IMMIGRATION POLICIES

Legacy from the 1980s and Issues for the 1990s

Elizabeth S. Rolph

Program for Research on Immigration Policy

RAND
The research described in this report was supported by The Ford Foundation under Grant No. 880-0437-1.

ISBN: 0-8330-1291-6


RAND is a nonprofit institution that seeks to improve public policy through research and analysis. Publications of RAND do not necessarily reflect the opinions or policies of the sponsors of RAND research.

Published 1992 by RAND
1700 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138
IMMIGRATION POLICIES

Legacy from the 1980s and Issues for the 1990s

Elizabeth S. Rolph

Supported by The Ford Foundation
Program for Research on Immigration Policy

RAND
FOREWORD

During the 1980s, the nation welcomed the largest and the most diverse group of immigrants since the beginning of the century. The decade of the 1980s was also marked by a comprehensive redesign of U.S. policy toward refugees, undocumented immigrants, temporary immigrants, and those gaining permanent status under the Immigration and Nationality Act. A number of new policy instruments were introduced for the first time, including annual target ceilings for all refugees, “employer sanctions” to contain undocumented immigration, an amnesty program for millions of previously undocumented immigrants, and temporary federal assistance to compensate states and localities for the added costs of serving designated immigrant groups. Although family reunification remains the cornerstone of U.S. immigration policy, this legislation also creates new “categories” of immigrants to promote diversity and encourage investment by immigrants in the United States. It also provides access to the labor market for some groups of undocumented immigrants.

As concerns are increasingly heard about the nation’s ability to rapidly integrate the more than 8 million documented and undocumented immigrants who entered the United States during the 1980s, the combined effect of legislation enacted during this decade has been to open the door ever more widely to future immigration. The growing numbers of immigrants, increasingly varied culturally, linguistically, and educationally, are having and will continue to have profound effects on the urban areas where they concentrate. The challenge of the 1990s and beyond will be to manage the integration of the nation’s increasingly diversified, demanding, and competing minorities.

Established in 1988, the RAND and Urban Institute Program for Research on Immigration Policy first focused on assessing the implementation and effects of the Immigration Reform and Control Act of 1986. It then began to study the larger, continuing questions of integration of immigrants to the economic, social, and political life of the country and of the demands immigrants are placing on our institutions, including schools, postsecondary educational institutions, and local governments. The program also has examined the link between immigration and key foreign and international policy issues associated with a potential North American economic integration and with the fundamental changes brought about by European integration and
the liberalization and restructuring in Eastern Europe and the former Soviet Union. The work reported here was sponsored by the Ford Foundation.

This Report is the second yearbook published by the program. The first, Opening and Closing the Door: Evaluating Immigration Reform and Control, by Frank D. Bean, Georges Vernez, and Charles B. Keely, was published jointly by RAND and The Urban Institute in 1989. It reviewed the events leading to the passage of IRCA and provided the first comprehensive evaluation of its implementation and initial effects. It was directed at a general audience with no or little knowledge of immigration issues. In contrast, this Report is addressed to policymakers and those who are interested in influencing immigration and the formulation of immigrant policy. Hence, it focuses on the policy instruments that have shaped and will shape the size and composition of immigrant flows. It assesses what is known about the effects of these instruments. Finally, it identifies a range of policy issues that either constitute unfinished business from the 1980s or are derived from the expected consequences of the new policies set in the 1980s. These ought to be placed on the national, and for some the international, policy agenda.

Georges Vernez
Director, Program for Research on Immigration Policy
RAND
ACKNOWLEDGMENTS

The author is particularly indebted to Georges Vernez and Kevin McCarthy for their generous contributions of time and insights. Both were invaluable colleagues in this endeavor. David Ronfeldt and Steve Schlossman were also very helpful in refining the ideas contained herein and their presentation. Patricia Levy and Paul Horne contributed by preparing and shepherding the manuscript through the RAND prepublishation process. However, the author remains solely responsible for errors of commission and omission.
CONTENTS

FOREWORD ......................................................... iii
ACKNOWLEDGMENTS ............................................... v
FIGURE AND TABLES ............................................. ix

Section

1. INTRODUCTION ............................................... 1

2. IMMIGRATION POLICYMAKING: THE CONTEXT
   FOR IMMIGRATION POLICIES OF THE 1980s ........... 2
   The Growing Complexity of Immigration Policy ....... 3
   The Issues Underlying the 1980s Legislation .......... 8
   Immigration Policymaking in the 1980s: Context and
   Politics ...................................................... 11

3. STATUTORY ENACTMENTS OF THE 1980s:
   EXPANDING AVENUES OF IMMIGRATION AND
   REGULATING THE WORKPLACE .......................... 14
   Statutory Changes Governing Eligibility for Legal
   Status ....................................................... 14
   Controlling Illegal Immigration ......................... 19

4. OPENING THE DOOR: LEGAL IMMIGRATION
   1981–1990 ..................................................... 21
   A Perspective on Current Immigration Patterns ...... 21
   Primary Effects of the 1980s Legislation ............. 22
   Implications for Future Trends ......................... 32
   Ambiguity Regarding Benefits and Targeted Support .. 34
   Conclusions .................................................. 37

5. CONTROLLING THE BORDERS: A NEW
   STRATEGY .................................................... 38
   The Undocumented Alien Population ................. 38
   IRCA's Effects ............................................. 39
   Impediments to Effectiveness .......................... 40
   Conclusions ................................................ 47
6. DISCUSSION: IMMIGRATION POLICY ISSUES
FOR THE 1990s ........................................ 48
Expected Consequences of Recent Legislation .......... 48
Policy Issues for the 1990s ................................ 50
Summary ....................................................... 58
FIGURE


TABLES

2.2. Immigration: 1951–1980 .................................................. 11
4.1. Flow of Legal Immigrants into the United States 1901–1990 .......................................................... 21
4.5. Select Characteristics of Immigrant Population, 1990 ........ 26
4.6. Immigrant Characteristics by Region of Origin, 1980 ...... 29
4.8. Top Metropolitan Areas of Intended Residence, 1990 .... 31
4.9. Characteristics of Select Metropolitan Immigrant Populations, 1990 ..................................................... 32
5.1. INS Enforcement Budget, 1986 and 1990 ......................... 45
1. INTRODUCTION

The 1980s were a time of quite extraordinary activity in immigration policymaking. Congress rarely enacts major immigration legislation more than once every several decades. Yet, in this one 10-year span, the lawmakers passed three separate statutes: the Refugee Act of 1980, the Immigration Reform and Control Act of 1986 (IRCA), and the Immigration Act of 1990. These three pieces of legislation have significantly altered the rules governing eligibility for legal status, the benefits available to immigrants, and enforcement strategies, all with important consequences. These consequences, in turn, will become the context for tomorrow’s immigration policy concerns and choices. To promote a better understanding of the current policymaking context and the agenda of immigration issues now before the nation, this report sets itself four tasks: (1) briefly establishing the context for the legislation enacted in the 1980s; (2) documenting the material provisions of the three statutes; (3) describing the immediate effects of the statutes on the characteristics of immigrant flows, as best they can be determined from our current vantage point; and (4) examining the implications of these consequences for the current immigration policymaking agenda.

Each of these tasks is taken up in a separate section. Section 2 provides the background for immigration policymaking in the 1980s, Section 3 outlines the material provisions of the Refugee Act of 1980, IRCA, and the Immigration Act of 1990, Section 4 describes the consequences of the new statutes for legal immigration, and Section 5 examines the effects of the new employer requirements program. The final section outlines the significant policy questions now before us, both those that have arisen out of changes made in the 1980s and those that have resulted from a failure to address certain important issues during that decade.
2. IMMIGRATION POLICYMAKING: THE CONTEXT FOR IMMIGRATION POLICIES OF THE 1980s

IMMIGRATION POLICY: WHAT IS IT?

Before we embark on a brief review of immigration policy, it is important to understand what immigration policy is and is not. Often, the definitional net is narrowly cast to include only policies that define legal eligibility to enter. In other discussions, it is cast broadly to encompass policies that shape the flows of immigration, legal and illegal, including foreign policy and economic policy. In this exploration, we define immigration policy in terms of its primary components: the rules defining legal entry, enforcement rules, and the rules governing allocation of entitlements. In these areas, policy is made specifically to affect immigration and immigrants, not to accomplish some other goal with incidental effects on the immigrant community.

Defining the Legal Immigrant. Immigration policymaking certainly begins with establishing the rules that define who will be accorded the right to take up permanent residence and eventually become eligible for citizenship. These rules are likely to incorporate both quantitative and qualitative criteria that define how many people with what characteristics will be granted immigrant status. But who enters is only part of the policy equation.

Defining Enforcement Mechanisms. Enforcement policies, which permit authorized entry but prevent unauthorized entry, are also an important component of immigration policy. Border control has been the most visible element in enforcement policy. However, other decisions also play an important role in effecting enforcement; for example, rules that govern the treatment of those who hire undocumented workers or the processing of asylee applicants are embraced under the broader construct of enforcement policy.

Defining Entitlements. Finally, immigrants are often singled out for special treatment with respect to benefits and services. They may

---

1 It might also be argued quite properly that policies establishing the rules for nonimmigrant entry into the United States should also be viewed as part of the overall fabric of immigration policy, since entering on a temporary basis often is just the first step in coming permanently. See Georges Vernez and Kevin McCarthy, Meeting the Economic Labor Needs Through Immigration: Rationale and Challenges, RAND, N-3052-FF, June 1990, pp. 13–15.
be accorded access to special benefits and services to facilitate settlement and economic assimilation that are not generally available to citizens or long-time residents. Or, they may be denied benefits normally available to citizens because of their immigrant status.

Rules in all three areas directly target immigrants and relate exclusively to the perceived goals of immigration policy. Policies in other areas may also be adopted with the express intent of addressing immigration policy goals, in which case they too become part of the fabric of immigration policy. But policymaking in associated areas (for instance, foreign policy) is less likely to expressly target immigration than it is to inadvertently affect immigration. Although such effects may be important, they cannot truly be defined as immigration policy and are not the subject of this inquiry.

THE GROWING COMPLEXITY OF IMMIGRATION POLICY

Even during the many years when the United States did not limit or screen immigrants, there was an evident tension between the perceived benefits and risks inherent in the nation's open-door policy. On the one hand, the United States perceived itself to be a nation of immigrants and took pride in the compatibility and productivity of its diverse citizenry. On the other, the native population periodically expressed fears that, for example, immigration would ultimately lead to domination by the Catholics and the Pope or to anarchy instigated by foreign terrorists. As Charles Keely observes, "[The] history of [U.S.] Immigration policy is a dialectic of these two themes."\(^2\) Protectionist-versus-expansionist tensions have persisted through more recent years as immigration policy has developed in sweep and in complexity.\(^3\)

Early Legislation

Immigration policymaking began in 1875. Before then, Congress and the states shared responsibility for immigration control but had established no significant restrictions on immigrants. In 1875, Congress enacted the first federal statute to regulate immigration by preventing the entry of criminals and prostitutes. In the following year, the Supreme Court ruled that immigration policy fell under the umbrella of the Constitution's interstate commerce clause and was


\(^3\)Keely (1979), Part I.
therefore the exclusive province of Congress. In the several decades that followed, Congress enacted a number of additional statutes further regulating the entry of unwelcome individuals, including those with particular diseases and those of designated Asian ancestry. Congress made no effort at this time to limit the aggregate immigrant pool.

In 1891, Congress also wrested enforcement control from the states, establishing a Bureau of Immigration to manage 24 inspection stations at seaports and along the nation’s northern and southern borders. Implicit in the reorganization was reliance on a strategy of perimeter control to control illegal entry. This strategy remained the centerpiece of U.S. enforcement policy for almost a century.

First Formulation of a Comprehensive Immigration Policy

Immigrants continued to enter in record-breaking numbers during the first two decades of the 20th century, sparking growing nativist sentiment. In addition to concerns that immigrants might bear undesirable attributes, there was fear of the new diversity in the immigrant pool and of the threat these immigrants were thought to pose to the native labor force. Together, these fears prompted increasingly restrictive legislation, but provisions continued to target individual characteristics.

However, swelling restrictionist sentiment eventually lead Congress to craft the new, comprehensive approach to immigration control, set forth in legislation enacted in 1921 and made permanent by subsequent legislation enacted in 1924. This legislation introduced two new and important elements into immigration policy: (1) control of aggregate immigration through imposition of a ceiling on the total

---

4Keely (1979), p. 11.
5Congress enacted the Chinese Exclusion Act in 1882.
7Until late in the 19th century, northwestern Europe was the major source of immigration. By the end of the century, however, these immigrants were outnumbered by those originating in southeastern Europe.
9Legislation passed in 1917 created “barred zones” to halt immigration from India and most of Asia and added a literacy requirement to restrict the flow from southeastern Europe.
number of immigrants permitted entry\textsuperscript{10} and (2) control of ethnic and national diversity through country-of-origin quotas based on the proportion of each nationality in the U.S. population at the turn of the century. The effects of the new legislation were immediate. Immigration fell by more than 50 percent in 1925, with disproportionate decreases in central and southeastern European immigration.\textsuperscript{11} Marked declines persisted over the next several decades, largely because of the worldwide depression and World War II.

