

Center for Growth and Opportunity at Utah State University

Public Interest Comment on the U.S. Citizenship and
Immigration Services proposed rule

Asylum Application, Interview, and Employment Authorization for Applicants

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Executive Summary

On November 14, 2019, the Department of Homeland Security (DHS) proposed to remove a regulatory provision stating that asylum seekers have to wait 180 days after filing their asylum application to apply for employment authorization. Instead, DHS proposes that applicants wait 365 days from the date they submit asylum applications before they apply for an Employment Authorization Document (EAD).¹ This more than doubles the current 180 day provision.

The proposal seeks to achieve two main objectives: First, to give the United States Citizen and Immigration Services (USCIS) sufficient time to adequately review employment applications. Second, to discourage fraudulent applications for work authorization in the US.

We are researchers writing to comment on the unintended consequences of the suggested increase in wait time. Extensive research exists on the economic benefits of immigrants to the US economy. Those benefits are contingent on refugees and immigrants being allowed to work. Fundamentally, the proposed rule change limits access to employment, which studies suggest can push refugees towards illegal work arrangements and reduce public safety by increasing crime rates.

The USCIS and DHS are rightfully concerned with a growing backlog of petitions for asylum in the US. Efforts to reduce the backlog are needed, but decreasing access to work will not help to reduce the immigration backlog or effectively discourage fraudulent applications.

In place of longer delays, policymakers should pursue policies that give swift and clear access to work authorization. For example, USCIS could:

1. Institute a presumptive permission for refugees to work while USCIS processes applications,
2. Collaborate with states on refugee admission through state-based visas.²

Our comment summarizes the proposed rule change, discusses the economic impacts of refugees, and then details research showing the risks of pushing refugees into black markets by making it harder for them to work legally. We conclude with policy alternatives that will give refugees more opportunities to contribute to local economies and the national US economy. In addition, we show the likely public safety benefits of a work-first approach. Policies that quickly integrate refugees into the economy and culture by granting immigrants the freedom to work will benefit the US economy and public safety.

1 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

2 Rust, Sean, and Brandon Fuller. 2014. "State-Based Visas: A Federalist Approach to Reforming U.S. Immigration Policy." *The Cato Institute*, Policy Analysis No. 748 <https://www.cato.org/publications/policy-analysis/state-based-visas-federalist-approach-reforming-us-immigration-policy>; Ozimek, Adam, John Lettieri, and Kenan Fikri. 2019. "From Managing Decline to Building the Future Could a Heartland Visa help struggling regions?" *Economic Innovation Group*. <https://eig.org/heartland-visa>; Nowrasteh, Alex. 2019. "Why We Need State-Based Immigration Visas." *The Cato Institute*. <https://www.cato.org/publications/commentary/why-we-need-state-based-immigration-visas>.

Proposed Rule Background and Summary

On November 14, 2019, the Department of Homeland Security (DHS) proposed to remove a regulatory provision stating that asylum seekers have to wait 180 days after filing their application to apply for employment authorization. Instead, DHS proposes that applicants wait 365 days from the date they submit their asylum applications before they can apply for an Employment Authorization Document (EAD).³

The change was proposed to address two major concerns: First, to ensure that the United States Citizen and Immigration Services (USCIS) has enough time to properly revise each work authorization application. According to Regulation 8 CFR 208.3, USCIS has 30 days to process employment authorization applications. Yet, USCIS takes almost double that amount of time to process most applications. For example, in 2017, 78 percent of the applications that USCIS processed took 60 days.⁴

Because of the application backlog, the screening and approval of each application is done swiftly and the criteria for accepting applications is stricter. In turn, this increases the number of applicants that are deemed non-eligible for EADs. In fact, in 2018 a lawsuit was filed (*Rosario vs. USCIS*) because of the backlog in work authorization approvals not completed within the 30 day window. This legal challenge caused USCIS to reallocate resources to operate at full compliance with regulations. According to DHS, introducing a 365-day approval process for work employment authorizations would allow USCIS to process applications faster and more efficiently, as well as use USCIS resources more efficiently and avoid the costs of hiring additional staff.

While there have been proposals to hire more officers to accelerate the approval process, DHS has not estimated the cost of hiring more officers. Furthermore, DHS argues that the impact of hiring more officers would not be as large given the time required to train new employees and to evaluate every applicant.

Second, the regulatory change seeks to reduce fraudulent applications and disincentivize illegal entry into the US. One of the major concerns pointed to in the USCIS rule proposal is the number of undocumented immigrants entering the country. In just March of 2019, more than 100,000 aliens arrived at the US southern border in a migrant caravan to enter the United States.⁵ Many undocumented immigrants submit an asylum application, as well as a work authorization application. However, work authorization applications by undocumented immigrants are viewed as fraudulent and non-meteritous of refugee status or work authorization. The rule change proposed seeks to reduce the number of fraudulent applications that have to be processed and help reduce the number of applications in the backlog by prioritizing aliens with true asylum claims.

