

THE UNITED STATES  
The Continuing Immigration Debate

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INTRODUCTION

The United States is a nation of immigrants. Under the motto “e pluribus unum” (from many one), US presidents frequently remind Americans that they share the experience of themselves or their forebears leaving another country to begin anew in the United States.<sup>1</sup> Immigration is viewed as serving the national interest; that is, immigrants can better themselves as they enrich the United States. However, there is an ever-wider gap between the goal of welcoming immigrants through established front-door channels and the presence of 11 to 12 million unauthorized foreigners. Closing this gap has been the major immigration debate of the past decade.

The US government began to record the arrival of immigrants in 1820 and, in the almost two centuries since, over 75 million arrived, including about 10 percent respectively from Mexico and Germany. Despite this immigration experience, there are still heated debates about the three major immigration questions: How many immigrants should the United States admit, who should have priority to enter, and how should immigration laws be enforced and the integration of immigrants promoted?

Over 100,000 foreigners enter the United States on a typical day. There are three major entry doors: a front door for immigrants, a side door for temporary visitors, and a back door for the unauthorized. About 3,100 foreigners a day receive immigrant visas that allow them to live and work in most private-sector jobs and become naturalized US citizens after five years. Over 95,000 tourist, business, and student visitors known as nonimmigrants arrive; some stay only a few days, while others stay for several years. Finally, 2,000 unauthorized foreigners a day were settling in the United States until the 2008–2009 recession reduced their number to less than 1,000 a day. Over half of the unauthorized eluded apprehension at the Mexican-US border, while the others entered legally but violated the terms of their visitor visas by going to work or not departing.<sup>2</sup>

The US immigration system recognizes 1.1 million foreigners a year as legal immigrants, admits 35 million tourists and other visitors a year, and has 300,000 to 400,000 unauthorized foreigners who settle each year. During the 1990s, there were often contentious debates

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about the relationship of immigrants and their children to the US educational, welfare, and political systems. More broadly, it was debated whether the immigration and integration system served US national interests. During the first decade of the twenty-first century, these debates have centered on how to prevent terrorism and what to do about unauthorized migration.

Public opinion polls find widespread dissatisfaction with the “broken” US immigration system, marked by debates over the proper mix of family and economic immigrants and a large number of unauthorized foreigners. Congress has debated immigration reforms for the past decade. The House approved an enforcement-only bill in 2005; the Senate approved a comprehensive bill in 2006 that included both enforcement and legalization. Nevertheless, Congress has been unable to agree on the three-pronged package embraced by President Obama: tougher enforcement against unauthorized migration, legalization of most unauthorized foreigners, and new and expanded guest worker programs. A three-pronged comprehensive immigration reform package was debated in summer 2013.

Two recent changes rekindled the immigration reform debate. The 2008-2009 recession, the worst in 50 years, exacerbated unemployment and reduced the entry of additional unauthorized foreigners. However, most of the unauthorized in the United States did not go home even if they lost their jobs, since there were also few jobs in their home countries.<sup>3</sup> The second stimulus for a renewed debate is the enactment of laws by states and cities to deal with unauthorized migration, including an Arizona law enacted in April 2010 that makes unauthorized presence in the state a crime. Arizona and a dozen other states require employers to use the federal government’s electronic E-Verify system to check the legal status of new hires.

This chapter summarizes US migration patterns, puts the immigration and integration challenges facing the US in a global context, and reviews the evolution of US immigration and integration policy. Immigration brings newcomers from around the world, making the United States, in the words of former Census director Kenneth Prewitt, “the first country in world history which is literally made up of every part of the world”<sup>4</sup> (quoted in *Migration News* 2001).

## IMMIGRATION, TEMPORARY VISITORS, AND THE UNAUTHORIZED

The United States had 39 million foreign-born residents in 2009; 11 million, almost 30 percent, were illegal. It has the most foreign-born residents of any country, three times more than number-two Russia, and more unauthorized residents than any other country. Generally, about 10 percent of the residents of major OECD countries are foreign born. The United States, with 13 percent foreign-born residents, has a higher share of immigrants among residents than most European countries but a lower share than Australia and Canada.<sup>5</sup>

There are three major types of foreigners in the United States: front-door immigrants, side-door temporary visitors, and back-door unauthorized. Immigrants are citizens of other countries who receive visas that allow them to settle in the United States. Immigrant visas today resemble credit cards, but they used to be printed on green paper, explaining why immigrants are sometimes referred to as green card holders.



Immigrants

The four major subcategories of immigrants reflect US immigration priorities. The largest subcategory is family unification, meaning that US citizens and immigrants settled in the United States ask the government to issue immigrant visas to their relatives. As Table 2.1 shows, about 500,000, or almost half of all immigrant visas in recent years, went to immediate relatives of US citizens, as when a US soldier abroad marries a local resident and wants to bring him or her into the United States, or when a newly naturalized US citizen requests visas for family members. The second part of the family unification category is for spouses and children of US immigrants and more distant relatives such as adult brothers and sisters; about 215,000 a year are admitted. There is no wait for visas for immediate relatives of US citizens, but families of immigrants and distant relatives of citizens sometimes wait a decade or more for visas.

The second largest immigrant category provides visas to foreigners requested or sponsored by US employers. There are several subcategories of employment-based visas, including one for foreigners with “extraordinary ability” in academia or the arts and another for foreigners who invest at least \$500,000 in the United States to create or preserve at least 10 US jobs.<sup>6</sup> There are more extraordinary ability and investor visas available than are requested, but this is not the case for other employment-based visas, which require a US employer to show that a particular foreigner is uniquely qualified to fill a particular job. In many cases, the foreigner is already filling the job, and there can be waits of a year or more for an immigrant visa to become available.

TABLE 2.1  
Entries into and out of the United States, FY 2004–2009

Category	2004	2005	2006	2007	2008	2009
<b>Legal immigrants</b>	957,883	1,122,373	1,266,129	1,052,415	1,107,126	1,130,818
Immediate relatives of US citizens	417,815	436,231	580,348	494,920	488,483	535,554
Other family-sponsored immigrants	214,355	212,970	222,229	194,900	227,761	211,859
Employment-based	155,330	246,878	159,081	162,176	166,511	144,034
Refugees and asylees	78,351	150,677	216,454	136,125	166,392	177,368
Diversity and other immigrants	92,032	75,617	88,017	64,294	57,979	62,003
Estimated emigration	308,000	312,000	316,000	320,000	324,000	328,000
<b>Legal temporary immigrants</b>	30,781,330	32,003,435	33,667,328	37,149,651	39,381,925	36,231,554
Pleasure/business	27,395,91	28,510,34	29,928,57	32,905,01	35,045,86	32,190,95
Foreign students (F-1)	613,221	621,178	693,805	787,756	859,169	895,392
Temporary foreign workers	831,144	882,957	985,456	1,118,138	1,101,938	936,272
<b>Illegal immigrants</b>						
Apprehensions	1,264,232	1,291,142	1,206,457	960,756	791,568	613,003
Removals/deportations	240,665	246,431	280,974	319,382	358,886	393,289
Unauthorized foreigners	572,000	572,000	572,000	572,000	–650,000	–650,000

SOURCE: DHS Immigration Statistics Annual; unauthorized foreigners from Passel and Cohn (2011).

NOTE: The number of unauthorized foreigners rose from 8.4 million in 2000 to 12.4 million in 2007. In 2010, there were an estimated 11.2 million unauthorized foreigners.

The third immigrant subcategory is for refugees and asylees or applicants for asylum. Refugees are persons outside their country of citizenship who fear persecution at home because of race, religion, nationality, membership in a particular social group, or political opinion. Many leave their homes and live in neighboring countries of Africa, Asia, and Latin America, waiting for conditions at home to improve. The United States resettles about 70,000 refugees a year, two-thirds of them from Asia. Some people leave their countries for the United States and apply for asylum; that is, they ask to be recognized as refugees because they would face persecution at home. About 50,000 foreigners a year request asylum, and half are recognized as refugees, receiving immigrant visas that allow them to settle in the United States.

The fourth subgroup includes diversity immigrants. For the past two decades, the US government has made available 50,000 immigrant visas a year to nationals of countries that sent fewer than 50,000 immigrants during the previous five years. Yearly, about 15 million foreigners enter the lottery. Lottery winners must have completed secondary school and pass a background check to receive their visas.

Most immigrants are in the United States when their immigration visas become available. In recent years, 60 percent of all foreigners, and 90 percent of foreigners receiving employment-based visas, were already in the United States when their visas became available. This adjustment-of-status method of immigration marks a significant change from past patterns, when immigrants set off to begin anew in an unfamiliar place. Many immigrants-in-waiting are in the United States with some type of temporary visitor visa or are unauthorized foreigners.

The largest single source of immigrants is Mexico, which accounted for about 20 percent of immigrants in recent years. Countries that account for 5 to 10 percent of US immigrants include China, India, the Philippines, and the Dominican Republic. California attracts about a quarter of US immigrants, followed by New York with 15 percent and Florida with 10 percent.

## 8f44b6e9f19d3052c603fcca67ef3ab ebrary Temporary Visitors

Over 35 million foreigners a year arrive as temporary visitors.<sup>7</sup> Most are welcomed. The US travel industry advertises overseas to encourage foreign tourists to visit, businesses invite foreign customers and suppliers, and US colleges and universities recruit foreign students. Most temporary visitors are from European and Asian countries whose citizens do not need visas to enter the United States. Nationals of 36 countries in 2011 were permitted to enter under the visa waiver program, which admits visitors for 90 days. The program is reciprocal; that is, Americans are allowed to visit these countries without visas for up to 90 days as well.

Other temporary visitors need visas to enter the United States, including foreign students and foreign workers. There are more than 25 types of visas for temporary visitors, from A-1 for ambassadors to F-1 for foreign students and H for foreign workers. L-1 visas are for intracompany transfers (workers employed by a multinational outside the United States who are transferred to the firm's US operations); P visas, for foreign athletes and entertainers; and TN visas, for Canadian and Mexican professionals admitted under the North American Free Trade Agreement.



Two types of temporary visitors are sometimes controversial: foreign students and guest workers. Between 1990 and 2000, the number of foreign students in the United States doubled to over 500,000 as economic growth in Asia made a US education more affordable. However, the fact that several of the September 11, 2001, terrorists who flew airplanes into the World Trade Center held student visas, including one who never showed up at the school that admitted him, led to new restrictions on students from some countries studying some sciences and to a new Student and Exchange Visitor Information System (SEVIS) to track foreign students while they are in the United States.

These restrictions and SEVIS led to a drop in the number of foreign students in the United States at mid-decade, but that number rose to a record of almost 700,000 in 2009–2010.<sup>8</sup> The leading countries of origin for foreign students are China, India, and South Korea; the US universities with the most foreign students (almost 45 percent are from these three countries)—more than 7,000 each—are the University of Southern California, the University of Illinois, and New York University. Almost 40 percent of foreign students in the United States study science and engineering, and another 20 percent are business majors.

Most foreign students in the United States are graduate students pursuing MS and PhD degrees. The fact that foreign students receive more than half of these degrees in engineering and many sciences has prompted a debate about why Americans are not flocking to these graduate programs. The National Science Board (2003) faulted math and science teaching in secondary school. Other observers, in explaining why Americans prefer to study business, law, and medicine to science and engineering, point to the fact that advanced degrees in engineering are not associated with higher salaries and that doctorates in science are often followed by lengthy low-paid postdoctoral apprenticeships (Teitelbaum 2003; Benderly 2010).

Many foreign students who graduate from US universities stay in the United States and work, highlighting the importance of temporary foreign workers. About a sixth of almost 155 million US workers were born outside the United States. They include about 15 million immigrants and naturalized citizens, eight million unauthorized foreigners, and up to two million temporary foreign workers. However, the temporary foreign workers garner much of the policy attention because the government permits employers hire them.

There are three major guest worker programs: H-1B, H-2A, and H-2B. Each is controversial, with the debate dominated by those who argue that foreign guest workers are essential to particular sectors of the US economy and those who argue that they distort the economy and hurt US workers.

The H-1B program was included in the Immigration Act of 1990 to help employers deal with what were perceived to be temporary labor market mismatches. During the 1980s, the US unemployment rate remained above 5 percent even as employers in fast-growing computer-related industries complained of labor shortages. The government had a two-fold response. First, it launched programs to improve the education and skills of US workers in computer-related fields; second, the H-1B program gave employers easy access to foreign workers to fill jobs that “require theoretical and practical application of highly specialized knowledge to perform fully.” In 1990, about 20,000 such workers a year were admitted, so the number of H-1B visas was capped at 65,000 yearly to allow employers to quickly get the



workers they needed. The expectation was that the number requested would fall as US graduates appeared.