While reaffirming the principles incorporated in the legislation of 1924, Congress introduced a new objective coupled with a new selection mechanism when it enacted the comprehensive Immigration and Nationality Act of 1952 (INA).\textsuperscript{12} That legislation preserved the aggregate ceiling and the national-quota system; although it dropped the Asian exclusions, quotas for Asian countries remained small. At the same time, it went on to establish a within-country preference system, which established priorities for visa applicants from the same country with differing qualifications. Shares of the available national quota of visas were allocated to each of five preference categories. The preference system gave first priority and 60 percent of the available visas to applicants (and their families) who offered needed labor skills. For the first time, building a skilled domestic labor force became an explicit objective of immigration policy. The remaining preferences established priorities among various familial relationships.

Recent Shifts in Immigration Policy

In the Immigration Act of 1965, Congress reversed several of the principles undergirding earlier immigration legislation and shifted its focus to the humanitarian goal of supporting family unity. With respect to ceilings and quotas, the act maintained the principle of a ceiling on all immigration, now capping immigration from the western hemisphere as well as from the eastern hemisphere. But it abandoned the strong preferential treatment accorded European countries


\textsuperscript{11}Immigration fell from 700,000 in 1924 to 300,000 in 1925, with a 60-percent reduction in those coming from central and southeastern Europe. U.S. Department of Justice, Statistical Yearbook of the Immigration and Naturalization Service, 1990, p. 24.

\textsuperscript{12}INA was enacted in 1952. Significant amendments were later enacted in 1965, 1976, 1978, and 1990. These later amendments may be referred to either as the amendments of a given year or as the immigration act of a given year.
by abandoning variable country-specific quotas and substituting uniform quotas of 20,000 visas per country for the eastern hemisphere. Furthermore, this legislation provided that immediate family members of citizens could enter without numerical restriction and outside of any ceiling. Finally, although the legislation perpetuated the preference mechanism that INA had established, preference now was accorded to family members of citizens and resident aliens at the expense of skilled applicants. In sharp contrast to the 1952 statute, only 20 percent of the visas were set aside for highly trained professionals and other labor in short supply.

The elimination of the proportional country-specific quotas, which had greatly favored Europeans (especially northern Europeans), lead to a rapid shift in the composition of the immigrants entering under the provisions of INA. European immigration declined, and Latin American and Asian immigration grew. Between 1961 and 1980, almost two out of every three immigrants came from Asia or Latin America, with most of the increase occurring in the latter decade. Asians accounted for 5 percent of those who immigrated between 1951 and 1960 and 25 percent of those who immigrated between 1961 and 1980.

Immigration Through Other Channels

In the years following World War II, intending immigrants found new channels for entry as refugees and as undocumented or illegal immigrants. Between 1945 and 1970, almost 1 million persons entered as refugees or asylees, most coming from war-torn or Communist-dominated European countries; over 10 percent of those granted permanent resident status during this period came as refugees. Some groups entered under a variety of hotly contested pieces of legislation, each defining refugee somewhat differently, and each enacted in response to a particular political situation. Other groups were granted entry by the Attorney General, using his parole authority. Preference

13 Country quotas for the western hemisphere were not added until 1976.

14 Growth in Asian immigration was particularly dramatic, because Asians tended to qualify at high rates as skilled labor. Those who qualified could bring their immediate family outside of the numerical restrictions. These family members could then bring relatives under the family preferences. Such immigrants are often called "seed immigrants."

was invariably accorded those fleeing governments that the United States found ideologically unacceptable.

Illegal immigration into the United States has a somewhat more complex history. The illegal flow is predominantly from Mexico and has its roots in the historical relationship between U.S. agriculture and Mexican labor. Until 1965, U.S. law imposed no numerical ceiling on immigration from countries in the western hemisphere; thus, the flow of immigrants, both documented and undocumented, from Mexico fluctuated in tune with the U.S. economy and the availability of domestic labor. After Mexicans entered in substantial numbers to replace Asian immigrants newly subject to strict quotas, the flow slowed during the 1930s; Mexican residents were subject to massive deportations, as native workers moved west to work in agriculture. In response to growing labor shortages during World War II, a guest-worker program, the Bracero Program, was enacted to again provide new, documented labor for western growers. This program grew in the post-war years, opening the door to over 300,000 workers annually. At the same time, the demand for labor also encouraged illegal entry. In response to growing opposition from unions and civil-rights groups, Congress allowed the Bracero Program to expire in 1964.

With the termination of the Bracero Program, the migrant flow changed in important respects. Although the flow of immigrant labor from Mexico continued to grow, it was now almost entirely a flow of undocumented immigrants. Furthermore, rather than entering temporarily for seasonal work, workers began settling and bringing their families. These residents provided a maturing network or infrastructure for future migration.

This brief history of immigration and immigration policy demonstrates several important points. First, over the years, the objectives of immigration policy have multiplied, making conflict over priorities and inconsistencies among policies more likely. The objectives, as they have emerged, include

---


• Exclusion of dangerous or undesirable individuals
• Protection of domestic labor
• Definition of a pool that can be absorbed
• Provision of skilled and needed labor
• Family reunification
• Support of humanitarian and foreign-policy objectives.

Second, the paths open to substantial flows of immigrants have also multiplied since World War II. After the war, new opportunities for immigration opened to those who could qualify as refugees. Illegal entry and visa abuse also became thriving avenues for immigration. Finally, there has been an evolution of particular tools and strategies to accomplish the growing list of policy objectives. Institutional structures and expectations now rest on these traditions, which are likely to provide the basis for future policy. They include use of aggregate ceilings, quotas, preferences, special programs that permit entry outside numerical limitations, and control of illegal immigration through strong border control.

THE ISSUES UNDERLYING THE 1980s LEGISLATION

Tendencies set in motion by earlier legislation and particular historical events combined during the 1970s to heighten public sensitivity to immigration questions and demand legislative action.

Refugees and Asylees

During the 1970s refugees and asylees\(^\text{19}\) entered the country in record-breaking numbers; those adjusting to permanent status more than doubled over the previous decade. Much of the growth was fueled by specific historical events, including the end of the Vietnam war—which left in its wake vast numbers of refugees and asylees from several southeast Asian countries—and the Haitian and Mariel boatlifts. Not only did the number of refugees grow dramatically, but the pool of applicants, which was originally almost entirely European, became largely Asian and Cuban, as Table 2.1 indicates. At the same time, initial waves of the educated and largely acculturated up-

\(^{19}\)Refugees and asylees differ in that refugees apply for entry from a third country, and asylees, who have already entered, apply for legal status from within the United States.
Table 2.1

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Central and Latin America (%)</td>
<td>1.8</td>
<td>62.1</td>
<td>47.0</td>
</tr>
<tr>
<td>Europe and Canada (%)</td>
<td>92.7</td>
<td>25.9</td>
<td>13.3</td>
</tr>
<tr>
<td>Asia (%)</td>
<td>6.5</td>
<td>9.4</td>
<td>39.1</td>
</tr>
<tr>
<td>Total persons (000s)</td>
<td>492.4</td>
<td>212.8</td>
<td>539.5</td>
</tr>
</tbody>
</table>

SOURCE: U.S. Department of Justice (1991), Table 34.

per and middle-class applicants gave way to poorly educated and culturally dissimilar applicants.

These shifts aroused considerable distress regarding a number of issues, some old and some new. There was persistent discontent with the highly political definition of refugee. Rapidly growing refugee populations, particularly populations for which the United States felt some particular responsibility, prompted a renewed concern with aggregate numbers and an interest in defining and bounding the nation’s overall humanitarian obligations. Since the nation found itself a country of first asylum for the first time, there was also the need to define access rules and procedures for this new refugee population. Finally, as an increasing number of refugees entered without the skills or social connections to promote economic assimilation, there was the question of what support, if any, to provide them.

Illegal Immigration

By the end of the 1970s, illegal immigration had become a subject of considerable concern to policymakers. Mounting evidence suggested a remarkable surge in illegal entry attributable to a number of forces which were, for the most part, beyond the control of U.S. policymakers. Some tended to “push” immigrants from their homelands, and some tended to “pull” them to the United States. The chief push factors were dramatic population growth, economic decline, and civil unrest in Hispanic sending countries. The United States also became an increasingly hospitable environment for immigrants. Years of immigration had led to the creation of supportive networks of family

---

20first Cubans and Haitians and later refugees from Central America entered and then requested asylum; for the first time, the United States had to deal with large numbers of applicants who were already in the country.
and friends. Moreover, the U.S. economy welcomed the cheap labor of these migrants.

Although no one doubted that illegal entry was increasing, it was very difficult to get reliable information on the rate of that increase or its implications for the stock (those in continuing residence) of undocumented immigrants. The Immigration and Naturalization Service apprehended almost twice as many deportable aliens as it legally admitted.\textsuperscript{21} High-level government officials were reporting that as many as 2 to 3 million undocumented aliens entered the United States each year and that perhaps as many as 8 million resided there.\textsuperscript{22} These estimates proved to be greatly exaggerated. Nonetheless, they both stimulated and reflected the domestic fear that traditional control strategies were no longer effective and that the nation was losing control of its borders.

Consequences of the Immigration Act of 1965

Finally, congressional concern was growing over certain unanticipated consequences of the 1965 immigration reforms. It was becoming apparent that removal of country-specific quotas and the new preference system designed to facilitate family reunification had been, in turn, responsible for substantial changes in the ethnic composition and skill level of the immigrant pool over the years. As Table 2.2 shows, Asian and Hispanic immigration grew considerably at the expense of European immigration. Moreover, the initial wave of Asian immigrants entered under the act's third preference, as highly skilled professionals. They later brought family members, diminishing the average skill level of the pool.\textsuperscript{23} These tendencies, induced by the 1965 legislation, prompted a reexamination of how the changes were serving the immigration policy objectives of assimilation and labor needs and whether the priority given the humanitarian goal of family reunification was appropriate.


Table 2.2

Immigration: 1951–1980

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe and Canada (%)</td>
<td>67.7</td>
<td>46.3</td>
<td>21.6</td>
</tr>
<tr>
<td>Asia (%)</td>
<td>6.1</td>
<td>12.9</td>
<td>35.5</td>
</tr>
<tr>
<td>Latin Am. and Caribbean (%)</td>
<td>24.6</td>
<td>39.2</td>
<td>40.3</td>
</tr>
<tr>
<td>Refugees (% of Total)</td>
<td>20.0</td>
<td>6.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Total Immigration (000s)</td>
<td>2,515.5</td>
<td>3,321.5</td>
<td>4,493.3</td>
</tr>
</tbody>
</table>

SOURCE: U.S. Department of Justice (1991), Table 2.

Growing concern over the increasing numbers of refugees and asylees, illegal immigration, and the changes in the characteristics of those entering under the provisions of INA prompted both the president and Congress to authorize a number of studies and to appoint a high-level commission to review immigration policy in its entirety. The time was ripe for major changes in immigration policy.

**IMMIGRATION POLICYMAKING IN THE 1980s: CONTEXT AND POLITICS**

Decisions regarding the refugee problem, illegal immigration, and the apparent consequences of the 1965 Amendments necessarily occurred in a broader policymaking and political context. The perceived issues and characteristics of this broader environment helped determine those decisions.

**Domestic Context of Immigration Policymaking**

Although immigrants have been a successful component of the nation's growth since its inception, the domestic context in the post-war period has changed in certain key respects, raising new questions about immigration and immigration policy. At least one of these changes argues strongly for encouraging immigration. Others argue for a more cautiously targeted policy.

---

24Pulling together the threads of the debate, the Select Commission on Immigration and Refugee Policy recommended sweeping reforms touching on all three topics and recommended that the several facets of immigration policy be integrated in a coordinated legislative approach. See Select Commission Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest: The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy to the Congress and President of the United States*, March 1981.
Declining Native Labor Force. The growth rate of the native population has slowed markedly; according to projections of the Census Bureau, the United States should reach a level of zero growth sometime in the next century. As early as the 1990s, the numbers of new entrants into the labor force will begin to decline. In this context, immigration is perceived by many as necessary to fuel the engine of economic growth.

Increasing Demand for Skilled Labor. However, the demands of today's economy are substantially different from those of the turn of the century. That economy depended, in large measure, on an unskilled work force; today's economy depends increasingly on a highly skilled work force. National projections indicate that 40 percent of the jobs created between 1988 and 2000 will be in the professional, managerial, and technical occupations, and another third will be skilled service jobs. Low-skilled jobs are expected to account for only 2 percent of the job growth. If immigrants are to satisfy the projected needs of the economy, they will have to be educated and well trained.

Entitlement, Safety Net, and Special Support Programs. Since the Great Depression, the U.S. government has shown increasing concern for the economic and physical well-being of its residents. This concern is manifest in a growing number of publicly supported programs that now serve poor and at-risk groups. Today, in addition to public education, residents have access to a broad variety of safety-net programs, including Aid for Families with Dependent Children, Medicaid, and Supplemental Security Insurance. Furthermore, special programs (for example, job training programs) target high-risk groups with special services. In this context, how rapidly and successfully immigrants are integrated into the economy becomes a matter of keen public interest.

Politics of Immigration Policymaking

As the distinct populations and purposes served by immigration policy multiply and as the domestic context changes, tensions over how to approach the overall task of immigration policymaking also grow. At the outset, there is an intuitive logic to treating those with different reasons for seeking immigrant status separately. Different underlying paradigms help define what policies should be adopted to

---

25Vernez and McCarthy, op. cit., p. 5.
26Vernez and McCarthy, op. cit., p. 6.
govern the entry and future support of refugees, ordinary visa applicants, and illegal residents. There are also strong political incentives not to treat immigration policy as a unified whole but rather to treat problems separately. When they are treated separately, it may become possible to mask trade-offs and conflicting purposes and limit the number of interest groups that have strongly competing interests in any one piece of legislation.