According to DHS, the impacts of this rule would be distributional effects and costs. These effects would fall on three groups of people: asylum applicants, those who already have asylum status and work authorization, and companies seeking to hire immigrants. Asylum applicants will suffer from loss of compensation for a year stemming from the delay in work authorization. The total loss of compensation to asylum applicants ranges from \$2,230.70 million to \$4,461.9 million depending on individual wages and the discount rate assumed, according to DHS. In addition, the DHS estimates that the government will collect between \$341.4 million and \$682.9 million less tax revenue under the proposed rules. Lastly, companies that are searching for workers and that would have hired asylum applicants will have to choose the next best alternative for labor.

3 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

4 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

5 For details on the migrant caravan, see Sieffe, Kevin, and Joshua Partlow. "How the Migrant Caravan Became so Big and Why It's Continuing to Grow." *The Washington Post* (2018) and Nowrasteh, Alex. "The Migrant Caravan Probably DOESN'T Contain Many Criminals." *Cato at Liberty*. October 30, 2018. <https://www.cato.org/blog/migrant-caravan-probably-doesnt-contain-many-criminals>; USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

Summary of Work Authorization Changes

Work authorization rules for immigrants in the United States vary based on their status, such as if they are on a student visa or qualify for temporary protected status. While some immigrants cannot seek work authorization, others are authorized to work by statute or by USCIS discretion. Aliens who have applied for asylum in the US are authorized to work under INA Section 208 (c)(1)(B), as long as they have applied for asylum within one year of arriving to the US (1158 (2)(b)). To receive a work authorization, asylum applicants can apply for an EAD, which provides temporary work permits for noncitizens and the right to obtain a Social Security Number. Employment authorization can be renewed after the authorization expires, as long as it is requested 90 days prior to the EAD's expiration date.⁶

While aliens granted asylum can seek work authorization by statute, those in the process of the asylum application cannot. However, the Attorney General can grant an asylum applicant with employment authorization while their status is pending under INA section 208 (d)(2), USC 1158 (d)(2). Under 8 CFR 208.3, USCIS has up to 30 days to return an asylum application from its submission date. If not, the application is deemed complete. If an asylum seeker applicant receives an EAD on a pending asylum application but their application is denied, their employment ends 60 after their asylum was denied or when the EAD permit expires.⁷

After an asylum seeker's application for asylum has been submitted, applicants must wait 150 days before filing the EAD application. The 150 day time period begins upon receiving a receipt from USCIS of a complete asylum application. Once the EAD application is submitted, USCIS has 30 days from the EAD submission date to grant or deny the work authorization. In total, counting the 150 day wait since the application and the 30 days required to approve it, asylum seekers must wait 180 days from their initial filing of their refugee status to receive work authorization. This time period is referred to as the "180-day Asylum EAD Clock." The purpose of the EAD clock is to prevent applicants from delaying their application. In other words, USCIS can only issue EADs 180 days after an asylum application is submitted. However, in some cases, a USCIS asylum officer can recommend that an application be expedited and approved before the 180 days.⁸

The 180-day EAD clock excludes any delays caused by the applicants. The following can stop 180-day Asylum EAD Clock and extend the 180-day wait time for the EAD authorization: rescheduling asylum interviews, extending asylum interviews, failing to appear at an asylum office to receive decision receipt, making amendments to applications, or missing the required biometrics appointment.⁹

The regulation proposed by DHS seeks to eliminate the 180-day Asylum EAD Clock and extend the waiting time to apply for work authorization to 365 days after the asylum application was submitted.¹⁰

Delaying Work Authorizations Reduces Economic Growth and Public Safety

Expanding the work authorization to 365 days creates a tradeoff between separate policy goals. The proposed rule is a response to a need for timely work authorization applications by USCIS and to limit unauthorized or fraudulent claims of work authorization. These goals must be weighed against the poten-

6 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

7 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

8 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

9 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

10 USCIS Proposed Rule: Asylum Application, Interview, and Employment Authorization for Applicants. USCIS-2019-0011. <https://www.regulations.gov/document?D=USCIS-2019-0011-0001>.

tial benefits of having refugees begin working sooner. For example, working refugees need fewer forms of public support, lessening their demands on public funds. Furthermore, there are well-documented economic and public safety benefits of immigrant workers that will not materialize if refugees are prohibited from working.

In the following sections, we will review existing research on the beneficial effects of immigrants on the US economy and then discuss evidence from the US and international cases that show the important public safety benefits of giving refugees clear legal pathways to work. We then present alternative policies that better balance the public goals of economic growth and safety with the need for timely and accurate application processing by USCIS.

Immigrants and Refugees Benefit the US Economy at National and Local Levels

Research suggests that immigrants and refugees contribute to the success of local and national economies. At the local level, immigrants and refugees represent more shoppers at local stores and employees for local businesses. At the national level, immigrants make US companies more competitive and more innovative than they be without them. Making it harder for refugees to work will only limit their ability to contribute to the US economy.

Long-term Economic Benefits of Immigration

The long-term economic benefits of immigrants is evident in the historical record. Research published in *The Review of Economic Studies* examines the effects that European immigrants into America from 1850 to 1920 have on today's economy.¹¹ The authors show that US counties that received larger historical immigrant flows have, "significantly higher incomes, less poverty, less unemployment, more urbanization, and higher educational attainment."¹² This result is robust to accounting for the reasons that immigrants may have moved to those areas and the authors argue that they establish the causal effect of immigrants on the locations that they settled in. In effect, making it more difficult for refugees to come to the US and contribute to its economy may have meaningful negative economic consequences to the United States's future.