The early 1990s recession reduced employer requests for H-1B visas, but the IT boom in the late 1990s had employers asking for more than 65,000 H-1B visas a year. IT-related employers persuaded Congress to raise the annual cap several times, eventually to 195,000 a year, to add 20,000 visas for foreigners who earn MS and PhD degrees from US universities, and to exempt universities and nonprofit research labs from the H-1B cap.

Since H-1B visa holders can stay in the United States for up to six years, there were soon almost a million in the United States. Microsoft Chairman Bill Gates and other IT leaders argued that, because H-1B foreigners were essential to computer-related industries, the visa cap should be eliminated.<sup>9</sup> According to critics, the H-1B is about cheap labor because, they say, employers may lawfully lay off US workers to hire H-1B workers and because foreign workers who hope their US employer will sponsor them for immigrant visas are preferred for their “loyalty.” The H-1B program differs from most guest worker programs in allowing employers to attest or assert that they have satisfied simple rules, mostly that they are paying H-1B workers at least the prevailing wage for the job; they are kept honest by inspections after complaints have been filed. The H-1B program has no requirement to advertise for US workers and give those who apply preference; some employers advertise for “H-1B visa holders only” and several have laid off US workers and replaced them with H-1B visa holders.

The H-2A and H-2B programs, which admit low-skilled foreign workers to fill seasonal jobs in agriculture and nonfarm industries such as landscaping, are different. Instead of the H-1B’s easy-for-employers attestation procedure, H-2A and H-2B rely on a certification procedure that requires US employers to first recruit US workers to fill the jobs for which they are seeking permission to recruit and employ foreign workers. They are allowed to hire foreign workers only if this recruitment effort fails.

Certification provides more protection to US workers because employers must have recruitment ads for US workers checked and employers must record why US workers who applied were not hired. Also, the job offer or recruitment ad becomes a contract between the employer and US and foreign workers that the employees can sue to enforce. However, certification is considered “cumbersome,” especially by farmers who grow perishable crops, since their job offers may have to be revised before they can begin recruiting first US and then foreign workers. Worker advocates, on the other hand, point to cases of abuse of low-skilled foreign workers with H-2 visas to assert that certification does not provide sufficient protection.

Other temporary visitor visas allow employers to hire foreigners without trying to recruit US workers first. Foreign students can work part time while they study and full time during school vacations, and they can remain in the United States for 12 months of work-and-learn optional practical training with a US employer after graduation.<sup>10</sup>

The J-1 exchange visitor program admitted over 400,000 foreigners in fiscal year 2009 for work-and-learn experiences as au pairs in private households or filling jobs in summer and winter resorts. The L-1 intracompany visa program allowed almost 335,000 foreigners in fiscal year 2009 to be transferred from foreign to US subsidiaries of the same multinational. Over 100,000 foreigners with O, P, Q, and R visas were admitted in fiscal year 2009



as temporary workers in arts and entertainment, sports, or religious activities, and 99,000 foreigners were admitted with TN visas that allow Canadian and Mexican professionals with US job offers to enter and work indefinitely.<sup>11</sup>

Foreign or guest worker programs are controversial, whether they admit skilled workers with university degrees or admit low-skilled workers who have not completed secondary school. Employers normally assert that they are in the best position to decide which worker is most qualified to fill a particular job, and they resent “government interference” when they decide that foreigners are most qualified and that attestation or certification places hurdles between employers and the workers they want. Employers prefer attestation, which allows them to effectively open border gates to foreigners with the government checking to ensure that employers are abiding by these promises, which explains why they resist making the H-1B a certification program and want to convert the H-2A and H-2B programs into attestation programs.

### Unauthorized Foreigners

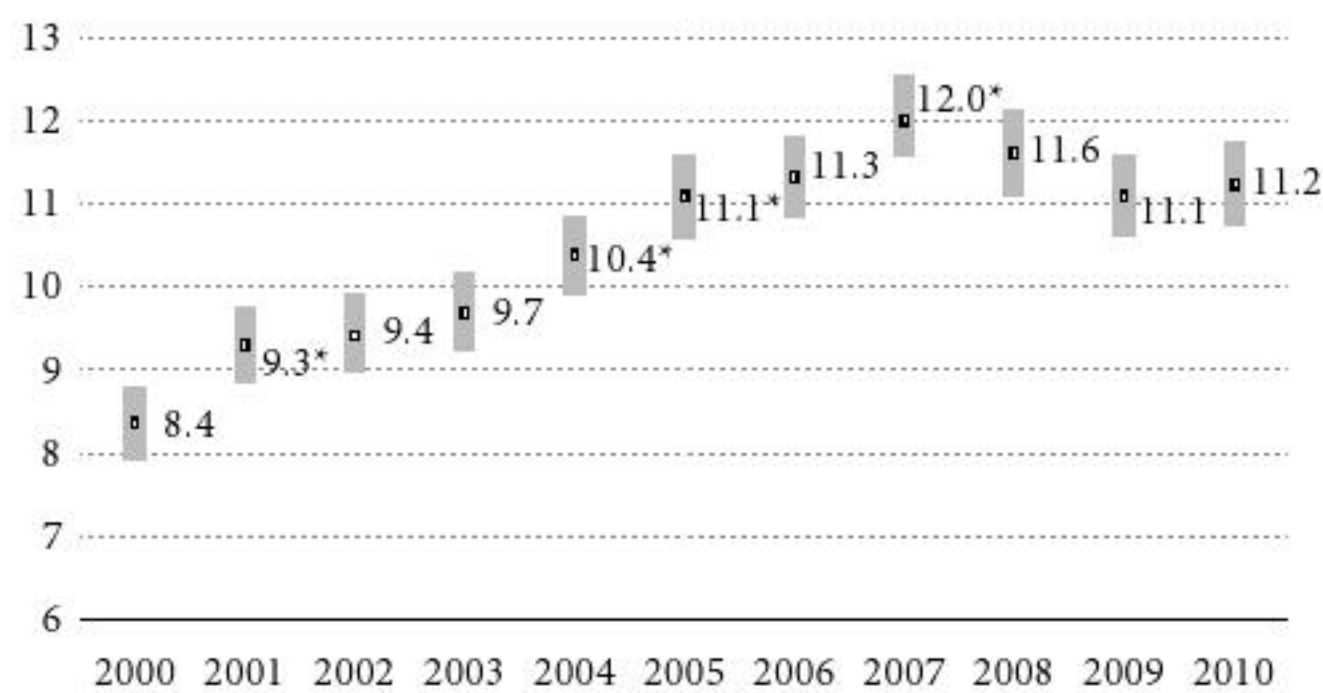
Unauthorized foreigners are often said to enter the United States via the back door, suggesting that they slip across the Mexican-US border as so-called entries without inspections. However, over 40 percent of unauthorized foreigners entered legally—as tourists or students, or with the border crossing cards available to Mexicans who want to shop in US border areas<sup>12</sup>—and then violated the terms of their legal entry by not departing or working illegally.

The United States has the largest number and share of unauthorized foreigners among the industrial democracies. In 2010, it had over 11 million unauthorized foreigners, meaning that over 25 percent of foreign-born residents were unauthorized and making the number of unauthorized about as large as the total foreign population of Russia, the second-leading country of immigration.

Most unauthorized foreigners are from Mexico, and most arrived recently. In 1970, when Mexico had about 50 million residents, there were fewer than 750,000 Mexican-born US residents. By 2000, Mexico’s population had doubled to 100 million and the number of Mexican-born US residents had increased ten-fold to more than 8 million. Mexicans make up about 60 percent of unauthorized foreigners, followed by Central Americans (El Salvador, Guatemala, and Honduras) at about 15 percent. The other 25 percent of unauthorized foreigners are from other countries around the world.

Demographers have refined methods of estimating the number of unauthorized foreigners to converge on the estimate of 11 million in 2012, a sharp jump from the estimated 8 million in 2000 but down from a peak 12 million in 2007 (see Figure 2.1). About 8 million unauthorized foreigners are in the US work force, meaning that 5 percent of US workers are unauthorized. Their number surged during the housing boom of 2004–2007, as many unauthorized Mexican and Central American workers found jobs in residential building. The 2008–2009 recession appears to have reduced the number of unauthorized foreigners by about a million, reflecting the loss of 8 million US jobs in 2008–2009.<sup>13</sup>

There are several reasons for the rising back-door migration of the past decade and the recent drop. When the Immigration Reform and Control Act of 1986 was enacted, there were an estimated 4 million unauthorized foreigners in the United States. Almost 3 million



**Figure 2.1** Unauthorized foreigners in the United States, 2000–2010 (in millions). *Source:* Pew Research Center. *Note:* Bars indicate low and high points of the estimated 90% confidence interval. The asterisk indicates the change from the previous year is statistically significant.

were legalized in 1987–1988, including 85 percent who were Mexicans. However, more arrived and there were still about 3 million by 1990. The number rose to 5 million in 1995, 8 million in 2000, and 11 million in 2005 as unauthorized foreigners spread from traditional immigration states such as California and New York to new destinations such as Georgia and North Carolina.

The US unemployment rate doubled between 2007 and 2009 to over 9 percent, and is projected to remain at historically high levels through 2015. If unemployment declines and there are no major changes in immigration policy, unauthorized migration is likely to pose a test of markets versus regulations. A resumption of construction activity as well as worker turnover in farm and service jobs is likely to create job openings that could be filled by newly arrived unauthorized foreigners. On the other hand, the number of US Border Patrol agents doubled to more than 21,000 between 2005 and 2010, a third of the 2,000 mile Mexican-US border has fences and vehicle barriers, and the Department of Homeland Security (DHS) is increasing audits of the I-9 forms that newly hired workers and employers complete to ensure that only legally authorized workers are hired.

If the unemployment rate drops toward 5 percent, employers are likely to complain of labor shortages, and migrants who elude the Border Patrol are likely to find vacant jobs. If hiring systems evolve to at least partially shield employers from fines for knowingly hiring unauthorized workers—such as intermediaries who serve as risk absorbers for major firms by providing temporary and seasonal workers—unauthorized migration may rise despite the new enforcement measures. On the other hand, increased smuggling costs and dangers, coupled with the lower wages often offered by intermediaries willing to risk fines, may discourage unauthorized entries if economic development is providing jobs at home.

IMMIGRATION HISTORY AND POLICY

Immigration to the United States occurred in four major waves. Large influxes of foreigners over several decades were followed by periods in which there was little immigration because



of changes in immigration policy and economic conditions in the United States and abroad. The country is now in the midst of the fourth immigration wave and, because immigration policy today gives priority to relatives of US residents and because immigrants come from almost all countries, there is no “natural” end to the fourth wave in sight.

### Four Waves of Immigrants

The first wave of US immigrants came before the United States was created. In the seventeenth and eighteenth centuries, English colonists established communities at Jamestown and Plymouth, seized control from the Dutch in New York, and overran various French and Spanish settlements. The English were 60 percent of the population in 1790, English became the most common language, and English common law became the basis for the US legal system.<sup>14</sup> The word “immigrant” emerged in the 1790s to mean a person who moves voluntarily from one established country to another.

The second wave of immigrants, between 1820 and 1860, accelerated the push westward. European peasants displaced from agriculture and artisans made jobless by the industrial revolution were eager to try their luck in the United States, and steamship and railroad companies advertised for passengers. New arrivals sent what came to be called “American letters” to Europe, encouraging friends and relatives to join them. About 40 percent of the 5 million second-wave immigrants were from Ireland, where an 1840s famine caused 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, although Protestants of various kinds outnumbered Catholics.

There was little immigration during reconstruction after the Civil War. It was not until 1880 that the third wave began, with almost 460,000 arrivals a year. The third wave ended in 1914, with 1.2 million arrivals on the eve of World War I—the highest rate of immigration in US history. During the third wave, over 20 million Southern and Eastern Europeans immigrated to the eastern and midwestern states and several hundred thousand Chinese, Japanese, and other Asians settled in the western states.

The American frontier was closed by 1890, and most newcomers found factory jobs in cities in the Northeast and Midwest. Immigrants represented over half of all operatives in steel and meat packing in 1910, and foreign-born men represented over half of the work force in cities such as New York, Chicago, and Detroit (Briggs 1992: 56–57).<sup>15</sup>

Immigration paused for the half-century between 1915 and 1964, largely because in the 1920s Congress enacted quotas that restricted the arrival of newcomers. The economic depression of the 1930s discouraged immigration, although after World War II almost 600,000 Europeans who had been displaced by the war were admitted. During the war the country began to admit Mexican Bracero guest workers; Bracero admissions peaked at 455,000 in the mid-1950s. During the 1950s, fewer than 250,000 immigrants a year were admitted.

Fourth-wave immigrants began arriving in the United States after 1965, when the national origins selection system, which favored immigrants from particular countries in Northern and Western Europe, changed to favoring immigrants with relatives already in the United States and those sponsored by US employers. This change, plus rapid economic growth in Europe, shifted the origins of most immigrants from Europe to Latin America



and Asia. During the 1970s, the first decade that the family unification law was in effect, the United States accepted 4.2 million immigrants, including 825,000 Europeans and 621,000 Mexicans. By the 1980s, when immigration rose to 6.2 million, the number of Mexican immigrants, 1 million, topped the number of Europeans, 670,000, because recently arrived Mexicans sponsored family members still in Mexico.

