Center for American Progress Action Fund

Reclaiming the Immigration Debate in America

The Problem

Our immigration system is broken. For too long, it has not worked for American society, American families, or American businesses. And under Donald Trump, our broken system is being exploited to advance impossibly cruel, chaotic and un-American attacks on all immigrants and refugees.

But while Democrats have a long history of championing common-sense solutions that are both good policy and broadly popular, they are no more trusted on the issue today by voters than Donald Trump. **This is a clear sign that something needs to change in how Democrats approach this issue.**

FIGURE 1

Who do you trust more to handle the issue of immigration?

	Democrats	Don't know	President Trump and Republicans
General election voters	42%	15%	43%
Swing voters	20%	43%	37%

Source: Emerson Collective/Immigration Hub/Global Strategy Group (June 2019, Battleground Survey). These findings are echoed in other polls such as the March 2019 Global Strategy Group/GBA Strategies Navigator national survey.
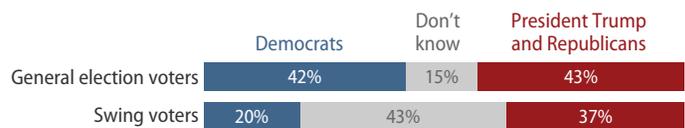
The central problem with the immigration debate today is that Republicans—particularly Trump—often present the country with a **false choice: We can either be a nation of laws or a nation of immigrants.** Within this framework, Democrats too often position themselves as only upholding America as a nation of immigrants, which allows Republicans to masquerade as the sole defenders of America as a nation of laws. Trump wants us to believe that dealing with immigrants humanely is contrary to the rule of law; it is not.

The False Choice on Immigration is Politically Precarious for Democrats

Earlier this spring, CAP Action Fund worked with Civis Analytics on a poll of battleground state voters that illustrates the challenges Democrats face when they accept this false choice. When asked "Do you think it's more important that America remains a nation of laws or a nation of immigrants?" nearly 74 percent of voters in these battleground states chose "nation of laws," and only 26 percent chose "nation of immigrants."[1]

In the context of the false choice, Trump has worked to focus the entire immigration debate on enforcement. While Democrats have fought back against Trump's cruel and inhumane policies targeting immigrants and asylum seekers, for some people this may reinforce

FIGURE 2

Do you think it's more important that America remains a nation of laws or a nation of immigrants?

Nation of immigrants	Nation of laws
26.3%	73.7%

Source: Civis Analytics, Battleground Survey, March 2019.

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1 Civis Analytics, Battleground Survey, March 2019, n=3041 voters (with a Latinx oversample of 593), in AZ, CO, FL, IA, MI, NC, NV, OH, PA, and WI.

their perception that Democrats are unconcerned about upholding the rule of law. Trump's relentless focus on enforcement has also largely displaced efforts by Democrats to convey a broader vision for fixing our broken immigration system—which is in fact a bigger concern and priority for voters.

The charts at right show that voters understand we need to fix our immigration system rather than just better enforce our existing laws, yet they value enforcement of the laws on the books even in the absence of reform.

Figures 3 and 4 show that Americans in battleground states understand that the solution to our broken immigration system requires fixing the system itself, not simply enforcing laws that don't work. However, the right chart shows that Americans do consider enforcement a key part of that solution; voters in battleground states overwhelmingly believe enforcing our existing laws will do more good than harm.

Trump has bet he can both energize his base and undercut Democrats by focusing the immigration debate exclusively on enforcement. He thinks maximum enforcement allows him to claim to be honoring America as a nation of laws, defending the rule of law, and protecting the interests of Americans and the sovereignty of the country; he is counting on Democrats to simply oppose that and defend America as a nation of immigrants. Furthermore, the false Republican attack that Democrats support "open borders" is designed to reinforce the perception that Democrats do *not* support the rule of law.

Democratic Solutions are Popular But They Need a Narrative

Although Democrats are no more trusted on the issue of immigration, their core policy solutions on immigration remain very popular:

- Fixing our immigration system to provide a workable process for people to come legally (86% support)
- Providing a path to citizenship for Dreamers who came as children and pass a background check (77% support)
- Providing a path to citizenship for undocumented immigrants in the country who have worked, paid taxes, learn English, and pass a background check (81% support)
- Promoting smart border security, not a dumb wall, by investing in technology (65% support)

FIGURE 3

Do you think that our immigration laws are basically good but are poorly enforced or do you think we need to fix our immigration laws?

Fix our immigration laws	Poorly enforced
55%	45%

Source: Civis Analytics, Battleground Survey, March 2019.

FIGURE 4

Do you think if the government fully enforced our existing immigration laws it would do more good or would it do more harm?

