



U.S. IMMIGRATION



A HISTORICAL PERSPECTIVE

In the past decade, immigration has reached unprecedented levels, and Americans are divided on whether the current number of immigrants should be decreased or increased.

by Katherine Fennelly

Few subjects in the U.S. are as controversial or have as contentious a history as immigration. Immigration scholars Simon and Lynch¹ suggest that Americans view immigration with “rose-colored glasses turned backwards”—positive attitudes toward earlier groups of immigrants and negative ones about those who enter today. Yet the notion that earlier waves of European immigrants were welcomed with open arms is false. At the end of the 19th century, anti-immigrant backlash toward non-Protestant immigrants was vicious.

As historian Donna Gabaccia reminds us, the current outrage against “illegal immigrants” also has historical parallels.

Studying the past reminds us that each restriction of immigration produced its own patterns of illegal entry. These immigration restrictions targeted Chinese laborers after 1882, anarchists after 1902, and Italians after 1924. The illegal immigrants of the past included all three groups—and others, too.²

Moreover, “assimilation” of earlier waves of immigrants wasn’t as rapid or complete until well into the 20th century.³ Although there was tacit agreement that Americans would share the English language, bilingualism was politically protected as one of the rights for which pilgrims had come to America and was considered an advantage for “everyday trading, teaching and spreading the gospel.”⁴

The Chinese Exclusion Act, passed by Congress in 1882, “forever changed Americans’ relationship to immigration” by endorsing definitions of race and class as criteria to define particular groups as “undesirable aliens,” ineligible for entry or citizenship.⁵

However, non-Asian immigration remained largely unregulated until 1924, when rancorous debates resulted in the passing of the Johnson-Reed Act—a bill that ended open immigration from Europe by enacting a quota system for the purpose of limiting “undesirable immigrants” from southern and eastern Europe. This act began an era of restriction. It defined “native stock” as descendants of the white population of the country when it was founded. It is noteworthy that Mexican immigrants were exempted from both the quota and restrictions on citizenship because the Southwestern states depended on cheap, abundant Mexican laborers.⁶

Mexican Immigration: Historical Origins

The origin of the contemporary chant “we didn’t cross the border; the border crossed us” can be found in the terms of the 1848 Treaty of Guadalupe Hidalgo after the Mexican-American War. The treaty gave the northern half of Mexico to the U.S. and stipulated that all inhabitants in the ceded area who did not announce their intention to remain Mexican citizens or leave the territory in one year would automatically become U.S. citizens. Those who did not became de facto “illegal aliens.”⁷

American policies related to Mexican workers can be defined historically as cycles of recruitment in times of labor shortages followed by massive restrictions and deportations. During World War I, concern over potential shortages of farm labor led to legislation that explicitly called for the temporary admission of 76,802 Mexican workers.

Within six years of the war’s end, in 1924, the U.S. Border Patrol was established to secure the country’s borders. In the 1930s, during the Great Depression, thousands of Mexican immigrants and citizens were deported. However, with the onset of World War II at the end of the decade, renewed concern over potential labor shortages led to the creation of the Bracero Program to import Mexican workers.⁸

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Immigration Study

This article was written as part of a two-year study conducted by the League of Women voters. For study information at www.lwv.org, click on "Projects" at the top, then "Immigration" on the left.

Scope of the Study

- Underlying values and principles regarding immigration
- Reasons for migration from other countries, including:
 - Effects of global interdependence on migration
 - Motivation of refugees and asylees
 - Motivation of other immigrants
- Current federal immigration policy, including:
 - Overview
 - Effectiveness in uniting families
 - Effectiveness in meeting needs of businesses
 - Effectiveness of enforcement
 - Human rights concerns
- Impact of immigration, including:
 - Economic effects of authorized and unauthorized immigration
 - Diversity
 - Inclusion of immigrants in American society

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By 1953, there were more than three-quarters of a million unauthorized Mexicans in the U.S., prompting the U.S. government to create "Operation Wetback" the following year to arrest and deport them. After 1964, when the Bracero Program was discontinued, tens of thousands of agricultural jobs were still available to Mexicans, but they were no longer able to secure legal entry visas.

Refugees and Asylees

As a result of World War I, millions of individuals became stateless, but the U.S. accepted relatively few refugees until after World War II with passage of the Displaced Persons Act of 1948. The subsequent arrival of large numbers of war refugees, asylees and the family members who joined them added richly to the diversity of the country. Contemporary refugees range from the well-to-do, highly educated to those with limited financial resources and little formal schooling.

Changes in both border policies and the admission of refugees illustrate the ways in which American immigration is tied to the country's political and economic relations with the outside world.

