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Editors

THE UNAVOIDABLE ISSUE

U.S. Immigration Policy in the 1980s

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(U.S. Immigration Policy in the 1980s)

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To Sigrid and Jane

Preface

This volume arises from a deep concern over the future of the immigration and refugee policy of the United States. A succession of federal task forces and commissions have studied U.S. immigration law and concluded that reform is badly needed, but meaningful reform has proven to be an elusive goal.

One barrier to reform is the enormous complexity of the immigration issue itself. Immigration, whether regulated or clandestine, affects the fundamental fabric of society. Hence, its effects are myriad and difficult to ascertain with precision. Furthermore, many of the determinants of immigration lie outside the ambit of U.S. sovereignty and consequently are less malleable to U.S. policy. Recognition of the complexity of the immigration issue has stymied reform since uncertainty over the consequences of policy changes favors maintenance of the status quo. Perhaps nowhere more than in the realm of immigration policy has an old adage rung true: Better the devil you know than the devil you don't.

The complexity of the immigration issue need not preclude reform. Considerable advances have been made in our understanding of discrete areas of the immigration issue. The plan behind this book was to invite experts on the various components of U.S. immigration policy to contribute chapters that would make "state of the art" reviews of learning in the respective areas and, if desired, draw out the implication of that learning for public policy. The goals of the book, then, are twofold: to acquaint the reader with the principal controversies in the debate over immigration and to provide the reader with comprehensive understanding of the immigration issue within the space limitations of a single volume. It is hoped that the reader will emerge with a sense of urgency about the need for immigration policy reform and with a sense of the course that reform should take.

The editors would like to thank Betty Crapivinsky-Jutkowitz of

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CHAPTER 1

U.S. Immigration Policy: International Context, Theoretical Parameters, and Research Priorities

Demetrios G. Papademetriou and *Mark J. Miller*

International migration has been an enduring component of the global economic, social, and political milieu. Although such migration has usually been considered an unmitigated benefit to both the sending and the receiving societies, its exponential and almost uncontrolled growth during the past twenty-five years has prompted a fundamental reassessment of the process. The initial results of this reassessment have had a sobering effect on all the principals in the migration chain and have gradually led them to the realization that migration has failed to resolve and in fact may have exacerbated the very condition it was believed to ameliorate.

Over the past quarter of a century, many advanced industrial societies have found themselves at a point in their development where the confluence of a variety of forces precipitated a chronic condition of selected labor shortages. The structural nature of these shortages was the result of a combination of such social, demographic, economic, and political factors as:

- the deteriorating demographic structure of many advanced capitalist societies that exhibit low birthrates, a consequent aging of their

The first author would like to thank the staff of the Center for Migration Studies, and especially its Director, Lydio F. Tomasi, for their dedication and commitment to the study of international migration. Without their cooperation and support, this book would not have been possible. Without Dr. Tomasi's constant encouragement and thoughtful comments, this chapter would have been far less rigorous and comprehensive. Only the authors, however, are responsible for errors of omission or commission.

population, and a significant contraction of their active work forces;

- the compounding effect of measures that contract work forces even further, such as earlier retirement, longer vacations, shorter work weeks, and psychological inducements to work-age youths to postpone entering the job market in favor of additional education;
- the concomitant proliferation of highly technical and white-collar occupations, which require a continuous evolution in the skills and education of personnel—itself a product of advanced development;
- the restructuring and increasing dichotomization of labor markets into primary and secondary sectors with their own distinct manpower and skill requirements;
- the continuing and increasing vitality of the secondary sector through the confluence of such factors as variable demand patterns for industrial products, continuously important but marginally profitable industries, a bullish market for private and public services that are archetypically labor-intensive, a persistent demand for temporary and seasonal work, and a proliferation of jobs that native workers are increasingly reluctant to take because of low wages, poor working conditions, and undesirable social status;
- the coupling of the human losses from World War II with the demands for vast manpower resources during the subsequent economic boom and the only moderately successful rationalizations of labor forces and incomplete capital-intensive expansion of some economic sectors in advanced industrial societies.