However, there is a growing awareness that cobbling together immigration policy from a collection of isolated decisions also creates distinct problems. The important domestic consequences of immigration depend primarily on the aggregate characteristics of the immigrant pool (its size, ethnic composition, and skill and educational levels) and not on how or why any set of individuals may have been granted permission to enter. Key among these consequences are (1) effects on the domestic labor market, (2) absorptive capacity, and (3) service costs. Piecemeal policymaking masks these important aggregate outcomes. Therefore, many argue that Congress should craft a comprehensive immigration policy that is attentive to the interactions and aggregate implications of decisions regarding individual types of immigrants.

Although Congress did integrate refugee policymaking during the 1980s, it chose not to construct a comprehensive immigration policy. Rather, it continued to regulate immigration by category of applicant. Because understanding aggregate effects is crucial, we take this opportunity to emphasize the combined implications of three major statutes enacted in the 1980s and to examine the implications of these effects for the future immigration policymaking agenda.
3. STATUTORY ENACTMENTS OF THE 1980s:
EXPANDING AVENUES OF IMMIGRATION
AND REGULATING THE WORKPLACE

The decade of the 1980s marked a period of great change in the rules regulating legal immigration to the United States. Three new immigration statutes enacted during those years have established several important new precedents and principles for regulating immigration and adjustment to legal status. For the first time,

- The flow of refugees and asylees has been integrated and regularized, and a new refugee category of “temporary protected status” has been created to accommodate the admission of additional refugees facing special circumstances.
- Congress has offered amnesty and legal status to a large group of immigrants who had previously entered illegally.
- Quotas have been established for several new categories of entrants, including large investors and seed immigrants from countries not well represented in the current flow.

These changes have been made without limiting previously eligible groups. At the same time, Congress dramatically revised the strategy for deterring illegal immigration by regulating the hiring of all employees to ensure that only documented applicants are employed.

STATUTORY CHANGES GOVERNING ELIGIBILITY FOR LEGAL STATUS

Each of the three statutes adopted during the 1980s focuses on a distinct aspect of legal immigration, and each was the product of independent congressional attention. However, they have much in common, reflecting the commonality of forces currently shaping immigration policy.

The Refugee Act of 1980

Congress enacted the Refugee Act of 1980 to unify and regularize the process of qualifying refugees for admission and to gain some control over the numbers and types of refugees who were admitted each year.
Refugees. The act provided that Congress, in consultation with the president, would set the annual limits for refugee immigration. It further specified that the limit was not expected to exceed 50,000, the average annual number of refugees admitted since 1945. To remove the question of refugee status from the arena of Cold War politics, the law also adopted the United Nations’ definition of refugees: those who hold a “well-founded fear of persecution in their home country,” as the statutory ground for qualifying. Refugees must petition for entry from outside the United States and are entitled to permanent resident status after 1 year of residence. They are immediately eligible for a broad variety of social benefits, including relocation support.

Asylees. At the same time, the law gave statutory recognition to those seeking asylum in the United States and set forth provisions governing their applications and entitlements. Asylees, those who enter and petition for legal status either from a port of entry or from within the United States, must also hold a “well-founded fear of persecution.” The law provided that asylees be granted work permits, but that they be given only “temporary” status and no federally funded benefits. The law set no limits on the number of asylees that could be admitted to temporary status and permitted up to 5,000 asylees with temporary status to adjust to permanent status each year. Those with permanent status become eligible for social-service benefits and eventually may naturalize. The Immigration Act of 1990 subsequently increased the number of asylees who could convert to permanent status to 10,000. To revoke the temporary status of an asylee once it has been conferred, the INS must formally show cause why the individual need no longer fear persecution, usually in a formal hearing. Therefore, even temporary status should be viewed as reasonably permanent.

The Immigration Reform and Control Act of 1986

In a second major piece of legislation, IRCA, Congress offered legal status in 1986 to two additional immigrant groups: long-term undocumented residents and special agricultural workers (SAWs) who had

---


2To be admissible as a refugee, applicants must meet the following criteria. They must (1) live outside their country of nationality (with some exceptions), (2) be unwilling to return to that country because of persecution or a well-founded fear of persecution, (3) belong to a class of refugee that is of special humanitarian interest to the United States, (4) be admissible under the Immigration and Nationality Act, and (5) not be firmly resettled in any foreign country.
entered the United States illegally. The primary purpose of the legis-
lation was to restrict the growing tide of illegal entry. IRCA's
amnesty program provided the complement to its regulatory provi-
sions (discussed below), ensuring that those in residence would not be
uprooted and that industries dependent upon undocumented labor
would not be severely disrupted.

Pre-82 Immigrants. IRCA offered legal status to aliens who had
resided continuously and unlawfully in the United States since
January 1, 1982. Under separate provisions it also permitted those
who had worked a minimum of 90 days in the delivery of "seasonal
agricultural services" between May 1, 1985 and May 1, 1986 to legal-
ize. Requirements for determining eligibility and processing appli-
cations differed markedly between the two programs.

Under the terms governing the general legalization program, appli-
cants had to make timely application, maintain a continuous presence
in the United States from the time the law was passed, and otherwise
be admissible as an immigrant. They were required to apply in per-
son at newly established, local INS legalization offices between May
5, 1987 and May 5, 1988 for temporary resident status, at which time
they had to provide evidence of identity and continuous residence in
the United States since 1982. The law required those who received
temporary status to return in 18 months to demonstrate an adequate
level of English proficiency and citizenship skills, after which they
were given permanent resident status; their temporary status expired
if they failed to return.

Special Agricultural Workers. Requirements under the SAW pro-
gram were considerably more lenient. Applicants who could demon-
strate that they had worked 90 days or more in designated seasonal
agriculture between May 1985 and May 1986 and could demonstrate
admissibility as an immigrant were awarded temporary status, which
they could adjust to permanent status after 2 years without fulfilling
further requirements. They could apply at any time between June
1987 and November 1988. Because they were not required to main-
tain continuous residence, they could apply either at domestic
legalization offices or at consular or INS offices in their countries of
residence.

2Other sections of IRCA provide for the adjustment of Cuban and Haitian entrants
and for certain modifications of existing programs. These changes affected only a small
number of potential applicants.

4Up to 350,000 of those who could prove they had worked 90 days and resided in the
United States for 6 months or more in each of the prior 2 years were also eligible and
could adjust to permanent status after only 1 year.
The Immigration Act of 1990

Congress enacted the Immigration Act of 1990 in response to growing concerns that existing regulations were not sufficiently responsive to the nation's economic requirements and that they discriminated unwisely against immigration from certain countries.

Visa Allotments. Faced with the task of providing greater access for particular kinds of immigrants, Congress chose to expand the total number of visas subject to worldwide limitations by over 55 percent rather than to reallocate the existing pool of visas. They could thus avoid hurting existing stakeholders.

The law authorized 700,000 visas per year through 1994, at which time the number falls to 675,000 (see Table 3.1). Of those 675,000 visas, 480,000 will be allocated on the basis of family preference criteria. The law continues to permit immediate family (spouses, parents, and children) of U.S. citizens to enter without restriction, outside the numerical limits. After accounting for the entry of unrestricted immediate family, the balance of the family quota (480,000 visas) is then allocated to children and siblings of U.S. citizens and to spouses of permanent aliens. However, the law guarantees a minimum of 226,000 visas for the latter group, irrespective of the number of immediate family members who enter in the unrestricted category. This number slightly exceeds the approximately 215,000 visas currently issued under the four family preference categories. Since those entering as immediate family of U.S. citizens have also exceeded 200,000 in recent years, it is probable that the limit of

Table 3.1
New Visa Provisions of Immigration Act of 1990 (000s)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall ceiling</td>
<td>none*</td>
<td>700</td>
<td>675</td>
</tr>
<tr>
<td>Family preference</td>
<td>NA</td>
<td>520</td>
<td>480</td>
</tr>
<tr>
<td>Restricted family*</td>
<td>270</td>
<td>&gt;226</td>
<td>&gt;226</td>
</tr>
<tr>
<td>IRCA permanent resident</td>
<td></td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Unrestricted family</td>
<td>217</td>
<td>unrestricted</td>
<td>unrestricted</td>
</tr>
<tr>
<td>Skilled and needed workers and investors</td>
<td>54</td>
<td>140</td>
<td>140</td>
</tr>
<tr>
<td>Diversity visas</td>
<td></td>
<td>40</td>
<td>55</td>
</tr>
</tbody>
</table>

*Although the worldwide ceiling of 270,000 was in force, immediate family of U.S. citizens who entered outside of the numerical limit exceeded that number by 80 percent. Therefore, the ceiling in the 1990 statute is not truly comparable to those that preceded it.
480,000 family preference visas will be breached, and in turn, that the 675,000 worldwide ceiling will be breached.

An additional 195,000 visas are reserved for nonfamily immigrants. 140,000 of these will be allocated to those who qualify on the basis of their ability to make an economic contribution, including 10,000 visas set aside for entrepreneurs who are prepared to invest $500,000 to $1 million in a U.S. business. In contrast to the 1965 Act, which set aside 27,000 visas for highly skilled immigrants and an additional 27,000 for either skilled or demonstrably needed unskilled workers, the 1990 Act expressly specifies high skill levels for 90,000 of those qualifying under the employment preference. Unskilled workers who can demonstrate that no qualified workers are available in the United States for the jobs they will take may qualify for the remaining 50,000 visas. In total, 21 percent of the 675,000 visas will be reserved for those who can make an economic contribution. The new statute also makes 55,000 additional diversity visas available for immigrants from countries that have not been well represented in the immigrant pool, particularly European countries.

Finally, the law provides that no single country can use more than 7 percent of those visas reserved for family and economic applicants. Thus, country quotas have effectively been increased from 20,000 to about 47,000.

In sum, Congress was extremely careful not to reduce the number of visas available in any category. Rather, it accomplished its reform objective by increasing opportunities in targeted categories—economic contribution and citizens of underrepresented countries.

Temporary Protective Status. The Immigration Act of 1990 gave statutory basis to the practice under which citizens from areas designated by the Attorney General were granted "extended voluntary departure." Under the new law, citizens of specially designated areas suffering armed conflict or natural disaster can be granted temporary protective status, permitting them to reside and work in the United States for a period of time and specifying rules for review and termination of eligibility.

The effects of creating this new status are not yet predictable. Much depends on how generously the Attorney General designates countries and at what rate refugees claim the temporary and untried status offered. The legislation granted Salvadorans immediate temporary protective status, valid until June 1992 and urged the Attorney General to designate Kuwait, Lebanon, and Liberia. Subsequent to the law's passage, these three countries and Somalia have been
designated. Some estimates placed the population of eligible Salvadorans at 350,000 to 500,000, but fewer than 200,000 have requested temporary status in the first 2 years of the program.

In fact, all three statutes offer a new and quite ambiguous temporary status to substantial numbers of additional immigrants. Temporary status under IRCA is intended to serve as an intermediate step as immigrants move quickly toward permanent status. However, the future of most asylees and of those accorded temporary protected status remains ambiguous, since the statutes do not provide for adjusting their status once the situation in their homelands improves. Quite possibly the entire pool of temporary residents will ultimately become permanent.6

Together, the three statutes enacted during the decade can be expected to have a significant and reinforcing effect on the characteristics of the immigrating population.

CONTROLLING ILLEGAL IMMIGRATION

Although IRCA paved the way for a large number of undocumented residents to achieve legal status, its primary mission was border control. Because Congress had little control over most of the "push" factors in sending countries and, in fact, little control over domestic "pull" factors, lawmakers found it difficult to formulate a policy response to the growing problem of illegal entry. After almost a decade of debate, they turned from the traditional strategy of border control to a new strategy—a strategy intended to reduce the economic lure of illegal immigration. IRCA was to substantially reduce illegal immigration by denying jobs to illegal immigrants. Without access to employment, those in the United States illegally would be forced to return home. Moreover, word would soon spread in sending countries that it was no longer possible to find employment in the United States without legal status; thus, future illegal immigration would also decline.

To deny illegal immigrants access to employment, IRCA regulates hiring practices. Historically, although it was illegal for aliens to work without proper documentation, employers could not be held responsible for hiring undocumented workers. Thus, there was no ma-

---

6Underscoring the difficulties inherent in terminating such programs, Salvadorans granted temporary protective status under the act have been offered a blanket extension.
Major domestic deterrent to the employment of undocumented workers. IRCA reversed this policy, making it unlawful for employers to "knowingly employ, recruit, or refer for a fee" undocumented workers. To ensure that employers know the status of the workers they hire, the law mandates that all employers must verify the identity and the eligibility to work of each new hire by examining specified documents and attesting to such verification on a form they must retain for future inspection. The law also specifies both civil and criminal penalties for noncompliance. To avoid economic disruptions, the legislation emphasizes early employer education and provides for an expedited repeal if the employer requirements prove to be unduly burdensome for employers.

The statute incorporates several additional provisions that reflect competing legislative concerns. The most significant of these is IRCA's antidiscrimination provision, which makes discrimination with respect to hiring, firing, recruitment, or referral for a fee on the basis of national origin or citizenship status "an unfair immigration-related employment practice." IRCA further provides that employer requirements would terminate if, at any time during the law's first three years, Congress found they resulted in "a pattern of discrimination." Finally, the Moorehead Amendment called for a 50-percent increase in the number of Border Patrol officers, indicating a congressional reluctance to commit completely to the new strategy of border control through employment control.

In sum, IRCA offered a bold new strategy for dealing with the growing problem of illegal immigration into the United States. But it did so with some strong and clearly articulated reservations.