There are many similarities between immigration at the end and that at beginning of the twentieth 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 leading to efforts to fundamentally change immigration policy.

### Immigration Policy: 1776–1980

During its first 200 years, US immigration policies went through three major phases: laissez-faire, qualitative restrictions, and quantitative restrictions. For the first 100 years, pretty much anyone who arrived was permitted to settle and naturalize. Many entities promoted immigration, including shipping companies looking for passengers, developers who had been granted land in exchange for building canals and railroads and needed laborers, and employers and others who wanted more people. Economic policies such as high tariffs on manufactured goods kept out lower-cost European goods and created a demand for workers in American factories, which encouraged immigration.

The first major backlash against this open-door policy was a reaction against Catholics arriving from Ireland and Germany in the 1840s. Protestant clergymen, journalists, and other opinion leaders formed the Order of the Star Spangled Banner, which urged restrictions on immigration from non-Anglo-Saxon countries. The order became the “Know Nothing” movement because members, when asked, were instructed to say “I know nothing.” Adherents dominated the American Party, which won 70 House seats in the Congressional election of 1854. However, Congress did not enact their anti-immigrant agenda, and slavery soon replaced immigration as the major political issue of the day.

The door to some immigrants began to close in the 1870s, when immigration policy barred certain types of foreigners: convicts and prostitutes in 1875, followed by paupers and “mental defectives” in 1882. The Chinese Exclusion Act of 1882 for the first time barred immigration from a particular country, and this ban, enacted at the behest of California unions, was not lifted until 1943. In the 1880s, the importation of foreign workers who had contracts that required them to work for particular employers was banned.

During the third wave of immigration, between 1880 and 1914, restrictionists sought to add qualitative restrictions that would keep ill and illiterate immigrants out. Immigrants arriving at Ellis Island in New York harbor in 1900 were observed by doctors as they climbed the stairs, and could be ordered back to their countries of origin if they had contagious diseases.<sup>16</sup> Those who hoped to reduce immigration from Southern and Eastern Europe wanted a requirement that new arrivals must pass a literacy test so that only arrivals 17 years of age and older able to read in English or some other language would be admitted. Congress enacted three literacy tests that were subsequently vetoed, but President Wilson’s veto



of the 1917 Immigration Act was overridden, introducing another qualitative restriction on immigration.

There was little migration from Europe to the United States during World War I; however, when immigration resumed in the 1920s, restrictionists realized that the literacy test would not enough to stop immigration from Southern and Eastern Europe. The Congressional Dillingham Commission produced 41 volumes of reports on immigration in 1911 that concluded that immigrants from Southern and Eastern Europe had more “inborn socially inadequate qualities than northwestern Europeans” (quoted in Handlin 1952: 755).<sup>17</sup>

Congress used the Dillingham Commission report to impose quantitative limits on immigration in 1921, and revised these quotas in the Immigration Act of 1924 to cap the annual number of immigrants at 150,000, plus accompanying wives and children. The national origins formula made the maximum number of immigrants from any country in the Eastern Hemisphere “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).<sup>18</sup> Since there were more immigrants from Northern and Western than from Southern and Eastern Europe, over 80 percent of visas went to people from Northern and Western European countries from the 1920s to the 1960s.

After World War II, President Truman tried to abolish the national origins system. He failed, and the McCarran-Walter Immigration and Nationality Act of 1952 was approved despite his veto. President Kennedy made another attempt to eliminate the national origins selection system, and in 1965 the Immigration and Nationality Act was amended to institute the family unification and employer sponsor system as a replacement for the national origins system, which was abolished.

### Immigration Policy: 1980–2010

For most of the past two centuries, US immigration policy changed once a generation, adding restrictions on how many immigrants and of what type could enter. These restrictions were in response to rising numbers of foreigners seeking admittance. Beginning in 1980, Congress enacted major immigration laws at least once a decade, but it remains divided on how to deal with unauthorized foreigners.

The major immigration laws enacted in the past three decades include the following:

- *The Refugee Act of 1980.* The United States adopted the UN definition of “refugee”: a person outside his or her country of citizenship and unwilling to return because of 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.* IRCA, which dealt with illegal migration, represented a grand bargain between restrictionists and admissionists. Restrictionists won federal penalties on employers who knowingly hire unauthorized workers (employer sanctions), while admissionists obtained immigrant status for unauthorized foreigners in the country since 1982 or employed in agriculture in 1985–1986 (amnesty or legalization).

- *The Immigration Act of 1990*. IMMACT, which dealt with legal immigration, raised the worldwide annual ceiling on immigration from 270,000 a year, plus immediate relatives of US citizens, to 675,000 a year, including relatives, and refugees. IMMACT more than doubled the number of employment-based immigration visas, from 54,000 to 140,000 a year, created the H-1B program, and created the diversity lottery immigrant visa program.
- *The Anti-Terrorism and Effective Death Penalty Act of 1996*. This law introduced expedited removal procedures for foreigners arriving at US ports of entry without proper documents and seek asylum but have no credible fear of persecution at home. It also expedited the removal of foreigners convicted of felony crimes in the United States. In many cases, foreign criminals move from state prisons to federal facilities while trying to convince a US immigration judge to allow them to stay in the country after they have served their sentence.
- *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*. This welfare reform law turned cash assistance for poor residents from an open-ended entitlement into a block grant to states, and gave states some discretion in deciding how to assist the poor. Most legal immigrants are not eligible for federal means-tested cash assistance until they naturalize after five years or work at least 10 years in the United States. Residents who sponsor their relatives for immigrant visas must provide an affidavit of support showing that they have incomes of at least 125 percent of the US poverty line for themselves and the immigrants they are sponsoring (at least \$27,938 in 2011 for a couple sponsoring a set of parents, when the poverty line was \$22,350 for a family of four).
- *The Illegal Immigration Reform and Immigrant Responsibility Act of 1996*. IIRIRA aimed to reduce illegal migration by doubling the number of Border Patrol agents to 10,000 by 2010 (subsequent laws increased that number to 21,000 in 2010). It also introduced several pilot employment verification programs, to prevent unauthorized foreigners from getting jobs, that have evolved into E-Verify, the Internet-based system under which employers submit data provided by newly hired workers to government databases to check their authorization to work.
- *The Enhanced Border Security and Visa Entry Reform Act of 2001*. EBSVERA was passed after the September 11, 2001, terrorist attacks to increase scrutiny of applicants for visas and to keep track of foreign students. In most cases, foreigners requiring visas to enter the United States must appear in person before a US consular officer in their country of citizenship; there are no detailed written requirements to obtain a visa and no appeals of denials. The student-tracking system became SEVIS, the Internet system by which universities report the progress of foreign students to DHS.

Congress debated what to do about rising unauthorized migration for the past decade, but no new laws were enacted. Unlike 1986, when restrictionists, who thought priority should be given to fines on employers who knowingly hired illegal workers, compromised with admissionists, who put priority on legalizing unauthorized foreigners.



The restrictionist approach was embodied in the Border Protection, Antiterrorism, and Illegal Immigration Control Act approved by the Republican-controlled House in December 2005. This enforcement-only bill would have added more fences and agents on the Mexican-US border and made “illegal presence” in the United States a felony, which complicated legalization because foreigners convicted of felonies are normally denied immigrant visas. The bill called on employers to screen newly hired as well as current employees to ensure that they are legally authorized to work.

Hispanic leaders condemned the House bill and organized demonstrations against it that culminated in a “day without immigrants” on May 1, 2006. Admissionists won provisions in the three-pronged Comprehensive Immigration Reform Act (CIRA) in May 2006 approved by the Democrat-controlled Senate. CIRA would have implemented many of the enforcement provisions in the House bill, including more secure work authorization documents, mandatory employer use of E-Verify, and more agents and fencing on the Mexican-US border. Also, it included a new guest worker program—a market-oriented H-2C visa program for employers who attested or asserted that they could not recruit US workers despite paying at least the minimum or prevailing wage. This program was considered market-oriented because the number of visas available could rise if employers requested all of them.<sup>19</sup> Finally, CIRA included several earned-legalization programs.<sup>20</sup> Unauthorized foreigners who satisfied eligibility requirements such as being in the United States at least five years or having worked in agriculture could become probationary immigrants. If they paid fines, learned English, and continued to work, they could become regular immigrants and eventually US citizens.

Elections in the fall of 2006 produced a Democratic Congress, and the Senate in 2007 debated a new version of a four-pronged Comprehensive Immigration Reform Act. As with earlier House and Senate bills, CIRA 2007 would have added fencing and Border Patrol agents on the Mexican-US border, created a mandatory E-Verify system that allowed employers to check the legal status of new hires, and required the Social Security Administration to develop fraud-resistant cards that newly hired workers would present to employers.

CIRA 2007 would also have provided a path to legalization for most unauthorized foreigners in the United States. They could apply for Z visas that gave them a temporary legal status, and then become regular immigrants by paying fines, undergoing background checks, and applying for immigrant visas in their country of origin—the so-called touch-back rule. There would have been separate legalization programs for farm workers and children brought to the United States before age 16.

CIRA 2007 would have created a new guest worker program that issued several hundred thousand Y- visas a year; the number of visas would have risen if employers requested all of them. Employers could hire Y-visa guest workers if the jobs they offered remained unfilled for at least 90 days and if they paid a guest worker impact fee of \$500 to \$1,250 depending on the firm’s size.<sup>21</sup> Y-visa holders could have performed three two-year work stints in the United States, for a total of six years of US employment.

Finally, the US legal immigration system would have been modified with the introduction of a point system. Foreigners seeking to immigrate would have to earn at least 55 of the maximum 100 points, with up to 47 points available for employment (given for employer



job offers and the age and work experience of the foreigner), up to 28 for education, up to 15 for knowledge of English and civics, and 10 points for having US relatives. Foreigners seeking visas to fill high-demand jobs, whether as janitors or engineers, would get up to 16 of the 47 employment points.<sup>22</sup>

Despite the active support of President Bush, the Senate failed to approve CIRA 2007. Unions that had supported comprehensive immigration reform withdrew their support because of the new guest worker programs; employers opposed the new E-Verify requirements and the H-1B program's new worker protections; and migrant advocates worried that the legalization touch-back requirement would deter unauthorized foreigners from seeking legal status.

During the 2008 presidential campaign, the major candidates, Senators John McCain (R-AZ) and Barack Obama (D-IL), supported comprehensive immigration reform—that is, more enforcement and legalization. McCain changed his emphasis during the campaign, calling for border security before legalization.<sup>23</sup> Obama stressed the need to enforce labor and immigration laws in the workplace to protect all workers, including the unauthorized.

The recession, healthcare, and financial regulation were the top domestic priorities of the Obama administration in 2009–2010. The worst recession in 50 years doubled the unemployment rate, reduced the entry of unauthorized foreigners, and made discussion of legalizing 11–12 million unauthorized foreigners difficult when 14–15 million workers were jobless. Legislative action shifted to the states, and Arizona enacted a law in April 2010 making unauthorized presence in it a crime. President Obama criticized the Arizona law, and the US Department of Justice obtained a court order to prevent it from going into effect as scheduled.

In 2011 and 2012, state and local governments enacted mostly restrictive laws to deal with unauthorized migration, in some cases to put pressure on the government to deal with illegal migration. However, a divided Congress did not tackle immigration reform because the Republican-controlled House refused to approve the type of legalization favored by the Democrat-controlled Senate. In summer 2013, the Senate approved the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S 744) negotiated by the so-called Gang of Eight: four Republican and four Democratic senators that embodies the three-pronged approach favored by President Obama—more enforcement to deter unauthorized entry and employment, a path to legal immigrant and eventual US citizen status for most of the 11 million unauthorized foreigners in the country, and new and expanded programs to admit more foreign workers. However, unlike the Senate's comprehensive approach that combined enforcement and legalization, the House considered a series of bills dealing with more enforcement and more guest workers, a piece meal approach that resulted in no major immigration reform in 2013.

## IMMIGRATION'S IMPACTS

Immigration means change for the United States. The arrival of immigrants increases and changes the composition of the population, adds workers to the labor force, and can change political priorities and social norms. Most immigrants are from Latin America and Asia,



and some of their children do not speak English well, raising questions about how best to teach English-language-learning children.

Immigration and Population

Immigration has a major effect on the size, distribution, and composition of the US population. As fertility fell from a peak of 3.7 children per woman in the late 1950s to the replacement level of 2.1 today, the contribution of immigration to population growth increased. Between 1990 and 2010, the number of foreign-born residents almost doubled from 20 million to 40 million, while the population rose from almost 250 million to 310 million. Thus, immigration constituted one-third of the population and, with the US-born children and grandchildren of immigrants, it represented one-half of the population’s growth.

