

The Fence to Nowhere

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BY ALEJANDRO PORTES

EARLIER THIS YEAR AS THE IRAQ CRISIS DEEPENED with no end in sight, an administration in disgrace sought to score some kind of legislative victory elsewhere. Immigration reform was a good candidate since a coalition of both the economic right, interested in abundant migrant labor, and the moderate left, interested in human rights and ending migrant exploitation in the workplace, could overcome the cultural right's intransigent opposition to immigration reform. Accordingly, the Bush administration teamed with liberal Senate Democrats to craft a bill that would provide a path to legalization for the estimated 10 to 12 million unauthorized immigrants already in the country, as well as stem the flow of immigration through additional border enforcement and the creation of a temporary labor entry program. The Bush proposal ultimately failed—but the challenge of reform is still with us.

Congress' attempts to grapple with the problem of immigration—"our broken borders," as CNN's Lou Dobbs puts it daily—were dominated by the agenda of the radical cultural right. As articulated by Harvard professor Samuel Huntington and given popular expression by Dobbs and other media pundits, the radical right's point of view has four parts. First, illegal immigrants "invade" the United States against this country's will. Second, they take jobs away from Americans and lower their wages. Third, they bring undesirable cultural and linguistic traits that imperil American culture as well as the hegemony of English. And finally, the best way of dealing with illegal immigration is to suppress it by militarizing the border and, if necessary, erecting a fence.

Each of these points is demonstrably wrong.

Unauthorized labor migrants come not only because they want to but because they are wanted, if not by everyone, at least by a large number of employers and firms in labor intensive industries. That demand—in agriculture, construction, low-tech manufacturing, and services—is not only strong but growing. Declining domestic fertility leads to slower labor-force growth; an increasingly educated American workforce is reluctant to accept menial jobs; and industry desires cheaper workers. A recent report by the Congressional Budget Office called this labor bottleneck one of the main challenges confronting the future of the American economy.

The menial jobs that employ unauthorized immigrants typically pay above minimum wage. Even so, few Americans can be found to harvest fruit, dig ditches, wash dishes, clean hotels,

and perform myriad other humble tasks. In North Carolina, the annual harvest requires about 150,000 agricultural workers. In a recent year, 6,000 openings were reserved for U.S. workers at \$9.02 per hour. A total of 120 applied, 25 showed up to work on the first day, and none finished the harvest. The story of unreliable native-born fieldworkers routinely repeats itself throughout the country at harvest time. The statement that migrant manual workers "take jobs away from Americans" is, to a large extent, a myth.

It is true that in sectors like unskilled construction and hotel services, many employers prefer immigrants to native-born workers because of their willingness to perform the same jobs for lower, or, at least, not increasing, pay. However, if many labor intensive firms were to sufficiently raise wages—say to \$25 an hour for harvest work—to attract a declining native-born labor force, they would have to raise prices beyond consumer tolerance or they would themselves go out of business. The continued existence of such firms—farms, ranches, restaurants, landscaping and gardening businesses, garment factories, and many others—generates, in turn, spin-off effects in the form of better-paid clerical, administrative, and government service jobs that are attractive to native-born workers. Migrant labor thus ends up creating employment opportunities for native-born workers in a number of clerical, supervisory, and governmental jobs.

Studies by economists and sociologists alike have consistently failed to show a significant direct effect of migrant labor on the employment rates and income levels of domestic groups, including African Americans. Instead, studies by immigration scholars Frank D. Bean, Gillian Stevens, Michael J. Rosenfeld, and Marta Tienda, among others, point to a pattern of labor market segmentation in which undocumented immigrant workers crowd at the bottom of the market in menial service and low-paid industrial jobs, while domestic workers predominate in higher-paid clerical and administrative occupations. The spin-off effect of immigration in stimulating the growth of higher-paid occupations for domestic workers is entirely neglected by the nativists.

COMPARED TO FRANCE, GERMANY, BRITAIN, AND OTHER NATIONS that attract immigrant workers, the United States has nothing like the cultural clashes roiling Western Europe. As our largest source of manual foreign workers, not only is Mexico geographically contiguous to the United States, it is a Western nation with numerous cultural ties to its northern neighbor.



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from the cultural right, the U.S. Border Patrol has grown to become the largest arms-bearing branch of the federal government, apart from the armed forces themselves. Still, the unauthorized flow continues and even grows year after year. Back in 1994, sociologist Thomas Espenshade estimated a 30 percent probability of apprehension during any border-crossing attempt. Since apprehended immigrants sent back to Mexico repeatedly endeavor to re-enter the United States, a successful attempt by the third try is almost certain. According to sociologist Douglas Massey, the probability of apprehension has actually declined to approximately

21 percent in any given trial, the reason being that, in the wake of border militarization, smuggling has become more professionalized. While it is expensive to hire a coyote (the going rate is about \$3,000), a professional smuggler greatly reduces the chances for being caught.