This most active decade in immigration policymaking is certain to have significant consequences for the size and composition of the future flow of immigration into the United States, as well as the local effects of that immigration. It is important to understand these consequences as a prelude to embarking on further changes in immigration policy.

---

7IRCA P.L. 96-603 Sec. 274(A).
8IRCA Sec. 274(A). Congress instructed the GAO to report annually during the first 3 years IRCA was in place on the degree to which employer requirements unnecessarily burdened employers and the degree to which they caused a widespread pattern of discrimination in employer hiring practices. However, the ultimate decision regarding repeal rested with Congress.
4. OPENING THE DOOR: LEGAL IMMIGRATION
1981–1990

Together, the three statutes have opened the door to large numbers of new immigrants and indirectly will confer eligibility on many more. To grasp the full import of their combined effect, it is useful to identify the attributes of the new wave, including not only their aggregate numbers, but also where they come from, what skills they bring, how they concentrate geographically in the United States, and how entry of this group is likely to affect future flows.

A PERSPECTIVE ON CURRENT IMMIGRATION PATTERNS

A historical perspective offers a useful starting point in understanding the scope of current changes. Immigration is not new; the United States prides itself on being a nation of immigrants. However, as Table 4.1 indicates, the flow of immigrants has not been great during much of this century. After an initial surge of immigration in the early decades, restrictive quotas, the depression, and World War II combined to provide a several-decade hiatus, during which the earlier immigrants and their offspring were assimilated. Only in the last two decades has immigration begun to rival the flow during the first

<p>| Table 4.1 |</p>
<table>
<thead>
<tr>
<th>Flow of Legal Immigrants into the United States 1901–1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period</td>
</tr>
<tr>
<td>1901–1910</td>
</tr>
<tr>
<td>1911–1920</td>
</tr>
<tr>
<td>1921–1930</td>
</tr>
<tr>
<td>1931–1940</td>
</tr>
<tr>
<td>1941–1950</td>
</tr>
<tr>
<td>1951–1960</td>
</tr>
<tr>
<td>1961–1970</td>
</tr>
<tr>
<td>1971–1980</td>
</tr>
<tr>
<td>1981–1990</td>
</tr>
</tbody>
</table>

<sup>a</sup>Annual rate per 1,000 U.S. population.

<sup>b</sup>Includes both undocumented and documented foreign-born residents.

two decades of the century. The proportion of the population that is foreign born remains relatively low, although it is rising. However, immigration is once again making a substantial contribution to the nation's population growth.¹

PRIMARY EFFECTS OF THE 1980s LEGISLATION

The Reach of the New Immigration Statutes

The Refugee Act and IRCA opened the door for a substantial share of the total immigration that occurred between 1981 and 1990. As Table 4.2 shows, 28 percent of the 7.3 million immigrants who have completed their adjustment to permanent resident status during the decade did so under the provisions of either IRCA or the Refugee Act of 1980. Once the 1.2 million temporary and pending SAW applications complete processing, these two statutes will account for more than 35 percent of the decade's immigrants. Most adjusted under IRCA's amnesty program, but 775,000 refugees and asylees qualified under the provisions of the Refugee Act. The vast majority entered as refugees; relatively few gained legal status as asylees. Also, 237,000 refugees entered under programs enacted before 1980.

Table 4.2

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1980s Programs</td>
</tr>
<tr>
<td>Asylees</td>
</tr>
<tr>
<td>Refugees</td>
</tr>
<tr>
<td>IRCA/Pre-82</td>
</tr>
<tr>
<td>IRCA/SAWs³</td>
</tr>
<tr>
<td>(temporary &amp; pending)</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>


⁳Data on IRCA applicants with temporary status include both those who had temporary status and have now achieved permanent status and those who have not yet attained permanent status.

¹Borjas, op. cit., p. 6.
Although IRCA's amnesty program will conclude shortly, the Refugee Act and the Immigration Act of 1990 will continue to provide expanding opportunities for immigration through the next decade and beyond. Both permit substantial flexibility in applying their ceilings; in the current political environment, that flexibility is likely to be used generously. Despite the fact that Congress initially expressed the intention that those permitted to enter under the Refugee Act would not exceed 50,000 a year, authorized admissions have not fallen below 67,000 in a year, and the 1990 ceiling was set at 125,000. Furthermore, in addition to its flexible ceiling, the Immigration Act offers immigrants from some countries the additional avenue of temporary protective status. During the first 18 months of the program, five countries were designated and 200,000 applicants were granted temporary status that includes authorization to work.2

In sum, the 1990 legislation is both directly and indirectly expansionary. The legislation formally expands immigration opportunities by creating new avenues and by increasing the number of visas available under old provisions. The statutes also build flexibility into their numerical restrictions, and that flexibility is likely to be used with expansionary results as long as the numbers of intending immigrants exceed the established limits. In view of the intensifying demand worldwide, it is unlikely the immigration pressure on the United States will diminish soon.

Effects of New Statutes on Ethnic Composition of the Immigrant Flow

The 1965 reforms had a significant effect on the ethnic composition of those immigrating to the United States. As shown in Table 4.3, the new rules lead to a marked decrease in the number of European immigrants and a commensurate increase in the number of Asian and Latino immigrants. During the last two decades, Asians have come primarily from Korea, the Philippines, Vietnam, and China. Latinos have come principally from Mexico, with additional flows from El Salvador and the Dominican Republic.

Recent immigration legislation has reinforced these earlier trends. As Table 4.4 shows, the Refugee Act of 1980 has favored Asian refugees, particularly immigrants from Vietnam, Laos, and Cam-

---

2INS, private communication, May 20, 1992. It should be noted, however, that the status conferred on this group is temporary. What happens when it expires is unclear at this writing.
Table 4.3
(percent)

<table>
<thead>
<tr>
<th>Period</th>
<th>Africa</th>
<th>Asia</th>
<th>Latin America and Caribbean</th>
<th>Europe and Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941–1950</td>
<td>0.7</td>
<td>3.1</td>
<td>17.7</td>
<td>76.6</td>
</tr>
<tr>
<td>1951–1960</td>
<td>0.6</td>
<td>6.1</td>
<td>24.6</td>
<td>67.7</td>
</tr>
<tr>
<td>1961–1970</td>
<td>0.9</td>
<td>12.9</td>
<td>39.2</td>
<td>46.3</td>
</tr>
<tr>
<td>1971–1980</td>
<td>1.8</td>
<td>35.3</td>
<td>40.3</td>
<td>21.6</td>
</tr>
<tr>
<td>1981–1990</td>
<td>2.4</td>
<td>37.5</td>
<td>47.1</td>
<td>12.5</td>
</tr>
</tbody>
</table>

SOURCE: U.S. Department of Justice (1991), Table 2.
NOTE: Numbers do not sum to 100, because some immigrants originated in Oceania, and the origins of some others are unknown.

Table 4.4
Ethnic Composition of Immigrants Adjusting Under IRCA and the Refugee Programs, 1981–1990a
(percent)

<table>
<thead>
<tr>
<th>Type</th>
<th>Asia 000s</th>
<th>%</th>
<th>Mexico, Central America, and the Caribbean 000s</th>
<th>%</th>
<th>South America 000s</th>
<th>%</th>
<th>Europe and Canada 000s</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees and asyleesb</td>
<td>712.1</td>
<td>70.0</td>
<td>121.8</td>
<td>12.0</td>
<td>2.0</td>
<td>0.1</td>
<td>155.5</td>
<td>15.0</td>
</tr>
<tr>
<td>IRCAc</td>
<td>149.0</td>
<td>4.9</td>
<td>2677.9</td>
<td>88.2</td>
<td>103.8</td>
<td>3.4</td>
<td>40.8</td>
<td>1.3</td>
</tr>
<tr>
<td>Temporary protective status</td>
<td>6.8</td>
<td>3.4</td>
<td>186.0</td>
<td>93.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>


aRefugee data refer to refugees and asylees who have received permanent status, while IRCA data refer to applications for legal status. Therefore, the numbers reported here are larger than those reported in Table 4.3.

bDoes not include data from Africa or the Middle East.

cTemporary protective status data reflect actions through April 1992.
bodia. IRCA and the provision of the Immigration Act of 1990 offering temporary protective status to designated refugees has greatly increased legal immigration from Mexico and Central America.

Both the economic and the diversity preferences contained in the Immigration Act of 1990 are expected to diminish these trends to some degree, but only slowly. The 55,000 visas set aside for diversity should increase immigration from Europe, and the 140,000 visas set aside to encourage economically beneficial immigration may also increase the flow from Europe, although that is not yet proven. But together these preferences account for only 195,000 immigrants per year, or approximately 13 percent of the 1990 flow.4

Other Characteristics of the New Immigrant Flow

Other characteristics of the immigrant flow may provide useful indicators of the likely economic effects and service requirements of today’s immigrants. Characteristics of particular consequence include gender, age, education, skills, labor-force participation and propensity to naturalize.

As indicated in Table 4.5, immigrant men have somewhat outnumbered immigrant women over the last decade. The proportion of those immigrating who are under 20 years old declined with IRCA’s legalization program but, absent IRCA, approximates the proportion of the native population that is in that age group. Otherwise, immigrants are substantially more concentrated in the 20 to 34 age group and much less concentrated in the over-65 age group than the native population.5 These demographic differences, in combination with the higher fertility rate of immigrants, imply that second-generation immigrant children will constitute a larger share of the U.S. school-age population than might be expected.

As these data clearly demonstrate, those gaining legal status under IRCA do not conform to the traditional profile of the undocumented worker. Many are women; over 40 percent are married; and the median age is only a few years less than that of the native population.

---

3 Only four countries sent more than 100,000 refugees and asylees: Vietnam (over 300,000), Cambodia, Laos, and Cuba.
4 This 195,000 would, however, be approximately 23 percent of an estimated flow that excludes the 650,000 aliens legalized in 1990 under IRCA and adds the 195,000 entrants authorized by the 1990 legislation.
5 U.S. Department of Justice, op. cit., pp. 44–45.
Table 4.5
Select Characteristics of Immigrant Population, 1990
(percent)

<table>
<thead>
<tr>
<th></th>
<th>Under Age 20</th>
<th>Over Age 65</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Population</td>
<td>29</td>
<td>13</td>
<td>51</td>
</tr>
<tr>
<td>All immigrants</td>
<td>20&lt;sup&gt;a&lt;/sup&gt;</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>IRCA/Legalization</td>
<td>17</td>
<td>1</td>
<td>43</td>
</tr>
<tr>
<td>IRCA/SAWs</td>
<td>14</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>Refugee/Asylee</td>
<td>35</td>
<td>5</td>
<td>46</td>
</tr>
</tbody>
</table>


<sup>a</sup>Since a smaller percentage of the IRCA population is less than 20 years older than the average immigrant population, this percentage is about 10 points lower than it would otherwise be. In years when IRCA applicants are not a large fraction of the immigrant population, approximately 30 percent of that population is under 20 years of age.

Education and skill level also serve as important predictors of successful economic assimilation for immigrants, and recent research is uncovering some disquieting trends. However, it is important to note that meaningful comparisons between immigrants and the native population over time and between different cohorts of entering immigrants can be difficult to make. Furthermore, the long-term significance of gaps between the education and skills of new immigrants and either former cohorts or the native population remains difficult to assess. While gaps certainly affect the economic well-being of first-generation immigrants, it is unclear how persistent the gap is through successive generations. This remains a critical area of future research.

Current evidence strongly suggests a continuing decline in the education and skill levels of immigrants relative to natives. Figure 4.1 documents important findings regarding trends in the training and labor-force participation of newly arriving immigrant cohorts over time. These data report years of schooling, labor-force participation rates, unemployment rates, annual hours of work, and hourly wages for successive cohorts of entering immigrant men in a effort to uncover longitudinal patterns. They indicate that although more recent immigrant men have completed more years of schooling than did their predecessors,<sup>6</sup> the gap between their average attainment and

---

<sup>6</sup>This is not an indication that the United States has been more successful in recruiting skilled immigrants, but rather a reflection of the fact that average educational attainment rose worldwide through the reported period.
SOURCE: George B. Borjas, *Friends or Strangers*, Basic Books Inc., N.Y., 1990, p.50. Borjas' tabulations from the Public Use Samples of the 1940, 1960, 1970, and 1980 U.S. Censuses. The statistics refer to the population of men aged twenty-five to sixty-four. The recent immigrant wave includes persons who migrated to the United States in the five-year period prior to the census. The unemployment rate is calculated in the sample of labor-force participants, and the average hours of work and hourly wage rates are calculated in the sample of workers.

Figure 4.1—New Immigrant Men Versus Native Men in the Labor Market, 1940–1980
that of native men has grown substantially between 1940 and 1980. These data also suggest that immigrants are not as successful members of the labor force as native men and, most important, that the divergence between the two has tended to grow since 1970. Data for 1980–1990 are not yet available, but it is quite likely these important trends have been magnified by the Refugee Act and IRCA.

These trends are likely to have a number of different causes. Over time, there may be major shifts in the countries that send large numbers of immigrants and in the groups within those countries that are motivated to find a new home. These shifts are likely to give rise to changing aggregate characteristics of the immigrant flow, as suggested in Table 4.6. Since the 1950s, the proportions of Latino and Asian immigrants have risen significantly. While Asian immigrants enter with about the same amount of schooling as their European counterparts, Latino immigrants, especially those from Mexico, enter with considerably less. (See Table 4.6.)

