

CHAPTER III

Illegal Immigration

DATA OVERVIEW

1980

Of the estimated 2.5 to 3.5 million undocumented immigrants living in the United States in 1980, about half were from Mexico. Fifty percent of all illegal immigrants settled in California. The best estimates suggest that the illegal population was growing by about 200,000 per year in the early 1980s (Bean, Edmonston, and Passel 1990; especially chapters 1 and 9).

1986

By 1986, between three and five million undocumented immigrants were living in the United States.

1988

In 1988, estimates put the number of immigrants living in the U.S. illegally at between 1.8 million and 3 million people, a big drop from 1986 levels. This followed the IRCA (Immigration Reform and Control Act) legalization program and the implementation of employer sanctions. However, the number of undocumented immigrants in the country soon began to grow again.

1992

In October 1992, the undocumented population estimate reached 3.2 million, with an estimated annual growth of between 200,000 and 300,000.

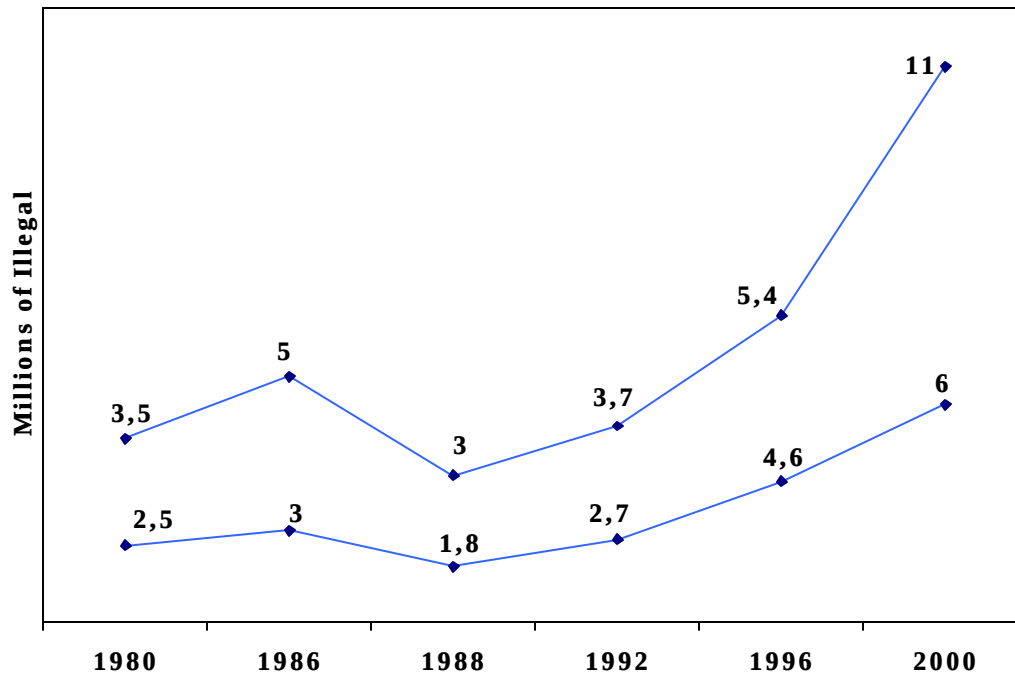
1996

In October 1996, about 5 million undocumented residents were supposed living in the U.S. (within a range of about 4.6-5.4 million). This number made up 1.9 percent of the total U.S. population, with the highest percentages in California, the District of Columbia and Texas. About 41 percent of the total undocumented population were non-immigrant overstayes who entered the country legally on a temporary basis and failed to depart.

2000

According to recent Census data, the number of unauthorized foreigners in the U.S. reached 8.5 million in 2000, including 4.5 million Mexicans. Previously thought to total only 6 million, later estimates had the number of illegal entrants ranging as high as 11 million.

UNDOCUMENTED POPULATION, HIGH/LOW ESTIMATES 1980-2000



ILLEGAL IMMIGRATION FACTS

Reasons

Better jobs and family ties are the two “magnets” attracting illegal immigrants. The typical Mexican worker has one-tenth the earning capacity of his American counterpart. Numerous American businesses are willing to hire cheap, compliant labor from abroad. In addition, communities of recently arrived legal immigrants help to create migration networks for illegals and serve as incubators providing jobs, housing, and entry to America.