Despite Border Patrol and other policing efforts, the flow of unauthorized immigration continues because the Mexican poor's need to find better-paid employment neatly fits with the need of labor-intensive U.S. industries to find motivated workers. The fit is so strong as to defy any attempt to repress it. Build a wall and tunnels will be built under it and new crossings will be found, with immigrants repeatedly braving the desert and death if necessary.

Border militarization has not been without its consequences, however, and those consequences have generally been the opposite of what was intended. Because coming to the United States has become so expensive and arduous, immigrants who cross the border seldom return home. Instead, they bring their families along as soon as possible. Hence, border enforcement, which has not succeeded in stopping the unauthorized flow, has succeeded in keeping these immigrants bottled up on the American side of the border. The policy has been instrumental in creating a large and growing unauthorized foreign population in the United States, exactly the opposite of what advocates of that policy intended. Not incidentally, the unauthorized status of this population leads directly to its vulnerability in the labor market, and, hence, to exploitative practices. These practices would not happen if immigrant workers had the legal means to fight them.

The end of the old cyclical pattern of Mexican workers crossing the border for seasonal work periods, then returning to their villages and towns afterward, also means that the children of these workers now grow up in the United States.

AFTER MORE THAN THREE DECADES OF DEALING WITH UNAUTHORIZED immigration as a police problem and spending billions of dollars on the militarization of its southern border, the United States has precious little to show for its efforts. Under pressure

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Children reared in poverty and as unauthorized aliens experience great difficulties in school and drop out in significant numbers, thereby limiting their opportunities for upward mobility. Widespread discrimination, bad schools, and lack of external assistance set the stage for the reproduction of poverty across generations. These factors also result in at least some of these children abandoning manual work in order to join gangs and the drug culture. The cycle has been baptized in the academic literature as “downward assimilation,” and many offspring of unauthorized immigrants are at risk of following this path. Hence, the policy of intransigent restrictionism has not only created what it intended to prevent, but it is setting the conditions for the perpetuation of crime, violence, and gangs in America’s cities.

This catastrophic situation could be prevented if public policy recognized that America needs and will continue to need massive inputs of migrant labor, a natural source of which is Mexico. Policy must also address maintaining the cyclical nature of the immigration flow, which is vital for the proper use of this labor in the interest of both countries. Any governmental program that aspires to succeed must seek to manage this momentous flow rather than attempt to eliminate it.

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The Mexican state has assiduously courted the U.S. government in an attempt to improve the legal situation of its expatriates and facilitate their return. An agreement should be worked out between the two governments where, in exchange for granting temporary legal status to Mexican laborers, the Mexican government undertakes the creation of incentives for their return. A cyclical labor flow is in the interest of not only the United States but also of Mexico. It avoids the depopulation of towns and entire regions, which is an inevitable consequence of permanent family migration. A back-and-forth flow guarantees the continuation of remittances, which decline when immigrants bring their families to the U.S. side of the border. Such a flow also channels the savings of returned immigrants into productive investments in agriculture and small urban enterprises in Mexican communities.

A common fallacy is the assumption that, once on this side of the border, immigrants never leave. This assumption is negated by the pattern of cyclical migration that existed before the militarization of the border and that continues to exist among legal migrants today. The reason is simple: Adult men and women raised with a different language and in a different culture generally prefer that language and culture and will return to them, if and when economic conditions permit. While a sizable minority of immigrants would still settle permanently in the United States, the majority would continue to make their home in Mexico if allowed to do so.

Reconstructing this pattern of cyclical migration will require giving migrants legal passage across the border when returning from visits to their families and home communities. It will also require creating minimum health and educational facilities for families and children left behind in Mexico, as well as generating opportunities in Mexico for the productive investment of migrant savings.

The immigration reform proposal that died in the Senate this past summer was a step in the right direction, but suffered four fatal flaws. First, to please the radical cultural right, it was loaded with so many additional repressive features that it would make legalization very expensive, burdensome, and probably unworkable. Assigning more Border Patrol agents, building more fences, and increasing electronic surveillance will all be costly and will produce the same result as similar policies in the past: not stemming the flow of immigration, but bottling it up on this side of the border. Making legalization cumbersome and punitive would play into the hands of smugglers and unscrupulous employers since it would discourage unauthorized immigrants from coming forward.

Second, the Bush administration proposal sought to revamp the entire immigration program, including a controversial point system. The current legal immigration system functions relatively well, and its few glitches could have been handled separately at a later time. The pressing issue is how to deal with unauthorized labor immigration.

Third, the administration addressed unauthorized immigration universally, ignoring that this is, overwhelmingly, a bilateral issue between Mexico and the United States. Most unauthorized immigration today originates in or passes through Mexico. Any reform measure with any hope of success needs to address this bilateral characteristic and requires close cooperation between the two governments.

Finally, the proposal mistakenly assumed that once migrants cross into the United States, they will permanently remain. Hence, it entirely neglected the need to restore the circular pattern of labor migration by creating conditions and incentives for return to Mexico.