Immigrants are changing the composition of the US population. The population rose by over 100 million in the past 40 years and is projected to increase by almost 100 million by 2050. Immigrants and their US-born children contribute over half of US population growth. Since most immigrants are Hispanic and Asian, their share of the population is projected to increase from 7 percent in 1970 to 20 percent today and 35 percent in 2050.

In 1970, about 83 percent of the 203 million US residents were non-Hispanic whites and 6 percent were Hispanic or Asian. In 2010, when the United States had 308 million residents, two-thirds were non-Hispanic whites and 20 percent were Hispanic or Asian. If current trends continue,<sup>24</sup> the share of non-Hispanic whites in the population will fall from two-thirds in 2010 to just over half in 2050 (see Table 2.2).

Economic Impacts

Most immigrants come to the United States for economic opportunity. About half of immigrants and US-born persons are in the US labor force. A slightly higher share of foreign-born men are in the labor force, and a slightly lower share of foreign-born women. The share of US residents and US workers who were born outside the United States has almost doubled since a lows of 5 percent in 1970, but it is not yet at its historic peak. In 1910, about 15 percent of US residents were born abroad and 24 percent of US workers were foreign

TABLE 2.2  
US population by race and ethnic group, 1970, 2010, 2050  
(percentages)

US population by race/ethnicity	1970	2010	2050
White non-Hispanic	83	66	52
Black	11	13	13
Hispanic	5	16	29
Asian	1	4	6
Other	1	2	2
Totals <sup>a</sup>	101	101	102
Population (in millions)	203.3	307.9	398.5

SOURCE: US Census Projections with Constant Net International Migration.  
[www.census.gov/population/www/projections/2009cnmsSumTabs.html](http://www.census.gov/population/www/projections/2009cnmsSumTabs.html).

<sup>a</sup>Totals may not add to 100 because of rounding.

TABLE 2.3  
*Foreign-born population and workforce shares,  
1870–2010*

Year	Population (%)	Labor force (%)
1870	14	22
1880	13	20
1890	15	26
1900	14	23
1910	15	24
1920	13	21
1930	12	17
1940	9	12
1950	7	9
1960	5	6
1970	5	5
1980	6	7
1990	8	9
2000	10	12
2010	13	16

SOURCE: US Census.

born. A century later, 13 percent of residents and 16 percent of workers were born abroad (see Table 2.3).

Immigration increases the number of US workers and increases the size of the US economy. Most working-age immigrants find jobs, earn and spend most of their wages, pay taxes, and consume public services. Immigration thus expands the economy and employment while slightly depressing wages or the growth in wages, especially for workers who are similar to immigrants. For example, almost half of adult workers who did not complete high school are immigrants. If they were not in the labor force, economic predictions are that wages for US-born high school dropouts would be higher.<sup>25</sup>

During the early 1990s, when many of the Mexicans who had been legalized under IRCA in 1987–1988 brought their families into the United States during a recession, several states sued the federal government, arguing that its failure to enforce immigration laws saddled them with education and other costs. California voters in 1994 approved Proposition 187, which would have required state-funded institutions, including K-12 schools, to verify the legal status of those seeking services.<sup>26</sup>

Proposition 187 was not implemented, but the debate it unleashed about the economic benefits and costs of immigration led to a major study that concluded that immigrants added a net \$8 billion to the economy in 1996, when the GDP was about \$8 trillion (Smith and Edmonston 1997). The economy was \$200 billion larger because of immigration, according to the study, but \$192 billion of this expansion went to immigrants in their wages. The presence of immigrants depressed wages by an estimated 3 percent and increased the *net* addition to the economy by one-tenth of 1 percent, or \$8 billion.<sup>27</sup> Immigrants are a net benefit because the value of what they produce is more than that of the wages they are paid; thus, owners of capital and US workers who are made more productive by the presence of immigrants stand to gain.



As with most immigration-related studies, this study's results drew opposite reactions. Admissionists stressed immigration's net economic benefits to the economy, while restrictionists stressed that this net contribution was negligible. The then \$8 trillion economy was expanding by 3 percent per year, or by \$10 billion every two weeks.

Economic theory predicts that US workers who compete with immigrants will have lower wages and higher unemployment. The Economic Report of the President stated, "Although immigrant workers increase output, their addition to the supply of labor . . . [may cause] wage rates in the immediately affected market [to be] bid down. . . . Thus, native-born workers who compete with immigrants for jobs may experience reduced earnings or reduced employment" (Council of Economic Advisers 1986: 221). It has been very hard to find empirical evidence of these adverse effects by comparing cities with more and fewer immigrants. For example, in 1980 over 125,000 Cubans left for the United States via the Cuban port of Mariel. Many settled in Miami, increasing the labor force by 8 percent; however, the unemployment rate of African Americans in Miami in 1981 was lower than in cities, such as Atlanta, that did not receive Cuban immigrants (Card 1990). Other city comparison studies reached similar conclusions, prompting a leading student of immigration's economic effects to conclude that "modern econometrics cannot detect a single shred of evidence that immigrants have a sizable adverse impact on the earnings and employment opportunities of natives in the United States" (Borjas 1990: 81).

There are several explanations for the failure to find lower wages and higher unemployment rates in cities with more immigrants, including the possibility that immigrants do not adversely affect US workers because, for example, their presence encourages businesses to invest and create more jobs for both immigrants and the native born. However, the most common assumption is that there are adverse effects but they are hard to detect because US workers most similar to immigrants do not move to immigrant cities or move away from them.

Internal migration has changed how economists look for the impacts of immigrants on US workers. In the past decade, most economic studies grouped foreign-born and US-born workers by age and education to estimate how 20- to 25-year-old immigrants with less than a high school education affect similar US-born workers. However, these national studies reach different conclusions about immigrant impacts. Borjas assumed that foreign-born and US-born workers of the same age and with the same levels of education are substitutes, meaning that an employer considers them interchangeable, and found that the presence of immigrants depresses wages for similar US-born workers (Borjas 2003). Peri considered foreign-born and US-born workers in each age and experience cell to be complements, meaning that a 30-year-old US-born carpenter with a high school education is more productive because he has a foreign-born helper, and found that immigrants raise similar native-born workers' wages (Docquier, Ozden, and Peri 2010). Since impacts depend on assumptions about immigrant-US worker interactions, economic studies have not reached definitive conclusions (Lowenstein 2006).

The other major economic issue is immigrants' public-finance impact: Do they and their children pay more in taxes than they consume in tax-supported services? A major federally financed study concluded that they do: the average immigrant and his or her descendants



was expected to pay \$80,000 more in taxes (in 1996 dollars) than he or she would consume in tax-supported services.<sup>28</sup> Reaching this conclusion required “heroic assumptions” about the integration of immigrants, especially the children. The key assumption was that the children and grandchildren of immigrants would be average; that is, their earnings, taxes, and public service use would mirror those of Americans without immigrant parents and grandparents (Smith and Edmonston 1997). The study also assumed that the federal government would not allow federal debt to increase by raising taxes or reducing Social Security benefits.<sup>29</sup>

Studies of labor markets and public finance emphasize that the major economic impacts of immigration are distributional, meaning that some workers and entities are helped and others are hurt but the overall economic impact is small. In the case of taxes and public services, the distributional impact helps the federal government because most immigrants pay more in federal taxes, primarily social security taxes, than they receive in federally funded services. The reverse occurs for state and local governments, especially if immigrants have low levels of education, lower incomes, and larger families. For example, in 1996 households headed by Latin American immigrants in California consumed \$5,000 more in state and local services than they paid in state and local taxes, which meant that the state’s more numerous native-born households paid an additional \$1,200 to cover the “immigrant deficit.”

Most immigrants benefit economically by moving to the United States, and the US economy expands as a result. It has been hard to sort out the labor market effects of immigrants, which suggests that, whether they are positive or negative, wage and unemployment effects are small. It has also been hard to reach consensus on other economic effects of immigrants. Are they more entrepreneurial than US-born residents, as suggested by the large number of Silicon Valley tech firms with an immigrant co-founder, or does the fact that foreigners dominate graduate programs in science and engineering in US universities distort the incentives of able US-born students, who gravitate to business and law?

Economic studies agree on one key point. The government rations front-door visas, reserving two-thirds for family unification and one-sixth for employment. If the aim of US policy is maximizing the economic benefits of immigration to US residents, the government should admit more skilled and fewer lower-skilled foreigners. There are several ways to give priority to skilled immigrants, including a Canadian-style point system,<sup>30</sup> as was proposed in the Senate CIRA 2007 bill (Borjas 2001) and auctioning visas to the highest bidders, under the theory that the foreigners who will have the highest US earnings, or the employers who want to hire them, will be willing to pay the most for immigrant visas (Orrenius and Zavodny 2010).

## IMMIGRATION AND POLITICS

Many immigrants become naturalized US citizens and vote; some hold political office, including ex-California Governor Arnold Schwarzenegger. The government encourages naturalization for legal immigrants who are at least 18 years of age, who have been in the United



States for at least five years, and who pass a test of English and civics, and there are often celebratory naturalization ceremonies on July 4 and other national holidays.

Almost 40 percent of foreign-born US residents (about 15 million out of 40 million) were naturalized citizens in 2010, (Passel and Cohn 2011: 9). Naturalization rates vary by country of origin. Immigrants from countries to which they do not expect to return are far more likely to naturalize than immigrants from countries to which they expect to return. Thus, naturalization rates are far higher for Cubans and Vietnamese than for Canadians and Mexicans.

Should the government make it easier for immigrants to naturalize? Australia, Canada, and New Zealand have shorter residency requirements, simpler naturalization tests, and lower fees, while most European countries have more difficult and expensive naturalization procedures. During the 1990s, there was a sharp upsurge in naturalizations, with the number topping a million in fiscal year 1996. There were several reasons for this upsurge: a green card replacement program that required legal immigrants to obtain new counterfeit-resistant cards;<sup>31</sup> welfare reform that limited legal immigrants' access to federal means-tested assistance; and the approval by migrant-sending countries, such as Mexico, of some form of dual nationality so that their citizens could become naturalized and still retain rights to vote in their country of origin.

Foreigners may not feel the need to naturalize if there are few distinctions between legal immigrants and naturalized citizens. Legal immigrants may live and work (except in some government jobs) where they please and buy houses, land, or businesses without restriction. Both legal and unauthorized immigrants have basic constitutional rights, including the right of free speech and the free exercise of religion. Non-US citizens can vote and hold office in US unions as well as in private organizations such as churches, foundations, and fraternal groups. Welfare reforms in 1996 introduced distinctions between immigrants and US citizens that may have contributed to the upsurge in naturalizations, raising questions about economic motivations.

Will immigration and naturalization reshape US voting patterns? Over half of US immigrants are from Latin America; they and their US-born children help to explain why there were almost 50 million Hispanics and 40 million African Americans in 2010. However, African Americans cast twice as many votes as Latinos in the 2010 elections, reflecting the fact that many Hispanics are children and others are not citizens.

Latinos are often called the "sleeping giant" of US politics, meaning that when they vote in large numbers, they can influence the outcome of federal, state, and local elections (DeSipio 1996). Most African Americans and Latinos vote for Democratic candidates, but in 2010 the Latino vote for president was much more evenly split between Democrats and Republicans than the African American vote was: 96 percent of African Americans versus 55 percent of Latinos voted for Obama.<sup>32</sup>

The United States has a *jus soli* principle of citizenship, which means that persons born in the country are citizens. This avoids the phenomenon of second- and third-generation foreigners seen in some European countries. The large number of unauthorized foreigners in the United States has made *jus soli* contentious. About 350,000 babies yearly are born in



the United States to at least one unauthorized parent (70 percent of which are Mexican), and such children are 8 percent of 4.4 million births a year (Passel and Cohn 2011: 12).<sup>33</sup> Several bills have been introduced in Congress to overturn birthright citizenship, which was included in the Fourteenth amendment to the US Constitution in 1868 as a way to overturn the Supreme Court’s 1857 Dred Scott decision, which held that African Americans could not be citizens. An October 2010 poll found registered voters split, with 46 favoring a constitutional amendment to end birthright citizenship and 46 favoring no change (Passel and Cohn 2011: 13).

IMMIGRANT INTEGRATION

Millions of Southern and Eastern Europeans arrived in the United States during third-wave wave of immigration early in the twentieth century, and the leading metaphor for their the fusion of Europeans and Americans was a “smelting pot” (Ralph Waldo Emerson), a “cauldron” (Henry James), or a “crucible” in which “immigrants were Americanized, liberated, and fused into a mixed race, English in neither nationality nor characteristics.” (Turner 1920: 22–23). The hero of Israel Zangwill’s popular 1903 play, *The Melting Pot*, proclaimed, “Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians—into the Crucible with you all! God is making the American!”

