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Immigration in the United States

by

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Abstract

This chapter summarizes migration patterns, puts the immigration and integration challenges facing the US in a global context, reviews the evolution of US immigration and immigration policy, and then focuses on some of the immigration and integration issues being debated early in the 21st century. Immigration is likely to continue at current levels of 900,000 legal and 300,000 unauthorized a year, so that Americans will, in the words of former Census director Kenneth Prewitt, "redefine ourselves as the first country in world history which is literally made up of every part of the world." (quoted in Alvarez, 2001)

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Note to Discussants

In the 1994 edition, we had 2 chapters on US immigration. The first traced history and policy, and concluded with an examination of IRCA (1986), emphaszing changes to sanctions laws that eased employers fears and make sanctions less effective. It then examined 3 "paired contradictions," viz,

- employers vs workers, with employers usually winning
- economics vs politics-human needs, e.g. tolerating labor law violations to get work done
- liberal democracy vs intrusive policing to extirpate illegals, with zig-zag policies

My chapter in the 1994 edition was a late addition that essentially said the US had lots of divisions about immigration and its value etc, and the default for parties that could not get what they wanted was a second best, status quo, or

benign neglect position, blocking the oft-suggested grand bargain of the 1990s (Jordan Comm etc), viz, slow the numbers of esp those with little education etc, and do more to integrate those here.

For 2003, we have only 1 US chapter. I laid out the immigration system and a bit of theory, history and policy, but I am leaving it to the discussants to answer the question of whether the US is on the path to heaven or hell with its policies. In other words, if we think of the typical academic use of the book, my chapter should serve as an anchor for the basic #'s and facts, and I am leaving it to you to tell readers if the system should be changed.

Introduction

The United States is a nation of immigrants. Under the motto "e pluribus unum" (from many one), U.S. presidents frequently remind Americans that they share the experience of themselves or their forebears leaving another country to begin anew in the United States.[1] Immigration is viewed as serving the U.S. national interest: It permits immigrants to better themselves as they enrich the United States.

Since arrivals were first recorded in 1820, the US has accepted 66 million legal immigrants, including 11 percent from Germany and 10 percent from Mexico. However, two centuries of immigration and integration have not yielded consensus on the three major immigration questions: how many? from where? and in what status newcomers should arrive? The US immigration system early in the 21st century can be characterized as one that recognizes 800,000 to 900,000 foreigners a year as legal immigrants, admits 35 million nonimmigrant tourist and business visitors a year, and has another 300,000 to 400,000 unauthorized foreigners settle. During the 1990s, there were often contentious debates over the relationship of immigrants and their children to the US educational, welfare, and political systems or, more broadly, whether the immigration system served US national interests.

On September 11, 2001, four commercial planes were hijacked in the US and used to kill 3,000 people, most when two planes were crashed into the World Trade Center in New York City. The 19 men who hijacked the planes were foreigners who had been in the US from a week to several years, and their terrorism was seen by some as a reason for major immigration policy changes that might aim to reduce legal and unauthorized immigration. However, "the most significant development in the national immigration debate [after 9/11] is what hasn't happened: No lawmaker of influence has moved to reverse the country's generous immigration policy, which for more than three decades has facilitated the largest sustained wave of immigration in

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[1] The exceptions are American Indians, slaves, and people who became U.S. citizens when the United States acquired the territory in which they were living (Martin and Midgley, 1999).

U.S. history." Most Americans agreed with INS Commissioner James W. Ziglar, who said: "These weren't immigrants. They were terrorists." (quoted in McDonnell, 2002)

This chapter summarizes migration patterns, puts the immigration and integration challenges facing the US in a global context, reviews the evolution of US immigration and immigration policy, and then focuses on some of the immigration and integration issues being debated early in the 21st century. Immigration is likely to continue at current levels of 900,000 legal and 300,000 unauthorized a year, so that Americans will, in the words of former Census director Kenneth Prewitt, "redefine ourselves as the first country in world history which is literally made up of every part of the world." (quoted in Alvarez, 2001)

US Immigration Patterns

Three major types of foreigners arrive in the United States: immigrants, nonimmigrants, and unauthorized foreigners. Immigrants are non-US citizens entitled to live and work permanently in the United States and, after five years, to become naturalized U.S. citizens—the number admitted each year is limited by a complex quota system. Nonimmigrants are foreigners who come to the United States for a specific time period and purpose, to visit, work, or study—there are no quotas or limits on most types of nonimmigrant admissions. Unauthorized foreigners, also known as undocumented workers and illegal aliens, are foreigners who enter the United States without inspection at ports of entry, or who enter legally, say as a tourist, but then violate the terms of their entry by, for example, going to work or not departing as scheduled.

There are four major types of immigrants (Table 1):

- The largest category is relatives of U.S. residents. Of the 850,000 immigrants admitted in FY2000, 583,000 or 69 percent had family members in the U.S. who sponsored their admission by asking the the U.S. government to admit them.
- The second-largest category was employment-based, the 107,000 immigrants and their families admitted for economic or employment reasons (13 percent)
- The third group was divesity and other immigrants, 93,000 or 11 percent, most of whom were admitted because they entered a lottery open to citizens of countries that sent fewer than 50,000 immigrants to the United States in the previous five years
- The fourth group is refugees and asylees, the 59,000 foreigners who were granted a chance to start anew as immigrants in the United States because they faced persecution at home.

