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WEBINAR

THE FUTURE OF IMMIGRATION POLICY IN THE UNITED STATES

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P R O C E E D I N G S

MR. WEST: Good afternoon. I'm Darrell West, vice president of Governance Studies at The Brookings Institution. I would like to welcome you to our Twelfth Annual A. Alfred Taubman Forum.

More than a decade ago, Mr. Taubman generously provided Brookings with an endowment to support an annual policy forum. And since then, we have covered issues such as education, healthcare, technology innovation, and government reform.

So, I want to thank the Taubman family for its generous support of this work, and that includes daughter, Gayle Kalisman; his sons, Robert and William Taubman. We appreciate everything they have done to continue the family's legacy.

Today. We are going to examine, "The Future of Immigration Policy in the United States." Last night, in his televised address, President Biden called for immigration reform and said it was time to provide a pathway to citizenship for the millions who are here. He said it was vital for social justice, as well as economic development.

And his call comes on the heels of a new census report indicating that the U.S. population growth rose at its second lowest level since the 1930s, and that is a development that some are attributing to a drop in immigration and tough order enforcement.

To help us understand immigration policy, I'm pleased to welcome Representative Linda Sanchez. Representative Sanchez was elected to the House of Representatives in 2002, and she represents California's 38th Congressional district; that is the area in eastern Los Angeles County and Orange County.

She was born in Orange County and was the sixth of seven children to immigrant parents from Mexico. She is the first Latina to serve on the powerful House Committee on Ways and Means, as well as the House Judiciary Committee.

This year, she is the lead sponsor on the U.S. Citizen Act. So we have asked her to provide us with her perspective on immigration reform. So, with that, I will turn things over to Representative Sanchez.

MS. SAMCHEZ: Thank you, Darrell, and to the Brookings Institution for inviting me to

join today's discussion on the future of immigration policy. I also want to thank the panelists and the audience. Your engagement today is part of the work that helps our country move forward and tackle some of the most pressing and complex policy issues of our time.

All of us here today have a stake in immigration policy. We all have different reasons that bring us to this virtual discussion, but there is one thing that we have in common. Most of us here today have a personal connection to immigration. Immigrants are our colleagues, our neighbors and friends, and our loved ones.

Like many of you, my connection to immigration is deeply personal and it's motivated my career-long fight for immigration reform. For those of you who may not know me, I want to share just a little piece of my story and share why my experience tells me that this moment in our nation's history must be different than previous attempts to pass immigration reform.

I'm the daughter of immigrants. Both of my immigrant parents came from Mexico, and they came to this country and they worked hard every single day to provide for me and my brothers and sisters.

My father, Ignacio, was an industrial mechanic; and my mother, Maria, became an elementary school teacher after the youngest of her seven children, my younger brother, Mike, entered kindergarten.

She went back to night school and became a teacher. And during that time, she not only raised a family and went to night school but she supplemented my father's income by cleaning houses and selling Avon, just doing odd jobs to try to bring in more income.

My parents didn't know when they came to this country that someday they would send, not one, but two daughters to the United States Congress. But they put it all on the line, they risked everything to build a better life for their family. And you know what? Their story isn't unique. It's just one example of hundreds of thousands showing how hard immigrants work, how their determination and their drive to succeed is good for our country, the country that all of us call home.

Yet, because of our broken immigration system, so many families are denied the opportunity to contribute. Our immigration laws are outdated, they don't serve us well, they're

unnecessarily cruel and harsh towards families that are trying to stay together.

That's one of the reasons why I have dedicated my career to reform our immigration system and to create a system that strengthens our economy and keeps families together, a system that upholds our values, as a nation of laws, and a nation that also welcomes immigrants. And those things don't have to be mutually exclusive.

So this year -- and I can hardly believe it is my 19th year in Congress working to advance meaningful immigration reform, and I remain committed to this because I know that immigration reform fundamentally is about people. In a place like Washington, D.C., it's easy to forget that it is not just about policy and politics, it impacts the very real lives of millions of people.

And after decades of failed attempts to pass immigration reform, it is the people that are closest to the issue and closest to us that keeps us going in this quest to, once and for all, overhaul our broken immigration system.

So, President Biden spoke last night, and I have to say I'm deeply humbled that the president asked me to lead the effort and to introduce and move the U.S. Citizenship Act through the House.

I firmly believe that this bill lays out a very common sense approach to address many of the immigration challenges we see today including some of the challenges at our southern border. And it does so in a number of ways:

So, first, the bill creates an earned path to citizenship for Dreamers, TPS recipients and undocumented people who contributed to our country for years, some of them even decades. And immigrants have to meet stringent requirements, like, they have to pass criminal background checks and national security background checks, pay any outstanding tax liabilities in order to be eligible to adjust their status.

Second, the bill draws on lessons learned to make investments in Central America that address the root causes of migration. The bill invests record funding in rooting out poverty, violence, and corruption. Those are the push factors that force people to flee their countries and to take the dangerous journey to our southern border in the first place. And if we don't address the root causes of migration, we

are going to continually see the ebb and flow of migrants arriving at our southern border.

This bill also cracks down on bad actors and smugglers who exploit migrants in need, and it also ensures that people have options to seek asylum from within their own countries so families don't have to make that dangerous journey north in uncertainty.

In addition to that, the bill reforms the legal immigration system to clear backlogs, reunited family, and grow our economy. One of the favorite talking points against any kind of immigration bill is, why are we letting people who did it the wrong way go the front of the line? And this simply isn't the case with the U.S. Citizenship Act.

Again, it reforms the legal immigration system and clears out backlogs and then folks who are applying to adjust status get in line. Research shows that in order to truly make an impact on these cyclical patterns of migration, we have to do these two things together; one of them won't work. We have to reform our legal immigration system and we also have to get at the root causes of migration.

The bill also includes investments and bolsters our infrastructure in technology along the border to make processing more efficient to help our CVP agents when there are, you know, dangerous actors at the border. That technology is the number one thing that they continue to request. Because we've, quite frankly, been focused for years and years on walls, you know. We think that somehow walls are going to secure the border and they haven't worked.

Congress increased annual appropriations for border patrol operations by 114% between fiscal year 2007 and fiscal year 2021, and we completed fencing requirements that were outlined in bipartisan immigration reform bill from 20103.

But to make a real impact on our immigration system and migration patterns, again, we have to get at the root causes of migration and we have to open up our legal channels of migration to effectively process people. The U.S. Citizenship Act would do this and do much, much more.

And I wanted to say, you know, it's not a perfect bill, but I am working with members of a Hispanic Caucus and a group of folks that I call my closers. They're a group of experienced Congresswomen, who have expertise and dedication to advancing immigration reform, and they are all working in tandem to move this bill through the legislative process.

And I know that there is a lot of skepticism around efforts to overhaul our immigration system. And I can understand that skepticism because nothing has -- we have had no major upgrades to our immigration system in more than two decades, and we just lived through four years of an administration that used immigrants as a political wedge. While immigration reform has always been a bipartisan issue, I'm not naïve about the opportunities and the challenges that lie ahead.

Fortunately, we now have a president and democratic majorities in both the House and the Senate that understand that immigration is good for our country; that immigrants are our neighbors and friends.