Given the failure of the Bush proposal and of the present ineffective and costly policy of border repression, a bilateral labor management program can be built along these lines:

- Every adult Mexican with a clean police record and a certifiable job offer in the United States will be entitled to a temporary labor permit upon payment of U.S. \$3,000 at the Mexico-U.S. border (roughly the going price to hire a professional smuggler).

- The permit will be valid for three years and renewable for another three. It will be contingent on staying with the first employer for a minimum of 90 days. Afterward, the migrant will be free to seek alternative employment.

- Temporary migrant workers will have the same rights as native-born workers, including the right to vote for and join

unions. Income and Social Security taxes will be deducted from their paychecks.

- Upon permanent return to Mexico, the migrant receives half the entry fee (\$1,500) plus all accumulated Social Security payments.

- Migrants who wish to settle permanently in the United States after six years as temporary workers will be eligible to do so through a special provision of the immigration law, provided that they have a clean police record, a stable job, and a U.S. bank account of at least \$5,000.

- Unauthorized migrants already in the United States will be first in the queue for temporary labor permits, provided that they have a clean police record and certifiable employment. All unauthorized Mexicans who come forward will be given temporary protected status while their permits are processed. They will pay the same entry fee as newcomers and be subject to the same rules thereafter. Those who can show that they have lived at least three years in the country will be eligible for permanent residence after another three years as legal temporary workers.

- The program will be initially capped at one million new entrants per year (a conservative estimate of the present unauthorized flow). The number will be adjusted periodically in consultation with employers’ associations, trade unions, and the Mexican government, and enforcement of the cap will be the responsibility of the Mexican as well as the U.S. authorities.

The Mexican state would support this binational labor program through these measures:

- Actively policing its side of the border to prevent further attempts at border-crossing outside the legal labor program.

- Accelerating social investments in communities of migrant origin to guarantee adequate health and education facilities for families and children who remain behind.

- Continuing the current three-for-one (*tres por uno*) program through which every dollar remitted by migrant organizations in the United States for philanthropic or public works in their Mexican hometowns is matched by federal, state, and local government contributions in Mexico.

- Respecting the tax-free status of returned migrants’ lump sum payments and creating credit programs that match the investment of these funds in productive enterprises.

- Setting up a comparable temporary labor migration program for Central American workers. As Mexican migrants move north and the Mexican economy develops, job opportunities will be created that are attractive to peasants and workers from Guatemala, Honduras, and El Salvador. In this manner, an ordered, echeloned circular migration system can be established.

Mexico is not a poor, but a middle-income, country, and its government is not as feeble as it is commonly portrayed by the U.S. media. The Mexican federal government has intervened forcefully and effectively in many instances of internal unrest and natural disasters; it conducts a vigorous foreign policy; and it operates a complex network of 48 consulates on this side of the border with a variety of useful programs for its expatriates. The enormous challenge of battling the drug trade has

made this government appear less effective than it really is. If immigration is redefined as a bilateral labor management program, the Mexican government should be quite able to fulfill its side of the bargain.

The proposed measures would provide U.S. agriculture and other labor-intensive industries with a reliable labor force, while eliminating the present exploitation of migrant workers. They would facilitate the organization of the migrant labor force by trade unions, as fear of employer reprisals and deportation is effectively eliminated. Mexican workers would then be *less* competitive, since their vulnerability to employer abuses would be reduced through unionization and recourse to the courts. This should put upward pressure on wages, making manual jobs more attractive to at least some native-born workers. The proposed measures would also keep more immigrant families in Mexico, eliminating the social burden of a permanent impoverished population in the U.S. and the likelihood of downward assimilation in the second generation. As a result, this would prevent the depopulation of migrant-sending towns and regions in Mexico, while encouraging productive investment of migrant savings upon return. The proposal also includes creating an orderly program for those who opt for permanent migration and settlement, as well as organizing an integrated labor management system in North America in which vacancies created in Mexico by departing migrants are filled, in turn, by Central Americans—thereby strengthening local economies and thus reducing migratory pressures leading to U.S.-bound unauthorized migration.

Despite its flaws, the old Mexican *Bracero* program was arguably superior to what followed it. The clandestine immigrant flow that followed the program’s termination recreated these conditions and made them far worse. Jobs for unauthorized workers became more exploitative, and employers became more accustomed to docile and cheap foreign labor than to using native-born labor. The calamitous situation that we live with today is a direct outgrowth of the end of the *Bracero* program without any rational alternative in its place.

Liberals can learn from this experience and not allow their idealistic concerns to detract from what is viable and what is right. In an ideal world, Mexican and other foreign workers would have decent employment opportunities at home and would not have to migrate; U.S. firms would hire native-born workers and pay them high wages with ample benefits. This is not the way things work out in the real world, though, and striving toward these ideals gets in the way of practical and viable solutions. A well-regulated temporary labor program is not ideal; it is simply the best option under present realities and, if properly handled, will do away with complaints about “broken borders” and function in the interest of workers and employers on both sides of the border. **TAP**

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