Table 1. Alien Entrants to the United States: 1996-2000

	1996	1998	1999	2000	1966-00 Average
Immigrants	915,900	654,451	646,568	849,807	766,682
Immediate relatives of U.S. Citizens	300,430	283,368	258,584	347,870	297,563
Other family-sponsored immigrants	294,174	191,480	216,883	235,280	234,454

Employment-based	117,499	77,517	56,817	107,024	89,714
Refugees and Aslyees	128,565	52,193	42,852	65,941	72,388
Diversity immigrants	58,790	45,499	47,571	50,945	50,701
Other Immigrants	16,442	4,394	23,861	42,747	21,861
NACARA (Section 202)	0	0	11,267	23,641	8,727
Other	16,442	4,394	12,594	19,106	13,134
Estimated emigration	220,000	220,000	220,000	220,000	220,000
Nonimmigrants	24,842,503	30,174,627	31,446,054	33,690,082	30,038,317
Visitors for Pleasure	19,110,004	23,254,140	24,104,371	30,511,125 [1]	19,395,928
Visitors for Business	3,770,326	4,413,440	4,592,540	[1]	3,194,077
Foreign Workers/Trainees	254,427	430,714	525,700	635,229	461,518
Foreign Students and Dependents	459,388	598,520	603,787	699,953	590,412
Illegal Immigration					
Alien apprehensions	1,649,986	1,679,439	1,714,035	1,814,729	1,714,547
Aliens deported	69,588	172,547	180,346	184,775	151,814
Alien smugglers located	13,458	13,908	15,755	14,406	14,382

[1] Data are for visitors for pleasure and business combined; due to the temporary expiration of the Visa Waiver Program in May 2000, data are not available separately.
Source: Immigration and Naturalization Service.

Most immigrants are in the US when their immigration visas become available. In FY00, over half of all immigrants, and over 90 percent of the economic/employment based immigrants, were already in the US when their immigration visas became available. This means that immigration for most immigrants does not mean a journey into the US to begin a new life; instead, it means that a foreigner already in the US, and in another status such as student or unauthorized, adjusts her status and remains in the US. Since most immigrants adjust their status in the US, and many are unauthorized, the so-called 245(i) adjustment of status program looms large in US immigration. It allows foreigners in the US to pay $1,000 and adjust status in the US, that is, without returning to their countries of origin and obtaining a visa at a US consulate.[2]

Some 30 to 35 million foriegners visit the US each year as nonimmigrants. Most are welcomed: the US travel industry advertises to entice foreign tourists to come to the US, businesses invite their foreign colleagues to visit them, and many US colleges and universities as well as sports teams and entertainment firms recruit foreigners to be students, players, and performers. INS data report admissions, not unique individuals, so that a tourist who makes three visits in one year is counted three times.

[2] Foreigners seeking visas abroad at US consulates can be barred from the US for three- or 10-years if they were illegally in the US.

Before September 11, the 660,000 foreign students and dependents in the US were seen as an economic boon.[3] A US education is considered desirable in many countries, especially in Asia, and most US colleges and universities welcome foreigners, who generally pay full tuition costs. However, at least three of the 9/11 hijackers were admitted as foreign students, including one who never showed up at the school that admitted him, leading to the re-enactment of legislation that requires foreign students to pay a $95 fee so that the INS track them while they are in the US. The Institute of International Education reported that 425,433 foreign students were enrolled in 2,300 US colleges and universities in Fall 2000, and that the US had 30 percent of the world's 1.4 million international students.

Foreign workers have been more controversial. The 635,000 foreign workers and trainees admitted in 2000 represented 30 percent of the net growth of U.S. employment, which expands by an average 2 million a year. About two-thirds of the foreign workers admitted were professionals with a BA or more filling jobs that required a BA or more. They received H-1B visas, which allow them to stay and work in the United States for up to six years, and to adjust to immigrant status if they find a U.S. employer to sponsor them for an immigrant visa, that is, get the US employer to seek certification from the US Department of Labor that no US worker is available to fill the job. US employers can fairly easily hire H-1B foreign professionals—they only have to assert or attest that they are paying the prevailing wage. However, certifcartion is much more time consuming, often rqeuiring 2-4 years, leading to considerable frustation on the part of employers and H-1B foreigners.

The H-1B program illustrates the controversies that surround US foreign worker programs. On the one side are employers who argue that they need to scour the world to find the best and brightest worekrs, so that the United States remains globally competitive—employers want few legal barriers between U.S. employers and foreign workers. On the other side are those who argue that U.S. employers should do more to train and retrain U.S. workers to fill vacant jobs before being able to hire foreign workers. Making it too easy to fill jobs with foreigners, they argue, will discourage US workers from entering fields with large numbers of foreigners, thus increasing employer dependence on foreign workers over time.