Both IRCA and the Refugee Act contribute substantially to the proportion of Latinos and Asians in the immigrant pool, but no data characterize the specific educational and skill levels of those who have adjusted under these two programs. It is, however, likely that, on average, Asian refugees come with less education than Asians entering under INA provisions, because the latter are part of the flow linked to the seed immigrants entering under the third preference as highly skilled workers. IRCA immigrants are largely Mexican and are likely to fall well below the average of the total immigrant population in schooling.

Patterns of Location in the United States

Where new immigrants locate once they arrive has important implications for economic effects, absorption, allocation of costs of certain services that immigrants may use disproportionately, and the settlement patterns of future immigrants. Although their aggregate numbers may be small in proportion to the population as a whole, if immigrants tend to concentrate in a few areas, these areas will feel

---

7These conclusions are borne out in more recent work by James P. Smith (private communication, July 9, 1992).
8Borjas, op. cit., Table A-2, p. 231.
9Borjas, op. cit., Table A-2, p.231. Mexican immigrants average about 6 years of schooling, a number that has remained stable between 1960 and 1980. See also Vernez and Ronfeldt, op. cit., p. 1191.
Table 4.6
Immigrant Characteristics by Region of Origin, 1980

<table>
<thead>
<tr>
<th>Place of Birth</th>
<th>Foreign Born (000s)</th>
<th>Arrived in U.S. (%)</th>
<th>Educational Level (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td>4,743</td>
<td>8.1</td>
<td>7.5</td>
</tr>
<tr>
<td>Canada</td>
<td>843</td>
<td>9.8</td>
<td>5.4</td>
</tr>
<tr>
<td>USSR</td>
<td>406</td>
<td>21.1</td>
<td>3.2</td>
</tr>
<tr>
<td>Asia</td>
<td>2,539</td>
<td>47.0</td>
<td>22.4</td>
</tr>
<tr>
<td>Korea</td>
<td>290</td>
<td>52.3</td>
<td>31.6</td>
</tr>
<tr>
<td>Philippines</td>
<td>501</td>
<td>34.4</td>
<td>29.2</td>
</tr>
<tr>
<td>Vietnam</td>
<td>231</td>
<td>90.5</td>
<td>7.1</td>
</tr>
<tr>
<td>Central/North America</td>
<td>2,553</td>
<td>33.7</td>
<td>24.5</td>
</tr>
<tr>
<td>Mexico</td>
<td>2,199</td>
<td>33.0</td>
<td>24.7</td>
</tr>
<tr>
<td>El Salvador</td>
<td>94</td>
<td>51.3</td>
<td>25.9</td>
</tr>
<tr>
<td>Caribbean</td>
<td>1,258</td>
<td>18.6</td>
<td>24.1</td>
</tr>
<tr>
<td>Cuba</td>
<td>608</td>
<td>6.3</td>
<td>20.6</td>
</tr>
<tr>
<td>South America</td>
<td>561</td>
<td>32.6</td>
<td>23.6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>14,080</td>
<td>23.7</td>
<td>15.8</td>
</tr>
</tbody>
</table>

SOURCE: U.S. Bureau of the Census (1991), Table 47.
substantial effects. Moreover, because the effects are localized, policymakers at the national level, where immigration policy is made, may not be fully attuned to the implications of their decisions.

Despite their growing numbers, new immigrants constitute only a small fraction of the domestic population. However, they also tend to concentrate in certain states and in certain metropolitan areas. This is particularly true of those who have legalized under IRCA—87 percent resides in one of six states, with 54 percent residing in California alone. These same six states also receive well over half of those who gain legal status under all other programs, as shown in Table 4.7.

Although states typically assume some responsibility for programs and services that may be consumed disproportionately by immigrants, the real story is told at the local level. Local government continues to bear primary responsibility for the education, health, and welfare of its residents. During the last large wave of immigration, at the turn of the century, local (both public and private) institutions responded with new public health and safety requirements and ser-

Table 4.7
Top-Ranking States Where Documented Immigrants Intend to Locate, 1982-1990 (percent)

<table>
<thead>
<tr>
<th>States</th>
<th>All Legal Immigrants&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Refugees/Asylees&lt;sup&gt;b&lt;/sup&gt;</th>
<th>IRCA Applicants</th>
<th>Foreign Born in 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>33</td>
<td>33</td>
<td>54</td>
<td>22</td>
</tr>
<tr>
<td>Florida</td>
<td>6</td>
<td>11</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Illinois</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>New Jersey</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>New York</td>
<td>16</td>
<td>6</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Texas</td>
<td>9</td>
<td>6</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Percentage of national total</td>
<td>74</td>
<td>63</td>
<td>87</td>
<td>NA</td>
</tr>
</tbody>
</table>


<sup>a</sup>Legal immigrants include refugees, asylees, IRCA applicants, and those with visas.

<sup>b</sup>Percentages for a few states, including California, probably underestimate the numbers of immigrants settling there, because many soon migrate from their original locations to communities of similar ethnicity.
services, with services targeted to immigrant communities, and with expanded educational offerings. They were the first and the last source of support.

As might be expected, the immigrants of today, like those of the early 1900s, tend to concentrate heavily in just a few metropolitan areas (Table 4.8), and their presence is keenly felt. Over 60 percent of the 1.5 million immigrants who attained permanent status in 1990\textsuperscript{10} stated that they intended to reside in one of six metropolitan areas: Los Angeles–Long Beach, New York, Chicago, Anaheim–Santa Ana, Houston, or Miami. Similar choices were made by those who came in preceding years.

While reliable information is not available on the actual costs the new wave of immigration may be imposing on local governments in areas of high concentration, certain demographic characteristics of these areas are suggestive, particularly with respect to education. As Table 4.9 indicates, the concentrations of foreign born in these metropolitan areas is high. Furthermore, close to half of the foreign-born population that resides in these areas has entered the country within the last 10 years and therefore may be more in need of special services (bilingual teachers, adult education, medical care) than those who have been in residence longer. Of particular importance to local schools is the fact that a substantial number of those under 18 years of age are foreign born or report that they do not speak English “very well.”

Table 4.8
Top Metropolitan Areas of Intended Residence, 1990

<table>
<thead>
<tr>
<th>Metropolitan Statistical Area</th>
<th>All Immigrants</th>
<th>IRCA Applicants</th>
<th>Refugees/Asylees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>000s</td>
<td>000s</td>
<td>000s</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Los Angeles–Long Beach</td>
<td>374.7</td>
<td>803.0</td>
<td>17.0</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>27</td>
<td>17</td>
</tr>
<tr>
<td>New York</td>
<td>164.3</td>
<td>183.1</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Chicago</td>
<td>73.1</td>
<td>136.5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Anaheim–Santa Ana</td>
<td>65.4</td>
<td>143.4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Houston</td>
<td>58.2</td>
<td>132.5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Miami</td>
<td>37.7</td>
<td>64.3</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>7.1</td>
<td></td>
</tr>
</tbody>
</table>


\textsuperscript{10} Including those adjusting under IRCA.
Table 4.9
Characteristics of Select Metropolitan Immigrant Populations, 1990

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>000s %</td>
<td>000s %</td>
<td>000s %</td>
<td>000s %</td>
</tr>
<tr>
<td>Los Angeles—Long Beach</td>
<td>2,895.1 33</td>
<td>1,626.1 52</td>
<td>394.5 17</td>
<td>361.6 16</td>
</tr>
<tr>
<td>New York</td>
<td>2,271.3 27</td>
<td>1,031.0 45</td>
<td>224.8 12</td>
<td>207.1 11</td>
</tr>
<tr>
<td>Chicago</td>
<td>797.1 13</td>
<td>314.6 40</td>
<td>74.0 5</td>
<td>84.2 5</td>
</tr>
<tr>
<td>Anaheim—Santa Ana</td>
<td>656.1 26</td>
<td>321.5 49</td>
<td>81.0 14</td>
<td>68.5 12</td>
</tr>
<tr>
<td>Miami</td>
<td>874.6 45</td>
<td>382.8 44</td>
<td>85.6 18</td>
<td>60.0 13</td>
</tr>
<tr>
<td>Houston</td>
<td>439.6 13</td>
<td>235.9 54</td>
<td>61.0 14</td>
<td>65.6 7</td>
</tr>
<tr>
<td>National</td>
<td>19,767.0 8</td>
<td>8,663.6 44</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>


IMPLICATIONS FOR FUTURE TRENDS

As we noted in Section 2, immigration policy objectives include responding to humanitarian concerns of family unity and refugee resettlement, supporting domestic economic requirements without adversely affecting native workers, and reinforcing foreign policy interests. By affecting the size and characteristics of the entering immigrant population, the legislation enacted during the 1980s has certainly influenced our ability to achieve these goals—sometimes for the better, sometimes for the worse, and sometimes in directions that are not yet discernible. In addition to direct effects, these statutes can be expected to have some important indirect effects, as well.

Reinforcing Expansionary Pressures

The legislation adopted during the 1980s has the potential for expanding the future immigrant population beyond what we have discussed above. Several forces press in the direction of expansion.

Entry Outside the Numerical Limitations. The legislation of the 1980s established a strong precedent for programs that provide for entry outside of the worldwide ceiling established by the INA. Over 80 percent of those attaining immigrant status in 1990 were admitted
outside of the worldwide numerical ceiling. However, even when excluding the large group who legalized under IRCA, well over half of those entering were admitted outside the worldwide ceiling.

Expansion is especially likely in the unrestricted category of immediate relatives of U.S. citizens; 65 percent of the non-IRCA pool who entered in 1990 were immediate family of U.S. citizens. Immediate family members eligible for unrestricted entry are especially likely to increase, because many entrants arriving in new categories (refugees, asylees, amnesty applicants, and the employment and diversity categories of the 1990 statute) are seed immigrants with the potential of greatly expanding future immigration in this category.

If this potential is to be fully realized, immigrants with permanent status must eventually naturalize and have immediate family to bring. It is still too early to determine the rate at which those now immigrating to the United States will be naturalizing. Historically, Asians have naturalized at a high rate, while immigrants from Mexico and Central America have not. However, in a recent survey, 80 percent of those interviewed who had attained legal status under IRCA report that they intend to apply for citizenship.\footnote{Comprehensive Adult Student Assessment System (CASAS), A Survey of Newly Legalized Persons in California, San Diego, Calif., 1989, pp. 3–11. Also Vernez and Ronfeldt, op. cit., p. 1191.} Thus, the naturalization rates for Latino immigrants may increase, expanding opportunities for future immigration.

Pressure to Extend Programs. Political forces favor expanding opportunities for immigration, as well. Immigrant advocacy groups have grown substantially in number and in influence over the past two decades. Almost uniformly, they support expanding immigration opportunities. At the same time, segments of the business community have joined the advocacy groups in their efforts to open the door to more legal immigration, while organized labor plays a waning role in immigration policymaking. States also often support programs to expand eligibility, so they can obtain federal reimbursement for public benefits given to their illegal immigrant population.\footnote{Joan Biskupic, "Sweeping Changes Abroad Confound U.S. Policy," Congressional Quarterly, February 24, 1990, p. 595.}

Fragmentation of Immigration Decisions. Immigration policy, like most policy, is made piecemeal with expansionary effect. Legislative proposals to shape refugee and asylee policy, visa allotments, and amnesty policy are debated individually. Implementing decisions regarding refugees and asylees are often made case by case.
in the midst of well-publicized humanitarian crises. The cumulative effect of the several programs expanding eligibility for legal status is not likely to be widely appreciated either by many policymakers or the public.

In sum, the current policymaking environment favors the expansion of opportunities for immigration. Support for extending opportunities is likely to be concentrated and strong; opposition is likely to be diffuse, less strongly held, and therefore less effective.

Likely Trends in Residential Concentration, Education, and Skill Levels

There is no reason to believe that immigrants will depart from current patterns of residential choice in the next decade. To the contrary, the evidence suggests that family and social ties are an important ingredient in locational decisions. Therefore newcomers, with ties to those who have previously come, are likely to continue to settle in regions of current high concentration, further increasing the density of immigrants in these metropolitan areas.

It is difficult to predict how the legislation enacted in the 1980s will affect trends in the education and skill levels of future immigrants. Both IRCA and the continuing emphasis on family unification are likely to further diminish education and skill levels. The population entering under the Refugee Act, on the other hand, may undergo major shifts, depending on how Congress and the president allocate opportunity. For example, under one highly plausible scenario of world change, more highly educated and skilled refugees from Eastern Europe and the former Soviet Union might replace Asians and Cubans as the predominant refugee population.

Finally, the 140,000 visas reserved by the Immigration Act of 1990 for immigrants who satisfy economic objectives should lead to some increase in the average skill level of the entering population.

AMBIGUITY REGARDING BENEFITS
AND TARGETED SUPPORT

The legislation enacted during the 1980s suggests considerable ambivalence regarding what support and entitlements should be made available to new immigrants once they arrive. Each of the statutes deals differently with the issue, and Congress has been extremely inconsistent in making appropriations for the qualified support it has initially authorized.
The question of what access to give new immigrants to entitlements and other public benefits is relatively new. No such programs existed during the last period of heavy immigration, and there was no tradition of governmental support for groups with special needs. In the intervening years, a complex network of social insurance and safety-net programs has developed, supplemented by additional programs for those at special risk or suffering particular impairments. New immigrants often need special support, because many come from far away with limited work skills, no English, little education, and little social support. But there is considerable ambivalence in the policy community about the role of government in meeting these special needs or, more generally, providing immigrants with access to existing safety-net programs. Federal, state, and local governments, all of whom face mounting fiscal difficulties, share a reluctance to expand financial commitments.