More good	More harm
68%	32%

Source: Civis Analytics, Battleground Survey, March 2019.

But policy solutions—no matter how popular—will not suffice against a narrative. Donald Trump's policies on immigration remain deeply unpopular—more Americans, for example, oppose his wall than support it, while three quarters of Americans oppose family separation—but he has constructed a narrative about how America's national identity and the safety of Americans depends upon upholding our laws—a role he claims to be assuming.

While Donald Trump claims to uphold the rule of law, the truth is that he repeatedly flouts our laws. This gives Democrats an opportunity to reframe the debate on immigration and advance a narrative on immigration that moves us past the false choice while staying true to core American values. Democrats have popular policy solutions but need to start advancing them in a clear narrative that resonates broadly.

Restoring the Rule of Law Through a Fair, Humane, and Workable Immigration System

Rejecting the false choice on immigration provides a path toward building a strong majority on the issue.

When battleground state voters are asked to determine whether it is more important that America remain "a nation of laws," "a nation of immigrants," or "both," 58 percent chose "both."

FIGURE 5

Do you think it's more important that America remains a nation of laws, a nation of immigrants, or both?

A nation of immigrants	A nation of laws	Both
6.4%	35.5%	58.1%

Source: Civis Analytics, Battleground Survey, March 2019.

Both values are important to battleground state voters and allowing the debate to be framed as a choice between the two puts pro-immigrant candidates at a substantial disadvantage. Conversely, if Democrats can position themselves as upholding both values, they would significantly isolate Republicans and expose their disregard for a core American value. Doing so requires that Democrats emphasize the importance of restoring the rule of law to our immigration system.

Democrats must reclaim the rule of law narrative in the immigration debate. In the short-term, this is an opportunity to go on offense against the Trump Administration's denigration of the rule of law through its constant violation of laws and norms. This also provides an opportunity to pivot to long-term solutions and Democrats' vision for restoring the rule of law by building an immigration system that is fair, humane, and workable.

Americans rightly expect everyone to follow our laws. However, they also believe that our immigration system today is broken and that our laws don't meet our needs, which is why all of us and the American economy have long relied upon immigration effectively operating outside of those laws. We need an immigration system that works and works as designed. One that honors an America that is **both** a nation of immigrants and a nation of laws because we cannot be a nation of laws if those laws are inconsistent with our values and needs—today and in the future—as a nation of immigrants.

Importantly, supporting the rule of law—a fair, humane, and workable system that people believe can be followed and should be enforced—does not mean supporting "law and order," which is a racially coded dog-whistle generally used to harm communities of color.

By adopting **a rule of law frame** in the immigration debate, Democrats can:

- Stay on offense against Trump and Republicans without exacerbating concerns voters have about Democrats (which is that they only care about immigrants and not our laws);
- Counter the false Republican attacks that Democrats support "open borders" by championing a system of rules to channel immigration through a legal process that meets America's interests and needs, and that can be enforced in a fair and just manner;
- Widen the immigration debate to address the systemic and fundamental problems in our broken system and move the conversation to solutions (where Republicans have none); and
- Build broad-based support for solutions that establish a fair, humane, and workable immigration system.

Reclaiming the Immigration Debate: Key Message Points

- **America's immigration system is broken and everyone knows it.** Our immigration laws betray our values, ignore our economic and social needs. That's why all of us, and the American economy, have long relied upon—directly and indirectly—an immigration system that exists outside of our laws.
- **Donald Trump has only made things worse.** Instead of working with others to fix our system, Donald Trump is making our immigration system worse and creating chaos at our border. He's been completely ineffective in fixing our immigration system and addressing genuine challenges.
- **Trump has repeatedly undermined the rule of law by violating our laws and betraying our values.** Trump has illegally separated thousands of children from their parents at the border and illegally held children and families seeking protection in dangerous and squalid conditions at the border that have contributed to the deaths of several children. He has declared an illegal emergency to divert resources from the military to a wall that his own chief of staff once called "childish."
- **Democrats are the only party offering real solutions to fix our immigration system and restore the rule of law.** We need an immigration system that reflects our values and needs, and is fair, humane and truly workable. But once we fix our immigration system, we should also expect everyone to follow our laws and that our laws will be appropriately enforced in a fair and just way.
- **An immigration system that honors America as both a nation of immigrants and a nation of laws would include:**
  - A generous and well-functioning legal immigration system that meets America's realistic needs;
  - Smart border security, along with a humane asylum and refugee system;
  - Proportionality, due process, and accountability in immigration enforcement; and
  - A pathway to citizenship for undocumented immigrants and others who have long resided in the U.S., including Dreamers.