I also know another thing to be true. For too long, immigration reform has been kicked to the backburner, time and time again. That's why the Congressional Hispanic Caucus and I are leading an effort to lay out various options to pass immigration reform. To provide immigrant communities with relief once and for all, we are moving a number of legislative vehicles. And, hopefully, those vehicles will lead straight to the president's desk.

The truth is that despite the last four years, there is strong bipartisan support for immigration proposals. About a month ago, following the urging on the Congressional Hispanic Caucus, the House of Representatives passed two immigration bills.

We passed the Dream and Promise Act, which is a long overdue bill that would provide permanent protections for Dreamers and recipients of temporary protected status or TPS, and we also took action to protect our nation's farm workers on the same day. We passed the Farm Workers Modernization Act, which is a bill that we would provide a path to citizenship for thousands of farm workers and help stabilize our agricultural industry.

Both of those proposals were bipartisan. We got, you know, a number of Republicans to vote in favor of passing those bills out the House, and they're widely supported by the American people.

We are looking for bipartisan efforts and we're looking for good legislation, and deserving immigrants like our Dreamers shouldn't have -- shouldn't be made to wait in uncertainty because Congress refuses to act.

So this year is a little bit different because we're not accepting excuses for inaction. We

have kicked the can down the road far too long, and we have discreet bipartisan solutions that are on the table, so Republicans have an opportunity to act on those.

But we cannot wait for Republicans to come around on a broad bill that, again, addresses the root causes of migration and also provides a pathway to citizenship and an overhaul of our broken immigration system. That's why the U.S. Citizenship Act is so important. While Dreamer and TPS bill and the Farm Workers Modernization Act are both great bills, they're small legalization pieces of an overall problem.

But the U.S. Citizenship Act lays out some common sense solution to many of our immigration challenges. They are very practical and sensible reforms to address many of the issues that affect immigrants today.

And whether that, you know, challenges at our southern border to removing the threat of family separations, this bill is a starting point towards some real reform and some much needed relief.

So we, you know, are hoping that my colleagues across the aisle will not resort to the same, you know, tired scare tactics and that they'll come to the table to discuss some very real policy solution. So, you know, we'll see if we have Republicans in the House that are willing to sit down and talk with us about this bill.

But, you know, right now the processes we are educating my colleagues about what is in the bill; we're trying to build support for the bill; and we're listening to any concerns that they might have because we can't continue to repeat the mistakes of the past.

In the past, when we pursued just one option to deliver immigration reform we ended up with nothing, so this year must be different. So, you know, we are working, you know, harder than ever to try to get this bill passed.

It is a unique set of circumstances with the Democrats controlling the House and the Senate, albeit, by slim margins and with an administration and a president who fully backs a comprehensive immigration overhaul, we are going to continue to push for robust relief. So there are lots of options on the table and I'm willing to work with anybody who is interested in finding a solution.

So, with that, I'd just say that, you know, the pandemic really highlighted for many folks

how important immigrant labor is for our economy. The pandemic showed us that immigration relief is necessary as we recover from the economic and health effects of this pandemic.

Because if you look at essential workers, many of them were immigrants, whether they were immigrants who picked the food that wound up on the grocery stores -- or the shelves -- when we went during the pandemic to get our groceries, or whether were the immigrants that cared for our elderly in nursing homes, or whether they were the immigrants that clean the hospital rooms of COVID patients, or who were, you know, the frontline healthcare workers caring for people with COVID.

We can't, on the one hand, say that these workers are essential; and then, on the next hand, you know, say that they're here to do our country harm or that they're somehow bad for our country. So when we think about immigration policy moving forward, we have to do it in a way that is humane and that really highlights the benefits that immigrants add to our country.

That's why economic arguments about the economic growth that a legalization bill would provide are important and the last bipartisan bill that made it out of the Senate in 2013, the Congressional Budget Office said that legalization bill would add $1.5 trillion to our economy over a 10-year period and it would help reduce the deficit.

In today's numbers, I'm sure that's much bigger. And if we're talking about trying to recover from COVID, to have our economy recover from COVID, a broad immigration bill with broad relief could help us supercharge that economic recovery.

So I will continue to fight like hell to try to get this bill through the Congress, and I hope that you will join me in having a thoughtful discussion about all of the benefits that immigrants provide to this country.

Because, sadly, over the last four years, we saw them demonized and, you know, the discussion and the vitriol against immigrants, you know, was an attempt to make them seem subhuman, they're not; they're living, breathing human beings; they're families, they're families just like my family and just like many of your families.

So, hopefully, you'll have a great discussion about the future of immigration policy and we'll see you next time. Thank you.

MR. WEST: Representative Sanchez, thank you very much for those remarks. We appreciate all of your hard work over the years and hope this is the year that all of your hard work pays off. So thank you very much.

MS. SANCHEZ: Thank you so much. I appreciate it.

MR. WEST: So, to continue our discussion, we are pleased to be joined by several outstanding experts. They will outline their views about where we are right now in terms of immigration reform and how we can overcome some of the barriers.

So our first guest is Theresa Cardinal Brown. She's the managing director of immigration and cross-border policy at the Bipartisan Policy Center; Laura Lynch is the senior immigration policy attorney at the National Immigration Call Center; Gabe Sanchez is the professor of political science at the University of New Mexico.

And I'm also pleased he is going to be joining us in the fall at Brookings, as the David Rubenstein Fellow in Governance Studies. That's a great addition to our scholar list. And our last expert is, Clarissa Martinez-de-Castro. She is deputy vice president for policy and advocacy at UnidosUS.

So I'd like to remind our viewers that you can submit questions for our speakers by emailing events@brookings.edu. That's events@brookings.edu, or via twitter by using #TaubmanForum, that's #TaubmanForum.

So I want to start to Theresa. I know you have been working on immigration issues for a number of years. How do you see the prospects for comprehensive immigration reform right now?

MS. CARDINAL BROWN: Thank you very much, Darrell, and thank you to Brookings for inviting me to participate in this forum. I greatly appreciate it.

I think that we do have a good chance at looking at seeing immigration reform happen in this year, maybe in the next two years. I think, as Congresswoman Sanchez mentioned, the Democrats are very eager to try to move immigration legislation.

The president has raised the issue even in his joint address last evening, but there is an awful lot of things on the agenda. And, you know, obviously, the president has passed COVID relief. He spent a lot of time last night talking about his jobs and infrastructure plan, and his family's plan, and

immigration sort of came at the end there.

And I think that's important to understand that there is a lot of things on the plate. And immigration although it's important still has to kind of make its way through Congress with all of those other issues.

The other thing that Congresswoman Sanchez mentioned, and I think it's worth repeating, is that although Democrats control the House and the Senate and the White House, they do so by slim majorities including the Senate being essentially split 50-50 with Vice President Harris being the tie-breaking vote when needed.

What that means is that in addition to trying to get Democrats all in line on one particular piece of legislation or policy, it's almost going to be necessary to try to get some Republican support.

The good news I think is that in spite of what we may have heard over the last several years when President Trump was in the White House and Republicans controlled Congress, there are a lot of Republicans that are interested in seeing immigration reform done, and there are some bipartisan groups that are having discussions about how to do that.

The other thing I think that makes this time different, again, Congresswoman Sanchez mentioned it, is that there are a lot of different bills that people are talking about. It's not just one comprehensive bill. And that had been the strategy, frankly, for more than a decade since the early 2000s, and President Bush tried to get immigration reform done.

