apply to sponsor their relatives with visas. However, for the relatives to get their visas it takes time. How much depends on: a) the sponsor's citizenship status, b) the relationship to the sponsor, c) the country of origin of the prospective immigrant.

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[1] professionals who have a degree in their field

[2] "blue collar" workers

Other types

Except for these two main types of immigration to the United States there are also several others, that however only concern a limited number of people. Very affluent individuals who are willing to develop their activities in the United States can easily be granted with investors visas. Moreover, one may be granted a green card if they are lucky enough to be one of the 40000 chosen in a "diversity visa lottery" every year. Diversity visa lotteries are for people from countries with historically low representation on immigrant populations to the US. The US, lastly, grants visas to people who are in danger in their own countries (refugees and asylum seekers).

C. Unauthorized Immigrants

Of the approximately 11.3 million unauthorized immigrants that were in the United States in 2013, one half entered the country illegally and the other half legally stayed despite the fact that their temporary visas could not justify it - "visa overstays". What is most interesting about this group of people is that their majority - 85% of them - have been in the US for at least 5 years. Most of this 85% has been in the US for at least 10 years. The median number of years each of these people has stayed in the US is 12,7.

The unauthorized immigration waves peached in the decade 1996 - 2006. There are three main reasons that can justify this increase. First, that legal immigration could not satisfy the demands of the labor market. Second, the poor immigration policies enforcement. Third, a 1996 federal law that made it very difficult for these people to pursue becoming legal while being unauthorized in the US.

What usually happens once unauthorized immigrants have been apprehended by the federal immigration agencies is that they are deported. The current legal deportation proceedings are very time-consuming and, for many, quite unjust for the immigrants. Deportation cases are being taken to specific courts, the "immigration courts". There, a judge determines whether an immigrant is authorized or not. The process sometimes takes several years and the immigrant are not entitled to hiring a lawyer. In most cases, this process ends with an order for their removal from the country.

KEY TERMS

Immigrants/Emigrants

According to the United Nations Statistics Division there are two types of immigrants/emigrants: long-term and short term. The definitions of these groups are:
1. **International long-term immigrant/long-term emigrant:** A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure the person will be a long-term emigrant and from that of the country of arrival the person will be a long-term immigrant. (UN Statistics Division)
2. **International short-term immigrant/short-term emigrant:** A person who moves to a country other than that of his or her usual residence for a period of at least 3 months but less than a year (12 months) except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage. For purposes of international migration statistics, the country of usual residence of short-term migrants is considered to be the country of destination during the period they spend in it. (UN Statistics Division)

Deportation
The formal removal of an alien from the United States when the alien has been found removable for violating the immigration laws. Deportation is ordered by an

immigration judge without any punishment being imposed or contemplated. Prior to April 1997 deportation and exclusion were separate removal procedures. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 consolidated these procedures. After April 1, 1997, aliens in and admitted to the United States may be subject to removal based on deportability. (US Homeland Security)

Unauthorized Immigrants

The unauthorized resident immigrant population is defined as all foreign-born non-citizens who are not legal residents. Most unauthorized residents either entered the United States without inspection or were admitted temporarily and stayed past the date they were required to leave. (US Homeland Security)

BACKGROUND INFORMATION & PREVIOUS MEASURES

DREAM (Development, Relief, and Education for Alien Minors)

The DREAM Act was first introduced to the United States Senate in 2001. It focuses on addressing the issue of the minors, born and raised in the United States, whose parents' status makes their quest for legal residency in the US almost impossible. The Act did not pass and since then, many versions of the federal DREAM Act have been introduced, with the most recent one being in 2011. At the same time many States have passed their own "DREAM Acts", with much less impact than a similar federal piece of such legislation though.

June 2013 - Immigration Reform Bill

Introduced by a bipartisan (= both Democrats and Republicans) group of 8 Senators it has played the role of the centerpiece of Immigration Reform in the United States. Its official name is "Border Security, Economic Opportunity, and Immigration Modernization Act". It successfully passed the 100 seat Senate by a 68-32 vote. However, its counterpart was never introduced to the House of Representatives.