The major argument for expanding the number of H-1B visas from 65,000 a year to 195,000 a year in the 1990s was that the rapid expansion of the high-tech sector increased the demand for computer programmers and similar workers faster than US universities could train IT workers. Under this reasoning, foreign workers would be

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[3] The INS reported that 660,000 foreigners held student visas in the US in Fall 2001, including more than 10,000 enrolled in flight training, trade schools and other nonacademic programs.

admitted until labor supply caught up with demand. However, it soon became apparent that "body brokers" who recruited foreign workers and placed them in US jobs had an interest in getting H-1B visas issued regardless of the availability of jobs, and there were complaints of middlemen-brokers bringing H-1Bs into the US even though there were no jobs for them. In an effort to increase the regulation of these middlemen, H1-B dependent firms, defined primarily as those with more than 50 employees, of whom at least 15 percent are H1-B workers, must attest to the US Department of Labor that they did not lay off US workers, and that they attempted to recruit US workers, before receiving permission to employ H-1B workers. About half of the H-1B workers, and most of the middlemen, are from India.

Foreign worker programs are even more contentious for unskilled foreign workers. The US has several programs under which US employers anticipating shortages of workers can request that the US Department of Labor certify their need for foreign farm or hotel workers. The farm worker program, which issues H-2A visas, illustrates the controversy over foreign workers and the links between legal and unauthorized migration. US agriculture, especially in the southwestern states, has long relied on newcomers to be seasonal farm workers, and waves of newcomers, the Chinese in the 1870s and 1880s, the Japanese until World War I, Filipinos and Mexicans in the 1920s, midwestern whites from the Great Plains, the so-called Okies and Arkies in the 1930s, and Mexicans since World War II, have been the core seasonal farm work force in California and other western states.

The influx of more newcomers encouraged many seasonal farm workers and their children to seek nonfarm jobs—they learned that, for most wage workers in US agriculture, economic mobility requires geographic mobility. Today, about 2.5 million persons who work for wages on US farms sometime during the year, including 1.8 million employed on crop farms. In 1987-88, the US under the Immigration Reform and Control Act legalized unauthorized crop workers who were employed at least 90 days in 1985-86, and 1.2 million unauthorized foreigners, mostly married Mexican men, became US immigrants under the Special Agricultural Worker program.[4] Despite limited English and high unemployment in the early 1990s recession, many SAWs soon left the farm work force, so that a decade later only about 15 percent of farm workers were SAWs, and the percentage of unauthorized farm workers topped 50 percent.

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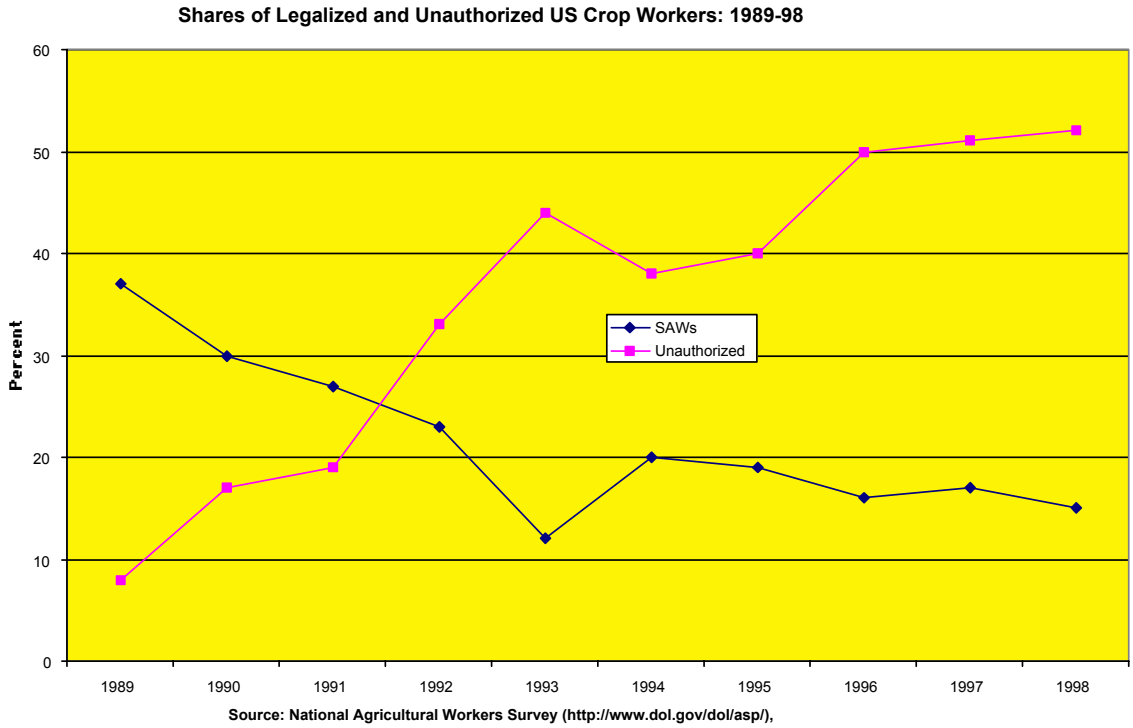
[4] Many of these SAWs never worked in agriculture—at least half of those approved did not do the qualifying farm work—but the SAW program assumed that the worker-applicant was truthful. Once a foreigner applied for SAW status, the burden of proof was on the government to show that the worker-applicant did not do the qualifying work claimed, and the INS was not prepared to do this. (Martin, 1994)

Figure 1. Shares of Legalized and Unauthorized US Crop Workers: 1989-98



Unauthorized foreign workers largely replaced SAWs in the farm work force, so that in 2001-02, there was a debate over a new guest worker program. With the US adding Border Patrol agents, fences, and lights along the 2000-mile Mexico-US border, many migrants seeking unauthorized entry turned to smugglers to get into the US. An average one migrant a day died attempting entry, as the estimated number of unauthorized foreigners reached a new high of 8.5 million in 2000. Critics noted that, since it was harder to cross the border, more unauthorized foreigners were settling in the US, and the smuggling industry was booming, which made it harder for the Border Patrol to prevent unauthorized entries (Cornelius, 2001).