Immigrants Complement Natives

There are also concerns about the effects of immigrants' impact on the employment and wages of US natives today.¹³ Yet there is little evidence to justify many of these concerns. As immigration expert Amelie Constant concludes in her review of the evidence, "Immigration's positive effects far outweigh any negative impact."¹⁴ In fact, research suggests that immigrants tend to complement native workers rather than to compete with them directly for jobs.

This complementary relationship between immigrants and natives stems from several sources. First, immigrants move to destinations where their work is needed.¹⁵ This boosts long-run economic productivity as well as limits competition between natives and immigrants.¹⁶ Second, natives often move into areas that require greater language skills or specialized fields that require more education.¹⁷ And finally, because immigrants often spur greater economic growth overall, any jobs that immigrants fill are coupled with new growth and openings in other or related areas.¹⁸ This happens because more shoppers at local stores boost revenues and can give businesses reason to expand.

11 Sequeira, Sandra, Nathan Nunn, and Nancy Qian. 2019. "Immigrants and the Making of America." *Review of Economic Studies*.

12 Sequeira, Sandra, Nathan Nunn, and Nancy Qian. 2019. "Immigrants and the Making of America." *Review of Economic Studies*.

13 Tate, Sidney and Josh T. Smith. 2018. "How Do Refugees Impact Labor Markets in the United States?" *The Center for Growth and Opportunity at Utah State University*. <https://www.growthopportunity.org/research/rif/refugees-impact-labor-markets>.

14 Constant, Amelie. Do migrants take the jobs of native workers?. IZA World of Labor 2014: 10 doi: 10.15185/izawol.10

15 Borjas, George J. "Does immigration grease the wheels of the labor market?." *Brookings papers on economic activity* 2001, no. 1 (2001): 69-133.

16 Monras, Joan, Christoph Albert. 2019. "Immigration and Spatial Equilibrium: The Role of Expenditures in the Country of Origin." *The Center for Growth and Opportunity at Utah State University*. <https://www.growthopportunity.org/research/immigration-spatial-equilibrium>

17 Peri, Giovanni, and Chad Sparber. 2009. "Task Specialization, Immigration, and Wages." *American Economic Journal: Applied Economics*, 1 (3): 135-69.

18 Constant, Amelie. Do migrants take the jobs of native workers?. IZA World of Labor 2014: 10 doi: 10.15185/izawol.10

Immigrants Boost Innovation

Research on immigration also suggests that allowing more people to live and work in the US translates into more and better ideas.¹⁹ For example, one study found that a “1 percentage point increase in immigrant college graduates’ population share increases patents per capita by 9–18 percent.”²⁰ The authors conclude that immigrant college graduates are twice as productive at patenting ideas compared to their native counterparts.²¹

A working paper by economists at Stanford concludes that, “despite immigrants only making up 16% of inventors, they are responsible for 30% of aggregate US innovation since 1976.”²² Another working paper suggests that immigrant-owned firms are more innovative than other US firms on 15 of 16 measures, such as research and development activity and developing prototypes.²³ Ultimately, these innovations mean better products and services for businesses to provide to consumers.

Overall, research on the economic effects of immigrants shows major benefits to the US economy. Policies that put barriers between refugees and employment will reduce or eliminate those benefits, which will cause long-term economic harm to the US. Better policies would provide a clear path towards legal opportunities for refugees to work.

Legal Access to Work Improves Refugee Integration and Public Safety

In addition to improving the US economy, clear pathways to work will also improve public safety. The existing research on the relationship between crime and immigrants finds that immigrants are less likely to commit crimes and may even reduce crime rates. The research is broad in scope but has a clear consensus on that point.²⁴ The attached appendix includes summaries of relevant studies to give a picture of the overall research.

Importantly, there is a limited number of studies finding that immigrants increase crime rates, but only under labor market policies that restrict opportunities for legal employment. These papers show that policies that give refugees a clear pathway to legally working reduce the already low risk of immigrants committing crimes. This indicates that USCIS’s proposal may reduce public safety by limiting opportunities for refugees to find legal employment.

Economic theory and empirical evidence from the US and other countries all suggest that improving access to the ability to work reduces the already small chance that immigrants will become involved in crime. This section lays out the economic theory on crime and then reviews the evidence on how access to the labor market affects refugees and immigrants looking both at the US and at international experiences.

19 Kerr, William R. 2017. “US High-Skilled Immigration, Innovation, and Entrepreneurship.” Chapter. In *The International Mobility of Talent and Innovation: New Evidence and Policy Implications*, edited by Carsten Fink and Ernest Miguelez, 193–221. Intellectual Property, Innovation and Economic Development. Cambridge: Cambridge University Press. doi:10.1017/9781316795774.007; Hunt, Jennifer, and Marjolaine Gauthier-Loiselle. 2010. “How Much Does Immigration Boost Innovation?” *American Economic Journal: Macroeconomics*, 2 (2): 31–56.

