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Something's Fishy About the

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The federal government's dysfunction leaves immigrant-friendly cities feeling overwhelmed.

By Jerusalem Demsas



Carlos Barria / Reuters

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WHEN THE MAYOR of New York, of all places, warned that a recent influx of asylum seekers would destroy his city, something didn't add up.

“I said it last year when we had 15,000, and I'm telling you now at 110,000. The city we knew, we're about to lose,” Eric Adams urged in September. By the end of the year, more than 150,000 migrants had arrived. Still, the mayor's apocalyptic prediction didn't square with New York's past experience. How could a city with more than 8 million residents, more than 3 million of whom are foreign-born, find itself overwhelmed by a much smaller number of newcomers?

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In another legendary haven for immigrants, similar dynamics were playing

out. Chicago has more than 500,000 foreign-born residents, about 20 percent of its population, but it has been straining to handle the arrival of just 35,000 asylum seekers in the past year and a half. Some people have even ended up on the floors of police stations or in public parks. Mayor Brandon Johnson joined Adams and a handful of other big-city mayors in signing a letter seeking help with the “large numbers of additional asylum seekers being brought to our cities.”

Sometimes the best way to understand why something is going wrong is to look at what's going right. The asylum seekers from the border aren't the only outsiders in town. Russia's 2022 invasion of Ukraine brought a separate influx of displaced people into U.S. cities that quietly assimilated most of them. “We have at least 30,000 Ukrainian refugees in the city of Chicago, and no one has even noticed,” Johnson told me in a recent interview.

According to New York officials, of about 30,000 Ukrainians who resettled there, very few ended up in shelters. By contrast, the city has scrambled to open nearly 200 emergency shelters to house asylees from the southwest border.

What ensured the quiet assimilation of displaced Ukrainians? Why has the arrival of asylum seekers from Latin America been so different? And why have some cities managed to weather the so-called crisis without any outcry or political backlash? In interviews with mayors, other municipal officials, nonprofit leaders, and immigration lawyers in several states, I pieced together an answer stemming from two major differences in federal policy. First, the Biden administration admitted the Ukrainians under terms that allowed them to work right away. Second, the feds had a plan for where to place these newcomers. It included coordination with local governments, individual sponsors, and civil-society groups. The Biden administration did not leave Ukrainian newcomers vulnerable to the whims of Texas Governor Greg

Abbott, who since April 2022 has transported 37,800 migrants to New York City, 31,400 to Chicago, and thousands more to other blue cities—in a successful bid to push the immigration debate rightward and advance the idea that immigrants are a burden on native-born people.

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To call this moment a “migrant crisis” is to let elected federal officials off the hook. But a “crisis of politicians kicking the problem down the road until opportunists set it on fire” is hard to fit into a tweet, so we’ll have to make do.

ASYLUM IS A special form of protection for migrants who are at risk of serious harm in their home country because of their religion, political affiliation, nationality, race, or membership in a particular social group. Many people approaching the Southwest border are trying to avail themselves of that protection. In an ideal world, asylum seekers would cross the U.S. border at a designated port of entry, present themselves to immigration officers, and register as applicants for asylum. Those who pass an initial interview—by convincing an asylum officer that they have a credible fear of persecution or torture if they are turned away—should then receive a court date, find a lawyer, and have a chance to prove to a judge that they qualify to enter the United States. If rejected, they can be removed.

Every step of this process is broken.

RECOMMENDED READING

First, the U.S. government discourages asylum seekers from crossing at ports of entry. It turns away many would-be asylum seekers who arrive at those entry points and, as the Cato Institute immigration expert David J. Bier explains, works with the Mexican government to discourage would-be asylum seekers from ever reaching them. This all but ensures that large numbers will try to cross in more dangerous places—through deserts, along the Rio Grande. Asylum seekers do then try to present themselves to an official agent, regularly lining up and waiting their turn to do so.

Second, Congress has underfunded immigration courts to such an extent that evaluating asylum claims quickly is impossible. According to the nonpartisan data clearinghouse TRAC at Syracuse University, the average wait time for an asylum hearing has reached nearly 4.5 years. Given that, detaining all applicants as they await trial is financially prohibitive. So they are typically released into the U.S. According to an analysis of government data from 2008 to 2018 by the American Immigration Council, a nonprofit advocacy group, 83 percent of non-detained immigrants, and 96 percent of those with a lawyer, attend their hearings.

Large majorities of Americans favor legal immigration. News coverage and political commentary might leave the impression that asylum seekers must be ignoring some clear, orderly process. But the reality is that successive administrations—both Democratic and Republican—and lawmakers of both parties have made legal, orderly immigration at the southwestern border impossible. In doing so, they created a form of chaos that is now spreading throughout the nation.