As sociologist Ruben Rumbaut describes it, "Migration patterns are rooted in historical relations established between the U.S. and the principal sending countries . . . [they are] related to the history of American military, political, economic, and cultural involvement in the sending countries."⁹ Examples include the resettlement of Hmong allies of the U.S. in the Vietnam War, the welcoming of thousands of refugees from the former Soviet Union in the 1990s, and current restrictions on Middle Easterners related to the politics of homeland security. In Rumbaut's words, "As the U.S. has become more deeply involved in the world, the world has become more deeply involved in America."¹⁰

Contemporary Legislation

In the Civil Rights era, the immigrant quota system that had been in effect since the 1920s was abolished with passage of the 1965 Immigration and Nationality Act (INA). Under the new system, preference was given to the relatives of U.S. citizens and secondarily to immigrants living in the U.S. and those with special skills needed by American companies. The INA family reunification provision led to a dramatic increase in immigrants from Mexico,¹¹ and the changes resulting from the act became the core of the current immigration system.¹² About two-thirds of all immigrants now enter the country under sponsorship by a family member.¹³

The next significant piece of immigration legislation was the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, unauthorized immigrants who had been in the U.S. since 1982 were offered permanent resident status. IRCA also proposed monetary sanctions against employers who knowingly hired unauthorized workers (Green). However, few employers were actually sanctioned, and unauthorized immigrants continued to enter the U.S. An unintended result of IRCA was to encourage wage and benefits discrimination, as many employers turned to labor subcontractors as an alternative to direct employment.¹⁴

The North American Free Trade Agreement (NAFTA), enacted in 1994, did not include major provisions addressing immigration policy, but it was characterized as a treaty that would substantially *reduce* immigration. Instead, due to several factors, it served as a stimulus to unauthorized immigration. First, the lowering of trade barriers between the U.S. and Mexico has integrated the two economies without eliminating large wage disparities. At the same time, the marketing, sale, and transport of goods to and from Mexico has encouraged emigration at a time when the commercialization of agriculture in Mexico has pushed farmers off the land.

Furthermore, while NAFTA greatly encouraged the free flow of goods and capital, it did not facilitate the free flow of labor.¹⁵ To the contrary, border controls instituted under IRCA continued, and Congress passed legislation enacting harsh penalties against individuals who overstayed their visas and forbidding authorized and unauthorized noncitizen immigrants from receiving most means-tested federal and state benefits.¹⁶

In the short term, reducing trade barriers produces "a migration hump—a temporary surge of more emigration as protected local industries are exposed to competition."¹⁷ As Philip Martin has noted, reductions may be a long-term outcome of NAFTA, but the translation of investments into jobs takes time.

Another outcome of NAFTA that served to stimulate labor emigration was the proliferation of "maquiladoras," predominantly U.S.-owned firms in a free trade zone on the Mexican side of the border.

Highly Skilled Immigrants

While much of the public, legislative, and media attention has been focused on low-skilled immigrants, American business leaders have put pressure on Congress and the president to acknowledge the importance of highly skilled foreign-born workers to the U.S. economy. The Immigration Act of 1990 raised the immigration

ceiling to 700,000 per year and granted preference to relatives of U.S. residents or citizens and to immigrants with high-level work skills.¹⁸

Stimulated by growing high-tech industries and a “knowledge economy,” educated foreign-born workers are significantly overrepresented in the natural and social sciences, medicine, engineering, and computer-related professions.¹⁹ Almost half of college-educated immigrants come from Asia, particularly India and China.

National Security

Before 9/11/01, national security concerns were not generally tied to discussions of immigration policy. In fact, just a few years earlier the *Wall Street Journal* had advocated a constitutional amendment stating “there shall be open borders.”²⁰ However, the 9/11 attacks focused intense scrutiny on border security and the visa process, resulting in a number of restrictions and delays for some individuals attempting legal entry to the U.S.

Doris Meissner, former director of the Immigration and Naturalization Service, suggests that many of these restrictive policies, particularly the arbitrary arrests and relaxation of due process protections for Arabs and other Middle Easterners, were the result of “initial, panicky responses.”²¹ Such actions have been decried by civil libertarians in the U.S. and abroad.

Current Status of Policy Debates

In the past decade, immigration has reached unprecedented levels as the result of a combination of factors, including continued reunification of immigrant families, a strong economy, trade expansion, and the government’s refusal either to authorize sufficient numbers of visas for the legal entry of low-skilled immigrant workers or to enforce employer sanctions. At the same time, Americans are about equally divided in their opinions on current levels, with half saying the number should be decreased and the other half saying it should be maintained or even increased.

Most recently, in 2006, after failing to get the immigration reform he had sought in the form of a guest-worker program, President Bush signed into law a bill authorizing the construction of a 700-mile fence on the 2,000-mile southern border.

As of this writing, Democrats have control of both the House and Senate, and the country is preparing for the 2008 presidential elections. Only a year ago, Congress seemed close to enacting major immigration reform, including the regularization of status of unauthorized immigrants. However, in recent months members of both parties have argued instead for

more punitive measures and for increased border security. The picture may change again after the inauguration of a new administration. Whatever happens, there is little doubt that immigration policy will remain at the forefront of the U.S. political scene for years to come. ■

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