20 Hunt, Jennifer, and Marjolaine Gauthier-Loiselle. 2010. “How Much Does Immigration Boost Innovation?” *American Economic Journal: Macroeconomics*, 2 (2): 31–56.

21 Hunt, Jennifer, and Marjolaine Gauthier-Loiselle. 2010. “How Much Does Immigration Boost Innovation?” *American Economic Journal: Macroeconomics*, 2 (2): 31–56.

22 Bernstein, Shai, Rebecca Diamond, Timothy McQuade, and Beatriz Pousada. 2018. The contribution of high-skilled immigrants to innovation in the United States. No. 3748. <https://www.gsb.stanford.edu/faculty-research/working-papers/contribution-high-skilled-immigrants-innovation-united-states>.

23 Brown, J. David, John S. Earle, Mee Jung Kim, and Kyung Min Lee. “Immigrant entrepreneurs and innovation in the US high-tech sector.” In *The Role of Immigrants and Foreign Students in Science, Innovation, and Entrepreneurship*. University of Chicago Press, 2018. <https://www.nber.org/chapters/c14103>.

24 Zavodny, Madeline, and Pia Orrenius. 2019. “Do Immigrants Threaten US Public Safety?” *Journal on Migration and Human Security*, 7 (3): 52–61. doi: 10.1177/2331502419857083. <https://cmsny.org/publications/jmhs-orrenius-zavodny-070219/>.

The Economic Theory of Crime

The Nobel laureate economist Gary Becker's theory of crime focuses on the trade-offs between legal work and black market occupations.²⁵ His research suggests that when thinking about the likely effects of a policy on crime rates, policymakers should consider the ways that the policy affects the opportunities and gains from legal work compared to the opportunities and relative costs of working in the black market. Crime is driven by a lack of open, legal opportunities. Quite simply, if a policy makes working legally more difficult, it is effectively making working in the black market a more appealing option.

Immigration policy scholars commonly apply Becker's theory to immigrants and refugees.²⁶ For example, a paper examining US data suggested a small relationship between immigration and crime. The increase in crime, however, is entirely limited to income-generating crimes by immigrants who have worse labor market expectations, confirming Becker's theories on crime. Still, these costs to the US overall are small. The study's author concludes that ignoring these costs would overstate the gains from immigration but the effect is, "far too small to outweigh the welfare gains to immigration produced elsewhere in the economy."²⁷ This suggests that rather than justifying severe limits on immigration or refugee admissions, targeted policies to address crime can resolve potential conflict and public safety risks.

In fact, the clearest policy implication from this study and other research on refugee policy is that better access to legal work opportunities reduces crime, in addition to the other economic benefits it provides. Specific examples of this economic theory in action can be seen in the US and international cases.

Evidence from the United States

The United States has a long history of immigration and resettling refugees, although current refugee admission levels have been dramatically reduced.²⁸ Examining this history shows the importance of allowing immigrants and refugees to work in order to maximize the benefits they bring to the US economy. For example, studies of the 1986 Immigration Reform and Control Act (IRCA) that provided a legalization pathway for about 3 million immigrants demonstrate that better access to labor markets improves immigrant integration. Dr. Scott Baker, a professor at Northwestern University, was the first to examine the effects of legalization options on crime. By looking at county-level US data, he finds that crime declined by between three and five percent after IRCA's enactment. He then shows that, "much of the drop in crime can be explained by greater labor market opportunities among applicants."²⁹ Dr. Baker's research provides clear evidence of the importance of removing barriers between immigrants and refugees and their ability to work.

A second study of IRCA concentrates on the employer penalties for hiring undocumented immigrants that it also created. The authors of this study examine the effects of IRCA in San Antonio, Texas. In contrast to Dr. Baker's findings, they show an increase in felony charges.³⁰ The results appear to contradict each other, but examining IRCA's impact on access to legal jobs cleanly reconciles the two studies. In the second study, the causal mechanism is that IRCA's pathway for legalization had timed out and employer sanctions for hiring undocumented workers had kicked in. As the authors write, "At the same time that IRCA created a pathway to legal status for previously undocumented immigrants, it shut off access to legal employment for people who arrived in the United States after the window to apply for amnes-

25 Becker, Gary S. "Crime and punishment: An economic approach." In *The Economic Dimensions of Crime*, pp. 13-68. Palgrave Macmillan, London, 1968.

26 Zavodny, Madeline, and Pia Orrenius. 2019. "Do Immigrants Threaten US Public Safety?" *Journal on Migration and Human Security*, 7 (3): 52-61. doi: 10.1177/2331502419857083. <https://cmsny.org/publications/jmhs-orrenius-zavodny-070219/>.

27 Spenkuch, Jörg L. 2014. "Understanding the Impact of Immigration on Crime." *American Law and Economics Review*, 16 (1): 177-219. <https://doi.org/10.1093/aler/aht017>.

28 Tate, Sidney and Josh T. Smith. 2018. "How Do Refugees Impact Labor Markets in the United States?" *The Center for Growth and Opportunity at Utah State University*. <https://www.growthopportunity.org/research/rif/refugees-impact-labor-markets>.