The optimistic and, as it currently appears to many observers, shortsighted response to such usually relative (although at times absolute) labor scarcities was either the instituting of bilateral agreements with many of the labor-surplus countries in the periphery for a controlled importation of labor (the European model and the U.S. *bracero* program), or the formulation and implementation of immigration policies that, although restrictive in their legal requirements, tolerated and thus encouraged the inflow of a largely spontaneous, clandestine, and thus exploitable immigrant force (the dominant U.S. model). Both processes gradually evolved into a condition in which the labor importers became increasingly dependent on a constant supply of foreign labor while, concomitantly and imperceptibly, the labor supply was becoming more and more independent of the actual labor needs of the host economies. In other words, what had always been assumed to be the biggest asset of the foreign labor "recruitment" course—its ability to act as a flexible cushion that could be

called upon as a temporary expedient with which to overcome unusual labor demand pressure (what the Germans call the *Konjunkturpuffer* function)—became increasingly less reflective of the actual situation. In fact, as the migration flows became more mature and (selected) labor demand pressure persisted, the temporary and revocable nature of the arrangement began to recede and, in the resulting policy void, was replaced by the de facto (though unintended) expansion of opportunities for longer-term stays, family reunifications, some modest occupational mobility, and all but the formal establishment of an immigration flow.

These universally unanticipated consequences gradually resulted in the conclusion that the "importation" of foreign labor not only failed to solve the structural problems of the intermittently labor-scarce industrial societies, but may actually have contributed toward maintaining and institutionalizing these scarcities. In fact, it now appears that, except for the obvious economic benefit accruing to the worker and the significant contribution of the worker to the short-term profitability of certain industrial sectors—to which the worker is now indispensable—the importation of labor has otherwise given rise to severe longer-term economic, political, and social problems. The latter two have been only inadequately and slowly understood by most labor-receiving countries.

Although the initial coincidence of interests between labor-scarce and labor-surplus societies gave rise to a buoyant, almost reckless, enthusiasm for both organized and spontaneous migration flows, these same actors are beginning to view migration as a process whose short-term economic benefits are seriously undermined both by the negative sociopolitical consequences and, increasingly, by unforeseen longer-term economic liabilities. Under these circumstances, outside of the profitability of private capital, the major structural contribution of the process may have been the progressive disappearance of national boundaries for labor and its transformation into a structural component of the international political economy.

Many critics of the international political and economic system view international migration as a process structurally central to both sending societies and receiving societies. The flow of labor is seen as neither temporary nor limited to a specific region. Rather, it is viewed as one of the most important "defining features of the contemporary world economy."[1] The departure point of this perspective is its treatment of development and underdevelopment as parts of the same single integral totality, a world capitalist economy that simultaneously

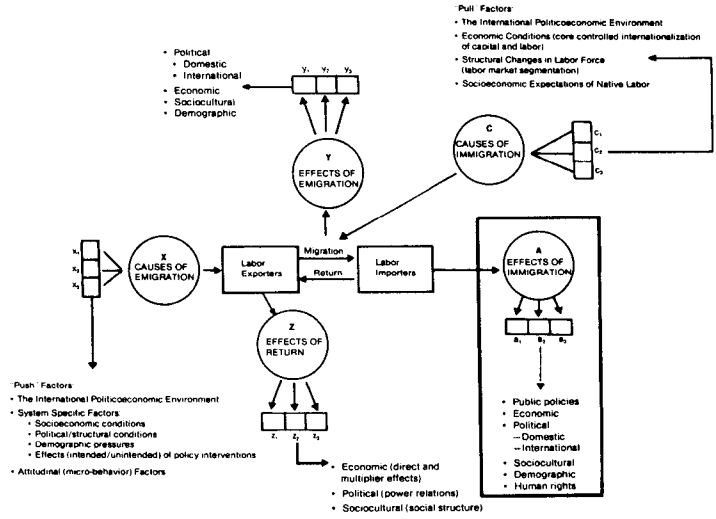

Figure 1.1 A Detailed Causal Model of Migration

This model offers a detailed and comprehensive view of the causes and consequences of international migration for both sending and receiving countries. The model follows the Partial Least Squares (PLS) technique developed by Herman O. Wold and his associates. See Karl G. Jöreskog and Herman O. Wold, "The ML and PLS Techniques for Modeling with Latent Variables: Comparative Aspects" (Paper delivered at the Conference on Systems Under Indirect Observation [Causality/Structure/Prediction], Centre de Rencontres, Cartigny, University of Geneva, Geneva, Switzerland, October 1979); R. Noonan and Herman O. Wold, "NIPALS Path Modeling with Latent Variables: Analyzing School Survey Data Using Nonlinear Iterative Partial Least Squares," *Scandinavian Journal of Educational Research* 21 (1977): 33–61; and Herman O. Wold, "Soft Modeling: The Basic Design, and Some Extensions," in *Systems Under Indirect Observations: Causality-Structure-Prediction,* ed. Karl G. Jöreskog and Herman Wold (Amsterdam: North Holland, 1981).