Table 2. Unauthorized Foreigners in the United States: 1980-2000

Unauthorized Foreigners in the United States: 1980-2000

Year	Millions	Annual Average Change
1980	3	
1986	4	167,000
1989	2.5	-500,000
1992	3.9	467,000
1995	5	367,000
2000	9	800,000

Source: Jeff Passel, Urban Institute

About 2.7 million unauthorized foreigners were legalized in 1987-8

Mexican President Vicente Fox and U.S. President George Bush, both elected in 2000, agreed to devise "an orderly framework for [Mexico-US] migration that ensures humane treatment [and] legal security, and dignifies labor conditions." The high-level group they formed considered proposals to allow at least some unauthorized foreigners in the United States to attain legal status by becoming temporary guest workers, permanent immigrants, or both under "earned legalization," which means that unauthorized foreigners employed in the United States would get work permits that make them legal guest workers, and after several years of work they could earn a full legal immigrant status.

Immigration is expanding and transforming the US. In 2000, there were 28 million persons born abroad, 15 million native-born residents with two foreign-born parents, and 13 million residents of mixed US- and foreign-born parentage—that is, the "foreign stock" totaled 56 million or 20 percent of all US residents. Immigrants are concentrated in five US cities--the metropolitan areas of New York, Los Angeles, San Francisco, Miami and Chicago have 50 percent of the foreign-born population and 21 percent of the total US population.

The Census Bureau assumes that net migration will be 700,000 to 900,000 a year between 2000 and 2025, giving the US a projected population of 340 million in 2025 and 404 million in 2050. The racial/ethnic compostion of the US population is expected to change: the non-Hispanic white share of the population is projected to decrease, the African-American share to remain stable, and the Hispanic and Asian shares to double in a 35 year period.
(http://www.census.gov/population/www/projections/natsum.html)

Table 3. US Population: 1990, 2000, 2025

US Population: 1990, 2000, 2025				Percent		
Millions	1990	2000	2025	1990	2000	2025
Non-Hispanic Wh	188	197	209	76%	70%	61%
African-American	29	35	44	12%	12%	13%
Hispanic	22	35	61	9%	12%	18%
Asian	7	10	21	3%	4%	6%
Total	249	281	340	100%	100%	100%

Total includes 3-5 million American Indians
Source: US Bureau of the Census

Why Migration?

Migration is the movement of people from one place to another. Migration is as old as humans wandering in search of food, but international migration is a relatively recent phenomenon: It was only in the early 20th century that the system of nation-states, passports, and visas developed to regulate the flow of people across borders. An international migrant is defined by the United Nations as a person outside her country of citizenship for 12 months or more, regardless of the reason for migration or the legal status of the person. According to the UN, there were in 2000 about 160 million migrants, up from 120 million in 1990.[5] This means that, if the world's migrants were in one place, they would create the world's fifth most populous country (after China, India, the United States, Indonesia, and Brazil).

Most of the world's 6.1 billion people never cross a national border—most will live and die near their place of birth. Most people who do cross national borders move only a short distance to nearby countries; since most people live in developing countries, this means that most international migration, as defined by the UN, is from one developing country to another. There are five countries that anticipate and welcome immigrants: The United States, Canada, Australia, Israel, and New Zealand. Collectively these five "classical immigration countries" accept about 1.3 million immigrants a year, including 850,000 a year in the United States; 250,000 to Canada; 75,000 to Australia; 50,000 to Israel; and 35,000 to New Zealand.

International migration is the exception, not the rule, for two major reasons. The first and most powerful is inertia: Most people lack the desire and drive to leave home and move away from family and friends. The second is the fact that governments regulate movements over their borders: virtually every government has passports, visas, and border controls, and a significant capacity to regulate migration.

However, mgration is a natural and predictable response to differences between countries of origin and destination--differences in resources and jobs, in demographic growth, and in security and human rights. In the past, significant economic, demographic, and sociopolitical differences prompted large-scale migration. For example, Europe had 20 percent of the world's one billion residents and Africa had 8 percent, that is, Africa had about a third as many people as Europe. In 2000, Africa (800 million residents) had more people than Europe (730 million). By 2050—if current trends continue—Europe will have shrunk to 660 million of the world's 9 billion residents and Africa will have increased to 1.8 billion. If history repeats itself, migrants will move from Africa to Europe, just as Europeans moved to the Americas in the 19th century.

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5 The UN Population Division estimates of the number of international migrants in 2000 ranged from 160 million to 180 million, including 10 million additional generated by the break up of the USSR.

Two broad categories of migrants can be distinguished, based on their major reason for crossing borders. Most international migrants move primarily foreconomic reasons (see Table 4). The factors that encourage a migrant to cross borders are often grouped into three categories: demand-pull, supply-push, and network factors. Economic migrants may, for example, be encouraged to migrate by demand-pull guest worker recruitment, while noneconomic migrants might be motivated to cross borders to join family members settled abroad.

