



Senator James Lankford
316 Hart Senate Office Building
Washington, DC 20500

January 10, 2018

Re: DACA

Dear Senator Lankford:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole.

Because it appears that a significant number of senators and congressmen continue to favor amnesty without a wall, it is important to re-emphasize a rarely-discussed effect of granting legal status or effective amnesty to illegal immigrants.¹ Such grant of legal status, without serious, robust immigration enforcement, will likely disproportionately harm unskilled American workers, particularly lower-skilled African-Americans, by making it more difficult for them to obtain employment and depressing their wages when they do obtain employment. The increased employment difficulties will likely have negative consequences that extend beyond the economic sphere.

The negative impact of illegal immigration on unskilled and low-skilled American workers has been established by various studies and discussed in numerous hearings, including, but not limited to, a 2008 Commission briefing.² The testimony at the briefing indicated that illegal immigration disproportionately affects the wages and employment opportunities of African-American men.³

The country's persistent economic stagnation between 2008-2016 disproportionately harmed African-Americans, especially those with little education. Eight years into the economic recovery, African-Americans still faced particular difficulty obtaining employment. According to the Bureau of Labor Statistics, the December 2017 unemployment rate for all black Americans – not just those with few skills – was 6.8 percent, nearly twice the white unemployment rate of 3.7 percent.⁴ The economy has a

¹ Such effect is set forth in greater detail in the attached letter previously sent to the President and several members of Congress.

² U.S. COMMISSION ON CIVIL RIGHTS, THE IMPACT OF ILLEGAL IMMIGRATION ON THE WAGES AND EMPLOYMENT OPPORTUNITIES OF BLACK WORKERS [hereinafter THE IMPACT OF ILLEGAL IMMIGRATION], *available at* http://www.usccr.gov/pubs/IllegImmig_10-14-10_430pm.pdf.

³ *Id.* at 3, Finding 5:

Illegal immigration to the United States in recent decades has tended to depress both wages and employment rates for low-skilled American citizens, a disproportionate number of whom are black men. Expert economic opinions concerning the negative effects range from modest to significant. Those panelists that found modest effects overall nonetheless found significant effects in industry sectors such as meatpacking and construction.

⁴ BUREAU OF LABOR STATISTICS, *Employment status of the civilian population by race, sex, and age*, <http://www.bls.gov/news.release/empsit.t02.htm>.



glut of low-skilled workers, not a shortage. The unemployment rate for black teens is nearly 23 percent.⁵ The black labor force participation rate remains 62.1 percent.⁶ In addition, black median household income was stagnant for years.⁷

The good news is that the 6.8 percent black unemployment rate is the lowest rate in 45 years. The decline happened to occur contemporaneously with a steep drop in border crossings and stepped up interior enforcement efforts. Although this correlation does not necessarily indicate causation, the dynamic is consistent with what would be expected from a reduction in unskilled labor competition from illegal immigrants.

The consequences of illegal immigration for black men and the black community in general are not limited to wages and employment. A study by Harvard's George Borjas found that lower wages and fewer jobs also correlate with an increase in the black incarceration rate.⁸

Moreover, lower wages and incarceration likely contribute to one of the most serious problems facing the African-American community today: the dearth of intact nuclear families. Married men are more likely to be employed and to have higher earnings than unmarried men, although the relationship between marriage and economic success is complex. However, it is obvious that men who are unemployed or are incarcerated are far less appealing prospective spouses than men who hold down a steady job.⁹

Recent history shows that granting amnesty to illegal immigrants will encourage more people to come to the United States illegally. Indeed, after a dramatic plunge in border crossings by illegal immigrants in the first half of 2017, such crossings ticked upward after news reports of a possible "DACA deal."¹⁰ Similarly, the 1986 amnesty did not solve the illegal immigration problem. To the contrary, that amnesty established the precedent that if you come to America illegally, eventually you will obtain legal status. Thus, it is likely that if illegal immigrants are granted legal status, more people will come to America illegally and/or through chain migration and will further crowd African-American men (and other low-skilled men and women) out of the workforce.

⁵ *Id.*

⁶ *Id.*

⁷ See, e.g., *On Views of Race and Inequality, Blacks and Whites Are Worlds Apart*, PEW RESEARCH CENTER, June 27, 2016 ("In 2014, median black household income was about \$43,300, while white household income was about \$71,300. By comparison, 20 years prior, black household income was about \$37,800 compared with \$63,600 among white households."), <http://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being/>; Derooy Murdock, *Black Americans Are Worse Off Under Obama*, NAT'L REV. ONLINE, May 16, 2014, <http://www.nationalreview.com/article/378087/black-americans-are-worse-under-obama-deroy-murdock>.

⁸ George J. Borjas, Jeffrey Grogger, and Gordon Hanson, *Immigration and the Economic Status of African-American Men*, 77 *Economica* 255, 256 (2010).

⁹ Hannah Rosin, *THE END OF MEN* (2012) 8–10 (a single mother's description of her daughter's underemployed father as "one less granola bar for the two of us").

¹⁰ Fred Lucas, *As Immigration Arrests Increase Under Trump, So Do Border Crossings by Unaccompanied Minors*, THE DAILY SIGNAL, Dec. 10, 2017, <http://dailysignal.com/2017/12/10/immigration-arrests-increase-trump-unaccompanied-minors-border-crossings/>.



A border wall, in and of itself, is only part of effective immigration enforcement. But contrary to assertions that a wall will do little to stem illegal immigration, the recent example of Hungary shows that border barriers work. Prior to the construction of a wall bordering Serbia, the number of migrants entering Hungary was 391,000. After the wall's construction that number dropped to 18,236 in 2016 and just 1,184 in the first half of 2017.¹¹

Before the federal government decides to grant legal status to illegal immigrants, due deliberation should be given to what effect such grant will have on the employment and earnings prospects of low-skill Americans generally and black Americans specifically. I submit that granting such legal status is not without substantial costs to American workers. Given these costs, I respectfully ask members of Congress to confirm that they will:

- 1) Withhold agreement on any DACA deal until border wall funding is secured;
- 2) Withhold agreement on any DACA deal unless E-Verify requirements are extended to all U.S. employers;
- 3) Withhold agreement on any DACA deal unless continued funding for H-1B and H-2B visa enforcement efforts is secured;
- 4) Withhold agreement on any DACA deal until chain migration is halted.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kirsanow".

Peter Kirsanow
Commissioner

cc: Majority Leader Mitch McConnell, Chairman Chuck Grassley, Speaker Paul Ryan, Chairman Bob Goodlatte

¹¹ *The measures introduced in the interests of protecting the border continue to be necessary*, Cabinet Office of the Prime Minister, Sept. 15, 2017, <http://www.kormany.hu/en/government-spokesperson/news/the-measures-introduced-in-the-interests-of-protecting-the-border-continue-to-be-necessary>.