Reality was more complex. There is always a tension between the desire of newcomers to retain their language and culture and the need and desire to adapt to their new country. The balance between retention and adaptation changed over time, but three principles have guided government policies. First, the United States was generally open to all immigrants—in the words of George Washington: “The bosom of America is open to receive not only the Opulent and respectable Stranger, but the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges.” Second, US citizens were to act politically as individuals, not as members of officially defined ethnic groups. And third, a laissez-faire attitude toward old cultures. Newcomers could maintain their old culture with private support.

Scholars studying the integration of immigrants have suggested two opposing visions: integration and pluralism. Those favoring integration, or assimilation, emphasize the need for immigrants to become Americans, with an individual identity, while those favoring pluralism, or multiculturalism, aim to maintain cultures and distinct groups. Neither extreme characterizes immigration integration in the United States. The melting pot ignores the importance of the home culture and the fact that ethnic affiliation persists into the second and third generations, long after the language and knowledge of the “old country” has been lost.

Pluralism, on the other hand, can favor group loyalties over individual freedom, sometimes overlooking divisions among those from a particular country by allowing certain leaders to assert that they speak for all Mexican Americans or all Cuban Americans. Such group-based politics ignores the fluidity of people in the United States, where many immigrants work, make friends, and marry outside their ancestral communities.



Integration versus pluralism raises many practical questions. For example, should students in college dorms cluster by race and ethnicity, or should they be assigned to dorms with students from very different backgrounds? Should schoolchildren be taught in their home languages, or should they be brought together in English-language classes from the start? In the workplace, may employees talk to each other in languages other than English?

Historian John Higham proposed that the United States embrace what he called “pluralistic integration,” the idea that there is a common US culture shared by all Americans alongside private efforts of minorities to preserve their own. Higham emphasized the danger of providing public support to maintain or promote differences between racial and ethnic groups: “No ethnic group under these terms may have the support of the general community in strengthening its boundaries.” (Higham 1988: 244).

The use of public funds to support particular racial and ethnic groups is especially contentious in K–12 education. About 80 percent of Americans five years and older spoke English at home in 2007, which means that 55 million Americans spoke another language at home, usually Spanish (US Census Language Use 2010).<sup>34</sup> The issue for public policy is finding the best way to help school children who do not speak English well—so-called limited-English-proficient (LEP) pupils or English-language learners (ELLs).

In 1970, the federal government issued a memo to the 16,000 US school districts stating that if the “inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program . . . the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students” ([www.ed.gov/about/offices/list/ocr/docs/lau1970.html](http://www.ed.gov/about/offices/list/ocr/docs/lau1970.html)). The United States had about 48 million K–12 pupils in public schools in 2008 and another 5 million in private schools: about 10 percent were English-language learners. The government did not prescribe the “affirmative steps” that school districts should take to help ELLs to learn, but many embraced bilingual education—that is, teaching children math and history in Spanish or other languages as well as English until they are ready to transition into a regular English-language classroom.

California, whose student population is about one-third ELL, embraced bilingual education, providing extra funds for instruction in native languages. Students were slow to move from native-language to English classrooms, prompting an effort to reform bilingual education.<sup>35</sup> When that failed, Proposition 227, the English for the Children initiative, was approved by California voters to speed the transition to English-only instruction by providing non-English speakers with a year of intensive English instruction. The results have generally been positive.<sup>36</sup>

Integrating immigrants has never been easy. In the past, US leaders sometimes rebuked their political opponents by slurring their national origins. In 1930, President Herbert Hoover did so with Representative Fiorella La Guardia (R-NY), later the mayor of New York City, by asserting that “the Italians are predominantly our murderers and bootleggers.” He invited La Guardia and Italians who agreed with him to “go back to where you belong” because, “like a lot of other foreign spawn, you do not appreciate this country which



supports you and tolerates you” (quoted in Baltzell 1964: 30). Presidents no longer use such language against their opponents with immigrant backgrounds.

Studies of immigrant integration paint a mixed picture. Most immigrants are finding the economic opportunity that they sought in the United States and their children are learning English; some of the children of Asian immigrants are among the top achievers in schools and universities. On the other hand, a significant number of children of Hispanic immigrants are not succeeding in US schools, which is likely to limit their economic mobility. Many of those who worry about such integration failures urge the government to fund programs that provide struggling immigrants with supplemental education, health, and other services (Fix 2006). The Commission on Immigration Reform (CIR) made similar recommendations: the government should do more to “Americanize immigrants” while expecting them “to obey our laws, pay our taxes, respect other cultures and ethnic groups.”

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MIGRANT NUMBERS VERSUS MIGRANT RIGHTS

US immigration and integration policy debates are increasingly framed by the extremes of no migrants and no borders. For example, 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 US citizens and a limited number of refugees.”<sup>37</sup> At the no-borders extreme, the *Wall Street Journal* has twice advocated a five-word amendment to the US Constitution: “there shall be open borders” so that immigration can expand the labor force and the economy.<sup>38</sup>

During the 1950s, the United States admitted an average 250,000 immigrants a year. Admissions rose to an average 320,000 a year in the 1960s, to 425,000 a year in the 1970s, and to 625,000 a year in the 1980s; they have averaged over a million a year since the 1990s. The country is admitting ever more immigrants but restricting their rights to social services (Tichenor 2000).

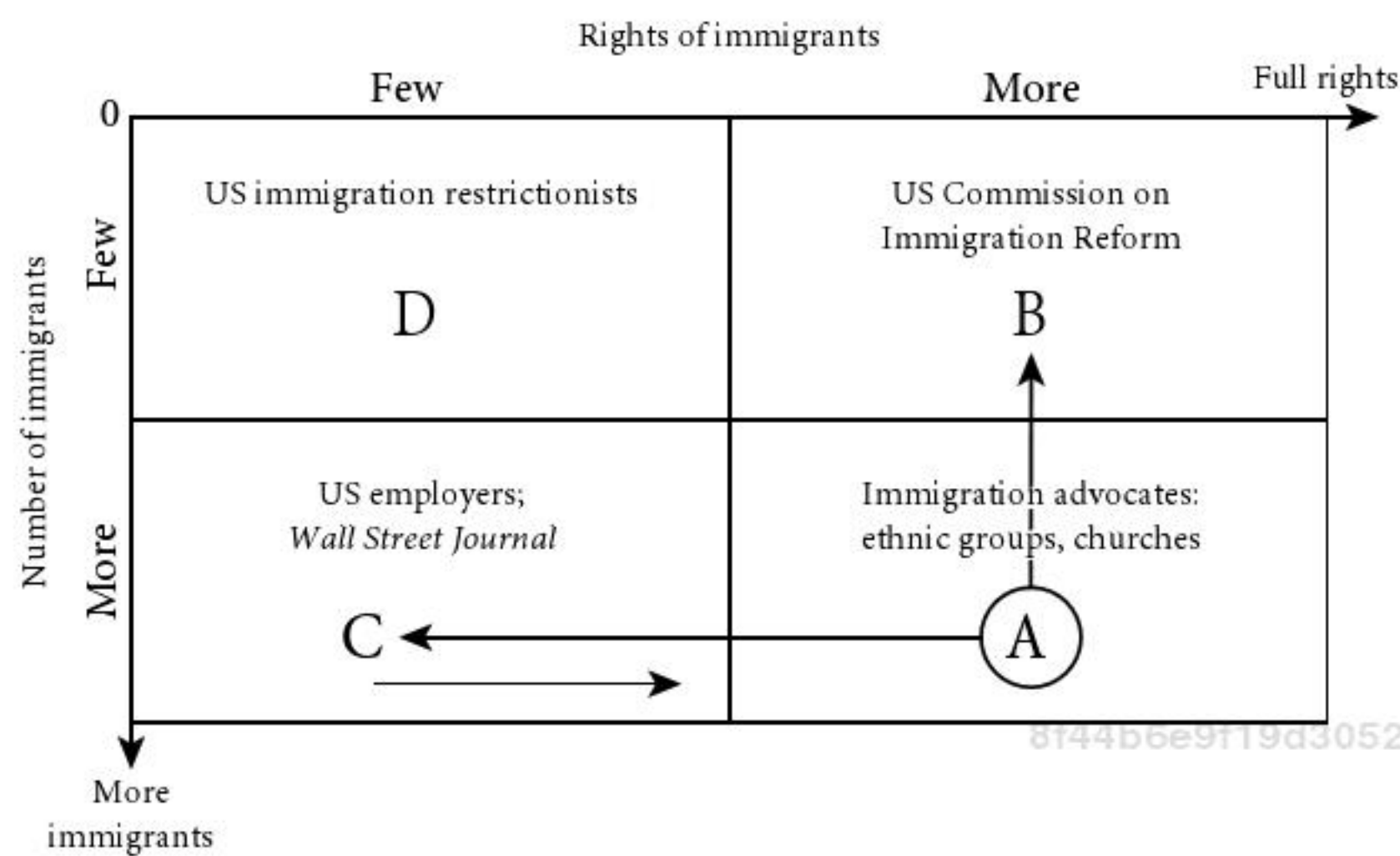
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Before welfare reforms were enacted in 1996, there was debate over migrant numbers and migrant rights: Should the number of needy immigrants be reduced but immigrant access to federal welfare assistance maintained, or should the number of needy immigrants remain high and their access to welfare assistance curtailed? President Clinton endorsed the recommendation of the Commission on Immigration Reform to favor migrant rights over migrant numbers—that is, to reduce admissions of needy immigrants but maintain immigrant access to welfare under the theory that immigrants are intending Americans. However, an unlikely coalition of business groups and migrant advocates blocked this recommendation in Congress, which in 1996 elected to allow numbers to remain high and instead restrict access to welfare benefits.

Figure 2.2 illustrates the debate. The United States in the mid-1990s was in the high numbers and high migrant rights cell of the table in A. The CIR recommended that immigration policy move toward B, reducing the number of needy migrants admitted but maintaining immigrant access to federal services. Instead, Congress moved policy from A to C,

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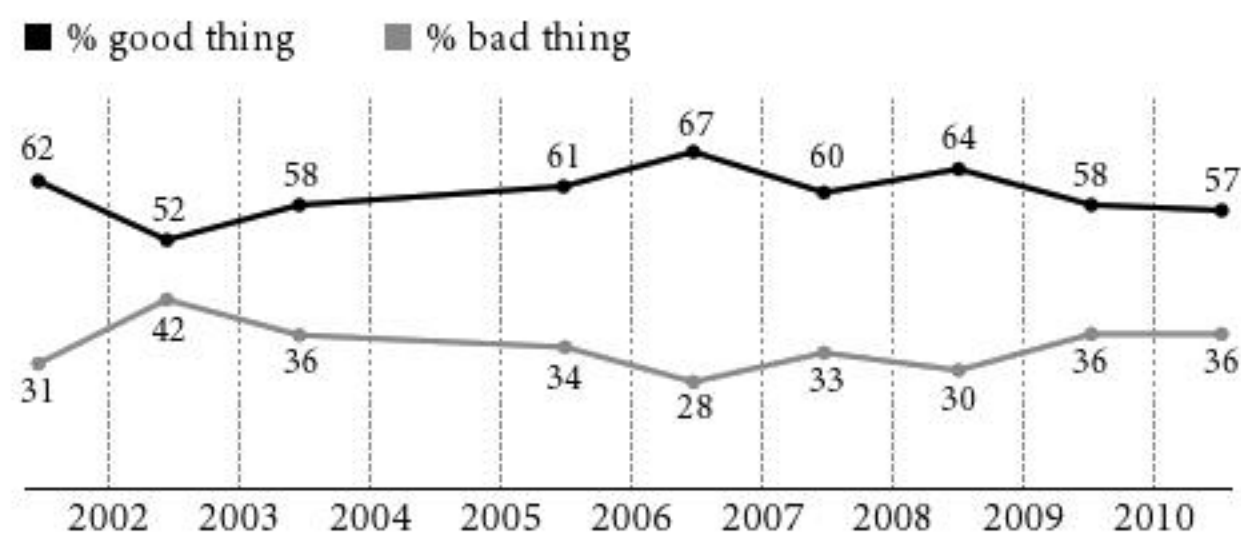
**Figure 2.2** Migrant numbers versus migrant rights. *Note:* A. The United States in the mid-1990s was at A: a time of high and rising levels of immigration and full rights for legal immigrants. A was not stable. B. The US CIR recommended in 1995 moving toward B: reducing immigration, preserving full rights to welfare, etc. C. The United States in 1996 moved toward C: higher numbers, fewer rights. C was not stable; in 1997–1998, about half of welfare cuts were restored.

although the economic boom of the late 1990s prompted relaxation of some of the restrictions on immigrant access to means-tested welfare benefits.

GAPS AND CONVERGENCE?

There is a gap between the goals of US immigration policy—admit legal immigrants via the four major front-door channels, regulate the entry of side-door temporary visitors, and minimize back-door unauthorized entries—and its outcomes. Critics argue that front-door immigration priorities should shift from family unification to employment considerations to maximize immigration’s economic benefits, that side-door entries of students, guest workers, and others be made easier or more difficult, and that unauthorized migration be curbed. Narrowing the gaps between policy goals and outcomes is complicated by disagreement on both means and ends.