However, in most cases, more than one factor is involved in a decision to migrate. A man living in rural Mexico, for example, may be offered a job in the United States by a recruiter, or hear about U.S. job openings from friends and relatives in the US--a demand-pull factor. This potential migrant may not have a job, or he may be employed at wages that are 1/6 to 1/10 what he expects to earn abroad, supply-push factors that make him willing to move. Network factors include advice on how to find a smuggler to get the migrant across the border, and the availability of friends and relatives already in the US to provide a loan to pay the smuggler, housing etc after arrival, and perhaps training in the new job.

Table 4. Determinants of Migration

Factors Encouraging an Individual to Migrate

Type of Migrant	Demand-Pull	Supply-Push	Network/Other
Economic	Labor recruitment, e guest workers	Un- or under-employment; low wages; e.g., farmers whose crops fail	Job and wage information flows; e.g., sons following fathers
Noneconomic	Family unification; e.g., family member join spouse	Flee war and persecution; e.g., displaced persons a refugees/asylum seekers	Communications; transportation; Assistance organizations; Desi for new experience/adven-ture;

These examples are illustrative. Individuals contemplating migration may be encouraged to move by all three factors. The importance of pull, push, and network factors can change over time.

The three factors encouraging an individual to migrate do not have equal weights, and the relative importance of each factor can change over time. Generally, demand-pull and supply-push factors are strongest at the beginnings of a migration flow, and network factors become more important as the migration stream matures. This means that the first guest workers are often recruited in rural areas where jobs are

scarce and wages are low. But after migrants return with information about job opportunities abroad, network factors may become more important in sustaining migration, so that even employed workers in Mexico may migrate to the United States for higher wages.

One of the most important noneconomic motivations for crossing national borders is family unification—as when a father working abroad wants to have his wife and children join him. In such cases, the anchor immigrant can be a demand-pull factor for non-economic chain migration, as the migrant's immediate family is followed by brothers and sisters, and then their families. Some current migration streams reflect the traditional flows between former colonies and their colonizers, long after colonies gained independence: migration between India and Pakistan and the United Kingdom, for example, and between the Philippines and the United States.

Some migrants are impelled to cross national borders by war and political persecution at home. Some of these migrants qualify as refugees according to the 1951 Geneva Convention, which defines a refugee as a person residing outside his or her country of citizenship who is unwilling or unable to return because of "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." Countries that signed the Geneva Convention pledged not to "refoul" or return persons to places where they could be persecuted. The US and other classical immigration countries also resettle some of the refugees who are outside their countries of citizenship and in camps administered by the UNHCR.

US Immigration History

Immigration to the US occurred in waves: large influxes were followed by periods in which there was little immigration. The first wave of US immigrants came before annual arrivals were recorded in 1820. The English were 60 percent of the population in 1790, and they moved to what became the US for religious, political, and economic reasons. Religious freedom in the US was made possible by political and economic freedom: absence of coercion by overlords and to the chance to prosper in a new land.

The second wave of immigrants between 1820 and 1860 fit well with American eagerness for people to help push back the frontier. Peasants displaced from agriculture in Europe and artisans made jobless by the industrial revolution were eager to depart, and steamship and railroad companies were seeking passengers. New arrivals sent what came to be called "American Letters" back to Europe, encouraging friends and relatives to join them. About 40 percent of the 5 million second-wave immigrants were from Ireland, where poverty and a famine brought on by potato blight encouraged emigration. Roman Catholics predominated in the

second wave, and by 1850 the Roman Catholic church was the largest denomination in the United States, though Protestants of various kinds outnumbered Catholics.

The third wave began in 1880, with almost 460,000 arrivals, and ended in 1914, with 1.2 million arrivals on the eve of World War I. During the third wave, over 20 million Southern and Eastern Europeans came, mostly to the eastern and midwestern states, and several hundred thousand Chinese, Japanese, and other Asian laborers settled in the western states. Of those arriving in 1882, 87 percent came from northern and western Europe, and 13 percent from the countries of southern and eastern Europe. By 1907, the proportions were reversed: 19 percent and 81 percent, including the first large numbers of people of Jewish and Eastern Orthodox religion.

The American the frontier was closed by 1890, and most newcomers found factory jobs in cities in the northeast and midwest. By 1910, immigrants were over half of all operatives in steel and meat packing, and foreign-born men were over half of the work force in cities such as New York, Chicago, and Detroit (Briggs, 1992, 56-7). The 1910 Census found that foreign-born residents made up n 15 percent of the U.S. population and 24 percent of the U.S. labor force.

Immigration was largely halted by World War I, but when it began to resume in the 1920s, Congress enacted quotas that restricted the arrival of newcomers. Eastern Hemisphere countries had annual quotas based on the number of persons in the US from that country in 1890, a clear attempt to favor northern and western European immigrants over those from southern and eastern Europe. During the 1930s Depression, emigration exceeded immigration. The US began to ease immigration restrictions after World War II, but annual immigration stayed at about 250,000 per year through the 1950s.

Fourth-wave immigrants began arriving in the United States after 1965, when the preference system changed from national origins to favor those with family ties to the US, or foreigners that US employers wanted to hire. These changes, coupled with prosperity in Europe, shifted the origins of most immigrants from Europe to Latin America and Asia. During the 1970s, the first decade that the law was effective, Europeans were fewer than 20 percent of U.S. immigrants, and Mexico sent almost as many legal immigrants as did all of Europe.