29 Baker, Scott R. 2015. "Effects of Immigrant Legalization on Crime." *American Economic Review*, 105 (5): 210-13.

30 Freedman, Matthew, Emily Owens, and Sarah Bohn. 2018. "Immigration, Employment Opportunities, and Criminal Behavior." *American Economic Journal: Economic Policy*, 10 (2): 117-51.

ty closed.”³¹ Both studies show the importance of legal access to work, and the risks of creating policy barriers to employment for refugees and immigrants. The USCIS would do well to take these studies into account as it designs its own regulations governing work access by refugees.

One example of how a legal pathway can lead to benefits for the US economy can be seen in Upstate New York.³² Many of Upstate New York’s cities have suffered great economic declines in the last decades. The economic hardships have caused residents to flee cities in search of other opportunities, leaving the cities empty and crime ridden.³³ Between 1950 and 2000, Buffalo lost more than half of its residents, while Utica lost 40 percent and Rochester and Syracuse lost 30 percent.

To overcome the issues caused by a loss of population, many of these cities started allowing immigrants to resettle there. Early reports suggest that declining cities like Buffalo have been bouncing back because of refugee resettlement.³⁴ Immigrants resettling there bring in new businesses, fill up deserted neighborhoods, and help reduce crime. Research by Sandoval-Strausz shows how this kind of metropolitan revitalization by immigrants is not unique to Upstate New York, but can be seen in many cities throughout the US.³⁵ However, Sandoval-Strausz claims that this metropolitan revitalization can only take place by allowing people to legally participate in the economy, and allowing them to have mobility and exchange.

International Evidence Can Inform US Refugee Policy

The US is not the only country receiving refugees and determining policies related to their work eligibility. Germany, Italy, Switzerland, and the UK have all grappled with the policies surrounding refugee integration. Their experiences can each inform DHS and USCIS’s rulemaking. The overarching lesson is that clear and legal labor market access for refugees improves peaceful and productive integration of refugees into their new homes.

Evidence from Germany

From 1991 to 2015, 24.8 million people sought asylum in Germany. In 2015 alone, one million refugees entered Germany, most of which were Syrians fleeing their country after years of war. The country’s population in 2015 was around 81 million, so this represented about a one percent increase in Germany’s population. The inflow of refugees created a pressing public concern that this influx of people would bring higher levels of crimes against native Germans.

Researchers examined this concern in a July 2019 paper and found no evidence to justify claims of more crimes against native Germans.³⁶ The authors use two data sets to study the impact that the 2015 refugee crisis had on the number of crimes committed, as well as the types of crime. They found that refugee inflows had no statistically significant effect on crime rates. There is no evidence of a systematic link between the scale of refugee levels and the risk of Germans becoming victims of crime in which refugees are suspects.

Overall, their results show that crime against Germans by refugees did not increase after the refugee crisis in 2015. This suggests that the fears around taking in immigrants and refugees may be overstated.

31 Freedman, Matthew, Emily Owens, and Sarah Bohn. 2018. “Immigration, Employment Opportunities, and Criminal Behavior.” *American Economic Journal: Economic Policy*, 10 (2): 117-51.

32 Clack, Julie. “City of Good Neighbors: Students examine refugee resettlement in Buffalo, NY. Princeton University 26 March 2018. <https://www.princeton.edu/news/2018/03/26/city-good-neighbors-students-examine-refugee-resettlement-buffalo-ny>

33 Goldbaum, Christina. “Luring Refugees: N.Y. Cities Desperate for People Try a New Strategy.” *New York Times* 13 May 2019. <https://www.nytimes.com/2019/05/13/nyregion/refugees-upstate-ny-employment.html?auth=login-email&login=email>

34 Misra, Tanvi. “The Cities Refugees Saved.” *City Lab*. January 31, 2019. <https://www.citylab.com/equity/2019/01/refugee-admissions-resettlement-trump-immigration/580318/>; New American Economy. “Buffalo Metro Area.” <https://www.newamericaneconomy.org/city/buffalo/>.

35 Sandoval-Strausz, A.K. “Migrantes, Barrios, and Infraestructura: Transnational Process of Urban Revitalization in Chicago” in *Immigration and Metropolitan Revitalization in the United States*. Ed. Sugrue, T. J., & Vitiello, D. (2017). Philadelphia: University of Pennsylvania Press, Inc.

36 Huang, Yue, and Michael Kvasnicka. 2019. “Immigration and Crimes against Natives: The 2015 Refugee Crisis in Germany.” IZA DP No. 12469. <http://ftp.iza.org/dp12469.pdf>.

Evidence from Switzerland

Switzerland provides a unique lesson for the role of labor market access on reducing criminality. From 2009 to 2016, a mix of asylum seekers settled in Switzerland. Many of the asylum seekers had been exposed to civil conflict or violence before reaching Switzerland. This presents an opportunity to examine if immigrants exposed to violence are more prone to violence themselves. Researchers examined exactly that question and conclude that “cohorts exposed to civil conflicts/mass killings during childhood are 35 percent more prone to violent crimes than the average cohort.”³⁷

The finding on immigrants exposed to violence is unique among the research that we detail in its finding of a positive relationship between asylum seekers and violent crime. It presents an important policy consideration for policymakers like USCIS. Despite this unique finding, the researchers still use and confirm Becker’s ideas about crime, as they point to the reduction in crime when paired with access to labor markets.³⁸