There are a lot of good reasons to think that doing it comprehensively is a good way to get it done, not the least of which are that there are so many different parts of the immigration system and they're all intertwined that need adjustment, that have just not been adjusted in way too long.

But also the idea was that if you can get a lot of things in there that a lot of people want, you get a lot of support. Well, that's true. But one thing that people don't want and peels off votes can mean the whole thing falls apart. And that's another reason why things have not succeeded.

So I think the fact that we're seeing different kinds of bills moving, this idea that, you know, whatever moves is helpful and we should try to get what we can get done without necessarily waiting for the perfect thing, I think is important.

Because Congress has lost the knack of legislating in many ways, especially when it comes to immigration, a lot people are just afraid of it now, right. They're afraid of taking that big vote that somehow is going to be part of a primary ad against them.

And so finding ways to build trust to work on these issues through as much regular order as possible, to get buy-in maybe in a smaller way, maybe it's just the farm workers. Why agricultural? Because there is agricultural in so many states and districts across the country, Republicans and Democratic led. And guess what? They all know that the system needs to be fixed.

So move that, if that's where you can get agreement. Dreamers, wide support across both parties for legalizing the status of Dreamers, so let's move that if we can. But we shouldn't forget the goals that we need ultimately.

And I think this is the other important piece, our legal immigration system, the way we allow immigrants to come in has not been updated since 1990. Not only do we have huge backlogs in the system, but the process for getting through that system is intractable; it is difficult; it is time-consuming; it is the second most complicated set of laws behind tax law and it needs repair; it needs fixing.

Employers complain about the employer-based immigration system; families complain about the family-based immigration system; everybody complains about every part of it, and so we should really take a look at what we can do there.

So I think overall that there is an attitude of trying to get it done, a positive attitude toward moving things. The challenges are not insignificant. But I do think that we have a fairly good opportunity to try to make progress.

MR. WEST: Thank you, Theresa. Those are terrific points. So, Laura, what factors do you think will determine whether this legislative effort will be successful?

MS. LYNCH: Sure, thanks so much, Darrell, for having me today. As, you know, both Representative Sanchez and Theresa mentioned, you know, Congress has failed for decades to deliver transformative change to our country's immigration system. The consequences of political inaction on immigration reform, they have been severe.

We're currently, you know, facing enormous challenge trying to heal from the brutality of

immigration enforcement under the prior administration, as well as from the catastrophic handling of the pandemic.

So, you know, I was encouraged, you know, last night by President Biden's speech, his first speech before a joint session of Congress, when he made the renewed asks (phonetic) and call to pass legislation this year to reform the immigration reform system.

You know, President Biden really needs to use all of his political capital and all levers of government to really deliver on campaign promises to enact a 21st century immigration system.

But as others previously mentioned, really, this is not an all-or-nothing approach. You know, every legislative vehicle moves closer to us achieving a pathway to citizenship for all immigration families.

So, as Representative Sanchez mentioned, the Dreamer Promise Act, which recently passed the House and, you know, we're waiting on the Senate to take it up, that was progress, that was a bipartisan bill. And, you know, the House also recently passed the Farmworkers Modernization Act. So any movement on these bills and passage could be, you know, seen as a first step towards a pathway to citizenship for all 11 million.

But it's also, you know, while these bipartisan talks are happening and they're important, you know, it's imperative that we act now, that we use all of the necessary legislative tools, including our conciliation, to really provide permanent protections and pathway to citizenship for all immigrants.

We really need the president to include bills to put immigrant youth, temporary protected status recipients, farm workers, and essential workers, in the next jobs package so that the bills can pass the Senate with 51 votes.

The time is now. We are calling on the president to go big, deliver solutions, and to work to achieve long overdue breakthroughs. This, you know, civic engagement I think is also really key. Dreamers, for decades, have been leading the charge in calling on the need for legislative pathways and solutions.

We have seen 75% of public actually supports legalization and a pathway to citizenship. And it's really time for our Congress to deliver and for citizens to be proactive and reach out and demand

that their Congress, Congressional representative support these pathways to citizenship.

And one thing I did just want to mention. While we all agree that permanent legislative solutions are needed, you know, it's important to remember that the Biden-Harris administration, it cannot also take immediate administrative actions to create pathways to legalization, expand its use of temporary protected status, you know, redesignating ED for TPS, creating new parole programs, to create these additional pathways to status.

So that's just something else that's really important to remember, as we pursue all avenues to protect our immigrants.

MR. WEST: Great. Well, thank you very much, Laura. So, Gabe, you are a student of public opinion on immigration issues. Where is the American public on immigration reform right now?

MR. SANCHEZ: Thank you, Dr. West, for that question, folks at Brookings for putting this together and welcoming me to your team. I'm really looking forward to starting in the fall.

So that's an important question, right. And I think across national polls of late, we are seeing a majority support for a comprehensive immigration reform with most reputable polls coming in around 65 to 70% support across the full electorate. So I think there is an appetite clearly for this, as everybody is noting. And there is also wide support for specific aspects of immigration policy including what we heard referenced by the president last night.

For example, when we look specifically at support for a path to citizenship for Dreamers, we see huge support. I have seen as high as 80-85% of the full public supporting this aspect of legalization. And it's important to know if this has happened in terms of wide support even among Republicans for years now.

So that's not new. I think over the past several years it's always polled well and that makes a lot of sense to pass because the public wants to see that happen. Slightly lower support for allowing farm workers already in the country to earn legal status, and particularly easing restrictions on visas for seasonable agricultural workers, but still clear majority of Americans support this aspect of legalization as well.

And we also see, and I think this is an important point, in all of our polling and polling

done by other firms that when pathways to legal status and citizenship are connected to economic development and supporting the economy, support for legalization improves across the board, across members of public of all parties including seeing strong support for essential workers having access to legal status.

And when we look, finally, at a really key subgroup of the overall larger electorate, the Latino population, I think not only do we see even more robust support but a clear sense of urgency, and I'll give you one example.

In a survey of just over 2,000 Latinos that we conducted at our firm last month, in partnership with Clarissa's team at UnidosUS and Univision News, we found that, for example, 85% of Latinos support allowing undocumented farm workers to gain legal status and a pathway to citizenship.

So, clearly, across the board, we're seeing support, when we break it up into different subgroups, strong support. And I think in closing with my remarks, you know, Latinos. As a subgroup of the overall electorate have been pushing for these issues across several presidential administrations now, have turned out in wide support.

We have seen folks marching and demonstrating in the streets. So I think there is a strong sense of urgency, specifically among that population to get it done, and hopefully get it done within this year.

MR. WEST: Thank you, Gabe. And it's good to point out that tie between immigration and economic development, particularly at this point in time. We certainly look forward to working with you this fall in the coming year.

Clarissa, what is your advice in terms of how to get reform over the finish line? As Presentative Sanchez pointed out, you know, she has been working on this for 19 years herself. It's been years since we have really had meaningful reform. How do we get this done?

MS. MARTÍNEZ-DE-CASTRO: First of all, let me add my thanks to Brookings for providing its platform for this important discussion, and it is humbling to join the other speakers on this conversation.

So let's start with the givens, right. Americans want a solution. We have heard it from

polling and from some of the other points that have been raised. They want somebody in charge and an orderly system in place. And they are not totally clear on what the administration's plan is, which is why last night's remarks by the president are a very important critical step in that direction.