There are many similarities between immigration at the end and the beginning of the 20th century. The number of immigrants arriving annually during the peak years -- over 1 million--is about the same. Both waves brought people from countries that had not previously sent large numbers of immigrants, raising questions about language, religion, and culture and efforts to fundamentally change immigration policy.

US Immigration Policy

US immigration policies went through three major phases: laissez-faire, qualitative restrictions, and quantitative restrictions. During its first hundred years, from 1780 to 1875, the United States had a laissez-faire immigration policy that allowed states, private employers, shipping companies and railroads, and churches to promote immigration to the United States. The federal government encouraged immigration in various ways, including subsidizing railroad construction, which led to the recruitment of immigrant workers by private railroad companies. The US also maintained high tariffs, which kept out European goods and thus created a demand for workers in American factories. The federal government relied on immigrants to staff the army-- immigrants were about a third of the regulars in the 1840s, and an even higher proportion of many state militias (Briggs, 1992, 56-7).

The influx of Roman Catholics in the 1840's set off the first organized anti-foreign movement in the nation's history, the "Know Nothing " movement embodied in the American Party. Protestant clergymen, journalists, and other opinion leaders formed the Order of the Star Spangled Banner, urging the reduction of immigration from non-Anglo-Saxon countries. Members were instructed to answer any inquiries about the Order with the words "I know nothing about it". The Know-Nothings won 70 House seats in the Congressional election of 1854, but Congress did not respond enact their anti-immigrant agenda, and slavery soon replaced immigration as the major political issue of the day.

The US began to enact qualitative restrictions on immigrants in the 1870s. In 1875, convicts and prostitutes were barred. The Immigration Act of 1882 added paupers and "mental defectives" to the groups of undesirables who could not immigrate to the United States, and for the first time barred immigration from a particular country: Chinese immigration was halted for 10 years, a ban that was kept until 1943. The importation of foreign workers coming with pre-arranged work contracts was banned in the 1880s. By 1900, the major issue was how to slow the influx of immigrants from southern and eastern Europe. There were Congressionally sponsored studies that concluded that immigrants from southern and eastern Europe were "inferior," but Presidents refused to sign restrictive proposals. Congresional leaders wanting to restrict immigration argued that newcomers should be literate—able to read and write in some language—and Congress, starting in 1897, enacted literacy tests, but they vetoed by three presidents, starting with Grover Cleveland. President Wilson twice vetoed the literacy test, but his veto was overridden in 1917: after that date, anyone over sixteen who could not read in any language was refused entry.

In 1921, Congress imposed numerical restrictions, and in 1924, an Immigration Act set annual immigration at up to 150,000, plus accompanying wives and children. The national origins formula prescribed that the maximum number of immigrants from

any country in the Eastern Hemisphere would be "a number which bears the same ratio to 150,000 as the number of inhabitants in the United States in 1920 having that national origin bears to the number of white inhabitants of the United States." (House of Representatives, 1952, 37).[6] This quota system gave preference to immigrants from northern and western Europe. After World War II, President Truman and Congressional reformers sought to abolish the discriminatory national origins system that had been in place since 1924. They failed, and the McCarran-Walter Immigration and Nationality Act of 1952, passed over Truman's veto, left it intact. The 1965 amendments to the INA ended national origins preferences, and instead give priority for entry to close relatives of US citizens and people with special skills and abilities.

Until the 1980s, U.S. immigration law could be described as a complex system that changed once a generation. The accelerating pace of global change late in the 20th century affected migration patterns and Congress--the usual originator of changes in US immigration law—responded with a flurry of laws, including:

- The Refugee Act of 1980, under which the US adopted the UN definition of "refugee": a person with a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion.
- The Immigration Reform and Control Act of 1986, which aimed to reduce unauthorized immigration by imposing penalties on US employers of illegal immigrants ("employer sanctions") and legalizing the status of some ("amnesty").
- The Immigration Act of 1990, which raised the previous worldwide annual ceiling on immigration from 270,000 a year, plus immediate relatives of U.S. citizens, to 675,000 including relatives, plus refugees, and more than doubled the number of immigration visas granted for economic and employment reasons to 140,000 a year.
- The Anti-Terrorism and Effective Death Penalty Act of 1996, which allowed for the expedited removal of foreigners who arrive at airports without proper documents and seek asylum in the US
- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which made most legal immigrants who arrive after August 22, 1996 ineligible for federal means-tested welfare benefits unless they are refugees, veterans of the US Armed Services, or have worked at least 10 years in the US
- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which called for a doubling of the number of Border Patrol agents, but did not include an effective system to prevent unauthorized foreigners inside the US from finding employment.

More immigration legislation is expected in the wake of 9/11, including proposals aimed at preventing illegal immigration, tracking foreigners while they are in the US,

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6 Each country was guaranteed at least 100 visas, so that 154,477 visas were available annually.

and further restricting the rights of foreigners who are deemed supporters of terrorism. At the same time, there are efforts to legalize at least some of the unauthorized foreigners in the US, to restore the access of some legal foreigenrs to Food Stamps and other welfare programs, and to make it easier for pre-screened foreigners to enter the US.