For example, the researchers also examine the Swiss government’s provision of opportunities for both economic integration and cultural integration. Swiss policies encouraged quick access to work and provided training for immigrants to aid their integration into the labor market. The study concludes that, “fostering prospects for the labor market integration of asylum seekers can reduce the effect of conflict exposure by two-thirds.”³⁹

The chief policy lesson from Switzerland is not that asylum seekers from dangerous or violent regions pose large threats to the host country. Instead, the primary lesson for USCIS and others concerned with refugee integration policies is the importance of rapidly providing legal opportunities for work. Countries that enjoy greater state capacity will not find themselves endangered by asylum seekers, though it may be important for smaller states to consider these effects and find partners to respond to the need for integration policies.⁴⁰

Evidence from Italy

Italy’s experience with immigration and refugees provides another illustration of the beneficial relationship between legal status and crime. One study examines the effects of the European Union’s (EU) 2007 inclusion of Romania and Bulgaria into its membership, thereby giving Romanians and Bulgarians legal status in other EU countries. A second study examines the effect of Italy’s distribution of residence permits on crime.

In the case of the European Union enlargement, research shows that repeat offenses fell among those who gained legal status in Italy. Again, this effect was mainly driven by property crimes, which are economically motivated.⁴¹

The EU’s inclusion of Romania and Bulgaria is a useful natural experiment, but it is a major policy shift and one that will be difficult or impossible for other policymakers to apply in their own countries. But policymakers can learn from how Italy distributes its permits for residence.

Dr. Paolo Pinotti, a researcher specializing in crime and immigration, examines the “click days” when applications for residence permits are submitted to the Italian government. Because they are processed on a first come, first served basis, they provide an ideal opportunity for statistical analysis of the effects

37 Couttenier, Mathieu, Veronica Petrencu, Dominic Rohner, and Mathias Thoenig. 2019. “The Violent Legacy of Conflict: Evidence on Asylum Seekers, Crime, and Public Policy in Switzerland.” *American Economic Review*, 109 (12): 4378-4425.

38 Couttenier, Mathieu, Veronica Petrencu, Dominic Rohner, and Mathias Thoenig. 2019. “The Violent Legacy of Conflict: Evidence on Asylum Seekers, Crime, and Public Policy in Switzerland.” *American Economic Review*, 109 (12): 4378-4425.

39 Couttenier, Mathieu, Veronica Petrencu, Dominic Rohner, and Mathias Thoenig. 2019. “The Violent Legacy of Conflict: Evidence on Asylum Seekers, Crime, and Public Policy in Switzerland.” *American Economic Review*, 109 (12): 4378-4425.

40 Böhmelt, Tobias, Vincenzo Bove, and Kristian Skrede Gleditsch. “Blame the victims? Refugees, state capacity, and non-state actor violence.” *Journal of Peace Research* 56, no. 1 (2019): 73-87.

41 Mastrobuoni, Giovanni, and Paolo Pinotti. 2015. “Legal Status and the Criminal Activity of Immigrants.” *American Economic Journal: Applied Economics*, 7 (2): 175-206.

of receiving legal status.⁴² In his research, Dr. Pinotti links the crime records of individual applicants for residence with their applications. His study shows that legalization reduces the crime rate for those who receive a residence permit. In a review of his and related research on immigration and crime, Dr. Pinotti suggests that European policymakers keep the duration of employment bans “as short as possible.”⁴³

Evidence from the United Kingdom

The United Kingdom’s refugee admission policy presents another opportunity to examine the relationship between the ability to work and criminality. One study explores the differences between two separate immigrant flows into the UK.⁴⁴ The first wave is made up of asylum seekers, which face legal barriers to working. The second wave is made up of immigrants from the EU which do not face the same legal barriers to employment in the UK.

When examining the first wave, those facing barriers to legal work, the researchers find increases in property crimes and no changes to violent crime rates. This indicates that the asylum seekers were looking for opportunities to grow their income and, because they were barred from legal opportunities to work, found only opportunities in black markets.

Now turning to the second wave, the researchers find the opposite effect for property crimes and still no change to violent crime. As Becker’s model predicts, immigrants sought out lucrative legal opportunities in lieu of criminal activity.

The researchers point out that a focus on improving opportunities for immigrants and asylum seekers to work can both reduce crime and create potential cost savings for the government organizing resettlement. A clear path towards legal opportunities will result in reductions in crime. Further, if refugees are working, then they will need fewer public support programs.⁴⁵

Swift Access to Work Authorization for Refugees is Vital for Public Safety and the US Economy

Research demonstrates immigration’s clear benefits to the US and to the individuals entering the US. In the rare cases where immigrants or refugees pose challenges to the countries that they enter, it is largely because of policies that restrict access to legal opportunities for work. The empirical evidence from the US, the EU, and other countries all suggest that improving access to the ability to work reduces the already small chance that immigrants become involved in crime.

In place of policies that extend the waiting time for legal work opportunities like the proposed rule, the USCIS should remove barriers to legal employment channels. A number of states have indicated that they would welcome refugees, and USCIS could cooperate with state governments to resettle them. Outside of these efforts, which potentially outstrip USCIS’s authority, USCIS could consider removing entirely the waiting period for work authorization. The next section details these policy options that are informed by the research findings and Becker’s economic theory of crime.