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In 1996, President Bill Clinton signed into law the Illegal Immigration Reform and Immigrant Responsibility Act, which, among other things, created a six-month waiting period before asylum seekers could legally receive a work permit. In essence, asylum seekers from the southwestern border are prohibited from taking care of themselves. Many try anyway. “I talked to two guys just half an hour ago,” Denver Mayor Mike Johnston told me recently. They “were commuting to Colorado Springs, which is about an hour and 20 minutes from here, just for jobs to shovel snow on a daily basis. People are hungry for work.”

Yet if asylum seekers are caught working under the table, their application can be rejected. And if they turn begrudgingly to government aid, they incur resentment from many native-born Americans who question why newcomers are receiving handouts.

The waiting period is meant as a deterrent. If people in troubled nations get the idea that applying for asylum is a sure way to get a work permit in the United States, the logic goes, the number of migrants will balloon. The problem is that persecution and economic devastation in migrants' home country and greater opportunities in the U.S. are much stronger determinants of migration than tweaks to U.S. immigration policy. As I have previously argued, deterrence policies do not meaningfully dissuade migrants from making the journey, and even harsh Trump-era policies such as family

separation had no discernible effect. Clinton now criticizes the six-month work-permit waiting period. “It doesn’t make any sense,” he said in a recent radio interview—curiously failing to mention that he had signed that nonsensical requirement into law.

These policies allow politicians to posture as being tough on immigration, but they create a vicious cycle: When policies hamper asylum seekers from entering the country in an orderly way, they create disorder that stokes anti-immigrant sentiment—thereby pressuring future administrations to crack down on immigrants even further, creating more disorder and fueling more backlash.

THE LACK OF work permits is a national problem, but not every city is facing a migrant crisis. Immigration-court filings from last spring indicate that, along with New York City and the Chicago area, the counties that include Los Angeles, Houston, and Miami are all top destinations for asylum seekers, but the latter three cities show few signs of distress.

What is the “migrant crisis” in New York and Chicago? It includes visible signs of disorder like migrants sleeping outside as hotel rooms fill up, anger among native-born Americans that limited resources are being spent on migrants, and an expensive bureaucratic scramble to arrange health screenings, translation services, housing programs, legal services, school placements, school buses, and other needs for newcomers.

Those distress signals are absent in Houston. Late last year, the city’s outgoing mayor, Sylvester Turner, told NBC that the migrant crisis required federal intervention. Yet when asked whether the situation had caused budget cutbacks in his city, Turner replied, “In Houston this problem has not been that acute.” When I contacted the office of the current mayor, John Whitmire,

about the issue, a spokesperson directed me to Catholic Charities and said, “The city does not handle this process.” Unlike New York and Chicago, Houston has not felt sufficiently pressured to create new bureaucracies to respond to the migrant crisis. Betsy Ballard, a spokesperson for the Catholic Charities of Galveston-Houston, told me, “We have not had a big increase in people on the street ... It’s not like there are big encampments.” A spokesperson for the Coalition for the Homeless of Houston, the lead agency in the city’s nationally recognized services program for unhoused people, likewise said that the organization hadn’t seen an appreciable influx of asylum seekers.

Reporting by *The New York Times* indicates that homeless shelters in Los Angeles have similarly not detected “a significant increase in recent migrants seeking temporary housing.” The California city, the *Times* declared, “has quietly avoided the kind of emergency that has strained shelters and left officials [elsewhere] pleading for federal help.”

Miami and surrounding Miami-Dade County are used to accommodating migrants from Latin America. Homelessness in the area has actually decreased of late, Ron Book, the director of the Miami-Dade County Homeless Trust, told me. City and county public resources have not been diverted, according to city and county officials. Despite some signs of strain—the county school system has absorbed tens of thousands of new kids—the superintendent has rejected the “crisis” label. In fact, students have helped fill schools that had long been under capacity. The officials I interviewed were quick to note the need for federal intervention, including faster work-permit authorization and more federal dollars, but none painted a picture of looming destruction in South Florida as a result of the newcomers. Last summer, the executive director of Catholic Legal Services of the Archdiocese of Miami declared that, whereas other cities were “decrying the lack of resources and lack of bed

space,” Miami had “just somehow made it work.” He noted that local nonprofits and immigrant-friendly populations had been able to absorb newcomers.

New York and Chicago don't lack such resources. Nonprofits have been active in providing food, legal services, and many other forms of help. The problem isn't a lack of community support or even the number of migrants, exactly. It's the method—or lack of method—of the migrants' arrival. The busing itself is a disruption.

Both New York and Chicago—unlike Miami, Houston, and Los Angeles—have been heavily targeted by Abbott's migrant-relocation program. As of early February, Texas had steered tens of thousands of migrants to both cities. Nearly 70 percent of asylum seekers arriving in Chicago came via the busing program. By contrast, the state transported only 1,500 asylees to Los Angeles and none to Miami or Houston. In the NBC interview, Turner directly attributed the relative calm in Houston to the lack of busing.