The second thing is that notably, as we have heard, even after four years that I think we can all agree, of relentless demonization of immigrants public opinion in favor of legalization has actually increased and it continues to be the case that the moral, the economic, and the political imperatives align behind movement on immigration, right.

So this seems to be yet another one of those issues where there is broad public support and even consensus in many areas, I would say, and yet here we are. And perhaps one thing that folks may remember from reading last week is John Anzalone, one of Biden's pollsters from 2020, was saying that some of this stuff has such incredibly high support and bipartisan support that quite frankly politicians kind of lag behind it.

And that's something many of us have been saying for a long time. And so, on the what to do side, is to really intensify the effort to lift up what the American people want to see. They want to see a functioning system. They want to see a system that Americans can be proud of.

And so there are a number of efforts that are really creating the space to lift up the voices of the American public and to intensify pressure for Congress to actually deliver and stop hiding behind the number of excuses we fear.

One of those, for example, people might have seen recently is that we are home campaign, which is a multiracial, multigenerational effort that brings together labor unions, immigrant rights organizations, civil rights groups including, like, UnidosUS, in a multimillion dollar campaign to really be able to lift up the yearning for a solution and the need to deliver it.

But, importantly, there are also other efforts because those interested in seeing an immigration solution make up a vast universe. There are a number of constellations in that universe including folks on the center left, center right, and a combination of both, in which groups, like, Theresa's and mine are part of, so that if indeed there are members of Congress who authentically want to negotiate in good faith they have an opportunity to do so.

But we also know that the clock is ticking and so we are not -- we have learned from the past, we're not going to be strung along. The country needs the solutions from an economic and from a social perspective because it doesn't just impact immigrants, although that should be good enough for action. But it impacts at least six million United States citizen kids, who have a parent who is being destabilized by this situation.

And so I think the pressure is going to build to remove those excuses. Folks have mentioned there are a number of different vehicles where if members are serious they can act. But we also have the ability to move through reconciliation if bipartisanship ends up not coming out and/or through appropriates.

Because, in fact, the last five times that we have taken steps in the legalization space have been through appropriations. So there is a number of different ways to move forward and we're going to make sure that there is o stone left unturned so that we can actually deliver a solution to this.

MR. WEST: Thank you very much, appreciate those comments. So I'd like to ask each of you the following question. And I will start with Theresa on this. What do each of you see as the biggest barriers to immigration reform right now, and what are the best ways to overcome those challenge? Theresa, we'll start with you.

MS. CARDINAL BROWN: Sure, thank you. You know, I think one of the biggest barriers is a little bit of what we have heard already. There is wide sort of public support for getting stuff done, and yet many members of Congress are afraid of doing it.

And so that creates this political disconnect. And that comes primarily from opponents frankly on the extremes of the issue that they can mount a noisy campaign to vilify people for a vote on immigration. But they don't necessarily represent, as we have seen, the majority of actual people.

And so one of the things I think we need to do, and one of the reasons why I hope that we can get something, anything passed right now is so that people see that they can take the vote and the sky doesn't fall, the earth doesn't shake, that they can survive that vote and still continue to work on the issue.

Immigration has become this third rail of politics. And as hard as it is to get anything

done in Congress, something that has this much public support for solutions -- and I agree with Theresa -- the solutions that people want are consistent. They want a system that is fair to both Americans and to immigrants, a system that is orderly.

They do want to see management of the immigration system at our border, but that doesn't necessarily mean keep everybody out. They don't like cruelty. We saw that very clearly in the Trump administration, but they want a border that is secure, that's managed, where people can come legally.

They want the connection between our immigration system and our economy whether that's family members who then come and start businesses, or employers who are sponsoring people to come and fill jobs that they can't find American workers for, or entrepreneurs, and inventors, and innovators who are going to be the next founders of our Fortune 500.

All of that resonates really well with the American people. And yet when it comes down to the nitty gritty of legislating, people get caught up in minutia. And it's not that the minutia doesn't matter, but they let that overcome the desire to get big things done.

So I think we need, to the extent that there is this public support for getting immigration done, Congress needs to feel that. They need to feel that they can't keep punting it down the line. And if they do something, they'll be rewarded more than doing nothing.

MR. WEST: Great, thank you. Laura, your views on the biggest barriers and ways to overcome it?

MS. LYNCH: Yeah. I largely, you know, agree with Theresa. I think, you know, what we're hearing, especially Gabriel sharing the numbers, it's just the vast majority of Americans are in favor of passing immigration reform. You know, a pathway to citizenship is just common sense and that needs to be heard.

In Washington, D.C., members of Congress need to feel that from their constituents. There needs to be a larger, more visible push to get this over the finish line. I think that we have seen Americans have rejected Trump's cruelty in immigration policies of the past.

We need to follow a new vision forward, have a 21st century immigration reform platform,

and we need to get there and the American public, you know, they voted the people in that they thought could get this done. And so we need to continue to see more civic engagement in order to get this over the finish line.

MR. WEST: And, Gabe, your thoughts on ways to move forward?

MR. SANCHEZ: Yeah, a lot of great insights are already speared up. I'll try to add a couple of points that haven't already been discussed. And I'll think I'll start with the reason why I'm pretty optimistic that we're going to see some action. And I think it's been noticed because there is multiple paths to get this done.

If comprehensive immigration reform, putting all of this together in one package doesn't work, you know, you have got consensus across many different important aspects, at least in terms of legalization, so I think that provides another path.

And, as Clarissa noted, you know, if bipartisanship, which I think clearly the president wants to utilize that approach to get this done, if that fails you have got reconciliation and potentially appropriation as another means to at least get some of this done.

So that's why I'm optimistic. But I will note, you know, I think the elephant in the room is, you know, we have got a polarized nation, a polarized Congress, as it relates to partisanship.

And I think the only potential that I see for seeing this derailed is some Republicans might see the only weakness for a very successful first 100 days from the president being, you know, the rise of migrants at the border over the past month.

And I think, unfortunately, potentially that could be a wedge issue where some folks might see forming a consensus and getting something done on immigration removes the opportunity to have that as a talking point in terms of politics.

So I think all of us have noted timing is everything in politics, right, and getting this done relatively quickly I think is one path to get around the politics, the divisiveness that we have unfortunately seen over the past several years. And I think the other opportunity, right, is utilizing the huge capital that the president has right now.

He has strong overall approval ratings. And I think there is a sense of urgency around

this issue, but has been noted there is a lot of other really ambitious plans that the president and his administration have.

I think prioritizing immigration is key and if that happens then a lot of that capital is utilized for immigration, I'm confident we will see more than just a piecemeal approach and maybe get a lot more done than a lot of folks think can happen not only in two years potentially in the next year.

MR. WEST: Thank you. Clarissa, what do you see as the biggest barriers and how can we overcome them?

MS. MARTÍNEZ-DE-CASTRO: I think we have covered the barriers, right. I think it's very clear where the majority of the American people are. And their barriers, frankly, are the politicians that have to cast that vote.

So, I mean, look, it took Democrats more than 10 years to get to where they are right now, which is largely united in their approach to immigration. Although, notably, there are a few still catching up, some are new, some just haven't caught up yet. But Republicans are more split and/or, as Gabriel mentioned, fearful.

I think for them it's important to remember that even Trump in his 2020 campaign sought to tone down his immigration rhetoric because it was actually becoming a liability for support. So that tells both parties that there is a winning way for them to approach this issue and if they deliver solutions on it.