Alternative Policies for Refugee Work Authorization

The rule proposal states that the two central concerns motivating the rule change are 1) giving the USCIS sufficient time to adequately review employment applications and 2) discouraging fraudulent applications

42 Pinotti, Paolo. “Clicking on heaven’s door: The effect of immigrant legalization on crime.” *American Economic Review* 107, no. 1 (2017): 138-68. <https://www.aeaweb.org/articles?id=10.1257/aer.20150355>.

43 Pinotti, Paolo. “Immigrants and crime,” in “Refugees and Economic Migrants: Facts, Policies and Challenges.” Ed. Alfano, M., C. Dustmann, T. Frattini, and F. Fasani. (2016). VoxEU.

44 Bell, Brian, Francesco Fasani, and Stephen Machin. “Crime and immigration: Evidence from large immigrant waves.” *Review of Economics and Statistics* 21, no. 3 (2013): 1278-1290.

45 Bell, Brian, Francesco Fasani, and Stephen Machin. “Crime and immigration: Evidence from large immigrant waves.” *Review of Economics and Statistics* 21, no. 3 (2013): 1278-1290.

for work authorization in the US. The proposal would achieve these two goals by doubling the timeline for work authorization from 180 days to 365 days.

We believe that the negative economic effects of limiting refugees' ability to work and the risks to public safety make extending the timeline an ineffective solution. In its place we propose:

1. Create a presumptive permission to work for refugees while USCIS processes applications.
2. Collaborate with states on refugee admission through state-based visas.

The first alternative removes the administrative pressure on USCIS to complete reviews within the timeline. It would allow refugees to work while they await final determinations of their authorization request. There are two benefits of this approach over the current proposal.

First, a presumption of work authorization does not negate the potential economic benefits of immigrants for local communities because they could begin working immediately upon admission to the US through the refugee program. Not only does this create economic demand in the areas where refugees settle, it could reduce the public expenses related to refugees who, once working, will not need public support.

Second, a presumption of work authorization will improve public safety. Economic theory and empirical evidence from the US and multiple international experiences show that swift access to legal opportunities to work better integrate refugees into the local economy and community. Although refugees rarely commit crimes, research shows that when legal opportunities are closed to them, they pursue black market opportunities. Automatic authorization to work will improve public safety. By contrast, the proposal's doubling of the waiting period is likely to reduce public safety.

Barriers between refugees and legal work options endanger public safety. Even if the longer timeline for application processing is necessary, the public safety concerns weigh in favor of a presumption of work authorization.

In the case that USCIS believes that this presumption is abused by applicants, for example, by economic migrants looking to avoid the green card process, the USCIS could institute punishments for those who are found to have falsified their applications. Given the large worldwide refugee population, it may be worthwhile to accept that some fraudulent applications may occur in preference for faster labor market integration for the rightful applicants. As the United Nations 2018 report on displaced people reveals, 25 people were forced to flee their homes every minute of 2018.⁴⁶

The second alternative that could alleviate the problems facing USCIS could be a greater reliance on state-based groups. Once through the current USCIS's security screening, refugees are placed with resettlement agencies. This policy change would build on that existing relationship and give state governments the option to bring in more refugees to their state.⁴⁷ For example, a state government that wants to participate could send a representative to the existing Reception and Placement Program meetings to match refugees with localities.⁴⁸

There is an obvious appetite for involving states more in refugee resettlement policy. Since 2019, multiple states have indicated that they are interested in receiving greater numbers of refugees. Governors of Utah,

46 United Nations High Commissioner for Refugees. 2019. "Global Trends: Forced Displacement in 2018." <https://www.unhcr.org/globaltrends2018/>.

47 Similar policies have been proposed by immigration policy experts and federal legislators. For example, Utah Representative John Curtis's State Sponsored Visa Pilot Program Act of 2019 that would create state-based visas. For greater details on this policy see: Rust, Sean, and Brandon Fuller. 2014. "State-Based Visas: A Federalist Approach to Reforming U.S. Immigration Policy." *The Cato Institute*, Policy Analysis No. 748 <https://www.cato.org/publications/policy-analysis/state-based-visas-federalist-approach-reforming-us-immigration-policy>; Ozimek, Adam, John Lettieri, and Kenan Fikri. 2019. "From Managing Decline to Building the Future Could a Heartland Visa help struggling regions?" *Economic Innovation Group*. <https://eig.org/heartland-visa>; Nowrasteh, Alex. 2019. "Why We Need State-Based Immigration Visas." *The Cato Institute*. <https://www.cato.org/publications/commentary/why-we-need-state-based-immigration-visas>

48 Bruno, Andorra. 2017. "Reception and Placement of Refugees in the United States." *Congressional Research Service*. <https://fas.org/sgp/crs/homesecc/R44878.pdf>.