Numbers

The INS estimates that 60 percent of illegal residents entered the United States by unauthorized border crossing, where the remaining 40 percent entered legally but overstayed their visas.

Legal and illegal immigration are linked. Legal immigration increased from 3.3 million in the 1960s to 7.3 million in the 1980s. Meanwhile, Border Patrol apprehensions of illegal immigrants increased from 1.6 million in the 1960s to 11.9 million in the 1980s.

The rate of growth of the undocumented population varies, however the data available to track these estimates does not permit the derivation of annual figures to measure actual year-to-year changes. The original estimates of the INS for the period of October 1988-1992 showed an average annual growth of 300,000. Similar levels of growth for the periods 1988-1992 (281,000) and 1992-1996 (275,000) suggest that overall growth was fairly constant.

Countries of Origin

Although undocumented immigrants come to the U.S. from all over the world, relatively few countries add substantially to the population. Of the top 15 countries, only the Philippines and Poland are outside the Western Hemisphere. The large majority (over 80 percent) of illegal immigrants are from countries in the Western Hemisphere.

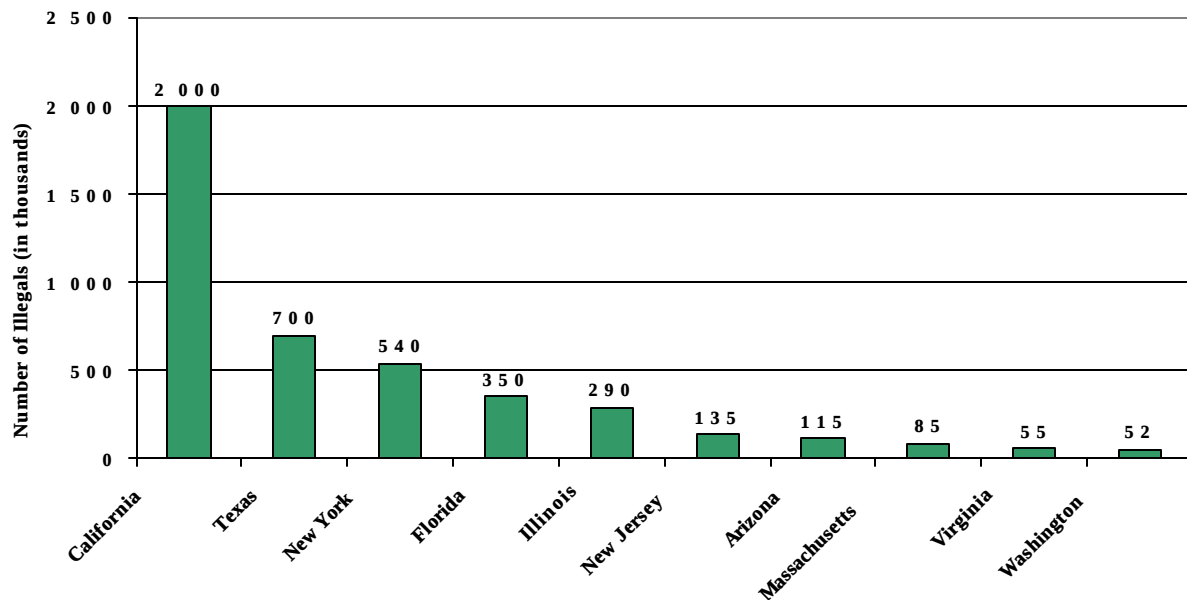
Annual growth can be grouped into four categories:

- Mexico accounts for more than half of the annual growth and adds over 150,000 undocumented residents each year
- The six countries El Salvador, Guatemala, Canada, Haiti, Honduras, and Dominican Republic each add 6,000-12,000 annually
- 13 other countries each add 2,000-4,000 annually
- Together, the 200-odd countries remaining add some 30,000 annually

Destination States

California leads, with 40 percent of undocumented residents and with an undocumented population growth of about 100,000 annually since the IRCA legalization Act in 1986. In the majority of states, undocumented residents comprise less than 1 percent of the population.

The top seven states (California, Texas, New York, Florida, Illinois, New Jersey, and Arizona) with the largest estimated numbers of undocumented immigrants accounted for 83 percent of the total population of the USA in October 1996.

