



## The U.S. Style of Making Immigration Policy

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My interest in U.S.-Mexico relations over the years stimulated my study of migration. I find it hard, extremely hard, to come down unequivocally on specific positions the United States should take with regard to immigration from Mexico because every facet has an upside and a corresponding downside. In the course of this essay, however, I will take positions, knowing that these will not “solve” the dilemma any policy in this field poses. Immigration is an issue that needs management, not once-and-forever solutions. I therefore have sympathy with the U.S. Congress in its current debate—but I have nothing in common with those congresspersons who have little knowledge about what has been done in the past on this issue but “know” exactly what should be done this time.

The opposing “solutions” to current problems have become clear during this debate. There is the problem of unfairness of putting current unauthorized immigrants in the United States on a track for legal residence even though they broke into the queue of others waiting for legal admission; yet the prospect of keeping 11–12 million persons living in the United States, many with families largely made up of citizen children and spouses, in indefinite limbo is horrible. The idea of having different legal classes of residents is, in my view, un-American, and I favor some way to regularize their positions. (The proposed Senate compromise to separate these persons by years of residence in the United States is unworkable and is an unequivocal invitation to set up businesses to provide forged papers.)

If the current crop of unauthorized immigrants is given a path to legalization, this will inevitably encourage other persons to enter the United States without documents. The bargain in the Immigration Reform and Control Act (IRCA) of 1986 was a path to legalization, combined with a penalty against employers who knowingly hired undocumented immigrants. I will come back to this point because the issue is arising once again. At this point, I will note only that I favored an employer-penalty provision in the 1980s and still do, but I have my doubts that there really is much sentiment in favor of punishing employers who hire undocumented immigrants.

Temporary workers (or “guest workers” as they are being called after the German *gastarbeiter*) will provide willing workers to willing employers, as President Bush puts it, but it will also punish low-skilled American workers and previous immigrant cohorts because of the increased supply of persons willing to work at low wages. The evidence for this from the work of George Borjas and Lawrence Katz, both economists from Harvard, and the work of Steven Camarota, from the Center for Immigration Studies, is quite powerful. These two studies (and there are many more to the same effect) convinced Nicholas Kristoff, a *New York Times* columnist, to change his position and write in opposition to a guest worker program (April 9). There may be some activities in which American workers will not take jobs that immigrant workers take no matter what the wages are, but surely not many. In just about every field, American workers predominate and many more Americans will undoubtedly come forward if wages for “unwanted” jobs rise sufficiently.

My position is that if the United States needs more workers, this should be done through permanent immigration programs and not temporary workers. If we have learned anything from the European and American experiences of large inflows of “temporary” workers, it is that nothing is as durable as workers brought for ostensibly short periods. The number of temporary workers contemplated in the proposed Senate bill is likely to be about 350,000 to 400,000 a year; and not just for one year, but year after year. This will add up to big numbers.

Most of the temporary work programs are for persons with limited education, thereby adversely affecting the least privileged in our society. The comparable phenomenon for higher skilled Americans is outsourcing, say, for computer programmers and X-ray technicians; and the objections here are coming from well-educated persons. The idea that Americans should pay a price so that businesses can hire cheaper employees, either bringing them to the United States or sending the job abroad, does not sit well with the individuals affected.

To return briefly to the IRCA experience, the actions of the U.S. Congress made clear that only half of the grand bargain, the legalization portion, would be carried out. For the other half, Congress was unwilling to approve a foolproof identity card and instead decided that workers could “prove” that they were legitimately in the United States by using documents easily counterfeited, such as a driver’s license, birth certificate, or social security card—and counterfeiting, as predicted at the time, took place on a large scale. Part of the unwillingness to approve a foolproof ID card was apprehension over the use the government would make of these cards. But the central reason, in my judgment, was to approve an employer penalty program as a public relations gesture and then make it impossible to effectively carry out the employer-penalty provisions of the law in order not to arouse too much opposition by users of unauthorized immigrants.

Instead, in order to deter persons entering the United States without authorization, funds were allocated for more Border Patrol agents and more sophisticated technology to detect illegal border crossers. The border deterrents failed. If anything, they discouraged workers from returning to Mexico for family visits because of the greater difficulty and higher cost to reenter the United States. The number of legalizations under IRCA amounted to about 3 million. The number of unauthorized persons now in the United States is estimated at 11 million and 12 million, about 6.3 million of them Mexican.

Strengthening border deterrence did not do the job of reducing unauthorized entry after 1986; so, many in Congress now want to raise the ante and build a 700-mile fence at a cost of billions of dollars. This might work better than the last effort at deterrence, but there is no assurance of this. What it most certainly will do is change our relationship with Mexico and destroy the long-time U.S. boast of having undefended borders with our immediate neighbors. The United States needs to take security measures in this age of terrorism, but I question whether this should come by walling ourselves off from Mexico. U.S.-Mexico relations are not like the Israel-Palestine relationship; our neighbor does not deliberately harbor terrorists. It may be time to sincerely try the internal enforcement option. This requires a secure identification system and meaningful fines against employers who knowingly hire unauthorized workers. That, in essence, is the choice the United States faces—whether to give priority to a fence or to internal enforcement.

The current immigration debate has awakened the sleeping giant of Latino pride, and I doubt that the giant can ever be put back into the bottle. The harsh provisions of the bill passed by the House of Representatives went too far, especially by making unauthorized residence in the United States a felony. Even if this provision is removed from final

legislation, assuming there is any legislation this year, the callousness demonstrated against Mexicans, Central Americans, and other Latinos will not be forgotten. U.S. unwillingness to recognize Latino dignity (*dignidad* in Spanish) has long been a grievance south of the border. Perhaps it will turn out to be a good thing that this offense aroused unprecedented organization among Latinos in the United States. They may now become a political force able to play their proper role as the largest minority group in our country.

Mexican attitudes have changed during the past 20 years. Earlier, the Mexican authorities had a conscious policy to have no policy about U.S. immigration practices. Today, the official Mexican position, as stated in full-page advertisements placed in leading U.S. newspapers as the congressional debate got under way, is the following: “For a guest worker program to be viable, Mexico should participate in its design, management, supervision and evaluation, under the principle of *shared responsibility*.” (Italics in the original.)

I would like to return to the opening thought in this essay. A public debate is in progress, one that is often remarkably vicious, perhaps because there are no easy answers on U.S. immigration policy. There are no “solutions,” to use a word that appears in many editorials on the issue. People of good faith can disagree on particular aspects of what is now being debated, but political name-calling (such as accusing a political opponent of being “soft” on illegal immigration) does not help. My position is to avoid setting up a large underclass in the United States, such as a temporary worker program would do, but instead to give legality at the outset if we need more workers; also, to avoid walling off the United States from a friendly country that will be our neighbor forever and, instead, to give priority to internal enforcement.

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