



The U.S. Commission on Civil Rights Announces Opposition to Executive Branch Action Shutting Down Virtually All Immigration of Permanent-Residence Seekers into the United States

May 8, 2020

The U.S. Commission on Civil Rights, by majority vote, strongly objects to the Trump Administration's halting of the issuance of green cards for people seeking legal permanent residence in the United States¹ as having no rational relationship to the stated reasons regarding the COVID 19 pandemic or protecting American jobs.

We note that the Administration has already taken steps that have severely constrained immigrant and non-immigrant travel to the United States through the State Department.² While there is considerable debate regarding the wisdom of the actions which the Administration took with regard to immigration on April 22, 2020, they were performed solely to curtail travel during the initial phases of the pandemic while information on the virus' transmission and spread was being studied by national and international authorities.

Immigration has been, and continues to be, a net positive good for this country. We are a nation founded by immigrants. We have continued to be refreshed and revitalized by the many and varied communities who have come to our shores seeking a better life. Even during previous times of extreme political, social, and economic duress, including the 1918 pandemic and World War II, the United States allowed legal immigration to continue. As but one compelling example of the contribution of immigrants to our nation, "1 in 6 U.S. health care workers are immigrants."³

There is no evidence that immigration caused the current pandemic.⁴ There is also no evidence that immigration is causing job loss during this pandemic recession. All credible studies in the past that examined the impact of legal immigration on jobs and wages have buttressed the

¹ Sahil Kapur, "Trump halts immigration for 60 days. Here's what the president's order means," The Washington Post, April 21, 2020, updated April 22, 2020, <https://www.nbcnews.com/politics/white-house/trump-s-immigration-ban-raises-more-questions-answers-here-s-n1188946>.

² Nick Miroff, Josh Dawsey, and Teo Armus, "Trump administration working out details of suspending immigration during coronavirus crisis, plans to close off the United States to a new extreme," The Washington Post, Apr. 21, 2020, https://www.washingtonpost.com/immigration/coronavirus-trump-immigration/2020/04/21/a2a465aa-837a-11ea-9728-c74380d9d410_story.html.

³ Laura Santhanam, "New study shows 1 in 6 U.S. health care workers are immigrants," PBS Newshour, Dec. 5, 2018, <https://www.pbs.org/newshour/health/new-study-shows-1-in-6-u-s-health-care-workers-are-immigrants>.

⁴ There is no evidence that any person *immigrating* to the United States brought the virus to our shores. To the contrary, there are many reports that implicate either United States citizens, legal residents, or other persons lawfully travelling in and around our country that are responsible for its spread.

conclusion that there is no harm done and, in fact, immigration is a net positive contributor to the economy.⁵

What this proposed policy makes clear is that this is nothing more than a brazen attempt to vilify and misdirect people's real and understandable fears about the COVID 19 pandemic. It will likely have the effect of foreclosing opportunity and directing enmity at a class of individuals who are often characterized by discrete racial, ethnic, or national origins. Moreover, the proclamation not only discriminates against these immigrants but also has the foreseeable collateral consequence of heightening the risks to Americans who share these racial, ethnic, or national origin backgrounds.⁶ It plays upon people's fears about the economy and their economic well-being and creates a linkage of blame to legal immigrants completely unrelated to the pandemic's effect on job losses. And, inevitably, it will continue to fan the fires of xenophobia and racism against Americans who can trace their origins from Asia⁷ and other continents.⁸

The Commission has previously stated our concern over the Administration's efforts to curtail or ban immigration by persons of the Muslim faith and African origin.⁹ The Commission has also stated concern over the Administration's efforts to impede legal claims for asylum – a component of legal immigration – at the southern border.¹⁰ Now, as the nation's civil rights watchdog, we must once again raise our voice to protest another attack on civil rights by attacking immigration.

Our country has always aspired to be a more perfect union, but the immigrant experience in America has been far from perfect. Anti-immigrant sentiment has waxed and waned throughout our history, but it is instructive that a most egregious example – the internment of U.S. citizens who happened to be Japanese American – occurred during a national emergency. By implicitly blaming legal immigration for the COVID 19 pandemic and the horrendous loss of life and job losses it has created, the Presidential Proclamation is weaponizing xenophobia against Americans who are perceived as others and who could be or are perceived as immigrants, particularly from Asia.

We urge the President not to stop legal immigration in a manner that is contrary to our history and values, and reiterate our call to the President to not blame immigration for the pandemic and our economic emergency.

⁵ Indeed, the Trump Administration apparently rejected a study by the Department of Health and Human Services that found that refugees brought in \$63 billion more in government revenues over the past decade than they cost. Julie Hirschfeld Davis and Somini Sengupta, "Trump Administration Rejects Study Showing Positive Impact of Refugees," *The New York Times*, Sept. 18, 2017, <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html>.

⁶ The Commission recently released a statement on anti-Asian sentiment because of the Administration's continued characterization of the coronavirus as "Chinese" and use of other Asian-related references. See U.S. Comm'n on Civil Rights, "The U.S. Commission on Civil Rights Expresses Concern Over Growing Anti-Asian Racism and Xenophobia Amid the COVID-19 Outbreak," Mar. 20, 2020, <https://www.usccr.gov/press/2020/03-20-Racism-and-Coronavirus-Stmt.pdf>.

⁷ *Id.*

⁸ U.S. Comm'n on Civil Rights, "U.S. Commission on Civil Rights Decries Supreme Court Decision in Muslim Ban Case," Jul. 13, 2018, <https://www.usccr.gov/press/2018/07-13-18-Statement.pdf>.

⁹ *Id.* See also U.S. Comm'n on Civil Rights, "U.S. Commission on Civil Rights Majority Voices Concern Over Executive Proclamation Expanding Existing Orders on Religious and National Origin Travel Discrimination," Mar. 20, 2020, <https://www.usccr.gov/press/2020/03-20-Travel-Ban-Stmt.pdf>.

¹⁰ U.S. Comm'n on Civil Rights, *Trauma at the Border: The Human Cost of Inhumane Immigration Policies*, Oct. 2019, <https://www.usccr.gov/pubs/2019/10-24-Trauma-at-the-Border.pdf>.

The highest tradition of our nation is to meet grave challenges with measures that reassert our democratic values, and not that with measures that demean them.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights.

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