ILLEGAL RESIDENCY: THE TOP TEN STATES (OCTOBER 1996)**ESTIMATED ILLEGAL IMMIGRANT POPULATION FOR THE TOP TWENTY COUNTRIES OF ORIGIN AND THE TOP TWENTY STATES OF RESIDENCE (1996)**

Country of origin	Population	State of residence	Population
All countries	5,000,000	All states	5,000,000
Mexico	2,700,000	California	2,000,000
El Salvador	335,000	Texas	700,000
Guatemala	165,000	New York	540,000
Canada	120,000	Florida	350,000
Haiti	105,000	Illinois	290,000
Philippines	95,000	New Jersey	135,000
Honduras	90,000	Arizona	115,000
Dominican Republic	75,000	Massachusetts	85,000
Nicaragua	70,000	Virginia	55,000
Poland	70,000	Washington	52,000
Bahamas	70,000	Colorado	45,000
Colombia	65,000	Maryland	44,000
Ecuador	55,000	Michigan	37,000
Trinidad & Tobago	50,000	Pennsylvania	37,000
Jamaica	50,000	New Mexico	37,000
Pakistan	41,000	Oregon	33,000
India	33,000	Georgia	32,000
Ireland	30,000	District of Columbia	30,000
Korea	30,000	Connecticut	29,000
Peru	30,000	Nevada	24,000
Other	721,000	Other	330,000

Source for both: 1998 Statistical Yearbook, INS

The Mexican Border

“Some 247,000 smuggled illegals were captured in the year 1999, an increase of 80 percent from three years earlier. About 81,000 of those people came from countries other than Mexico. The business of transporting illegals to the States is estimated to have grown to an \$8 billion a year enterprise.” (A. Gribbin, *Washington Times*, May 4, 2000)

There were 1.2 million apprehensions on the Mexico-U.S. border in fiscal year 2001, including 520,000 in Arizona. Apprehensions were down sharply from 1.6 million in fiscal year 2000 but still higher than the 980,00 of fiscal year 1994, when the Immigration and Naturalization Service changed its strategy by attempting to prevent unauthorized entries. There have been about 12,000 to 13,000 apprehensions a year on the Canadian-U.S. border.

Illegal immigration through the border has been and will continue to be an important and a complex issue between Mexico and the United States. The continuing wage gap still creates strong inducements for the flow of undocumented immigrants from Mexico. Separated only by a physical border, the two labor markets are linked by economic, cultural, and historical ties.

Part of the new U.S. policy after the wave of undocumented immigration in the 1990s consisted of intensified border enforcement. This automatically moved attempts to cross the border surreptitiously away from areas of intense border enforcement. Crossing at more dangerous places without inspection led to a rise in deaths caused by drowning, by heat stroke or hypothermia or in vehicle collisions. As a result, weather-related deaths have risen dramatically since 1995 and were three times as common as in the mid-1980s. The findings suggest that solution to the border problem may be in a better immigration policy rather than border control policy.

“There exist several policy options to control illegal immigration. A convenient way to classify the policy options is in terms of a trade-off between short run and long run effects.

- An increase in patrols at the border leads to more apprehensions at the border, and, perhaps, fewer illegal entries into the United States. Such a measure is effective only in the short run, as it does not remove the economic differentials, which prompt immigration.
- Sanctions on the employers of illegal workers reduce the employment possibilities for present and potential illegal immigrants. But this measure only temporarily reduces the gap between expected wages in Mexico and the United States. As employers learn ways to avoid being penalized, the effects of the policy diminish.

- The legalization of illegal immigrants mechanically reduces the number of illegal immigrants, but only in the short run. The existence of an immigrant community will attract new immigrants in the future.
- Trade and the endorsement of economic reforms in Mexico will have negligible, or even positive effects, on illegal immigration in the United States in the short run. But in the long run they will permanently reduce the income differential between the two countries, which is the most efficient way of discouraging immigration.”

(“Mexican Migration and U.S. Policy Options,” by Gordon H. Hanson and Antonio Spilimbergo)

POLICY TO CONTROL ILLEGAL IMMIGRATION

1986 Immigration Reform and Control Act

The 1986 IRCA was the first legislation to control illegal immigration by granting amnesty to illegal immigrants, creating sanctions to employers hiring illegal immigrants, creating new provisions for the legalization of seasonal agricultural workers and increasing U.S. border enforcement. Congress barred former illegal immigrants from receiving public benefits for five years.