For example, there is widespread agreement on the need to reduce unauthorized migration, but there is also disagreement on the means to accomplish this goal. Border fences and more agents aim to raise the cost of illegal entry so as to discourage unauthorized migrants—a discouragement reinforced by more secure worker IDs, an efficient way to allow employers to verify the legal status of new hires, and enforcement to encourage worker and employer compliance with immigration laws. There is agreement that creating jobs abroad would make it easier to discourage illegal entries, but no agreement on exactly how the United States can help speed job creation in Mexico and other migrant-sending



**Figure 2.3** Responses to a 2012 Gallup Poll question: “On the whole, do you think immigration is a good thing or a bad thing for this country today?” *Source:* © 2012, Gallup, Inc.

countries. Similarly, discussions on secure IDs and improved workplace enforcement soon run into privacy and discrimination issues.

Opinion polls provide imperfect guidance on how to proceed. The Gallup poll finds that more Americans want immigration reduced than increased, with the gap growing especially wide during recessions (see Figure 2.3). In polls conducted in the aftermath of Arizona’s enactment of Senate Bill 1070, the state law making illegal presence a felony and requiring police to ascertain the legal status of persons they encounter, half of respondents agreed that immigrants are mostly contributing to the United States, but most agreed with the Arizona law, even though they thought it would increase discrimination against Hispanics.<sup>39</sup> Two-thirds of respondents thought illegal immigration was a very serious problem, and 80 percent wanted the United States to do more on the borders to prevent it.

Americans are not alone in telling pollsters that their government is doing a poor job of managing migration, according to the 2010 Transatlantic Trends Immigration (TTI) survey ([www.transatlantictrends.org](http://www.transatlantictrends.org)). The share of respondents agreeing that their government was doing a “poor job” was 73 percent in the United States, 70 percent in the United Kingdom, and about 60 percent in Spain and France. Canada was the only country in which more respondents thought that their government was doing a good job of managing migration (48 percent) than thought it is doing a poor job (43 percent).

One theme of the Transatlantic Trends survey was that Canadians were the most satisfied with their country’s immigration policy and US and UK residents were the least satisfied. Those polled who had recently lost jobs were the most likely to see immigrants as a labor market threat, especially in the United States and the United Kingdom. Employed residents of countries with segmented or insider-outsider labor markets, such as Italy, are least likely to see immigrants that way. Most Europeans, except for the British, supported giving legal and illegal foreigners access to social benefits such as healthcare, even though they agreed that immigrants are a burden because they receive more in social benefits than they pay in taxes.

Europeans expressed more concern about the integration of immigrants, especially Muslims, while Americans and Canadians were the most optimistic about immigrant integration, including Muslims. Spanish residents made the sharpest distinctions between the



integration of immigrants generally, which most thought was going well, and the integration of Muslim immigrants, which most thought was going badly.

The gap between immigration goals and outcomes in industrial democracies might suggest a convergence in policy failure. In the past, industrial democracies faced with similar challenges often adopted similar responses despite differences in history, institutions, and political structures. For example, during the 1960s, when a central labor market challenge was how to manage the interaction of unionized workers and their employers in large factories, Canada, European countries, and the United States exchanged experiences in managing collective bargaining between professional managers and industrial unions and had some convergence in labor management policy (Dunlop et al. 1966). German, Dutch, and Scandinavian labor movements, which engaged in centralized bargaining with few strikes, contrasted sharply with strong unions and frequent strikes in the United Kingdom and weaker unions and more political strikes in France and Italy.

Migration policy may converge in a similar fashion. Industrial democracies already meet regularly to discuss migration issues of mutual interest, from how to deal with refugees and asylum seekers to creating systems for selecting immigrants desired for economic and employment reasons. Nonetheless, there are important transatlantic differences, especially in integration. The United States is unique among industrial democracies in not having a federal integration policy, leaving integration to immigrants, their US sponsors, employers, and state and local governments, including schools. European countries are more likely to have federal or state integration policies that, for example, require some knowledge of the local language and culture to enter or renew residence permits.

One reason for this transatlantic difference in policy may be that immigrants to the United States are generally allowed and encouraged to work but have restricted access to welfare benefits, while immigrants to European countries sometimes have easier access to welfare benefits than to labor markets. The US labor market makes it relatively easy for immigrants to get jobs, but these jobs do not ensure an above-poverty-level wage or access to health insurance and pensions. It is often harder for immigrants to get regular jobs in Europe but, if they do, they are generally assured decent incomes and access to more work-related benefits than are low-wage US workers, both native and immigrant.

**CONCLUSIONS: WHITHER IMMIGRATION?**

The United States is a nation of immigrants unsure about immigration and integration in the twenty-first century. There is widespread agreement that the immigration system is “broken” because a quarter of foreign-born residents are unauthorized. However, there is disagreement on how to fix it. What should the US government do to prevent illegal migration? What hurdles should unauthorized foreigners have to overcome before they can become legal? Should new guest worker programs make it easier for employers to hire migrant workers?

Interest groups, from the US Chamber of Commerce to the AFL-CIO, from La Raza to the Catholic Church, favor comprehensive immigration reform in a package that includes new enforcement efforts to reduce illegal entries and employment, a path to legal status for



unauthorized foreigners in the United States, and new and revised guest worker programs. However, they disagree on vital details such as exactly how to keep unauthorized workers from getting jobs and how many additional guest workers should be admitted. States and cities are complicating matters by entering the fray. A few enact sanctuary laws that prohibit police from asking about immigration status, while others require police to check the immigration status of persons they encounter.

Meanwhile, the status quo of having 5 percent of US workers unauthorized, although generally deplored, continues in part because the economic actors most directly affected—unauthorized workers and their employers—are generally getting what they want. Migrant workers earn more than they could at home, and their employers pay lower wages than they would if immigration were more effectively controlled.

NOTES

1. The exceptions are American Indians who were already in what became the United States, slaves brought against their will, and people who became US citizens when the United States acquired the territory in which they were living.
2. DHS reported 1.1 million immigrants and 36.2 million nonimmigrants in FY09, excluding Canadian and Mexican border crossers. There were 556,000 apprehensions in FY09, almost all along the Mexican-US border.
3. The 2008–2009 recession resulted in the loss of 8 million jobs; civilian employment fell from 146 million at the end of 2007 to 138 million at the end of 2009. Job growth resumed in 2010 (<http://data.bls.gov/cgi-bin/surveymost?bls>). There was also stepped-up enforcement of immigration laws, especially after the US Senate’s failure to approve a comprehensive immigration reform bill in 2007, including a proposal to require employers to fire employees whose names and social security data do not match ([http://migration.ucdavis.edu/mn/more.php?id=3315\\_0\\_2\\_0](http://migration.ucdavis.edu/mn/more.php?id=3315_0_2_0)).
- There is agreement that the stock of unauthorized foreigners fell in 2008–2009 for the first time in two decades, but there is disagreement over why. Some studies stress the US recession, suggesting that the stock of unauthorized foreigners will increase with economic recovery and job growth. Others stress the effects of federal and state enforcement efforts to keep unauthorized workers out of US jobs. For a review of the debate, see [http://migration.ucdavis.edu/mn/more.php?id=3433\\_0\\_2\\_0](http://migration.ucdavis.edu/mn/more.php?id=3433_0_2_0).
4. Quoted in Lizette Alvarez, “Census Director Marvels at the New Portrait of America,” *New York Times*, January 1, 2001.
5. According to the United Nations, France had 11 percent migrants; the United Kingdom, 10 percent; Canada, 21 percent; Australia, 22 percent.
6. EB-5 investor visas are available to foreigners who invest at least \$500,000 and create or preserve at least 10 full-time US jobs in areas with unemployment rates 1.5 times the US average. Most foreign investors invest their \$500,000 via private and public agencies that recruit them to obtain funds for particular projects; that is, the foreigners generally do not actively manage their US investments. After two years and a check on the investment and jobs, foreign investors can convert probationary immigrant visas into regular immigrant visas.



7. DHS reported 163 million temporary visitors on nonimmigrant admissions in FY09, including Canadians who visit regularly or commute to US jobs and Mexicans with border-crossing cards that allow them to shop in US border areas. There were 36 million so-called I-94 admissions in FY09. These count events, not unique individuals, so a tourist who makes three visits in one year is counted three times.

8. IIE Open Doors 2010. [www.iie.org/en/Research-and-Publications/Open-Doors](http://www.iie.org/en/Research-and-Publications/Open-Doors). About 260,000 US students were enrolled in colleges and universities abroad in 2009–2010.

9. “Gates Urges Change in H-1B Visa Program,” *Daily Labor Report*, March 8, 2007, A-8 (based on Gates’s testimony before the House Committee on Science and Technology).

10. Foreign students who earn US degrees in science, technology, engineering, or mathematics (STEM) field may stay in the United States an additional 18 months, for a total of 30 months after graduation.

11. These admission data are from the 2009 DHS *Yearbook of Immigration Statistics*, Table 25.

12. Border-crossing cards are available to Mexicans from Mexican border areas who can visit the United States for up to 72 hours but must remain within 25 miles of the border.

13. US private-sector employment fell from 115 million in 2007 to 108 million in 2009; construction employment fell from 7.6 million to 6 million (Table B-46, Economic Report of the President 2011).

14. In addition to immigration and colonization, slavery brought Africans to the territory that became the United States. African slaves were 19 percent of the US population in 1790.

15. The 1910 Census found that foreign-born residents made up 15 percent of US residents and 24 percent of US workers. Archdeacon (1992: 548) emphasized that third-wave immigrants arrived in a largely rural America: only 35 percent of the 75 million Americans in 1900 were in urban areas. This meant that there could be a great deal of homogeneity in the small communities where most Americans lived, even though the country as a whole was becoming more diverse.

16. About 2 percent of the 12 million immigrants who arrived at Ellis Island were rejected for “physical or mental defects.” The most common disease that prompted rejection was trachoma, a bacterial infection of the eye.

17. The Dillingham Commission was named for Senator William Dillingham (R-VT).

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

19. Foreign workers would arrive with H-2C visas, and their employers could sponsor them for immigrant visas after a year of work.

20. The major legalization program was for foreigners in the United States for at least five years, who could become “probationary immigrants” by proving that they had worked illegally in the United States, had paid any back taxes and a \$1,500 fee, and had passed English and background tests. At the end of six more years of US work and another \$1,500 fee, these probationary immigrants could receive regular immigrant visas. Unauthorized foreigners in the United States for two to five years would have to satisfy the same requirements plus return to their countries of origin and re-enter the United States legally, while those in the United States less than two years were expected to depart as a result of stepped-up workplace enforcement.



There were separate legalization programs for farm workers under the Agricultural Job Opportunities, Benefits and Security Act; for unauthorized children brought to the United States before age 16, there was the Development, Relief and Education for Alien Minors.

21. The guest worker impact fee could be waived if the employer provided health insurance to employees.

22. For example, under this proposed point system, a 29-year-old Mexican who had worked six years as a Y-visa guest worker could achieve 61 points by having five years of US job experience in a high-demand occupation (healthcare aide), being young and knowing English, and having a US relative. However, a 45-year-old Indian IT worker with a PhD, a US job offer, but no US work experience would receive only 49 points, despite knowledge of English.

23. McCain stated that after “we have achieved our border-security goal, we must enact and implement the other parts of practical, fair and necessary immigration policy,” including a temporary worker program and legalization. Obama repeated his support for CIRA, pledging to bring unauthorized foreigners “out of the shadows” and put them on the path to citizenship if they “pay a fine, learn English, not violate the law, and go to the back of the line for the opportunity to become citizens.” Quoted in “Candidates, E-Verify, Visas,” *Migration News* 15, no. 4 (October 2008), [http://migration.ucdavis.edu/mn/more.php?id=3431\\_0\\_2\\_0](http://migration.ucdavis.edu/mn/more.php?id=3431_0_2_0).

24. These projections assume that net international migration will be 975,000 a year between 2010 and 2050 ([www.census.gov/population/www/projections/2009cnmsSumTabs.html](http://www.census.gov/population/www/projections/2009cnmsSumTabs.html)).

25. In 2009, there were 12.1 million US workers aged 25 and older who did not complete high school; 48 percent were foreign born. The median weekly wages of the foreign-born dropouts were \$415 in 2009 versus \$500 for US-born dropouts (“BLS Labor Force Characteristics of Foreign-Born Workers,” [www.bls.gov/news.release/forbrn.toc.htm](http://www.bls.gov/news.release/forbrn.toc.htm)). Economic theory predicts that wages will rise for the US-born dropouts if there are fewer foreign-born dropouts.