Policy Debates and Research

The immigration laws of 1996, and their softening in the following years, reflect an increasingly contentious debate over the effects of immigrants on the US economy and society, and uncertainty about how natives and immigrants and will interact to shape 21st century America. Worries about immigration's short- and long-term effects are not new. On the one hand, the United States celebrates its immigrant heritage, telling and retelling the story of renewal and rebirth brought about by the newcomers. On the other hand, Americans have worried since the days of the founding fathers about the economic, political, and cultural effects of newcomers.

Immigration research tends to follow rather than lead immigration poilcy debates. The policy debate can be framed by extremes: drastically reduce or stop immigration at the one end, and eliminate border controls at the other. The Federation for American Immigration Reform (FAIR) argues that: "With more than a million legal and illegal immigrants settling in the United States each year…it is evident to most Americans that large-scale immigration is not serving the needs and interests of the country. FAIR advocates a temporary moratorium on all immigration except spouses and minor children of U.S. citizens and a limited number of refugees."[7] At the other extreme, the Wall Street Journal advocates a five-word amendment to the US constitution: "there shall be open borders."[8] High levels of immigration, the WSJ argues, mean more consumers and a larger economy with "new blood."

Tichenor (2000) notes that, despite the restrictionist elements of 1996 legislation, the dominant tendency of US immigration policy has been to become more liberal or admissionist over the past 50 years. Before the 1996 legislation was enacted, there was a debate between numbers and rights—should the number or immigrants remain relatively high, but their access to welfare benefits be restricted to help reduce federal budget deficits, or should the number of immigrants be reduced, especially those most likely to need welfare benefits, and immigrants have the same access to welfare benefits as US citizens? The Commission on Immigration Reform recommended that US immigration policy from **A** to **B**. However, Congress approved a move from **A** to **C**, and then part way back toward **A**.

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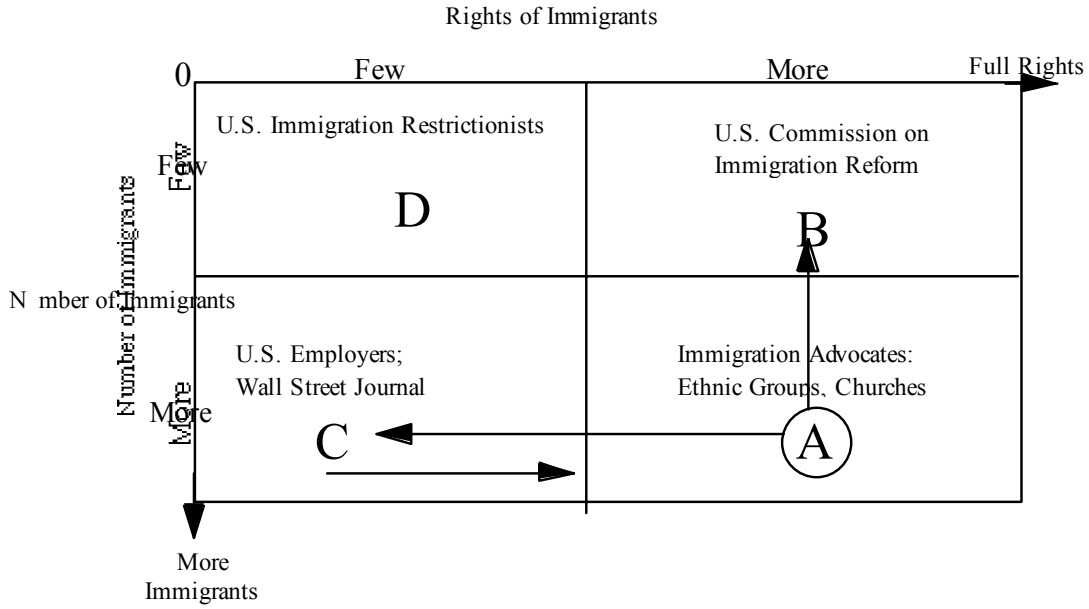
[7] FAIR's Purpose. http://www.fairus.org/html/fair.htm

[8] An editorial on July 3, 1986 first made this proposal, which was repeated in an editorial on July 3, 1990.

Table 5. Rights and Numbers of Immigrants



A. The U.S. in the mid-1990s was at A; high and rising levels of imigration, and full rights for legal immigrants; A was not stable.

B. US CIR recommended in 1995 moving toward B; reduce immigration, preserve full rights to welfare, etc.

C. U.S. in 1996 moved toward C; high numbers, fewer rights. C is not stable; in 1997-98, about half of welfare cuts were restored.

The US is trying to manage migration between the extremes of "no borders and "no immigrants," and the result is a status quo that is criticized by both extremes, and found to be second best by many others. Some 800,000 to 900,000 legal immigrants a year are admitted and 300,000 to 400,000 unauthorized foreigners a year settle in the US; many of the unauthorized later become legal immigrants. Despite a rapidly rising budget aimed at preventing unauthorized entries and employment, major US industries are believed to have work forces that are from 25 percent (meatpacking) to 50 percent (crop farms) unauthorized.

