



The Immigration Debate: What We Have Learned

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The most controversial provision of the immigration proposal approved by the U.S. Senate is to allow most of the roughly 12 million unauthorized migrants now living in the United States to earn legalization. According to the Pew Hispanic Center, up to 45 percent of this group consists of “overstayers,” that is, persons who entered with valid visas but stayed on after their visas expired; an additional small share entered from Mexico with valid cards to visit border areas in the United States, but then stayed on; and the rest, about 50 percent of the total, entered without U.S. documentation. A majority of the Republicans in the House of Representatives believes that those who broke U.S. laws when they came and/or stayed in the United States should not be rewarded.

The debate is revolving around what, in essence, is word usage—whether the path to legalization in the Senate version is “amnesty.” The argument of President George W. Bush is that legalization that has to be earned over 11 years is not amnesty; and the reverse contention is that providing a procedure for lawbreakers to obtain citizenship, even if it takes at least 11 years, is amnesty. Current law dating from the 1986 immigration legislation provides for fines for employers who knowingly hire unauthorized immigrants, but this has rarely been enforced. Representative Sensenbrenner (R-Wisc.) has called this amnesty, but this usage of the word has not been taken up by many others.

Opponents of amnesty generally do not favor either deporting or legalizing the unauthorized migrants living in the United States; essentially, they favor a policy of leaving bad enough alone. The Bush administration, while it favors a path to legalization, is also keen to keep the problem from getting worse. This desire takes the form of building fences along parts of the border with Mexico, increasing the size of the border patrol, and sending in National Guard troops to help with non-border-patrol functions. However, even if not a single person without documents is able to enter the United States by clandestinely crossing the border, this would do

nothing to impede the growth of overstayers. The problem of unauthorized migrants cannot be dealt with unless there is rigorous internal enforcement. To use Sensenbrenner’s formulation, employers are likely to enjoy amnesty for past legal transgressions but should be punished if transgressions continue into the future. There is not much stomach for doing this. Punish foreign workers, yes; punish U.S. employers, maybe, at best.

There has been an increase in raids, recently, to round up unauthorized workers in U.S. enterprises, but this may be public relations to show that the Bush administration is serious about internal enforcement while the immigration bill is under consideration. There were only three such raids all of last year.

Attention in the debate has focused largely on controlling the U.S. southern border. Recent polls show that 40 percent of Mexicans, when asked, said that they would come to the United States to work if they could. On the other hand, most of the overstayers are non-Mexican. A temporary worker program has considerable congressional and administration support, and most of these workers would be Mexican. Mexicans are thus the principal target of the proposed restrictions, but also would be the main beneficiaries of a temporary worker program.

The debate has made it clear that Mexican leaders misjudged the public and congressional immigration sentiment in the United States. Jorge Castañeda, the first foreign minister under President Vicente Fox, argued in favor of getting the “whole enchilada” in an immigration agreement with the United States. This was accompanied by the assertion that the Mexican workers, with or without papers, benefited the U.S. economy. The Mexican authorities have now learned that the U.S. population generally does not feel this way; and that the issue of legality makes a big difference in the reception of migrants.

Relations with the United States during the administration of President Vicente Fox have been dominated by the immigration issue. Other than the fact that it has recently been such a central theme, there is nothing new in the idea of an escape valve for a Mexico that is unable to provide enough good jobs at home. Mexico, because of its still-youthful population, must create about 850,000 jobs a year to satisfy applicants who reach working age, but the total number of jobs created in the formal sector during the first five years of the Fox administration was 725,000—and most of these were low-paying or temporary jobs. It is thus not surprising that enterprising young people emigrate; this may be the only way they can support families. Remittances from Mexicans in the United States to families back home now amount to about \$20 billion a year. This is not aid; the Mexicans here work hard. But the escape valve is accompanied by a large transfer of resources.

This background is now much better understood by the U.S. Congress and public as a whole than it was when the immigration debate began. Italy, Spain, Ireland, and other countries found themselves in recent times in the same position of needing an emigration escape valve, but they converted themselves by their economic-development accomplishments into immigrant-receiving countries. That accomplishment, unfortunately, is not yet apparent in Mexico. When the Fox *sexenio* (six-year term) comes to an end on December 1, 2006, it will have accomplished annual economic growth of about 2 percent per year, higher during the last three years than during the first three years. What is needed to satisfy all job seekers is about 6 percent GDP growth a year. The inability to achieve higher GDP growth was made in Mexico—an outcome of the Mexican political system's failure to make the necessary basic changes in primary and secondary education, labor policies, tax collections, energy policy, and in reducing the inexcusably high income inequalities that have long been a feature of Mexican society.

Politics also dominate the U.S. immigration debate. Policy positions on immigration issues in years past crossed party lines. Exclusionists included the right wing of the Republican Party and the liberal groups in the Democratic Party that echoed the views of labor unions. When the AFL-CIO shifted its position a few years ago to support what was called “regularization” of unauthorized workers—so that they could be unionized—so, too, did many liberals in the Democratic Party alter their position. Agricultural growers have long been powerful advocates of temporary worker programs,

or of using unauthorized immigrants. Other industries have now taken a similar position, such as construction, hotel management, office cleaning, restaurant workers, and meat packers. Many Hispanic groups whose members often compete for jobs with unskilled foreign workers have joined in favoring a path to legalization of unauthorized immigrants in the country.

Service companies in such knowledge-based areas as information technology and engineering, and in hospitals that need nurses, also support targeted temporary worker programs. The common denominator for supporters of temporary foreign workers at both the lower and higher ends of the skill scale is the ability to pay less for the work that must be done.

What we learned from the debates on immigration policy in the House and Senate is that political party differences are now important. The House bill was clearly opposed to any kind of amnesty and, there, the Republican vote was 203 in favor of the bill and only 17 against it. Of the 36 who voted against the legalization path in the Senate bill, 32 were Republicans. There is no party unanimity, but the antilegalization position is largely Republican and the prolegalization tendency is largely Democratic. This refers to unauthorized persons already in the United States. By contrast, the supporters of a new guest-worker program were more Republican than Democratic. The unpopularity of the legalization position among the general public makes it unlikely that a new immigration bill combining the vastly different Senate and House versions will become law this year.

What we have learned, in essence, is that there is a great difference in attitude toward the immigration issues under debate—especially the legalization of unauthorized persons already here, and to a lesser extent, the large new guest-worker program—between Mexico and the United States; and also that there are substantial political-party differences in the United States.

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