26. “Prop. 187 Approved in California. 1994,” *Migration News* 1, no. 11, [http://migration.ucdavis.edu/mn/more.php?id=492\\_0\\_2\\_0](http://migration.ucdavis.edu/mn/more.php?id=492_0_2_0).

27. The net gain from immigration is the size of the triangle in the US labor market due to the supply of labor-curve shifting to the right; the demand for labor is unchanged. The size of this triangle is half of (1) the share of GDP accruing to labor (70 percent) times (2) the percent of the labor force that is foreign born (10 percent in 1996) times (3) the decline in wages due to immigration (about 3 percent), or  $0.5 \times 0.7 \times 0.1 \times -0.03 = 0.001$ ; that is, one-tenth of one percent of the \$8 trillion GDP, or \$8 billion.

The study assumed that the US economy had constant returns to scale (CRTS), which means that doubling the number of workers and the amount of capital doubles output. According to this assumption, immigration cannot increase the growth rate of wages.

28. However, immigrants arriving with less than a high school education received \$89,000 in tax-supported benefits—more than they paid in taxes (1996 dollars), even if their children and grandchildren paid the same taxes and consumed the same benefits as children and grandchildren of US-born parents. Immigrants arriving with a high-school education or higher had a net fiscal present value of \$105,000.



29. Immigrants cannot “save” Social Security unless their numbers rise each year. Social Security is a pay-as-you-go system, meaning that taxes paid by current workers support retirees. Immigrants earn benefits as they age, increasing the number of retirees who will receive Social Security benefits in the future.
30. Canada admits about 160,000 immigrants a year, including 60 percent via a points-selection system that awards points for youth, education, and knowledge of English or French. The Canadian point system ensures that immigrant adults have higher levels of education than Canada-born adults. In 2005, about 55 percent of Canadian immigrants had university degrees, compared with 35 percent of immigrants to the United States.
31. The then-INS cover letter noted that the fee for replacing green cards was \$75, and that for \$95 the foreigner could become a naturalized US citizen.
32. Non-Hispanic whites voted for McCain (53 percent) over Obama (43 percent) in 2010.
33. Among all children born between March 2009 and March 2010, 74 percent had US-born parents and 17 percent had legal immigrant parents.
34. Over half of those who spoke a language other than English at home (31 million) reported speaking English very well.
35. Surveys in 1998 found that only a third of California’s ELL pupils were in either bilingual or English-immersion programs; that is, two-thirds received no special help. School districts had little incentive to reclassify ELL pupils as English-proficient, since because they received extra funds for these students and suffered no penalties if they did not reclassify. Ken Ellingwood, “Bilingual Classes a Knotty Issue,” *Los Angeles Times*, May 18, 1998.
36. The former head of the California Association of Bilingual Educators changed his mind about English immersion classes. He said, “The kids began to learn—not pick up, but learn—formal English, oral and written, far more quickly than I ever thought they would. You read the research and they tell you it takes seven years. Here are kids, within nine months in the first year, and they literally learned to read.” Jacques Steinberg, “Increase in Test Scores Counters Dire Forecasts for Bilingual Ban,” *New York Times*, August 20, 2000.
37. FAIR’s Purpose. <http://www.fairus.org/html/fair.htm>.
38. An editorial on July 3, 1986, first made this proposal, which was repeated in an editorial on July 3, 1990.
39. Randal Archibold and Megan Thee-Brenan, “Poll Shows Most in U.S. Want Overhaul of Immigration Laws,” *New York Times*, May 3, 2010.

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COMMENTARY

Crafting Policy in the National Interest:  
The Benefits of High-Skilled Immigration

*Pia M. Orrenius and Madeline Zavodny*

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INTRODUCTION

In his comprehensive overview, Phil Martin touches on the most important aspects of US immigration and related policies. He notes that massive unauthorized migration to the United States exemplifies the gap between policy intentions and immigration outcomes, and underlies the current political impasse over comprehensive immigration reform (CIR). This commentary complements Martin’s chapter by discussing high-skilled and employment-based immigration in more detail. The emphasis on family ties over employment, the predominance of Latin American immigrants, and the fact that most of them have little education means that US immigration policy admits large numbers of immigrants with few skills. The impasse over CIR could possibly be broken by reforming policy to prioritize employment-based immigration, as this would increase the gains from immigration accruing to natives and better align US policy with the national interest.<sup>1</sup>

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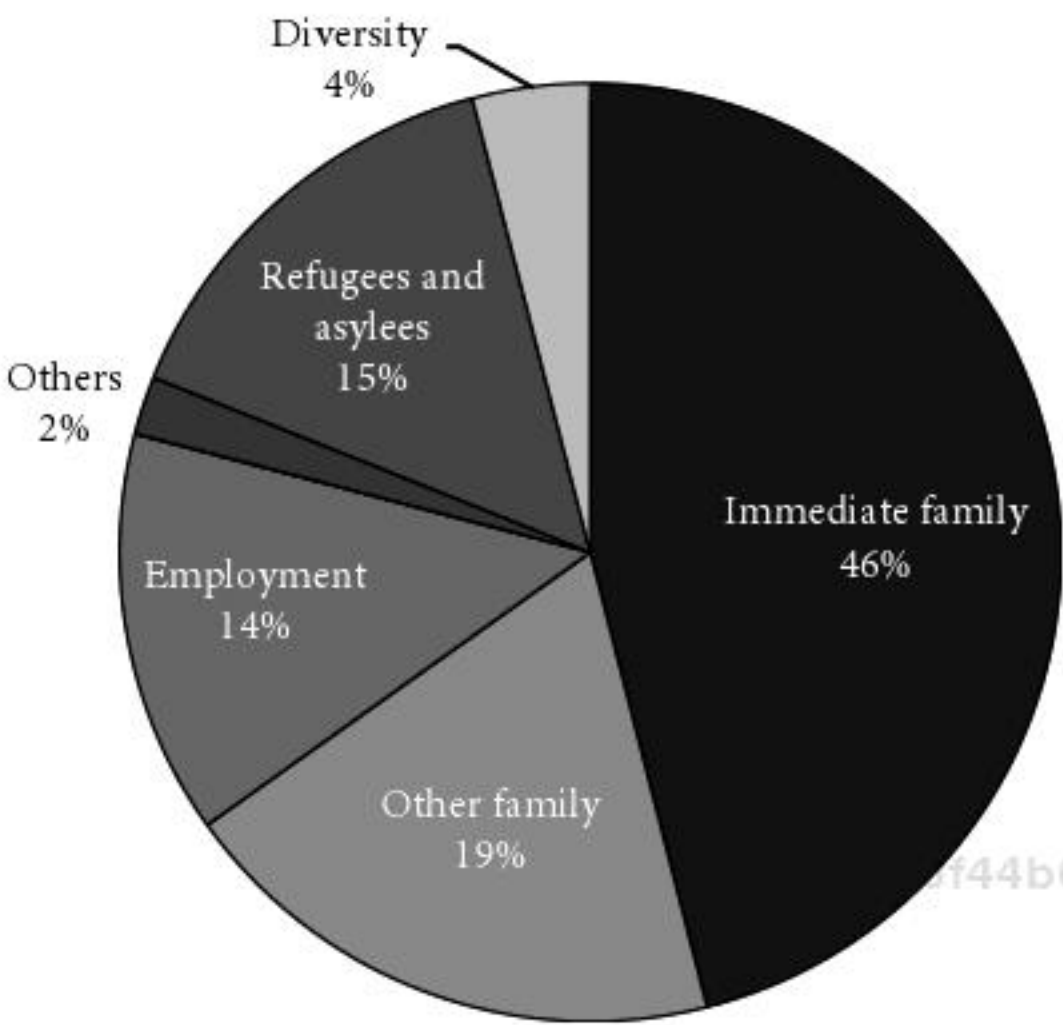
The main beneficiaries of immigration are the immigrants themselves; by migrating, they secure a better life for themselves and their descendants. Depending on the country of origin, the adjusted gains for a male with 9 to 12 years of schooling range from a two-fold (in the case of Mexico) to a twelve-fold (in the case of Nigeria) increase in annual income (Clemens, Montenegro, and Pritchett 2008). US natives also benefit from immigration, albeit on a much smaller scale. There are also the costs of low-wage immigration, which can harm low-skilled native workers while high-skilled native workers benefit. A shift to more employment-based immigration could increase immigration’s net economic benefits while also reducing its distributional impact, and it may increase public support for immigration overall and immigration reform in particular.

A SYSTEM OF FAMILY-BASED IMMIGRATION

Existing immigration policy is largely rooted in the 1965 amendments to the Immigration and Nationality Act, which made family reunification the primary objective. The United States annually issues about 1.1 million green cards, which grant permanent legal residence. About 86 percent go to family members of US citizens or permanent legal residents, people

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**Figure 2.4** Share of legal permanent residents by admission class, 2006–2010. *Source:* Department of Homeland Security Yearbook of Immigrant Statistics. *Note:* Green cards go mostly to family and humanitarian immigrants.

seeking humanitarian refuge and “diversity immigrants,” who come from countries with low rates of immigration to the United States (Figure 2.4).<sup>2</sup> The remaining 14 percent go to people who are immigrating for work and tend to be more highly skilled. Of that 14 percent, half go to workers’ spouses and children, meaning that a mere 7 percent of green cards go to employment-based principal immigrants. No other major developed economy gives such a low priority to skill-based immigration. Canada, for example, allocates 67 percent of its permanent resident visas to skill-based immigrants (and their families) and only 21 percent to family-based immigrants.

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**BENEFITS OF HIGH-SKILLED IMMIGRATION**

Family-based immigrants have significantly less education than employment-based immigrants, which has implications both for US workers and taxpayers. While immigration creates economic benefits for natives by boosting GDP and income per capita, the so-called *immigration surplus* can be outweighed by the fiscal impact of immigration, which, as Phil Martin reports, is negative for immigrants who do not have a high school diploma. Conversely, the fiscal impact of high-skilled immigrants is large and positive. A 2000 study showed that a selective immigration policy that admitted 1.6 million high-skilled immigrants aged 40 to 44 annually into a hypothetical economy with a 50 percent debt-to-GDP ratio would have balanced the budget within five years and eventually eliminated the national debt (Storesletten 2000). Balancing the budget via tax increases instead would have required a 4.4 percentage point increase in income tax rates, according to the study.

Immigration has distributional consequences that are more adverse in the case of low-skilled immigrants. While employers, investors, consumers and complementary workers benefit from immigration, substitutable workers may lose out. Losses are concentrated at

the low-wage end of the labor market because so many immigrants are low-skilled and because foreign and native labor are more substitutable in manual-labor jobs than in occupations that require advanced language skills or institutional knowledge. While economists disagree about the direction and magnitude of immigration's effect on natives' wages, there is consensus that the large inflow of low-skilled immigrants since the 1980s has hurt low-skilled native workers (see Borjas 1999; Card 2005).<sup>3</sup>

The economic and fiscal impacts of high-skilled immigration enhance natives' gains, and this immigration surplus is larger if immigrants are complementary to natives and complementary to capital. This is more likely to occur if immigrants are highly skilled and attract capital and work in occupations where native-born labor is scarce. Research also suggests that high-skilled immigrants have positive, not negative, labor market effects on high-skilled native workers (Ottaviano and Peri 2008; Orrenius and Zavodny 2007).

If high-skilled immigrants are also more innovative and entrepreneurial, the economic impact is larger still. In this case, immigration can actually boost productivity growth, leading to a higher long-run rate of economic growth (Schumpeter 1934; Aghion and Howitt 1992). High-skilled immigrants play an important role in innovation and, in certain sectors, entrepreneurship, obtaining patents at more than twice the rate of highly educated natives. The difference has been linked to immigrants' overrepresentation in STEM (science, technology, engineering, and mathematics) fields and the growing number entering on employment-based and student visas (Hunt and Gauthier-Loiselle 2010; Kerr and Lincoln 2010; Hunt 2011; Chellaraj, Maskus, and Mattoo 2008). There may be positive spillovers for natives, meaning that immigrants not only raise innovation directly but also boost overall patent activity, perhaps by attracting additional resources and increasing specialization (Hunt and Gauthier-Loiselle 2010). High-skilled immigrants' entrepreneurial activities have been instrumental in the growth of the US high-tech sector (Saxenian 1999). Immigrants founded 25 percent of US high-tech startups between 1995 and 2005 (Wadhwa et al. 2007). They have much higher rates of business creation than natives and slightly higher self-employment rates.<sup>4</sup>

**MORE TEMPORARY VISAS LED TO QUEUING**

The United States has created several temporary visa programs to admit high-skilled workers. The best known is the H-1B program, which admits about 131,000 workers in a typical year, many of them Indians with university degrees who work in the information technology sector.<sup>5</sup> Another important temporary job-based measure is the Trade NAFTA (TN) visa, which brings in an additional 72,000 professionals, mostly from Canada. The L1 program admits multinational corporations' intracompany transferees (about 74,000 annually), while the O1 program provides visas for a small number of workers of "extraordinary ability."