So I think that the way to overcome that challenge is a way that we overcome challenges in other areas and that is to ensure that the voices of the majority of Americans who want to see a solution on this are heard and that all of us are making those voices heard and pushing legislators, particularly in the Senate right now, since bills have passed the House with bipartisan votes to negotiate in good faith and move forward and but do it at a fast clip so that if that's not going to render fruit that we look at the other options available to make progress.

Because, at the end of the day, even if Congress or the Republican party doesn't want to play in delivering a bipartisan solution there is bipartisan support for that solution.

One last thing I would say is that on removing excuses, for those of us who work in immigration we have heard all kinds of them. It's sunny outside, we can't do it right now. Today it's

raining, sorry. Right now, we're hearing what we have also have hear in the past which is, you know, we want to do something but the border.

That is like saying that, you know, you cannot build a road in Georgia until you fix a bridge in Wyoming, it's just not true. So there is a possibility and we need to continue to push through negotiating in good faith.

I think there is a lot of forces aligned including the recognition, as we have navigated the pandemic of the intertwined fates that we all have, native, citizen, and immigrant, alike, in making progress together whether it's surviving a pandemic or the rebuilding that needs to come after. So I think we have a great opportunity right now and we need to take it.

MR. WEST: Thank you. So I want to move to some questions from the audience. We're getting some good questions. And I want to remind those of you who would like to ask questions of our panelists, you can email events@brookings.edu, events@brookings.edu, or use twitter through the #TaubmanForum, that's t-a-u-b-m-a-n forum.

So Michael Martin of NPR has the longer term questions, in terms of the dynamics of immigration, kind of I'm moving beyond this particular legislation we have been discussing. So he wants to know whether climate change is going to lead to a surge in immigration down the road, and if I could add on to that, how that will affect how people view immigration in the long-term? How do we handle that particular aspect?

Do you any of you have any thoughts on that?

MS. CARDINAL BROWN: I'll go ahead and take a start on that. I would say we are seeing climate migration now. A lot of the migration that is coming out of Central America started after we saw, you know, droughts in the dry corridor affecting the coffee crops and the subsistence crops that allowed a lot of these migrants when they were living in those countries to survive.

And that lack of support there and food insecurity drove the initial decision that they had to leave. Follow that up with double-hitting hurricanes last year and COVID and the drivers of migration have only intensified, so I think we are seeing climate migration.

What we don't have, and this is I think something to think about, is we don't have a real

way to address climate migration as a issue itself in our immigration system or in the international migration system. Climate migration has not yet been acknowledged as a ground for, for example, asylum.

It's seen as a version of economic migration in most circumstances. And so it's something that not only the United States but a lot of countries are going to have to grapple with in the coming years. I go back to what I said before, you know, the public wants to see a system that is well-managed.

And so having a plan, figuring out how we will address migrants no matter all of the causes that they are wanting to come, how we manage that, how we develop our immigration system to hear those applications and decide who gets to stay and how and integrate them here.

But I also would go back and say that, you know, just like President Biden has talked about addressing the root causes of migration in Central America, to the extent that climate change is a root cause of migration around the world, that incentive should be to address it through climate action.

Migration is the symptom and so you can and should address the symptoms. But, at the end of the day, figuring out how you can help people stay where they are or find places where they can manage the changes that are coming is going to be key.

MR. WEST: Those are great points. And, clearly, this is not just the U.S. issue, this is a global issue, and so likely any full solution on climate migration will have to take into account international agreements and the geopolitics (inaudible).

Caitlin Ward has an interesting question. She wants to know, will we see an increase in visas for healthcare providers and nurses, as a result of the COVID pandemic? Basically, will the pandemic effect the way in which we do immigration reform?

MS. MARTÍNEZ-DE-CASTRO: Well, I think the answer is, yes, in several ways. One, as I mentioned before, I think that the pandemic not only, in terms of immigrants, but in terms of the interdependency, in the sense of just how much more far-reaching essential workforce is people, we had never really thought about and realized our dependence on them in order to be able to navigate things, I think have create an opportunity for people to understand, to visually understand in support not only visas

in some of the categories where we may have shortages, which is part of the collaboration on the legal immigration modernizations that we need to do and that Theresa mentioned, but that also frankly is driving some of this words behind legalization where we know that there is, you know, support for Dreamers has been a longstanding thing, but frankly it doesn't stop there, right.

The support for legalization is much broader and expands to also essential workers, farm workers, and others. So I think definitely the experience of last year is informing that support. And, therefore, I would say, again, that it gives us an opportunity to forge ahead and try to get to some solutions there.

MR. SANCHEZ: I'll add on to this one if I can, Darrell. I think very well stated, Clarissa. The only couple of pieces I'll add is, you know, as the American public, you know, has really seen their eyes open to a lot of inequalities over the past year. A couple of things that jumped out, right.

One is, I think for the first time a lot of Americans realize how fragile their healthcare system is, and how great of a ratio immigrants make up of medical professionals across the country.

And I think in a lot of states, I'll tout New Mexico, where I'm at, has actually looked at the state level of increasing access to licensure for a lot of these folks that come with the skills and credentials to send in medical professionals, but sometimes lack the ability to be able to practice here in the United States so that states look at their own systems and realize, look, we need this skilled workforce.

Let's bypass being able to allow them to serve the population. I think all of those steps, not only at the federal level, but at the state level, right, are clear examples of the public seeing the value of this population.

I think all of this bodes well for the prospects, again, and as folks noted, of seeing something at the federal level happening in the relatively near future.

MS. CARDINAL BROWN: I'll just pile on and say that other countries are already doing this. France, Spain have already decided that they will grant legal status to immigrants who have served in essential worker jobs during the pandemic, particularly those in healthcare. Canada has just opened up new systems for migration for folks who have experience in Canada.

So other countries are already recognizing this, that they sort of owe a grant a debt, if you will, to folks who have been on the frontlines and working for the rest of us in the pandemic. And I think it makes sense for the United States to do so as well.

A bill was just reintroduced, the Health Workforce Modernization Act -- oh, I'm sorry -- Health Workforce Resilience Act -- all of these bills have very similar names -- that would essentially take unused past visas and allow healthcare workers to get green cards based on their service.

So, again, multiple pathways, multiple opportunities here whether it's attaching legislation to reconciliation, which may or may not happen under the rules, but there are lots of pathways. And I think the fact that we're seeing these things happens means that there is a recognition. And, by the way, that is a bipartisan bill too.

MR. WEST: Interesting, that other countries already are jumping on this, in the area both of healthcare workers and essential workers, more generally.

Laura Alexander has a question. She wants to know, are there ways the U.S. could better cooperate with other countries so that immigration can be managed in a more orderly and secure manner?

And I should point out that the Biden-Harris administration just announced $310 million humanitarian aid package,, specifically targeted at Guatemala under El Salvador. So, clearly, that's consistent with the scope of her question.

But do any of you have other thoughts about how cooperation with other countries could help lead to a better system? Laura, do you want to jump in?

MS. LYNCH: Sure, I'm happy to start on this. I did just want to mention that President Obama had actually started the Central American Miners Program back when he was in office. And the idea was to create in-country processing for refugees that were, you know, that needed protection in the United States.

Unfortunately, President Trump actually got rid of that program. But we've seen, you know, President Biden announced, you know, in the first 100 days that he is restarting the Central American Miners Program to start the regional processing so that, you know, individuals fleeing

dangerous situations are not making that dangerous journey up north to the southern border and it's a more orderly process.