Federal Benefits

Refugees. The Refugee Act gives refugees immediate access to certain types of support, including transportation, relocation allowances, job training, and domestic safety-net programs (such as Aid to Families with Dependent Children [AFDC], Supplemental Security Insurance, and Medicaid). While offering eligibility, Congress also initially committed to absorbing much of the additional state and local cost of the expanded eligibility through Refugee Assistance programs.

However, lawmakers have been unwilling to sustain their commitment, matching the growing numbers of refugees with additional new appropriations. Rather, funds the United States had set aside to provide assistance to refugees remaining in overseas centers are being diverted to support the entering refugee population, and the support

---

13 This is not to say that local governments did not respond to the wave of immigration in the early part of the century. They did respond, with newly organized public health services and regulation, housing regulation, accommodations within the framework of public education, and other public services. The private philanthropic sector also responded with a host of local supports. However, in this period, there was no web of entitlement programs and no tradition of governmentally funded programs that targeted groups experiencing particular economic difficulty.


15 There are a few special categories of refugees that are not entitled to these benefits, but they account for a small proportion of entering refugees.
available to this population has been cut dramatically.\textsuperscript{16} Between 1982 and 1990, resettlement assistance fell from $4,500 per refugee to $2,000, and the federal government substantially reduced its reimbursement support to state and local governments for public assistance and AFDC.\textsuperscript{17}

\textbf{Asylees.} Asylees are not entitled to federal benefits unless they adjust to permanent status. At that time, they become eligible for federal support.

\textbf{Aliens Legalizing Under IRCA.} Provisions governing access to public benefits for those who legalize under IRCA suggest tensions similar to those found in the refugee program. Congress was unwilling to offer special benefits to those who had originally entered the country illegally, despite the fact that this group was to be granted permanent resident status. Therefore, an amendment was added to IRCA that denied most legalizing aliens eligibility for federally funded benefits for five years, leaving the states and counties fully responsible for providing them with most public benefits and services.\textsuperscript{18}

This amendment immediately provoked serious opposition to the legislation from state and local governments, who objected to the implicit cost shifting. To dampen their opposition, IRCA supporters authorized a special categorical aid program, the State Legalization Impact Assistance Grants (SLIAG) of up to $4 billion to be paid out over 7 years. The grants were to reimburse state and local governments and public service agencies for the costs they incur providing health, welfare, and special educational services to those who adjust to legal status under IRCA. However, the Department of Health and Human Services (DHHS) was extremely slow in implementing the program, and Congress has deferred distribution of $1.1 billion of the promised funds first in 1990 and again in 1991. It remains unclear whether the entire $4 billion will eventually reach the states, which suggests an ongoing federal reluctance to support immigrants in the process of adjustment.

\textsuperscript{16}Biakupic, op. cit., p. 595.

\textsuperscript{17}Ibid. Initially, the Refugee Act provided local reimbursement for up to 36 months of AFDC and public assistance. By the end of the decade, federal support for AFDC was limited to 4 months and public assistance to 12 months.

\textsuperscript{18}Ironically, SAWs and RAWs applicants enjoy somewhat broader eligibility than the pre-1982 applicants, despite the fact that their residence requirements are considerably less demanding.
State and Local Benefits

Although practices may vary from one location to another, state and local governments typically make their public assistance programs (if they offer public assistance) equally available to native and documented residents, regardless of federal policy. Public health care, primary, and secondary education are usually available to all residents, regardless of documentation, although access to postsecondary education may be limited to those who have legal status. However, given the growing inclination of the federal government to shift costs, it is unclear how the states and communities with high concentrations of immigrants can assume the growing responsibility. They themselves face serious budgetary problems.

CONCLUSIONS

As might be predicted from the statutory provisions, legislation enacted during the 1980s has paved the way for dramatic growth in immigration. The laws themselves have opened the door for close to 3 million new immigrants, over 35 percent of the decade's total flow. Furthermore, the evidence suggests these high levels will persist for the foreseeable future. It is likely that documented immigrants—refugees, asylees, those entering under the numerical ceiling, and immediate family members and others entering outside that ceiling—will enter at a rate of over 850,000 per year over the coming decade. That number will be further expanded to about 1 million by continuing high levels of illegal immigration (see below). Although the full effects of the growth in immigration are unlikely to be broadly felt across the nation, some communities will feel them in the extreme.

There is little evidence, however, that policymakers have a strong grasp of what these effects will be or how they might be managed. In fact, there is little pressure on the federal policymakers who make immigration policy, to carefully examine the implications of their actions, since most of the consequences and costs of immigration are borne by a few state and local governments. But because the consequences of current policies will be substantial and ultimately are likely to become the topic of future national debate, it is important that they be explored now and that an improved understanding play a role in the crafting of future immigration policy.
5. CONTROLLING THE BORDERS: A NEW STRATEGY

1986 marked a watershed in the evolution of U.S. immigration policy. Challenged by unprecedented illegal immigration, Congress mandated new regulatory control of hiring practices to cut off employment opportunities to undocumented job applicants, hoping to staunch and even reverse the flow of undocumented immigrants into the United States.

THE UNDOCUMENTED ALIEN POPULATION

The undocumented population is overwhelmingly Mexican in origin, and it no longer conforms to the historical model of young, single males working temporarily in agriculture. Of those who applied for amnesty under IRCA, 75 percent were born in Mexico. A large fraction of the undocumented population are women, as indicated by the fact that 43 percent of IRCA's legalization applicants were female. The evidence strongly suggests that an increasing share of the undocumented population does not migrate temporarily, but is now taking up permanent residence in the United States.1 Thus, the flows are not circular; they represent a growing permanent population. New illegal immigrants continue to be drawn by the lure of economic opportunity, but their decisions to come, locate, and remain are now reinforced by growing networks of friends and relatives.

Accurate estimates of the undocumented population in residence in the United States and the flow of undocumented aliens entering the country are very difficult to obtain; until recently, no generally accepted empirical estimates were available.2 Current empirical studies generally conclude that, between 1970 and 1986, undocumented aliens were entering the country at the rate of between 150,000 and 250,000 per year. This represents the flow of undocumented aliens. Analysts also estimate that between 2 and 4 million undocumented

---


2For a full discussion of the evolution of estimates, see Bean, Edmonston, and Passel, op. cit., Chapter 1.
aliens resided in the United States in 1980. This quantity represents the stock of undocumented aliens. The rate of the flow perhaps suggests that more undocumented aliens should be in residence; however, current trends toward permanent relocation notwithstanding, this population has historically tended to leave and return with some frequency, inflating the flow.

IRCA'S EFFECTS

Effects on the Flow of Undocumented Aliens

The preponderance of evidence suggests that IRCA's effect on the flow of illegal immigrants has been modest at best. Numerous studies have been conducted to determine what effect the new law may have. These studies have used different approaches, and only some have attempted to take into account the effects of IRCA's amnesty program and changes in INS border monitoring. Their results have been quite diverse; however, most have not found substantial effects. Generally, they have found reductions in illegal immigration that range from 0 to 30 percent.

Effects on the Stock of Undocumented Aliens

As Congress sought to close the door to new illegal immigrants, it also hoped that IRCA would force illegal residents to return to their homelands. However, the evidence suggests that the new law has had no such effect. Estimates suggest that somewhere between 2 and 4 million undocumented aliens resided in the United States at the beginning of the decade and that illegal immigration contributed an additional 100,000 to 300,000 people to the net population growth be-

---


4Measuring IRCA's effect on undocumented immigration is an exceedingly difficult task. Even if it were possible to estimate the flow of illegal immigration (the number of individuals who cross illegally) accurately, interpreting the significance of changes in the flow can be problematic. Prior to the passage of IRCA, undocumented resident aliens passed back and forth, usually across the border with Mexico, between the United States and their homelands. Many of these residents gained legal status under IRCA's amnesty program and could then cross legally. Therefore, a reduction in the flow of illegal traffic would occur even if, for example, the rate of new undocumented immigration remained constant after the adoption of IRCA. For a fuller discussion, see Keith Crane, et al., The Effects of Employer Sanctions on the Flow of Immigrants to the United States, RAND and The Urban Institute, JRI-03, April 1990.
tween 1980 and 1986. Recent analysis indicates that the number of undocumented residents dropped to about 2 million after the passage of IRCA. However, this decline is not attributed to the departure of the remaining undocumented population, but rather to the fact that a large proportion of the undocumented population attained legal status under IRCA. In 1989, the INS estimated that the undocumented population again numbered somewhere between 2 and 3 million, a stock comprising both earlier immigrants who did not apply or qualify for legalization under IRCA and those who had entered illegally since IRCA’s passage. In sum, the United States entered the decade of the 1980s with between 2 and 4 million undocumented residents and then, after according legal status to 2–3 million, concluded the decade with an undocumented population of about the same size.

IMPEDEMENTS TO EFFECTIVENESS

To be successful, the introduction of employer requirements must be a sound concept, operationally feasible, adequately funded, and persistently implemented. The logic underlying the employer requirements concept is neither inherently flawed nor, seemingly, impossible to implement. On the other hand, it presents an enormous undertaking that must receive substantial and consistent support. That kind of support has been lacking.

Competing Policy Goals

Government programs and policy objectives often conflict one with another. In the case of enforcing IRCA’s employer requirements, the competing requirements of both civil liberties and civil rights throw up significant obstacles to strong enforcement. Conflicts are espe-

---


6Ibid.


8Although over 3 million have applied for legal status, most SAWs applications are still pending.

9The following discussion of the implementation of IRCA draws heavily on Elizabeth Ralph and Abby Robyn, A Window on Immigration Reform: Implementing the Immigration Reform and Control Act in Los Angeles, RAND and The Urban Institute, JRI-06, August 1990, and Michael Fix and Paul Hill, Enforcing Employer Sanctions: Challenges and Strategies, RAND and The Urban Institute, JRI-04, May 1990.
cially apparent in policy regarding documentation and rules governing discrimination.

Civil Liberties and Documentation Needs. There is a deep-seated tradition in the United States of avoiding the centralized identification or registration of citizens, because such identification is believed to offer unwarranted opportunities for government harassment and invasion of privacy. The absence of an accepted national identity card has become perhaps the central obstacle to the enforcement of IRCA's employer requirements. The program, as mandated by Congress, rests on a very fragile base of varied and easily counterfeited documentation. New hires may meet IRCA identification and proof of right to work requirements by presenting any of a large number of different and sometimes obscure documents, including social security cards and driver's licenses. Many are reasonably easy to counterfeit. Employers are not required to verify the documentation they use.

There are no data on the extent to which fraudulent documents are being used. Such documents are widely available, however, and at very affordable prices—well under $50 for a complete set, according to INS agents. Since production and sale of counterfeit documentation is simple and decentralized, controlling distribution is virtually impossible. Availability and use will expand and contract as employers comply or ignore the IRCA requirements.

Inability to control the use of counterfeit documents has several important consequences. It allows countless undocumented workers to circumvent the law. It also sends the signal to the community of potential illegal immigrants that there are effective ways to circumvent the law. Therefore, any reductions in illegal immigration that might have immediately resulted from the passage of IRCA can be expected to be short lived. Finally, and perhaps most importantly for the development of an effective enforcement program, the ease with which undocumented workers can obtain and use counterfeit documents presents INS investigative agents with a very demoralizing enforcement environment, an environment not so different from the one they faced prior to the passage of IRCA.

How best to deal with the current situation is extremely problematic. Many observers are urging the adoption of a single, difficult-to-duplicate national work authorization card, like those used in many European countries. Others recommend alternative mechanisms that rely on verification of the status of job applicants through a national database. However, these options pose serious problems of their own. Most obviously, they raise long-standing concerns regarding the ad-
visability of introducing any mandatory national registration system. The Department of Justice, for example, has consistently opposed the use of a national database.\textsuperscript{10} Furthermore, a recent audit indicates that close to 20 percent of the INS's current central alien information repository is either missing or wrong.\textsuperscript{11} Therefore, no national system could be based on this database as it currently exists. The considerably more modest remedy of reducing the current confusing array of INS documents and making them harder to duplicate may reduce the potential for fraud somewhat, but it is unclear by how much.

Civil Rights and Hiring Procedures. As we noted above, the antidiscrimination and sunset provisions of IRCA made explicit the dual objectives of program enforcement and civil rights. Predictably, the two have been in considerable competition with one another.

Congress incorporated IRCA's antidiscrimination provisions late in the legislative process, and most lawmakers never believed that discrimination would, in fact, be a problem. They were, therefore, comfortable invoking the very strong consequence of repealing employer sanctions if a pattern of discrimination did emerge. Ironically, as a result, enforcement has suffered, but employers have, nonetheless, discriminated, usually because they misunderstand what the law is asking of them.\textsuperscript{12}

The GAO, after conducting a national survey of employers, concluded that IRCA had resulted in “a widespread pattern of discrimination on the basis of national origin.”\textsuperscript{13} The GAO found that 19 percent of the nation's employers use discriminatory hiring practices, a finding supported by other studies.\textsuperscript{14} However, analysts caution that the conclusions of all these studies are tenuous; in some cases, their samples are small, and none can compare post-IRCA behavior with pre-IRCA behavior.


\textsuperscript{11}Ibid.

\textsuperscript{12}GAO, Immigration Reform: Status of Implementing Employer Sanctions After Second Year, GAO/GGD-89-16, 1989, pp. 46–47.