PLS is a latent variable causal modeling approach that occupies a midpoint between data-oriented, narrowly inductive analytical strategies and more sophisticated hard modeling. The softness and paucity of the migration data make PLS an appropriate research tool for studying international migration. The arrow scheme involves *manifest* (directly observed) variables, which are depicted as squares, and *latent* (indirectly observed) variables, shown as circles. Analytical complexity is reduced by treating *blocks of observables* as the *structural units* of the model. Each block is assumed to have a *block structure* according to which the manifest variables are treated as linear indicators of a latent variable; the latter is estimated as a *weighted* aggregate of the indicators. The arrows of the scheme characterize the model's *structural relations.*

Source: Demetrios G. Papademetriou and Gerald W. Hopple, "Causal Modelling in International Migration Research: A Methodological Prolegomenon," *Quality and Quantity,* forthcoming, Figure 5.

depends on and recreates conditions for international economic inequality.[2] In this scenario, although migration can still be viewed as partly the result of decisions by individuals and/or households, the range of options available to them is shaped by such structural factors as the place of each state into the global political economy.

This perspective is principally useful in highlighting the structural components of international labor migration, in terms of the internal division of labor (and its consequent social class relations) and the international political and economic hierarchy of national systems that often have limited room for independent action with respect to the production and distribution of commodities and the emigration of their citizens.[3] Although the appeal of this often procrustean theoretical bed varies with one's acceptance of the basic components of the arguments made by "world system" and *dependencia* advocates, one cannot deny the need for a more comprehensive ("holistic") perspective in the study of the place of international migration in international politics and economics, and particularly of the manner in which it interacts with the global system's structures, patterns, and processes. As Figure 1.1 indicates, however, one cannot obtain a thorough understanding of the causes and consequences of international migration by looking only at the structural components of international migration. To gain such an understanding, one must also appreciate the explanatory power of such competing frameworks as those emphasizing important intrasystemic forces (labor market, demographic, social, and domestic political) or the myriad of individual motives that influence the actual profile of specific migration flows.

U.S. Immigration Policy: An Overview

Comprehensive analyses of the place of international migration in the social, economic, political, and demographic milieu of both sending societies and receiving societies are rare and usually either fail to identify the broad political/economic parameters of international migration or lose sight of the multitude of individual/group motives for emigration and the precise impact of specific migration flows on the economy and society of sending and receiving societies. By necessity, then, we embark on this task in this volume with considerable apprehension. The goal of the endeavor will be to identify and understand the broad interplay of the complex forces that have traditionally shaped the multiple population, social, economic, and political (internal and external) dimensions of U.S. immigration policy and to offer some insights, guidelines, and alternatives to the future course of

action in this area. The ultimate objective will be to identify the policy instruments necessary for a goal-oriented labor market, population, and foreign policy of which immigration should be an integral component—a policy sensitive to the demographic, social, economic, and domestic and international political priorities of the United States.

The challenges to be met are substantial. The literature on immigration suffers from paucity and frequent unreliability of data; published works are frequently superficial and weak both in their designs and in their methodologies; and, because of the topic's high degree of emotive and political salience, many works are obvious products of polemicists or apologists for particular points of view and seek to promote single-interest political or economic philosophies.

If there is one aspect of U.S. immigration policy that is marked by substantial consensus, it is the need to rethink immigration policies and to make them an integral component of a national population, labor market, and foreign policy. Yet, as the U.S. policy apparatus gropes toward that goal, the confusion generated by masses of contradictory "evidence" about every possible impact of legal and illegal immigrants on the American society and economy is heightened. Simultaneously, a confrontational public spirit is evolving, resulting in an "us" versus "them" debate and in hyperactive involvement by contending interest groups. Such hyperactivity further polarizes the attitudes of opinion makers and the mass public and deprives policymakers of some of the options they may have wished to consider; it also contributes toward increasing popular uncertainties and working class and minority insecurities.