So we are starting to see the beginnings of that, and I look forward to hearing more about that program hopefully in the next 100 days. I did also want to mention that more solutions about regional in-country processing can be found in the U.S. Citizenship Act that was recently introduced by Representative Sanchez and Senator Menendez, as well.

MR. WEST: Great, thank you very much. Seth Groneman has a question. He wants to know, what are the chances the Senate Republicans will vote to extend DACA?

What would it take to gain their support? And, of course, that's the question everybody is asking since if immigration reform was not passed to reconciliation, it's going to take 60 votes to do it, which means 10 Republicans have to come along.

How do we get their support either on the DACA issue, on farm workers, or on other aspects of immigration reform?

MS. CARDINAL BROWN: Clarissa, do you want to go first?

MS. MARTÍNEZ-DE-CASTRO: (Laughter) Clarissa is looking at me and I'm looking at her. I think, you know, there is a lot of things. Obviously, even Republicans who say they support DACA bills are afraid of taking that vote without something else to go along with it. And the one thing they are talking about most right now is border issues.

But simply saying border security, you know, back in 2017, 2018, when President Trump tried to end the DACA program, there was discussion of a deal of DACA for the wall and that actually was a deal for a little while until it wasn't because the president decided he didn't want to take that deal.

That's no longer I think appropriate, not the least of which is that, you know, the current administration has stopped building the wall. But also enforcement in and of itself at the border is increasingly being seen as not the solution to managing the border.

I have been encouraged by the -- there is a bipartisan, bicameral Border Solutions Act that was introduced recently by Senator Sinema of Arizona, and Senator Cornyn of Texas, and in the House, Representative Gonzalez and Representative Cuellar.

And it is an attempt to try to reconfigure infrastructure and processes at the border to allow people to come and have a place where they can be taken care of in a humane and humanitarian way with supports of medical and legal supports to make their claims and have them heard in a fair but expeditious way.

Now there have been criticisms of this bill, but I think it's a serious attempt. And I think, one, the fact that it's bipartisan and bicameral tells me that there are Republicans who are willing to look at solutions for the border that aren't just about cracking down or making it harder, that they are looking at alternatives that can be real solutions. That gives me hope that if that is a direction that it can work to get Republicans onboard that we might be able to find some common ground there across the aisle.

The other areas that I have already mentioned that get a lot of support is legal immigration fixes, and to the extent that maybe a DACA solution could be combined with changes that support economic-based migrants, the farm workforce, that may be a way to grow the vote as well.

I think there are options. I hear my colleagues talk about the urgency of the moment and how long you wait for those options to get done. But I think that, to the extent that we feel at the moment these are good faith efforts, they should be encouraged.

Because, ultimately, it may or may not be possible to get the 50 vote minimum threshold on this, and trying to find ways to bring Republicans onboard is going to be important.

MR. SANCHEZ: If I could add just a quick footnote to what you said. In terms of the Republican fixation on border security, I have always been perplexed a little bit by that because they seem to think that all of the undocumented people in America cross over the southern border. And we know that, I believe, about half or even more of the undocumented people came here legally either on a student visa, a tourist visa, or some other visa and then just stayed in the country; they overstayed the visas.

So even if we completely fixed, you know, the crossing of the southern border there are all of these other things that are out there. So, in terms of comprehensive reforms, we have to be aware of that.

MS. MARTÍNEZ-DE-CASTRO: I agree. That's a great point. You know, for those of us

who go out on the Hill to talk to members, whether they have been around for a while or to educate new members around immigration, it is also -- it is always fascinating when people invoke border security and you want to engage them a little further and say, tell me what specifically under border security, and there are a number of people who have nothing beyond that.

It's always astonishing, particularly since that's what gets invoked for not being able to do anything which is why the notion of good faith negotiation is really important in separating what is good faith trying to get to a solution versus just excuses.

One quick thing is that, look, DACA is not enough, right. We have administrative action that put DACA in place because we could not get to the real solution, more permanent, more stable solution needed through administrative action. So if members of Congress, all they can deliver, or all they can muster, say, in a negotiation on the Republican side is DACA, like, that's -- I honestly don't think that's a good faith effort. I just got to put that out there, right, because that's already there.

And the point about border security and how people learn to invoke different terms even when they can't explain what's behind it, I think also reminds me that we need to be mindful of a couple of things:

One, we have to challenge the "conventional wisdom." Right. It becomes a self-fulfilling prophecy. There is so many stories talking about how this is the third rail and it's intractable, and all of these things, that it becomes a reality, and it's a reality that sometimes makes us forget that there was a bipartisan bill passed in the Senate a little bit over a decade ago; that there is two bills that passed with votes from Republicans and Democrats just a couple of months ago, right. So this issue is not intractable, it's solvable. We need to make sure that members stop playing politics with it.

And that brings me to another point that has been a complication, and hopefully in the current environment of heightened awareness about racial equity and about inciting division can also create movement forward. And that is that the immigration issue has been used as a proxy to stir up anxiety over demographic change and to distract and divert people from a number of other things and that has particularly been used to stir up anxiety about the growth of the Latino population in the United States, even though a lot of Latinos in the United States are United States citizens.

And so we also need to challenge the use of that to stir fear where it conflate things and do a better job at providing context and not just propagating conventional wisdoms that actually are erroneous.

MR. WEST: Thank you very much for that. Dora Korea has a question about a recent Tom Friedman column in the New York Times. In that column, Friedman said, we need an iron clad border with a big open door.

So the question is, what is your reaction to Friedman's suggestion, an iron clad border with a big open door? Is that the only viable immigration reform that is left?

MS. MARTÍNEZ-DE-CASTRO: Well, Theresa has already mentioned this several times that people want an orderly system. I'm not sure people really are asking for an iron curtain. But the idea of, you know, the door is not new, Reagan, right, Reagan actually put that vision forward before.

And so I think that what we need is a functioning system, not a lot of people fully comprehend it. But, right now, most of the, you know, you often here, why don't people just stand in line, when the reality is that most stupid lines are broken are there is nobody picking up tickets on the other end.

And so what you end up doing is actually fostering a black market. And we have seen the consequences of that, both in terms of violence to immigrants themselves but taking advantage of that for more nefarious things.

So I do think we need an orderly and functional system with a robust and functioning legal immigration system. Because if people see that there is a functioning legal immigration system, they will choose to go through it rather than around it. But, again, I'm not sure if that means an iron curtain, and I don't know if that's what he was hinting.

MR. WEST: That's a great point about the need for a functioning system. Just to give a personal reflection on this, 14 years ago I married a woman from Germany and so we personally had to go through the immigration process. And I had always assumed, like, if you married someone it was easy and of course that turned out not to be the case.

It's a completely paper-based system, like, at least at that point in time, there was, like,

no IT, like, you had to physically copy -- (crosstalk)

MS. CARDINAL BROWN: It still is, Darrell. I hate to tell you, it still is.

MR. WEST: (Laughter) Well, that is disappointing. You had to physically photocopy documents, mail them, wait weeks to get a response. It was just completely time-consuming, very expensive, and inefficient. And it's disappointing that there have not been improvements in the 14 years. But I was, even as an American, I was completely shocked what that system was like and how completely broken it was at that point in time.