\textsuperscript{14}Harry Cross et al., Employer Hiring Practices, Differential Treatment of Hispanic and Anglo Job Seekers, The Urban Institute, Report 90-4, 1990. See also studies by the San Francisco-based Coalition for Immigrant and Refugee Rights and Services and the New York State Inter-Agency Task Force on Immigration Affairs.
Although it found a widespread pattern of discrimination, the GAO did not recommend repeal of the employer requirements. Rather, it suggested that employer education be improved, since much of the discrimination seemed to stem from a poor understanding of the law and how to determine work eligibility. Of the employers surveyed, 40 percent did not understand the requirements for document verification or completing INS's I-9 form, almost 50 percent did not understand IRCA's hiring restrictions, and 17 percent were unaware of the law. GAO conclusions have been confirmed by a second study, which suggests employers have only a general notion about IRCA and its purpose. From that general notion, they infer (albeit incorrectly) what actions are required of them to conform to its requirements.\textsuperscript{15}

But this is, perhaps, all that can reasonably be expected of them. A law that requires a large, decentralized group of individuals to inform themselves about complex procedures without providing a strong incentive for them to do so is, in all probability, a law that asks the impossible.\textsuperscript{16} If this is so, then the antidiscrimination section of the law may not be operationally feasible as currently conceived.

On the other hand, the sunset provision associated with IRCA's antidiscrimination requirements significantly affected the severity with which INS investigations units have applied penalties in many districts. The INS does not want to conduct its enforcement in a manner that might scare employers, causing them to overreact by refusing to hire aliens at all. The INS has long wanted the authority to sanction those who employ undocumented workers and has been reluctant to implement the new law in a manner that might result in the loss of this new authority.\textsuperscript{17} However, without strong, exemplary sanctions, it is perhaps impossible to persuade employers to engage in the voluntary compliance upon which the success of the program ultimately depends.

Although the "sunset" time period has technically passed, the tension between the competing goals of mounting a strong, effective enforcement effort and minimizing discrimination continues to be very real. One possible solution to the dilemma lies, again, in the adoption of a greatly simplified verification system based on a national work card. Under such a system, employers would not be tempted to use discriminatory practices to bushwhack their way through a thicket of poorly understood procedures.

\textsuperscript{15}Rolph and Robyn, op. cit., p. 42.
\textsuperscript{16}Rolph and Robyn, op. cit., p. 59.
\textsuperscript{17}Rolph and Robyn, op. cit., pp. 20–24.
Ambiguous Commitment to the Program

Congressional Commitment. IRCA calls for educating and monitoring the employment practices of all employers in the United States, a monumental task.\textsuperscript{18} To launch an effective regulatory program that ultimately rests on voluntary compliance, as the employer requirements program must, it is especially important that the program reach many employers and have high visibility in the first few years. It must establish enough of a presence to educate employers regarding the requirements and to suggest that enforcement actions are a real possibility. To touch the large and disparate target population of employers, INS needed a vast infusion of resources.

With the passage of IRCA, Congress augmented INS's enforcement budget substantially, almost doubling it between 1986 and 1990. However, much of that money has been directed toward activities other than enforcing employer requirements, as Table 5.1 demonstrates. Investigations, the program within INS's enforcement program responsible for educating employers and enforcing IRCA's requirements, did not receive a significantly increased proportion of program resources, in spite of its large, new assignment. Moreover, during the very important start-up years of 1987 and 1988, INS allocated about 50 percent of its supplemental appropriations to the Border Patrol.\textsuperscript{19} The $95.5 million INS allocated to investigations in FY90 is only slightly more than the $90 million the Department of Labor (DOL) spent on its well-established labor-law enforcement program, and it is considerably less than the $179 million DOL spent enforcing occupational safety and health rules that year. By way of comparison, the IRS spent almost $2 billion examining and litigating tax returns and an additional $266 million investigating tax fraud during that same year.\textsuperscript{20} In sum, neither the level of resources nor INS allocation patterns would suggest it has recently mounted a major new initiative to control illegal entry.

\textsuperscript{18}IRCA is exceptional in this regard. Most statutes that regulate employer behavior exempt the more numerous and hard to reach "small employer." For example, OSHA regulations apply only to employers of 10 or more, and the civil rights protections extended by Title VII of the 1964 Civil Rights Act apply only to employees in firms that hire 15 or more. In sharp contrast, antidiscrimination requirements apply to those who hire four or more, and IRCA hiring procedures apply to all employers.


\textsuperscript{20}Expenditures from U.S. Budget, FY 1992.
Table 5.1  
INS Enforcement Budget, 1986 and 1990

<table>
<thead>
<tr>
<th>Activities</th>
<th>1986</th>
<th></th>
<th>1990</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$M</td>
<td>%</td>
<td>$M</td>
<td>%</td>
</tr>
<tr>
<td>Border Patrol</td>
<td>150.4</td>
<td>41</td>
<td>262.6</td>
<td>38</td>
</tr>
<tr>
<td>Inspections</td>
<td>76.1</td>
<td>21</td>
<td>145.6</td>
<td>21</td>
</tr>
<tr>
<td>Investigations</td>
<td>42.0</td>
<td>11</td>
<td>95.8</td>
<td>14</td>
</tr>
<tr>
<td>Antismuggling</td>
<td>15.0</td>
<td>4</td>
<td>21.6</td>
<td>3</td>
</tr>
<tr>
<td>Deportation</td>
<td>82.4</td>
<td>23</td>
<td>164.0</td>
<td>24</td>
</tr>
<tr>
<td>Employer relations</td>
<td>NA</td>
<td></td>
<td>3.9</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>366.0</td>
<td></td>
<td>694.0</td>
<td></td>
</tr>
</tbody>
</table>


INS Commitment. Not only must investigation units, responsible for employer requirements, compete with other INS offices for scarce resources, the employer requirements program must compete for resources and manpower within investigations units. In addition to apprehending and deporting illegal aliens, investigations units have always been responsible for controlling fraudulent use of immigration documents. IRCA has had the effect of greatly increasing the use of fraudulent documents and the resources now devoted to controlling fraud. In addition, IRCA’s Mackay Amendment, which requires the Attorney General to deport criminal aliens “as expeditiously as possible,” has provided the rationale for giving INS an expanding responsibility for deporting criminal aliens. The Anti–Drug Abuse Acts of 1986 and 1988 have increased the INS’s duties in this area. Since FBI statistics indicate that between 20 and 40 percent of those arrested in the nation’s major cities are now foreign-born, expanding duties translate into considerable additional work.

In 1989, only two of the eight most important district INS offices give enforcement of employer requirements top priority, as measured by allocation of investigative time. In both Texas offices, it fell behind both the criminal aliens program and fraud.

---


23See Juffras, op. cit., p. 41.
Decentralized Management Structure

INS has two organizational characteristics that dominate the implementation of enforcement activities. First, the Border Patrol operates through an independent chain of command, separate from the INS district and regional structure. Historically, its role has been to supervise entry and exit at the nation's borders, in contrast to INS investigative agents, who enforce immigration laws in the interior. Second, INS has been a very decentralized organization in which implementation decisions are typically left to the relatively autonomous regions and, for the most part, districts.

Since the passage of IRCA, the Border Patrol has extended its activities both functionally and geographically. The amount of time Border Patrol agents devote to border activities dropped from 60 percent in 1986 to 47 percent in 1989. Since 1987, the Border Patrol has opened 12 new interior stations for a total of 40 stations not associated with land borders. The 415 agents assigned to these stations are usually engaged in the traditional activities of district office agents, including employer requirements, detention of criminal aliens, and drug enforcement. Because the Border Patrol is autonomous, there is considerable unnecessary overlap and inconsistency between the enforcement carried out by district agents and by Border Patrol agents.

The decentralization and autonomy that regional and local offices enjoy presents a more complex problem, because that decentralization is valuable in some situations. The problems of immigration enforcement vary considerably from one city or region to another. Similarly, appropriate, effective investigative responses also vary. On the other hand, decentralization leads to inconsistent enforcement practices. More importantly, with respect to employer requirements, it allows local offices to establish their own priorities, often at the expense of the employer requirements program.

25For a good discussion of this problem, see GAO (1991).
26Fix and Hill, op. cit., pp. 144–145.
27Within four years of the passage of IRCA, only two of the INS districts that served the main gateway areas still gave priority to their employer requirements program. For a full discussion of this point, see Fix and Hill. It is also worth noting that, partly as a result of uneven enforcement of IRCA provisions generally, the new INS has instituted a number of changes that will concentrate authority in the Central Office.
CONCLUSIONS

Congress worked hard to develop a solution to the growing problem of illegal immigration that would not inflict great economic hardship and would not threaten civil rights or liberties. To this end, after almost 10 years of debate, it enacted IRCA. But both IRCA and its subsequent implementation reflect the political environment in which IRCA was born. Because there is no strong consensus within the nation that illegal immigration poses a threat sufficient to require serious sacrifices in other policy arenas, neither Congress nor INS have marshaled the necessary resources or documentation to support the program.

Nonetheless, the law now holds employers responsible for those they hire, and INS has crafted a potentially acceptable regulatory program. It is therefore possible that if circumstances change to galvanize the public will, IRCA could prove to be a viable and effective vehicle for limiting illegal immigration.
6. DISCUSSION: IMMIGRATION POLICY ISSUES FOR THE 1990s

The last decade has been an eventful period in immigration policy-making. Several new statutes significantly augmented both the opportunities for immigration and the options for combating undocumented immigration. Although the effects of these changes cannot be fully predicted, they will certainly lead to growing numbers of immigrants seeking new homes in the United States. In turn, these immigrants will play an increasing role in the nation's economic, social, and political affairs, suggesting an expanded agenda for immigration policymaking that might fruitfully be pursued in the 1990s.

Below, we review the major consequences of the legislation passed in the 1980s. We then briefly outline the range of policy questions they raise, both old and new, regarding the appropriate flow of immigrants and their subsequent assimilation.

EXPECTED CONSEQUENCES OF RECENT LEGISLATION

In brief, recently adopted statutory provisions have contributed to significant changes in the immigrant population.

The new laws have paved the way for significant increases in legal immigration. Between 1981 and 1990, the United States has granted the status of permanent resident to 7.3 million persons. More than a third of these immigrants became eligible as a result of legislation adopted during that decade. The Refugee Act of 1980, IRCA's new and generously implemented amnesty program, and the Immigration Act of 1990 all offer new opportunities for increased legal immigration.

Furthermore, that same legislation opens the door to continuing future expansion. Not only may ceilings in new categories of immigration be breached but, with the introduction of amnesty, a new precedent for accepting illegal immigrants has been set. Increasing immigration is also likely to be magnified in the future, as these immigrants naturalize, thereby enabling immediate family members to achieve legal status outside any numerical ceiling. Although the United States received an annual average of about 750,000 immigrants (both legal and undocumented) a year during the 1980s, it is likely that 1 million or more immigrants (legal, refugees, and undoc-
umented) will take permanent residence in the United States each year during the 1990s.

The new laws amplify the already changing profile of the immigrant population. The 1965 Amendments to the INA, which gave family unity precedence among criteria for granting visas to intending immigrants, dramatically altered the profile of the immigrant population. Asians and Latinos replaced Europeans as the dominant ethnic groups among immigrants. At the same time, the education and skill levels of the immigrant pool slowly began to diminish, especially relative to the native population.

These trends have been amplified during the 1980s. Most immigrants who entered during this last decade, either as refugees or under visa allotments, were Asian. Those accorded legal status under IRC's amnesty program were primarily Mexican. The evidence also suggests that those who attained legal status during the decade, especially those legalizing under IRC, continue to be increasingly less well educated relative to the native population than previous cohorts of immigrants.

The 1990 Immigration Act seeks to reverse these trends by reserving visas both for immigrants from traditionally underrepresented countries and for those who will make special economic contributions. However, the visas for these categories constitute only about 20 percent of the expected total annual immigrant flow and, therefore, are not likely to have a substantial or an immediate effect on current trends. Immigrants who enter during the 1990s can be expected to be predominantly Asian and Latino, and they are likely to be less well educated than their predecessors relative to the native population.

The effects of the new laws are disproportionately felt by a few communities. Immigrants tend to locate in areas where previous cohorts of immigrants from the same country of origin have settled, thereby concentrating the costs of services and the problems associated with economic, social, and political assimilation, imposing them on a few states and a few communities within those states. The traditional receiving states—California, Florida, Illinois, New Jersey, New York, and Texas—continue to receive close to 75 percent of all new immigrants. California alone has become home to over 30 percent of the documented newcomers entering during the last decade. Its foreign-born population has nearly doubled, rising from 3.5 to 6.5 million and accounts for half of its total population growth during this period.
More importantly, these immigrants tend to concentrate in a few metropolitan areas, including Los Angeles, New York City, and Chicago. Local governments in the gateway cities bear primary responsibility for the education, health care, and economic well-being of the immigrants and their children.

After a modest initial decline, undocumented immigration appears to be increasing once again. Most early studies found that undocumented immigration declined only modestly, if at all, following the introduction of employer requirements, and whatever effect IRCA had appears to have eroded by 1989. Furthermore, no research suggests that any significant number of undocumented residents have left the country because of IRCA.

There is strong evidence that the employer requirements program is not receiving the mandate or support necessary to allow it to effectively deter undocumented immigration. A number of factors, including easily circumvented documentation requirements, limited resources, diffused responsibilities, and competing policy objectives, limit the ability of the INS to mount an effective regulatory program. These constraints suggest a weak political consensus regarding the need to discourage undocumented immigration.

POLICY ISSUES FOR THE 1990s

The legislative enactments of the 1980s represent progress toward the unification of some areas of immigration policymaking. They also offered an opportunity to publicly revisit the question of priorities and trade-offs central to immigration policymaking. But all three pieces of legislation reflect important lingering ambiguities and unresolved differences, which now become the questions for policymakers in the 1990s.