If the historical experience of the United States and other advanced industrial democracies with immigration is relevant to the future, myths and rumors about immigrants may be expected to challenge the legitimacy of virtually any government action in this matter and interfere both with the improvement of the conditions under which illegal immigrants exist and with the consequent amelioration of some of the negative societal consequences attendant to the problem. In fact, the appearance of elite ambivalence and confusion encourages negative race and ethnic stereotyping, supplants the real population and labor market issues, and may compel the government to respond to the former (rather than the two latter) challenges.

It is in the context of de facto clandestine immigration that use of the one ready source of useful experience—the grappling of European advanced industrial societies with the consequences of an "organized" temporary foreign worker program—can be quite instructive. We have looked at the European experience in Chapter 10. At stake is

who should be allowed to articulate and implement decisions that have an impact on the whole society: private citizens, special-interest groups, or government (the latter presumably aware of the full spectrum of pertinent issues). The case of Europe affords one the unique opportunity to evaluate alternative policies in terms of their aims and their performance. Similarly, it affords one the luxury of immediate longitudinal observations about the private/public, long/short, and latent/manifest costs and benefits of labor migrations. The experiences of France, West Germany, and Switzerland (i.e., their similarities and differences both among themselves and between them and the United States) can help the United States choose which policies are best suited to its own population goals (themselves the subject of another equally acrimonious debate) and its social, economic, and political requirements.

In the final analysis, the ability to make informed observations about the impact foreign workers have on the European advanced industrial democracies can better enable the United States to identify and comprehend the behavior and impact of total immigration on domestic population growth and on the socioeconomic and political realms of American society, while providing a barometer on what appears to be a most seriously contemplated policy option in many U.S. policy circles today: the instituting of some form of a temporary foreign worker program.

A Brief History of U.S. Immigration Policy

The immigration policy of the United States has usually reflected a particular period's preoccupation with its immediate past rather than its present or future. Its dimensions, at least until recently, have been influenced by a host of often inadequately understood and contradictory forces in such areas as the demographic composition of the population, economics, and foreign and domestic politics. The resulting responses have usually denied U.S. policymakers the opportunity to articulate and implement immigration policies that best complement long-term goals in the increasingly interdependent foreign and domestic political and economic spheres.

In fact, U.S. immigration policies, although viewed as domestic matters with only an incidental relationship to diplomacy, have always had a global impact and, as such, have often been a vital component of U.S. foreign policy.[4] Accordingly, and in spite of the infrequency with which U.S. immigration policy has had deliberate foreign policy

implications, the manifest (intended) and latent (unintended) international consequences of U.S. immigration policies have always been significant. Even during the so-called laissez-faire period prior to 1882, a host of legislation that seemed to be unrelated to immigration[5] had a significant impact on and helped shape the composition of the U.S. population and subsequently the direction of U.S. society.

The history of U.S. immigration policy can be best understood within the parameters of capital and labor relations, with an almost uninterrupted series of victories by the former, which were often (but not always) to the detriment of the latter.[6] In fact, even during the restrictionist policies of the last sixty years, capital has always been clearly at the controls either by being successful in instituting "temporary" foreign labor programs (in 1917–1922 and 1942–1964) or through the de facto "open" immigration policies of recent years, where vast numbers of illegal foreign workers have been allowed to enter the country and perform critical economic functions with only a small risk of detection and apprehension and little fear of punishment (other than voluntary deportation).

Organized labor in the United States traditionally has been suspicious of, if not outrightly opposed to, immigration. Throughout the nineteenth century, capital prevailed on both the executive and legislative branches and won legislation that responded to often contrived labor shortages. In some cases (such as the transportation industry in the confusing days following the Civil War), capital actually secured legislation that included incentives and indirect public subsidies for labor procurement. As Vernon Briggs points out in Chapter 4, for instance, the 1864 Contract Labor Act passed Congress in spite of strenuous efforts by such nascent worker organizations as the National Labor Union (NLU) to block it. Although repealed four years later, this act set the tone both for a pattern of business practice of hiring foreign workers regardless of their legal status and for a pattern of impotence by successive labor organizations in checking this practice. In fact, labor was most successful in obtaining restrictive and/or exclusionary legislation only when variables other than labor market conditions intervened, most notably those of race and ethnicity. Thus, buoyed by the openly anti-Chinese California state constitution of 1874, no less than six federal Chinese Exclusion Acts were passed between 1882 and 1904, the last one not repealed until 1943; in 1907 the gentlemen's agreement reached with Japan prohibited Japanese immigration; and in 1917, immigrants originating in the "Asia Pacific Triangle"[7] were excluded from entering the United States.