Arkansas, Oklahoma, Idaho, Missouri, and Tennessee, for example, have all stated they want more refugee resettlement in their state.⁴⁹ Texas is the only state as of January 10, to reject the future settlement of more refugees.⁵⁰

Giving more authority to states or more options for state governments to bring in refugees could help meet various needs in each state. For example, state-based visas are often advocated by states facing declining populations as a solution for shrinking workforces.⁵¹ Both Australia and Canada have similar programs that are widely considered to be successful at meeting the diverse needs of state and local governments.⁵²

Creating such a program has similar advantages over the proposed rule as does instituting presumptive work authorization. The economic needs of states differ, and refugees and immigrants can supplement a shrinking labor force.⁵³ Further, due to their design, existing visa programs do not always serve the needs of all groups within a state. For example, dairy farmers are not eligible to hire H-2A workers because that program requires that the nature of the work be cyclical, such as work that is dependent on seasonal needs (like growing seasons).⁵⁴

Ultimately, because both a presumptive freedom to work and state-based collaboration can facilitate clear and swift access to legal opportunities to work, they are preferable to the extended timeline for work authorization. The economic benefits of refugees, and the public safety benefits of providing avenues for them to work are more important policy goals than those motivating the USCIS's proposal.

Conclusion

In place of longer delays, policymakers should pursue policies that give swift and clear access to work authorization. For example, USCIS could:

1. Institute a presumptive permission to work for refugees while USCIS processes applications,
2. Collaborate with states on refugee admission through state-based visas.

The USCIS and DHS are rightfully concerned with a growing backlog of petitions for asylum in the US. Efforts to reduce the backlog are needed, but decreasing access to work will not help to reduce the immigration backlog or effectively discourage fraudulent applications.

49 Jack Suntrup. "Gov. Mike Parson says Missouri will continue accepting refugees." *St. Louis Dispatch*. January 1, 2020. https://www.stltoday.com/news/local/govt-and-politics/gov-mike-parson-says-missouri-will-continue-accepting-refugees/article_65293d12-aa67-5f3f-a56a-68502ef28882.html; "Oklahoma governor gives consent for refugee resettlement." *Associated Press*. December 20, 2019. <https://apnews.com/d58e14198ae31d04643e61b61bafcc5>; Roche, Lisa R. "Gov. Herbert urges President Trump to send more refugees to Utah." *KSL.com*. November 1, 2019. <https://www.ksl.com/article/46665709/gov-herbert-urges-president-trump-to-send-more-refugees-to-utah>; Froelich, Jacqueline. "Governor consents to refugee resettlement in Arkansas." *KUAF.com*. January 10, 2020. <https://www.kuaf.com/post/governor-consents-refugee-resettlement-arkansas>; Ebert, Joel. "Gov. Bill Lee gives impassioned defense of his decision to accept refugees in Tennessee." *Tennessean.com*. January 7, 2020. <https://www.tennessean.com/story/news/politics/2020/01/07/tennessee-refugee-resettlement-gov-bill-lee-impassioned-defense/2834550001/>; Tan, Rebecca. "Maryland Gov. Hogan issues written consent for refugee admission in response to Trump order." *Washington Post*. January 2, 2020. https://www.washingtonpost.com/local/md-politics/maryland-gov-hogan-issues-written-consent-for-refugee-admissions-in-response-to-trump-order/2020/01/02/9042dd20-2d6b-11ea-bcb3-ac6482c4a92f_story.html; "County, governor support refugee resettlement in Idaho." *Idaho Business Review*. January 3, 2020. <https://idahobusinessreview.com/2020/01/03/county-governor-support-refugee-resettlement-in-idaho/>;

50 Silva, Daniella. "Texas governor to reject new refugee resettlement following Trump order." *CBS News*. January 10, 2020. <https://www.nbcnews.com/news/us-news/texas-governor-reject-new-refugee-resettlement-following-trump-order-n1113851>; Ring, Wilson. "Vermont GOP governor affirms refugee welcome, seeks more." *Valley News*. January 10, 2020. <https://www.vnews.com/Vermont-GOP-governor-affirms-refugee-welcome-seeks-more-31910622>.

51 Ozimek, Adam, John Lettieri, and Kenan Fikri. 2019. "From Managing Decline to Building the Future Could a Heartland Visa help struggling regions?" *Economic Innovation Group*. <https://eig.org/heartland-visa>

52 Rust, Sean, and Brandon Fuller. 2014. "State-Based Visas: A Federalist Approach to Reforming U.S. Immigration Policy." *The Cato Institute*, Policy Analysis No. 748 <https://www.cato.org/publications/policy-analysis/state-based-visas-federalist-approach-reforming-us-immigration-policy>.

53 Ozimek, Adam, John Lettieri, and Kenan Fikri. 2019. "From Managing Decline to Building the Future Could a Heartland Visa help struggling regions?" *Economic Innovation Group*. <https://eig.org/heartland-visa>

54 Gibson, Ron. 2019. Letter to Representative John Curtis from the Utah Farm Bureau Federation. <https://curtis.house.gov/wp-content/uploads/2019/11/John-Curtis-Letter.pdf>; Smith, Josh T. 2019. "Immigrants, Robots, and the American Farmer." *The Benchmark*. <https://medium.com/cgo-benchmark/immigrants-robots-and-the-american-farmer-49867b58852d>.

Policies that quickly integrate refugees into the economy and culture through authorizing immigrants to work will benefit the US economy and public safety.