Amnesty clearly did not solve the problem of illegal immigration. About 2.7 million people received lawful permanent residence (green cards) in the late 1980s and early 1990s. But INS figures from the beginning of 1997 showed that those former illegal aliens had been entirely replaced by new illegal aliens, and that the unauthorized population again stood at more than 5 million, the same level as before the amnesty.

In fact, the new INS estimates show that the 1986 amnesty almost certainly increased illegal immigration, as the relatives of newly legalized illegals came to the United States to join their family members. The flow of illegals grew dramatically during the years of the amnesty to more than 800,000 a year, before dropping back down to around 500,000 a year. This total number of new illegal aliens is offset by about 145,000 illegals that return home on their own each year, 40,000 deportations, 20,000 deaths, and around 150,000 illegals receiving green cards as part of the normal “legal” immigration process.

1994 “Proposition 187”

On November 8, 1994, California voters passed Proposition 187 by a three-to-two ratio, which restricted undocumented immigrants’ access to state-funded social services, except for emergency medical treatment. The Proposition was developed to a large extent by two former INS officials (Alan Nelson and Harold Ezell) as a reaction to the large numbers of legal and illegal immigrants whom many Californians regarded as a threat to the state’s economy and way of life. Supporters argued that illegal immigrants placed a drain on the state budget, with education costs alone estimated to be close to \$2 billion.

The Proposition called for the following changes in the treatment of illegal immigrants:

- Enrollment in all public schools, colleges, and universities would be barred; parents or guardians of all school children would have to show legal residence and school administrators would have to report suspected illegal immigrants
- Non-emergency public health care, including pre-natal and post-natal services, would be denied to those who could not prove legal status;

access to many state programs which dealt with troubled youths, the elderly, the blind, and others with special needs would be cut off

- Law enforcement agencies would be required to cooperate fully with INS officials; and penalties for the sale and use of fraudulent documents were to be increased (*McDonnell, 1994*)

The fact that the major sections of the Proposition were declared unconstitutional (public education and welfare services mandated by the federal government could not be cut off by the state) blocked its implementation until the 1996 legislation on immigration reform gave Governor Wilson and the state of California some room to implement those sections which involved state programs.

Proposals similar to Proposition 187 were initiated in several other states (including Florida and Arizona).

1996 Personal Responsibility and Work Opportunity Reconciliation Act, Illegal Immigration Reform and Immigrant Responsibility Act

After months of debate, fuelled partly by the Proposition 187 campaign, Congress passed the 1996 acts, which severely limited welfare aid for legal immigrants and signaled a more coordinated attempt by the government to stop the flow of illegal immigration.

Illegal immigrants became ineligible for most public assistance programs financed by the Federal Government or states, in particular supplemental security income, aid to families with dependent children, Medicaid, and food stamps. Pilot programs were to be set up in five states with high population of immigrants to enable employers to verify the legal status of employees. The legislation provided for 1,000 new border guards and 300 new INS agents each year until 2002 to strengthen border control and investigate unlawful hiring and the smuggling of illegal immigrants. A 14-mile triple fence was to be constructed along parts of the border with Mexico near San Diego, California. Penalties for fraud or the misuse of identification documents were increased. (*The New York Times, 1996*)

2001 New Immigration Plan

Legalization of undocumented immigrants, guest-worker programs and amnesty for immigrants were front-page issues on the President Bush administration's agenda from August 2001. Mexican President Fox and U.S. President Bush met on September 5, 2001 to discuss a plan to legalize up to three million undocumented Mexican nationals who reside in the USA. After the meetings, instead of announcing a new guest worker or legalization program, the Presidents issued a set of principles and a framework for guiding the development of proposals to regulate the flow of Mexico-U.S. migrants. Under