MS. CARDINAL BROWN: Darrell, I'll just say that your answer --Gabe's ready to answer. It's absolutely true. We have done polling. I'm sure Gabe has too, where we ask people how familiar are you with the immigration system and a very small percentage of Americans have any familiarity at all, whether it's direct or indirect.

And everyone who has had an interaction with the system comes away the same way you are. Why is it so hard? Why does this system seem like a (inaudible) nightmare, if it should be so easy for the most straightforward cases?

And I think that's another issue that we have to address in driving is that the Americans who have the most anxiety about immigration and the immigration system are the ones that tend to be the least close to it and their opinions are formed from, you know, random Facebook posts, or twitter statements, or headlines that sound good, but like a big, impenetrable wall and a big wide door.

What does that actually mean? And when you get and actually talk to them about what kinds of ideas they want to see it's much more nuance. It's much more like Clarissa said, a managed system, a controlled system, not an impenetrable law, but just one we can understand and that can be explained, and it seems to me that most people have a way to come legally and are doing that.

MR. SANCHEZ: Yeah, well-stated. The only thing I will add is, you know, that imagery I think is important, as we talk through this, and a notion of iron clad border I think symbolizes border wall. And I think, as has already been stated, we need to remove this perception that we can't have other aspects of immigration policy reform without the law.

And I think the reason for that is, you know, in public opinion polling, focus groups who

conducted, you talk to average, every day Americans, they understand the wall makes no sense, right, they understand that. That's pretty crystal clear at this point.

So I think we need to get past this perception that you have to have one, right, strong border enforcement to get the other pathway to citizenship, et cetera. And I think my colleagues have already that's kind of an illusion, right. That's kind of an artifact of imagery and politics more than reality and we see that in the data.

Folks, once they start to think through it, say, yeah, you know what, the border wall doesn't make any sense. Let's use technology, let's use other things, if we want to talk about stronger border enforcement. The wall itself, the public is already moving beyond that. I think politicians should as well.

MR. WEST: Okay. Donna Visloki has a question. She wants to know, as migrants flee poor countries because of economic hardship, what is the most effective way the United States can help those countries stem the exodus?

MS. MARTÍNEZ-DE-CASTRO: I'll say that, as I mentioned, you have heard President Biden talk about addressing the root causes. You mentioned this aid package that they just approved to try to send aid to these countries. There have been a lot of studies on how development aid effects migration.

It's a rather new field of study, but it's coming up now and there are a few things to understand. First and foremost, that addressing the root problems of migration is a long-term strategy. It is not going to change migration to the border in the next week, or the next months, or maybe even the next few years.

It is necessary absolutely, but it's not going to have immediate impact. We have to address our own system to address that. But I think the other issue is that one of the studies -- and this has been played out in a few different places -- show there is a point at which people move from poverty to sort of just above poverty where they suddenly have the resources to enable migration, so you might actually see an initial uptick.

What really turns the corner is when people start to feel -- and this is untangible (sic) --

that they have a hope of a better opportunity where they are. Because we keep talking about push and pull factors and a lot of people want to say that migration is all about the incentives that we give, as the United States, for people to come.

The incentives for people to come to the United States are, we are the United States; we are who we are. We are the best and biggest economy in the world. We have freedoms and opportunity and a history of welcoming immigrants.

That's why people come and it's not about a particular policy of the day, it's about who we are. But the first decision that a migrant makes is to leave, before they decide where they're going to go, it's to leave.

And so we have to address that hopelessness that says, I can't make it here. I have no hope of making it here. It's bad and it's not going to get better and that is -- that involves a lot of things.

It's not just poverty. It's not just economic value. It's systems of governance. Do they feel safe? A lot of the people coming from Central America, in addition to poor economic circumstances just don't feel safe.

That means that's a lack of governance. That's a lack of personal safety and security. Those are institutional things that we can and should help those countries develop. So I would say we need to invest and we need to help these countries do better because it's in our interest to do so. In the long run, it's also in their interests. But we also have to be realistic about how directly it might impact immigration in the short-term.

MR. WEST: Okay, great answer. Joan Jones has the question and she seems to be pessimistic about this pathway to citizenship actually being created. She seems to think comprehensive immigration reform is not going to take place.

So her question basically says that, if we are not able to do comprehensive immigration reform, will it be possible to decriminalize undocumented immigrants so that they are not subject to harassment at work and are not able to get things, like, a driver's license or bank account?

MS. MARTÍNEZ-DE-CASTRO**:** Yeah, I would say that is one of the reasons, and Theresa alluded to this, that there is multiple vehicles out there, right. So we have gone through several

years where the vehicle out there has been what we may term "a comprehensive immigration reform package," and then you have members saying, well, that's too much, if we had the pieces maybe.

And then there have been years where you have the pieces and they say, well, no, we really need to do the whole thing, and right now there is no excuse. We have all of those out there.

But in addition to that, right, look, my organization has worked to bring bipartisan agreement on this for way too long. So we fully believe that that's the desirable path.

But we also have ways to advance things if that bipartisanship fails whether it is reconciliation or through appropriations. And that's the part where the pressure on Democrats to deliver a solution that is bipartisanally supported in the American population, also needs to grow.

In addition to that, Laura mentioned, and she can expand on other executive actions that can take place, and there are also actions at the state level, particularly since you mentioned driver's licenses, for example, where states have taken action to try to create access to certain things, at least within their states.

MR. SANCHEZ: I should add that there are some states that are actually taking matters into their own hands. So the driver's license issue that Joan mentioned actually is a state level issue, states control the laws there. And I just saw, I believe it was New Jersey, just passed a law allowing undocumented residents to get a driver's license. I think now about a third of the U.S. states have moved in that direction. So there are some things that Joan refers to that states are able to do.

MR. WEST: We have a question about -- yeah, Gabe, go ahead.

MR. SANCHEZ: Just real briefly, I think it's already been noted, right, states are already moving on this. I think the only thing I want to note is the importance or then salience of decriminalizing.

I mean we're seeing now, my team's a major vaccine messaging outreach study. And, you know, we're seeing that for a lot of immigrants doing something as important as getting a vaccine is impacted by their perception of how that might harm their families' ability to stay in this country.

So I think that that bigger picture, right, the criminalization, the demonizing of immigrants, all of that we have seen over time and shown the consequences right now through the pandemic, right.

And so I think the importance of doing that, I hope we don't have to talk about states

having to move on this because the federal government does not. I am more optimistic than the person who asked the question.

But I think it's an important question because of the significance of what that climate leads to. And that doesn't just harm immigrants but harms the wider population and including a lot of the families that (inaudible).

MR. MARTÍNEZ-DE-CASTRO: And Gabriel actually touched on something. Sorry to jump in again, but this is very significant, right. What he's talking about is, why can't we have a status -- a statute of limitation? That is something that is well-known and used in our criminal justice system, a system that even with that needs vast improvement.

But it's a concept we're familiar with, and immigration is one of the only spaces where we don't have that. And, basically, regardless of what somebody has done, if they have any exposure interaction with the system, they get the book thrown at them.

So most of the immigrants that are currently undocumented have been living, working, and contributing in their communities for more than 10 years. So what about a statute of limitation?

MS. LYNCH: Also to add to that, you know, they need to use prosecutorial discretion, the federal government, ICE. They need to understand that, you know, immigrants who have been here, working here, members of their family, there is no reasonable justification for ICE to, you know, utilize enforcement actions.