Policy Questions Regarding the Flow of Immigrants

Policies of the last decade leave three central issues regarding new immigration unresolved.

Aggregate Total Numbers. Each of the three significant immigration measures passed by Congress during the 1980s has been considered independently, and each has had an expansionary and compounding effect on the size of legal immigration. For the most part, each has been considered without a unifying debate on the overarching question of how much total immigration (legal + refugees +
asylees + undocumented) the nation can productively absorb. Of particular note, policymakers have not examined the absorptive capacities of the major metropolitan receiving centers.

Addressing the overarching question becomes particularly important because several facts suggest that the United States—along with most other Western countries—will face still greater pressures from intending immigrants in the future than they have in this past decade.

1. *Growing demographic and economic disparities.* Demographic and economic disparities between industrialized and Third World nations are increasing. Despite declining growth rates, the world population is expected to grow from 5 billion to 7 billion by 2010, with 93 percent of this growth taking place in the less-developed countries. These demographic pressures combined with probable increased disparities in relative per-capita income promise that international migration will continue to grow. Perhaps the most critical migrations will occur where areas of high disparity in wages are in close proximity to one another—for example, Europe with North Africa and the Middle East; the United States with the Caribbean basin and Mexico; and Japan, Australia, and New Zealand with Asia.

2. *Increasing demands of regional economic integration.* Regional economic integration may accelerate in the next decade as well, strengthening concerns about the linkages and trade-offs among capital, technology, and labor as factors of production. Policymakers may find themselves negotiating new kinds of agreements concerning regional labor markets and immigration flows.

3. *Growing regional political volatilities.* Several important regions of the world are growing increasingly unstable in the wake of the Cold War. Local conflicts are likely to trigger unpredictable and potentially large flows of refugees seeking protection in more stable locales.

In sum, both domestic and foreign policy considerations are likely to place intensifying pressure on the United States to accept more immigrants in the years to come. The policy question will be how to respond to the growing pressures: Is there a limit to the nation's absorptive capacity, and, if so, what is that limit? Addressing how much total immigration the United States can absorb requires a sound information base. Unfortunately, the range, timeliness, and quality of information available on the current immigrant population, its eco-
nomic and social experience in this country, and its localized effects on communities and industries is inadequate to inform a debate.

There is virtual unanimity among labor-market analysts that, historically, the primary effect of new immigration has been to depress the job opportunities and wages of recent immigrants. This suggests that the economic mobility of immigrants, in this period of growing immigration, may decline and that the social changes that normally accompany that upward mobility—lower fertility, increasing political participation, and the educational mobility of children of immigrants—may also decline. These inferences have a logic, but they remain speculation. Before policymakers can proceed with an informed debate, they must have more information on the effects of immigration on other segments of the national community.

There remains the further question of the applicability of historical example. The United States has experienced prior waves of immigration, and these have been studied. But the current wave differs from previous waves, particularly in its expected duration, its composition, and its relative skill level. Perhaps more significant, the receiving environment also differs, in that the economy now demands highly skilled labor; the nation has developed a complex web of entitlements that are costly; and domestic resources are severely constrained. These changes in both the immigrant population and the receiving environment strongly suggest that the lessons we may have taken away from earlier waves of immigration will not apply to the current situation. Answers that do apply are crucial to a sound immigration policy debate.

Containing Undocumented Immigration. Because the new IRCA strategy appears to be unable to contain undocumented immigration, and, at the same time, may cause some employers to discriminate in hiring, some have called for its repeal. Although that strategy has not yet proven effective, it also has not been given strong support. It is, therefore, premature to say that it cannot work. Moreover, repeal may imply that policymakers accept the proposition that undocumented immigration cannot or should not be controlled.

Whether or not the program deserves stronger support at this time is a separate question. The answer depends on whether or not the current flow of undocumented immigration is judged to be a serious problem. If there is no consensus on that question at this moment, then keeping a weak employer-requirements program in operation permits stiffer enforcement later, if and when a consensus develops to support such an effort. Reenactment of the legislation would present a much
greater barrier to action than redirecting resources and attention to an existing program.

Ultimately, the effectiveness of the employer program is likely to depend largely on the handling of three issues:

1. *Appropriate documentation.* Under current documentation requirements, IRCA's employer requirements cannot work, because they permit use of a broad variety of easily counterfeited and sometimes rather obscure documents to prove employment eligibility. Introduction of a hard-to-duplicate national work card would offer the greatest protection against fraud. But, at a minimum, IRCA documentation requirements should be reformed to require presentation of a greatly reduced set of documents. A change in documentation requirements would also reduce discriminatory practices of employers by simplifying their task.

2. *Adequate funding.* Mounting an effective employer-requirements program is costly, particularly at the outset, when enforcement must be strong to establish the expectations that will lead to "voluntary" compliance. For the employer requirements strategy underlying IRCA to work, the Congress and the Executive branch must demonstrate its commitment to enforcement by providing adequate funds for this task.

3. *Enforcement priority.* If IRCA's employer requirements are to have any chance of being effective, they must also be made an enforcement priority of the INS. At the moment, INS attention and resources are divided among a number of responsibilities, including deportation of criminal aliens, drug interdictions, interdiction of entering undocumented aliens, employer sanctions, and fraud enforcement. Not only should enforcement priorities be set, but they should be accompanied by ongoing assessments of the effectiveness of these various enforcement activities.

**Persisting Stock of Undocumented Immigrants.** One of the central objectives of IRCA was to regularize the status of those residing in the United States—to break the cycle of illegality. However, despite the legalization of well over 2 million previously undocumented immigrants, it is estimated that undocumented residents in the United States at the close of the decade approximate the number that resided here at the opening of the decade. In short, a decade and significant legislation later, the nation is today back where it started with respect to this problem. In addition, there is every indication that the flow of undocumented immigrants continues, contributing to
the further growth of the undocumented pool. Thus, the problem of a substantial number of undocumented immigrants maintaining continued residence in the United States persists. On the other hand, as long as the flow of new undocumented entrants continues, there appears to be little point in attempting to resolve the question of how to deal with those already here.

Policy Questions Regarding Targeted Support and Assimilation

Although immigration policy is usually thought of as the set of policies that govern legal entry into a country, that is but one dimension of a far more complex policy environment. Perhaps equally important are those policies that determine how immigrants will be supported and integrated once they arrive.

As the size and composition of the immigrant flow and the domestic economic and political context have all evolved over the years, so have the questions regarding what degree of assimilation is appropriate and what role government should play in facilitating that assimilation. In the past, although assimilation was a matter of concern, it was allowed to occur over the course of several generations without formal or targeted government assistance. Today, the more demanding economic environment, coupled with the new web of safety-net programs, suggests that it may be in everyone's interest for government to take a more active role in facilitating economic assimilation. At the same time, a new political environment has emerged that encourages ethnic consciousness and diversity, opening the door to growing competition among ethnic, racial, and cultural groups and perhaps confounding assimilation.

What our immigration policy objectives ought to be with respect to both economic and political assimilation and what responsibility government ought to bear are both extremely important and complex issues. Currently, there is little consensus on either policy objectives or appropriate courses of action. As a practical matter, the debate must center on several questions of immediate urgency, including (1) what services and entitlements should target the immigrant population and (2) who should bear responsibility for funding. Beyond these pressing questions, it will be necessary to openly debate, on its merits, the legitimate question of what role government should play in encouraging or discouraging political as well as economic assimilation. That is, should government adopt policies directed toward either encouraging or discouraging the ongoing identification of immi-
grants and their offspring in their public, political lives with their ethnic group, culture, and country of origin?1

**Provision of Targeted Services and Entitlements.** It is essential that new immigrants be economically integrated reasonably rapidly if the host community is to be spared the costs of carrying them as dependents, as well as the consequent political and social repercussions of hosting an economically segregated immigrant population. Traditionally, economic assimilation has occurred within a few generations with little government intervention.2 However, there is growing evidence that this process may be slowing for the most recent wave of immigrants.3 If the early evidence is born out, immigration policymakers face the question of what programmatic interventions, including supplemental education, job training, special income support, and health care, should be mounted.

At the moment, there is little consensus on this point. Immigrants are eligible for a widely varying patchwork of educational and job training offerings, social support programs, and protections, depending on where they reside and often on their immigration status at entry. Their access to the labor market and to various public programs also may vary according to their immigration status. Given this patchwork, there is growing divisive competition among subpopulations of the immigrant community for targeted support.4 On the other hand, there is little information on the full range of these support programs or their effectiveness. The challenge to policymakers will be in supporting the development of needed information and shaping a consensus to support interventions, if and where they are needed.

**Special Educational Needs.** In the past, public education has been the avenue of assimilation and upward mobility for new immigrants, especially their children, and many expect it to serve this function today. However, all the evidence suggests that schools in the areas of high immigrant concentration are unequal to the demands of today's growing immigrant population and its cultural and linguistic diver-

---

1This discussion assumes a clear distinction between an individual's public and political life and his or her private life. We are not concerned with the latter.
2See McCarthy and Valdez, op. cit.
3Vernez and McCarthy, op. cit., pp. 47–52; see also pp. 40–47 for a further discussion of why assimilation may be more difficult.
4Vernez and McCarthy, op. cit., pp. 44–45.
sity. Those districts disproportionately affected, including Los Angeles, Miami, Houston, New York, and Chicago, have large numbers of native disadvantaged students and can already least afford to provide the additional special services new immigrants require. Continuing competition among multiplying interest groups for shrinking resources will only exacerbate the fiscal problems of public education. Moreover, the capacity of the schools to respond to immigrant needs is likely to be further eroded by current reform efforts, which concentrate on standards-setting and curriculum enrichment strategies targeting native students.

Education has traditionally been the key to the integration of immigrant families into the social, economic, and political life of the country. Today, it is especially critical that the educational infrastructure continues to be able to meet this challenge without diminishing the educational opportunities of the native population.

Responsibility for Funding. Although Congress sets policy regarding the flow of immigrants and often the benefits to which they are entitled, the primary burden of financing services and benefits falls on the states and local communities. Because immigrants tend to concentrate in a few locales, the special financial burden they impose can become quite substantial. On average, they are younger and have higher fertility rates than the native population. Therefore, they are particularly likely to impose increasing burdens on schools and other educational institutions, including those serving preschoolers, adults, and postsecondary students. It may, therefore, be appropriate to link policy decisions regarding the flow of immigration more closely with responsibility for funding the programs necessary to ensure the economic assimilation of those who enter.

Political Assimilation. By far the most complex and controversial question is the appropriate role of public policy in promoting or discouraging political and even cultural assimilation. Views on this subject tend to be strongly held and highly emotional; it is therefore not a topic easily debated in public fora. Legitimate and important questions go unasked, as well as unanswered. It is imperative that, in this period of growing immigration, the issue be dispassionately considered.

Political assimilation in a democratic society touches on a number of spheres. It probably includes working knowledge of the dominant

---

language, the language of political dialogue and decisionmaking. It also includes some familiarity with the nation’s political history and its political institutions, including knowledge of the obligations and the rights of its citizens and residents. Obligations might include the responsibilities of political participation and paying taxes. Rights would include legal, as well as financial, entitlements. Finally, political assimilation probably means ultimately giving up primary identification with those of your ethnicity, language group, or country of origin and not lending political support largely or exclusively on the basis of those ties. It entails a shifting of allegiance or primary identity to the new community.

Numerous public policies may bear on political assimilation, some encouraging and some discouraging the transition, but policies bearing on naturalization may be the best case in point. The extent to which the United States will choose to encourage naturalization becomes particularly relevant as the several million previously undocumented immigrants legalizing under IRCA shortly become eligible for naturalization. Most are of Mexican origin, a group that traditionally has had the lowest rate of naturalization among immigrants. Of related consequence is the extent to which naturalization requirements ought to be used to ease the way for political (including linguistic) assimilation of those naturalizing. Because citizenship confers the right to vote and otherwise participate in the political process, there may be a compelling public interest to encourage citizenship and the acquisition of skills for effective participation in the political process.

Policies that promote political assimilation are likely, however, to slow the course of legalization or naturalization and even discourage some from attempting to make those transitions. Thus, it is important to evaluate the fundamental utility of those policies, as well as the trade-offs they imply.

Policy Questions of International Scope

Immigration raises numerous thorny domestic-policy questions, to be sure. But it raises significant foreign-policy questions as well. Population growth, civil unrest, and economic stagnation in sending countries all have very direct effects on the numbers and characteristics of the immigrant pool. U.S. foreign policy bears on all of these issues. While a detailed inquiry into current U.S. foreign policy and its

---

consequences for immigration is beyond the scope of this report, policymakers should also be acutely sensitive to the effects of foreign-policy decisions in defining the immigrant population.

It is also important to recognize that immigration is not a phenomenon experienced by the United States alone. Many nations around the globe find themselves facing similar issues. Migration has become a world phenomenon, and the search for policies to deal with the internal and external problems of immigration will require increasing dialogue and closer international cooperation, particularly among the western nations. National immigration policies, which have been viewed as internal matters, may increasingly be viewed as integral to national security and foreign policy.

SUMMARY

In sum, the new immigration policies of the 1980s have opened the door to a number of new challenges for the 1990s. As the opportunities for immigration increase, so do the questions regarding what domestic support should facilitate the transition of those who enter. As a new enforcement strategy is introduced, the stringency with which it should be applied remains a question. Decisions regarding these important policy questions will be made the more difficult by the uncertain domestic economy and rapidly changing international circumstances. Such instability may tempt policymakers to defer facing these challenges. But it should be remembered that failure to act will itself constitute a decision and have certain consequences. The question is will those consequences be the best that we can hope for?