In 1999 and 2001, the number of H-1B visas issued was increased, but not the number of permanent visas for foreigners sponsored by US employers. One result is an ever-lengthening queue of foreigners and their families already in the United States—over 1 million—awaiting permanent resident visas. Their applications have been approved, but their green cards won't be available for years because of numerical limits on employment-



based permanent visas in most categories. There also are country of origin limits that restrict the number of immigrants from populous nations such as China and India.

**EMPLOYMENT-BASED IMMIGRATION**

Expanding employment-based immigration offers a host of benefits, including more high-skilled and procyclical immigration. Employment-based immigration is demand driven, which means that it declines when the US labor market weakens. The high-tech boom of the late 1990s and the housing and financial boom of the mid-2000s produced rapid expansion in temporary visas, while the 2001 recession, subsequent jobless recovery and the recession that began in late 2007 were all periods of decline. While temporary work-based visas respond to the business cycle, the total number of green cards issued does not. Issuance barely budged in 2008 and 2009, during the worst recession in 80 years, despite the loss of 8 million jobs and a steep rise in unemployment. Binding quotas that lead to lengthy queues have made permanent visas largely immune to the business cycle; while the number of new applications may fall during a recession, prospective immigrants whose applications were approved years ago are admitted regardless of current economic conditions.

**CONCLUSION**

Immigrants help fuel the US economy, representing about one in every six workers. Because of accelerated immigration and slowing US population growth, foreign-born workers have accounted for almost half of labor force growth since the mid-1990s. Both high- and low-skilled immigrants offer economic benefits. Both tend to complement the native workforce, bringing brains or brawn to locations and occupations where there is a need. The Hispanic immigrant population in Louisiana jumped nearly 20 percent following Hurricane Katrina, as foreign workers converged there to assist the cleanup and reconstruction. Nonetheless, the disproportionate number of low-skilled immigrants in recent decades has likely harmed competing native workers and imposed fiscal costs on taxpayers.

High-skilled workers come with more benefits and fewer costs than low-skilled workers. And their skills are important to the growth of some of the nation's most globally competitive industries and to research and development. In addition, many high-skilled immigrants work in industries that produce tradable goods or services, meaning that companies can employ their workers at home or abroad. Google can hire programmers to work in Mountain View, California, or in Guangzhou or Hyderabad or in any of the other 49 non-US cities in which it currently operates. If it cannot get visas for its workers, it can just employ them overseas (Rich-  
tel 2009). For all of these reasons, the United States has a lot to gain from rewriting its immigration policy to focus more on high-skilled and employment-based immigration.

**NOTES**

The views expressed here in no way reflect the views or position of the Federal Reserve Bank of Dallas or the Federal Reserve System. This commentary is based in part on an

essay in the 2010 Federal Reserve Bank of Dallas Annual Report, Federal Reserve Bank of Dallas, 2011.

1. We use the terms *immigrant* and *foreign born* interchangeably to refer to individuals who reside in the United States but were born elsewhere to foreign parents. In contrast, Martin uses the term *immigrant* to refer to lawful permanent residents or holders of a green card.
2. Countries eligible for the diversity visa lottery include many in Africa and Europe. Applicants from Ghana, Bangladesh and Ethiopia were the top recipients of visas in the 2011 lottery.
3. Economists agree, however, that in the long run, wages are not affected by immigration. This is because the capital stock should adjust in the long run. If the number of workers increases as a result of immigration, wages initially fall and returns to capital increase. As the amount of capital increases in the long run in response to higher returns to capital, the returns to capital and labor revert to their initial levels.
4. Estimates suggest immigrants are 30 percent more likely to start a business. See Fairlie (2008). Immigrant self-employment rates are 11.3 percent versus 9.1 percent for natives (authors' calculations based on 2010 Current Population Survey data). This difference is driven by less-educated immigrants, perhaps because of their relatively poor labor market options.
5. Although the official H-1B cap is 85,000 visas (65,000 plus 20,000 for holders of US advanced degrees), the nonprofit sector is exempt from the cap.

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COMMENTARY

Daniel J. Tichenor

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One of the primary goals of this volume is to analyze the gulf between the official goals and the actual outcomes of national immigration policies. With this in mind, my comments focus on three gaps associated with US policymaking. The first addresses the straightforward “gap hypothesis” (or, more precisely, the empirical reality) at the heart of the book, highlighting the distance between US policy goals, tools, and outcomes. The second set of gaps that I quickly explore concern the shifting differences in preferences between elite policymakers and their grassroots constituents—an area that has proven quite fluid in recent years as both the salience and ideological content of American views on immigration have evolved. The third and final gap that I briefly consider lies in the divide between immigrant admissions and rights, which raises some useful questions about this volume’s “convergence hypothesis.”

Let us begin with the hypothesized gap between policy goals and results. I think we can gain some traction on this subject by breaking it down into two challenges facing US policymaking that regularly bedevil efforts to “control immigration.” First is the fact that rather than a clear, consistent, and tight set of policy goals, immigration reform blueprints often stitch together varied and rival aims. Such are the realities of majority coalition building. This reminds us that before we take stock of the gap between policy aims and results, we first have to assess not only the clarity of those aims but also the political will to achieve them. A second challenge lies in the practical limitations of the policy tools most generally accepted for controlling immigration. Significantly, the gaps created by those limitations and the gaps and by rival policy goals are readily apparent when we consider four familiar ideas at the heart of contemporary US efforts to address unauthorized immigration: employer sanctions, border control, amnesty or legalization, and guest worker programs. Let us consider each of these in turn.

For more than half a century, policymakers, from Paul Douglass in the 1950s to Peter Rodino in the 1970s to Alan Simpson in the 1980s, have championed employer sanctions as serving two goals: weakening the magnet of jobs for unauthorized migrants and punishing unscrupulous employers. But sanctions always have inspired resistance by those with

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very different goals, such as guarding US businesses from new regulatory burdens and protecting civil liberties by opposing new ID systems to verify employee eligibility. Critically, fealty to regulatory relief among pro-business conservatives and civil liberties on both the American left and right has compromised the design and implementation of employer sanctions over time. Sanctions also have posed a variety of practical challenges. One of the most prominent is establishing a reliable means of checking the identity of workers, since the effectiveness of sanctions hinges on a secure system for verifying employee eligibility. Because they lacked such a system, the employer sanctions provisions of the Immigration Reform Act of 1986 were expected to be a “toothless tiger,” and they lived up to their billing. Today, E-Verify is touted as the solution but former Labor Secretary Ray Marshall, the Migration Policy Institute, and others warn that it is deeply flawed and unreliable.

Effectiveness also depends on resources and desire to enforce, both of which have been in short supply since IRCA’s passage. Amidst Tea Party and business demands for more limited government and fierce battles over spending cuts in Washington, the likelihood of a stricter enforcement regime seems highly improbable.

The fraught ideals and practical challenges associated with border control have been explored effectively in the rich scholarly literature on the subject. For our purposes, let me just highlight some of the most significant. Contradictory goals abound in the struggle over US border control efforts, providing an excellent illustration of what James Hollifield incisively describes as a “liberal paradox” for advanced industrial democracies that pits national sovereignty against the free flow of goods, ideas, and people across borders. At the southern border itself, these competing ends are readily evident in the clashes between humanitarian activists providing water stations to aid desperate border crossers and Minutemen vigilantes slashing bottles to discourage unauthorized flows. The practical limitations of border control policies are many, beginning with the enormous challenges of controlling a more than 2000-mile-long border with Mexico. Ironically, when we have been effective at border control, Doug Massey and his colleagues remind us, it has the unintended effect of encouraging unauthorized immigrants already here to stay rather than return home and face significant barriers to getting back in. In short, border control can freeze and expand the existing undocumented population.

Legalization programs—whether amnesty under IRCA or “earned citizenship” in contemporary proposals—routinely raise a variety of conflicting goals and ideals.

Rival notions of fairness abound on both sides of the legalization debate. So do competing ideas about how legalization relates to distributive justice, security, the rule of law, control, family values, and so forth. Legalization in the past served many goals well. IRCA’s amnesty program and subsequent legalizations raised some controversy over implementation and charges of fraud, but they ultimately proved quite successful in bringing a subclass of almost 3 million undocumented immigrants “out of the shadows” and on a road to full membership. No significant gap between policy ends and results here. However, it is a different story if the primary goal is controlling immigration. Obviously legalization proposals in US reform packages are meant to complement effective control measures—hence the Alan Simpson declaration that legalization should be extended “one time only.” I will leave it to others to assess the degree to which legalization spurs future undocumented flows, but



its past success in regularizing undocumented immigrants places in bold relief the disappointments associated with expectations of greater control.

Guest worker proposals also evince conflicts over policy goals. These include tensions between work standards and access to cheap labor, streamlined versus regulated labor flows, and high-skill versus low-skill worker admissions. The outcomes of American guest worker programs over time also underscore a variety of practical challenges. As evidenced by the *bracero* program that brought more than 4 million Mexican *braceros* to the United States from the 1940s to the 1960s, guest worker programs raise the specter of abuse and exploitation of vulnerable laborers. Another practical challenge captured by post-World War II European programs is that guest workers are rarely as temporary as policy designers expect. These guests, European observers remind us, typically come to stay. A final practical challenge is that over the course of American history, large-scale guest worker programs have been accompanied by unanticipated illegal flows.

As we have seen, each of the four most prominent policy ideas or solutions associated with illegal immigration reform—employer sanctions, border control, legalization, and guest worker programs—manifest important gaps due to competing goals and important practical challenges. Another significant gap that merits analysis (and reappraisal) is the one that lies between elite policymakers and their grassroots constituents. Gary Freeman has been among the most incisive thinkers on this topic. His application of James Q. Wilson's policy typologies to immigration highlighted the late twentieth-century disconnect between largely pro-immigration elite decision makers (influenced by organized interests) and more restriction-minded ordinary citizens (removed from the policy process).

Over time, however, these dynamics have shifted. To borrow a tried and true concept developed by the legendary political scientist E. E. Schattschneider, the "scope of conflict" engendered by immigration has broadened significantly. The growing popular saliency of robust immigration and porous borders—indeed, public restiveness—was all too evident in the 1990s, from Pete Wilson's gubernatorial campaign to restricting immigrant access to welfare in 1996. Fast-forward to the present, and it is perhaps most precise to identify new interactions between elite policymakers and their grassroots constituents. The first is a general public that is profoundly dissatisfied with the immigration policy status quo but not squarely in favor immigration restriction. Most US citizens are not as predictably opposed to new immigration as they were in the past (Dr. Martin's essay captures this well). Indeed, whereas legalization in 1986 was deeply unpopular, earned citizenship proposals have drawn more popular support in the past decade than ever before. Yet Americans are decidedly cynical about the capacity or will of their government to control the nation's borders or immigrant numbers. This ambivalence, compared to earlier mass opinion, is a striking development. So is the fact that immigration reform is not nearly as insulated as it was with IRCA and the Immigration Act of 1990.

Second, there also is more convergence between US political leaders and their grassroots constituents in the base of each major party. Republican officeholders in recent election cycles have either curried favor or avoided offending a very restrictionist conservative base. Think about the symmetry between the hard-line bills of House Republicans in 2005–2006 and the anti-immigration mobilization of conservative activists at the grassroots that



torpedoed a Kennedy-McCain-Bush bargain in the Senate during the summer of 2006. We remember well that McCain had to disentangle himself from immigration reform to survive the 2008 primaries.

We can discern a similar symmetry between liberal Congressional Democrats and a mobilized Latino and immigrant constituency that comports easily with its civil rights and labor base. Today, the widest gaps in US immigration preferences may have less to do with the distance between insulated policymakers and ordinary citizens and more to do with the disconnect between an ambivalent majority and the intense views held at the grassroots base of each party. And it is these mobilized grassroots that make Obama’s promise to secure comprehensive immigration reform so daunting.

Let me close by offering some brief reflections about a third gap worth thinking about. For decades after nativists established draconian national origins quotas in the 1920s, both immigrant numbers and noncitizen rights were severely restricted. From the 1960s until the 1990s backlash symbolized by the 1994 passage of Proposition 187 in California, immigration opportunities and immigrant rights expanded together. The struggle over immigration and welfare policy in 1995–1996, however, brought a new slogan from free market conservatives like Dick Armey and Spencer Abraham: “Immigration yes, welfare no!” Today, welfare reform and get-tough immigration laws in states like Arizona and Georgia have contributed to a context of welcoming large-scale immigration but impoverishing noncitizen rights. It also is the best of all worlds for pro-immigration capitalists, feeding an insatiable appetite for migrant labor with little protection, economic security, health care, or safety net for these workers. To find a comparable time when we can discern such a gap between expansive immigrant numbers and limited immigrant rights, we may have to look to the nineteenth-century Gilded Age. This modern Gilded Age for US immigrants raises important nuances and questions for claims of cross-national convergence in immigration and integration policies.