Immigration research tends to follow the policy debate. During the 1980s, the major policy issue was what to do to reduce unauthorized immigration, and the focus of much of the research was on the interaction of unauthorized and legal workers in US labor markets. The major conclusion supported a lassiz-faire policy toward the unauthorized, since most studies found no significant negative impacts of unauthorized workers on US workers. During the early 1990s, when the costs of providing tax-supported services to unauthorized foreigners and their children

dominated the headlines, many studies examined the taxes paid and cost of benefits provided to immigrants, and they generally agreed that the federal government received more in taxes from immigrants than it spend to provide services to them, but state and local governments often spent more on immigrrants than they collected in taxes. During the late 1990s, the focus shifted to how immigrants and their children were integrating into the US—were their incomes rising with time in the US, so that they were becoming Americans?

The economic impacts of immigrants and their children were addressed most comprehensively by the National Research Council in 1997, which concluded that "immigration produces net economic gains [of $1 to $10 billion] for domestic residents," largely because immigration lowers US wages and thus prices, and increases the efficiency of the US economy (pS-3-4). The reactions illustrated the policy extremes. Pro-immigration groups highlighted the $10 billion figure, emphasizing the economic benefits of immigration. Restrictionist groups pointed out that, in an $10 trillion economy expanding by 3 percent a year, GDP "normally" rises by $250 billion a year, so that $10 billion represents just over one week of "normal" growth.

Whither US Immigration?

Immigration means change, often unpredictable change that is not apparent until long after it is too late to reverse. Current residents have for 250 years worried about the changes that immigration will bring. For example, Benjamin Franklin worried about German immigrants changing colonial Pennsylvania. Why, he asked, should "Pennsylvania, founded by the English, become a colony of aliens, who will shortly be so numerous as to Germanize us, instead of our Anglifying them?" (Degler, 1950, 50). Franklin was right—the Germans did not become English, they became American. But the English did not remain English—they too became American, an change that Franklin did not foresee.

The world's major migration relationship is that between Mexico and the US. There are about 109 million people alive today who were born in Mexico; by 2000, about 9 million had migrated to the US, effectuating changes in Mexico as well as in the US. Immigration and other policies, in both Mexico and the US, will determine the eventual number of Mexican-born US residents. If Mexico's economy grows as fast as hoped, the current 8-1 wage difference is reduced and regional disparities within Mexico narrow, Mexico-US migration could fall sharply by 2010. This is the goal of the North American Free Trade Agreement (NAFTA), which went into effect January 1, 1994—its aim was to speed up economic and job growth in Mexico, and thus eventually reduce migration. However, speeding up economic and job growth required many adjustments, including the displacement of many workers in agriculture. Many rural Mexicans had ties to friends and relatives in the US, prompting more Mexico-US migration in the 1990s, a migration hump. This

migration hump, the upsurge in Mexico-US migration despite Nafta, is at the center of US immigration policy discussions today (Martin, 1993).

Before September 11, 2001, the US immigration policy discussion seemed to be heading toward legalizing many of the unauthorized Mexicans in the US, and opening new channels for Mexicans to work legally in the US. Many factors motivated this move toward liberalization, including the fact that Mexicans and other unauthorized migrants were finding US jobs during a time of low unemployment, an average one migrant a day was dying in the desert trying to enter the US, and there was a political assessment that, for President Bush to win re-election in 2004, he would have to raise his share of the Hispanic vote from the 35 percent he received in 2000. These considerations, combined with the personal bonds between Spanish-speaking Bush and Mexican President Fox, were expected to lead to a US immigration reform marked by generosity to unauthorized foreigners in the US.[9]

September 11 stopped the momentum toward a new legalization program. Instead of bringing unauthorized foreigners out of the shadows in a legalization program, the US government launched a major effort to locate, detain, and prosecute or deport unauthorized foreigners, especially those from Middle Eastern countries. The discussions of what to do about immigration in 2002 are shaped by September 11 as well as three other factors: the economic recession of Fall 2001, with unemployment rising from 4 to 6 percent within 4 months; a fall in border apprehensions from 1.6 million in FY01 to 1.2 million in FY02;[10] and a report by Mexico's National Population Council that concluded: "Migration between Mexico and the United States is a permanent, structural phenomenon. It is built on real factors, ranging from geography, economic inequality and integration, and the intense relationship between the two countries, that make it inevitable."[11]

Recession, falling apprehensions that allow the Border Patrol to assert that it has turned the enforcement corner, and no end in sight clouds the post 9/11 picture. Before September 11, legal and unauthorized immigrants were generally thought of

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9 Fox in September 2001 said: "The time has come to give migrants and their communities their proper place in the history of our bilateral relations…we must, and we can, reach an agreement on migration before the end of this very year...[2001, so that] there are no Mexicans who have not entered this country legally in the United States, and that those Mexicans who come into the country do so with proper documents."

10 Hanson et al. 1999, examined apprehension and wage data in Mexico-US border areas in the 1990s and concluded that the Border Patrol was not significantly reducing illegal immigration, and that "illegal immigration from Mexico has a minimal impact on wages in U.S. border areas."

11 The report concluded that 400,000 Mexicans a year would migrate to the US through 2030 if Mexican economic growth averaged five percent a year, and that 500,000 Mexicans a year would migrate if economic growth averaged 1.5 percent a year [legal immigration has been 125,000 to 150,000 a year].

as hard-working newcomers seeking the American dream. After September 11, it was recognized that some foreigners were intent on killing Americans. Thus, the US can remain open to immigration, and take steps to screen foreigners arriving far more carefully, or try to limit immigration, and in this manner hope to keep out terrorists. So far the US seems more inclined to keep the doors open and step up screening rather than closing doors.

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