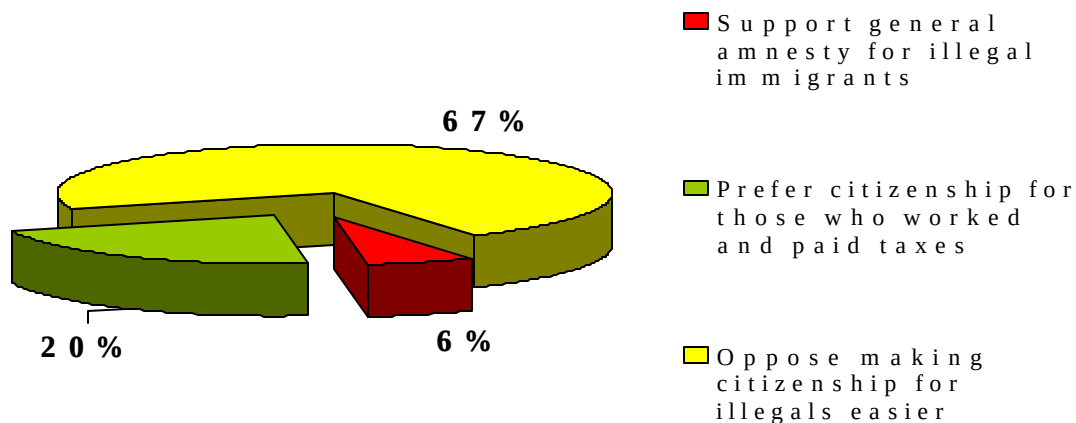
those principles, the Bush administration stressed that unauthorized migrants in the U.S. “should not gain advantage over those who play by the rules in any new program.” Even before the meetings, the White House emphasized that illegal workers would initially become guest workers and any transition in their status would be gradual and would require proof that they paid taxes and met other conditions. Many commentators suggested Bush’s willingness to discuss legalization was an attempt to gain Hispanic votes for his re-election in 2004. During one of the meetings Fox surprised Bush by claiming it to be possible and an obligation to reach an agreement on migration before the end of that year. In reality, it would take four to six years to complete any comprehensive U.S.-Mexico immigration reform, including legalization for some undocumented Mexican workers in the United States.

PUBLIC OPINION ON AMNESTY FOR ILLEGAL MEXICAN IMMIGRANTS

Gallup Poll

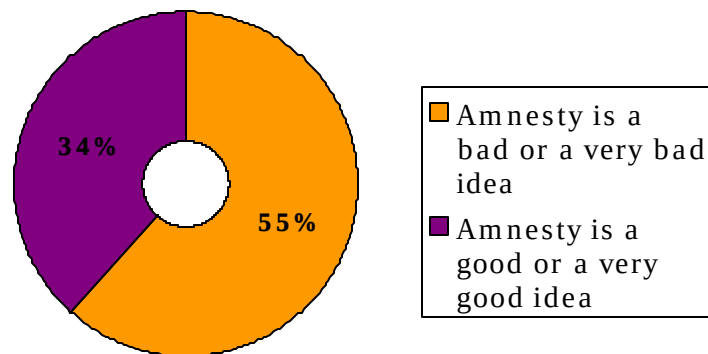
According to the Gallup Poll of August 24-26, 2001, on blanket amnesty for illegal immigrants, the public is mostly unsympathetic to this proposal with only 6 percent of those surveyed offering amnesty support. Two thirds of Americans think that the USA should do nothing to facilitate citizenship for illegal immigrants and 20 percent think that citizenship should be granted selectively to illegal immigrant workers who have been here for a specified length of time and paid taxes.

AMNESTY FOR ILLEGAL IMMIGRANTS?



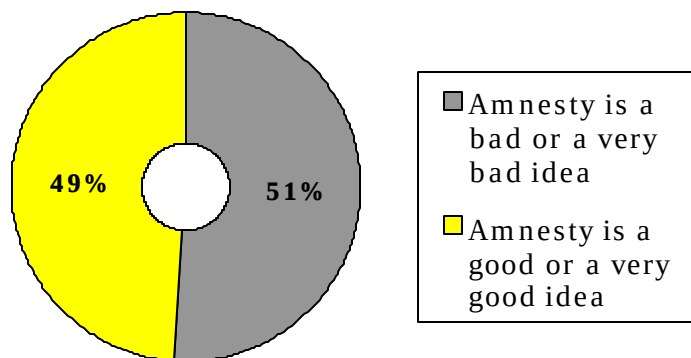
Zogby International Poll of August 25-29, 2001

AMERICANS THINK:



The strongest opposition was found among Conservatives (60 percent). Fifty-five percent of Democrats also thought that it would be a bad idea.

AMONG HISPANICS:



Fifty-one percent of those Americans who said an amnesty was a bad or a very bad idea would be less likely to vote for President Bush if he supported it and only 22 percent said that they would be more likely to vote for Bush if he supported it.

Moderates thought an amnesty was a bad or a very bad idea by a margin of 52 percent to 32 percent and 38 percent of them indicated that they would be less likely to vote for Bush if he supported an amnesty. Only 8 percent would be more likely to vote for him if he supported amnesty.