When immigrants make their way to a city in an organic fashion, they usually are drawn to a place where they have family ties, job leads, or other connections and resources available. When they're resettled through an official government program, as the displaced Ukrainians were, the federal government coordinates with local governments to ensure a smooth transition.

That's very different from the haphazard Texas busing program. When Abbott's buses arrive at their destinations, many of them are filled with people who had specific plans to go somewhere else. Cities then re-ticket many of the passengers. The mayor of Denver told me that roughly 40 percent of asylees who are bused into his city have no intention of staying there.

WASHINGTON'S FAILURE TO oversee where migrants go after entering the U.S. is causing particular pain to New York—and not just because the city has received the largest number of migrants from Texas buses. A symbol of American openness, wealth, and opportunity, and a magnet for people who don't have a destination in mind, the city also has a stringent legal obligation, under a decades-old ruling by the state's supreme court, to provide shelter to anyone who asks for it. A policy born out of the plight of unsheltered homeless New Yorkers is now also applicable to asylum seekers who are flocking to the city for aid—a fact that many asylum seekers learn along their journey to the United States. The *Times* reported in October on a Mauritanian asylum seeker who flew to Turkey and then Nicaragua with no thought on where in the U.S. he would live until a fellow migrant gave him the address to New York City's main intake center for homeless men.

The American Immigration Council has recommended establishing a federal Center for Migrant Coordination, a centralized body that would help guide where asylum applicants go. Instead of standing by as New York or Chicago are inundated with buses and given little to no warning—and as desperate applicants seek out random addresses—the federal government could connect migrants with communities, organizations, and host families that can help them settle as they wait for their cases to be adjudicated. “Local government is not designed to carry this type of load,” Johnson told me.

More federal involvement would also limit Abbott's arbitrary power. “The governor of New York didn't get to decide where to send every Ukrainian refugee because they landed at JFK when they came to the U.S.,” Mike Johnston, the Denver mayor, told me. “There was a coordinated plan. If we had work authorization, we could easily get 200 other mayors together to say, ‘Okay great, Colorado Springs, how many folks can you take? Grand

Junction, how many folks can you take?”

For political reasons, the Biden administration has abdicated its responsibility to coordinate where asylees from the southwestern border end up. Reuters has reported that in 2021 and 2022 Biden officials “rejected a proposal to transport some migrants to other U.S. cities because the White House did not want ‘full ownership’ of the issue.” Unsurprisingly, Joe Biden is still being blamed for the crisis.

THE AMERICAN PUBLIC is not particularly xenophobic. One 2020 study that looked at eight decades of opinion polling found that “despite frequent references to a hostile climate for immigrants, especially refugees, and a current administration that lends validity to that claim, the US public has been more welcoming of refugees in the twenty-first century than at any time during the twentieth century.”

The core cause of political backlash to immigration is a chaotic process that gives voters the impression that no one is in charge. Americans do not have some instinctive sense of the number of border crossers, but they do notice asylum seekers sleeping on the streets and their mayors announcing funding diversions from popular programs to migrant care. Views of immigration are highly contingent on the migrants’ country of origin and method of entry, the receiving country’s economic circumstances, and of course, the host population’s perception of whether its government controls its own borders.

In 2016, in the midst of a mass exodus of refugees from the Middle East, the U.K. voted to leave the European Union; Brexit supporters stoked fears that remaining in the bloc would allow migrants to flow unchecked across the Channel. But following the vote, Britain saw record high levels of immigration. Remarkably, the salience of the issue dropped dramatically and public opinion warmed to immigrants. Sentiment hardened again more

recently, amid an uptick in the number of migrants seeking asylum by crossing the English Channel in small boats. In language that's remarkably familiar, more than half of the respondents to one poll agreed that the vessels constituted an "invasion."

American anxiety over border control follows similar patterns. And these anxieties won't be pacified by vague and unrealistic promises to "shut down the border"; they need to be addressed with policies that reduce the real and perceived burdens of asylum seekers.

America has had ample practice absorbing large numbers of immigrants. In 1907, 1.25 million immigrants were processed at Ellis Island. That's an average of 3,400 people a day. The busiest day ever was April 7, when the immigration center accepted 11,747 people. More than 625,000 of that year's immigrants settled in just four states: New York, New Jersey, Pennsylvania, and Illinois. More than 100 years later, some of America's most immigrant-friendly cities are cracking under a much smaller influx of asylum seekers. That's not the inevitable result of our current circumstances, nor is it proof of our incapacity to grant refuge to endangered people. It's a function of our elected leaders' refusal to build a legal-immigration system capable of handling the current volume of asylum applicants in an efficient, humane way. If New York City is overwhelmed, that will not be because of migrants, but because of native-born political dysfunction.

Jerusalem Demsas is a staff writer at *The Atlantic*.

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