It's time to really make clear that President Bide, you know, welcomes these people. If there is no permanent solution through legislation that's moving, he can also create smaller programs, programs like temporary protected status for individuals from certain countries, parole programs, to provide people with some sort of status, you know, not necessarily citizenship but some sort of status that they -- so immigrants can kind of live their day-to-day feeling safer, feeling more a part of our fabric of our communities.

So that is really important. Just one thing I wanted to mention, we actually have 1.3 million cases in the immigration courts right now. Because under the past president, there was no prosecutorial discretion. Anyone that was out of immigrant status was swept up by ICE and put into

proceedings.

It's really imperative that the immigration courts and, you know, ICE office and principal legal advisor really review those cases and decide whether or not they need to move forward.

As, you know, Theresa mentioned, our legal immigration system is really backlogged and so is our immigration court system. So there are things, you know, that need to be done, steps that need to be taken, in addition to these permanent legislative solutions.

MR. WEST: Thank you. Go ahead.

MS. CARDINAL BROWN: If you'll allow me to be a little pedantic about this, being present in the United States without authorization under immigration law is not a crime. It's not a criminal matter.

It is a civil, administrative, immigration matter. It is like underpaying your taxes. There are things that you can do that are criminal in the immigration system, but most of it is not criminal, it is civil and yet we have the trappings of criminality around it.

We have immigration courts; we have immigration prosecution; we have immigration detention. None of that is covered under our criminal laws or our criminal justice system. It is a separate administrative system and that is one thing that I think a lot -- talking about how most Americans don't understand this.

It's easy to think of somebody who is not in legal status as having violated the law and therefore a criminal. But there are various laws and some are criminal, and some are not, and this is one of those that is not. And that language around criminality and immigration has been wrapped up for many, many years.

We need to think about that differently. We're rethinking our criminal justice system right now. Do we really need to penalize even the smallest crimes with the heaviest sentences? Well, our immigration system is very much like that. It doesn't matter if you came in illegally and stayed one day or stayed 10 years, there is one sentence for any immigration violation no matter how small and that is deportation. That's like being jailed for a parking ticket.

MR. WEST: Yeah, thanks for making that point. Those are very important points. Cindy

Carcamo of the Los Angeles Times has a question. She would like the panel to talk about the objects and politics surrounding the uptick of unaccompanied children at our southern border.

How has it impacted the possibility of comprehensive immigration reform? She thinks that the rhetoric has died down somewhat on that issue, but she would like your thoughts on how it may impact any of the bills that are going forward.

Does anybody want to jump in?

MS. MARTÍNEZ-DE-CASTRO: Sure. I was trying to see if Theresa wanted to go first. But so we talked a little bit, I think, everybody here during the course of panel. It is having an impact but not for the reasons it should.

You know, it's being used as an excuse and for those who may think that I am exaggerating, you can look back at 2020, when some political operators within their Republican party were already building this narrative anticipating that it could be something they could make an issue of, if Biden were to win, so they were already preparing to do that.

There was already an uptick of historic proportions that happened under the Trump administration in 2019, when no one can argue that it was as a result of seeming too friendly or too laxed to immigrants. And we have seen this issue come up at different points because it has to do with poll factors, as well as push factors.

So we definitely need a solution to that, and we have kicked the can down the road too long. But I think for many of us, part of our charge is to make sure that members don't use this as an excuse because how we -- we need to look at our refugee and asylum system, but we also need to look at our immigration system of which that is a small part.

So I just refuse to let how this moves forward be limited by those who say, oh, well, we can't do anything until we do deal with the border. We're talking about apples and oranges, both are fruit, but they are apples and oranges and we can deal with them in tandem and separately and effectively.

MS. CARDINAL BROWN: I'll disagree that there is a lot of politization around this, you know, a lot of people made border trips just so they could say they went to the border and stand in front of a podium and say the talking points they wrote before they went to the border.

So let's be clear, there is political opportunism at play here. What is happening at the border is serious, yes. You can call it a crisis. Yes, it is a crisis for the people that are there. It needs to be addressed. The Biden administration, I'll be perfectly honest, I think was caught a little flat-footed and not prepared for what happened.

They have been working on it. They have been scrambling on it. They could have done better. They could have done better with the messaging instead of arguing about whether or not to call it a crisis. Yes, that was a political thing. But, really, you know, give them the word and do what you need to do is how I feel about it.

But I can also agree with Clarissa, that's something the administration needs to handle and they may need Congress' help when it comes to appropriations and money, funding, and resources to do what they need to do down there.

But it's in the administration's hand. Congress doesn't have to wait to address these other parts of the immigration system until that's done unless they want to make it an issue. And so I think it's separating out the political rhetoric from realities.

Look, if there is a deal to be made maybe this Border Solutions Act, if it is a real opportunity to try to address, provide resources, we think that may be an opportunity but not, I think, as Clarissa said, an excuse that, oh, until the border is secure we can't do whatever, that time has long passed.

MR. WEST: I think we have time for one more question. We have a question from John Funnavetti (phonetic), and this is a very practical and applied type of question. He wants to know, given widespread public support for immigration reform, which Gabe has talked about, he wants to know, what are the most effective pressure points on Congress, and particularly Republicans in the House and Senate?

MR. SANCHEZ: I'll start if this helps the rest of the panel. I think we are already starting to this. It's been noted by some of my colleagues already. Many immigration advocacy groups are organizing, raising money, and are going to start campaigns across several of these states really reminding voters that were already there as a population and putting a little bit of pressure right on

elected officials from those states to move and not to wait on this issue.

So you're already starting to see this. I think, as we turn the corner into the next month, you'll start to see a lot of these campaign ads. And it's really common sense. I don't think we're going to see anything new from this. It's just reminding the public that were already here and you should start to see examples of this in the pretty near future.

MR. WEST: Are there suggestions? Clarissa?

MS. MARTÍNEZ-DE-CASTRO: I am reminded of the time during ACA when we saw all of those videos of politicians in talent halls and, you know, the contentiousness of it. And it is always fascinating to think about how often politicians can be very thin-skinned, right. They don't like to, you know, go to these town halls and somebody yells and, you know, gets very contentious.

And, as Theresa mentioned, unfortunately, the folks that are the most vociferous, even if they are not where the majority of the public is, tend to be, tend to show up at those things. So I think part of the campaign efforts that we are seeing, that many of us are part of, are seeking to provide, to shine a spotlight, put the microphone on more of the people who represent the majority of Americans who want to see a solution.

I think individually do not underestimate the value of continually calling your member of Congress and letting them know that you want to see solutions from this. If they have an event locally of showing up and raising the need to produce a solution on this because they do want to feel like somebody has got their back.

And so part of the work we're doing is that, is sort of carrot and a stick so that they can move forward and provide the solutions.

MR. WEST: Okay. Well, I want to thank all of you for sharing your thoughts. You have had lots of thought provoking comments, some very helpful analysis. So I want to thank Theresa, Laura, and Gabe, and Clarissa, very important points made by each of you.

For those in the audience who would like to read more, we write regularly about immigration reform @brookings.edu. Gabe and other colleagues write on these topics. We also have a Brookings blog entitled, "How We Rise," which looks at both issues of racial and ethnic equity.

So we would encourage you to look at those sources if you would like more information. So I thank you very much for tuning in, and we appreciate your interest.

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