> The measures it proposes are:

1. the establishment of a path to citizenship, not exceeding 13 years in time for every unauthorized immigrant in the US - this path is faster for "DREAMers",
2. the allocation of more funds in order to make border enforcement greater and more effective,
3. the enforcement of the E-Verify employment verification system,
4. the implementation of the entry-exit visa-tracking system,

5. the expansion and amelioration of legal immigration (such as for example combining work-based and family-based immigration in a system in which the candidates submit information and receive points)

Obama Administration

The Obama Administration has committed to the goals of protecting low-priority unauthorized immigrants as well as unauthorized minor immigrants from being deported. This is why it issued 2 memos towards all federal Immigration Agents, instructing them to prioritize the prosecution of immigrants in such a way, so as these groups are not actively harmed. However, the Immigration Agents seemed to ignore the memos issued by the Administration. This is why President B. Obama issued and enforced the "Deferred Action for Childhood Arrivals", a command inspired by the DREAM Act with the goal to protect minors, without ensuring however the Act's long term validity.

COUNTRIES INVOLVED IN THE ISSUE

United States of America

It is obvious that the main country involved in the issue is the country the immigration system of which is being questioned: the United States. Every year the US is the recipient of an immense number of immigrants. Only in 2012 the US granted 584.784 immigrant visas (including green cards for permanent residents and visas for refugees and asylum seekers). All these people came into the country, without taking into account the unauthorized entries.

The huge problem with mostly unauthorized immigration in the US has a financial, security and social impact. This is why it is widely accepted that the Immigration System of the US should be reformed. The controversial point of the discussion is towards which direction. Should it become hardline against illegal immigrants? Or should it be more lenient with deportations? What is the legal procedure to deal with the 11 million unauthorized immigrants in the country?

Mexico & other neighboring countries

The American Immigration system is definitely a matter of interest for all countries neighboring with the US. It is a system which has to ensure their cooperation in order for the most effective implementation of its border control part, whatever that may be suggesting. At the same time, countries of origin are interested on the issue since their cooperation is also absolutely necessary for the success of the newly established system.

TIMELINE OF EVENTS

Bill Clinton's 2nd term: 1996 -2000

1996 - Illegal Immigration Reform and Immigrant Responsibility Act
1996 - the mass immigration wave begins

George W. Bush's 1st term: 2000-2004

2001 - first introduction of the DREAM Act to the US Senate
2002 - Enhanced Border Security and Visa Entry Reform Act

George w. Bush's 2nd term: 2004-2008

2005 - Real ID Act
2006 - the mass immigration wave stops

Barack Obama's 1st term: 2008 - 2012

2010 - the DREAM Act fails to pass the Senate again
2011 - White House releases "Blueprint for Building a 21st Century Immigration System"
2012 - Deferred Action for Childhood Arrivals

Barack Obama's 2nd term: 2012-2016

2013 - Senate passes the Border Security, Economic Opportunity and Immigration Modernization Act

POSSIBLE SOLUTIONS

The issue of immigration reform in the US has been around for way too long. Unfortunately, the current status quo is not only harming the United States but also has a very negative impact on the international community. This is why the International Community should propose solutions that could deem a new Immigration Reform effective.
There have been many failed domestic attempts of the legislative and the executive US bodies to bring about change in Immigration. Even though all of these attempts had positive aspects they failed to be realized. Parts of the federal version of the "DREAM Act" or the "Border Security, Economic Opportunity and Immigration Modernization Act" could easily be incorporated in a new effort of international nature to solve the issue.

The solutions that are necessary for the definite resolution of the sub-problems as pointed out in the Introduction of the Issue can be very different according to each country's individual policies. However, they should have certain characteristics central for them to be effective. Their main characteristic should be their legal nature: they should be very specific, suggesting the establishment of new or the following of already existent legal ways to overcome the issue. They should be in accordance with international law, which means for example, respectful to the sovereignty and dignity of all parties involved. Lastly, they should be measures practical that can be pragmatically enforced in the current context.

Such measures are, for example, detailed descriptions of suggestions for the establishment of legal processes through which an unauthorized immigrant currently residing illegally in the US can either willingly return to their home country or try to obtain a legal status in the US. Also, another more practical measure would be the encouragement of international cooperation of the US with the countries in the area, in order to succeed in achieving better border security.

The fact that the problem of immigration has not been solved for so long does not mean that it does not have simple solutions. Taking advantage of the importance of the International Community's role in the welfare of our modern world PSMUN is a context in which US Immigration System Reform proposals can actually overcome any real life effort. Good luck!

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