

Immigration Policies and Latin American Immigrants Today

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“With immigration, you can only fear our country’s future if you don’t know our past.”

--Lawrence O’Donnell, MSNBC promo,
May 2011

What have our immigration policies been over the 20th c. & how has this shaped Latin American immigration to the U.S.?

U.S. immigration policies throughout the 20th century have made it harder for immigrants from Latin America to migrate *legally*, at the same time that we demand such labor and economic & political conditions in Latin America propel it.

Ellis Island immigration narrative



A gift from France, the Statue of Liberty was erected in 1886.

- “New” European Immigrants, 1880 - 1924
- 27 million immigrants 1880 - 1930 to US



When immigrants arrived in the U.S. before World War I, which document was required for them to enter legally?

- Valid passport
 - U.S. work permit
 - Certified identification card
 - None of the above
- Only 2% of immigrants were denied entry
 - Almost everybody was “legal”
 - Our borders were fairly open

The “Ellis Island” Immigrants

- Why did they come?
- Who came?
- How many?
- How did we receive them?



Nativism Redux

“immigration to this country is making its greatest relative increase from races most alien to the body of the American people and from the lowest and most illiterate classes among those races. [They] represent the rudest form of labor. . . reduce the rate of wages by ruinous competition. . . These are people whom it is very difficult to assimilate and [who] do not promise well for the standard of civilization in the United States.”

Congressman Henry Cabot Lodge (R-MA), 1890s, referring to Italians, Poles, Russians, and Hungarians

Johnson-Reed (Immigration) Act, 1924

- Restricted European migration; national quotas – 2% of 1890 population
- About 85% of allotments reserved for Western & Northern Europe
- Western Hemisphere was exempted from the quotas applied to Europe
- 1st time that Mexicans immigrants are regulated

Johnson-Reed (Immigration) Act, 1924

- Established Border Patrol – Canada & Mexico
- Mexican, Latin American, Caribbean migrants can come but new rules...
 1. need to be inspected
 2. pay \$8 head tax
 3. pay \$10 for visa
 4. prove their literacy
 5. pass the “public charge” test
 6. not be contracted laborers



Immigration Act, 1965

- Watershed moment; start of “new” immigration—Asia, Latin America
- Ended unfair quotas for S. & E. European countries (liberalized immigration law for that region)
- Established quota of 120,000 for the entire Western Hemisphere—on a first-come, first-served basis, not country-specific

Immigration Act, 1965

- Preference categories for family reunification—can petition for spouses, children, parents, etc.
- Continues exemption for parents of U.S.-born children
- Preference for skilled worker recruitment

Skilled Worker Recruitment H-1B Visas

- Between 1966 and 1977: 83% of Indians (South Asians) who migrated to the United States entered under the category of professional and technical workers:
 - 20,000 scientists with PhDs
 - 40,000 engineers
 - 25,000 doctors

-Vijay Prashad, *The Karma of Brown Folk* (2000), 75, 80, 82.

Immigration Act, 1965

- 1st time ever Mexican immigration is subject to numerical restrictions
- Severely restricts and disadvantages Mexico, which we already knew was the largest sending nation in the hemisphere (esp. because of *Bracero* Program)

Western Hemisphere Act (Eilberg Act), 1976

- Maintained family, skilled worker preferences
- Ended exemption of labor certifications for parents of U.S-born children (U.S. citizens)
 - “25% to 35% of all Western Hemisphere immigration results from the exemption from labor certification for parents of minor United States citizen children.”
- Established 20,000 annual visa quota per country for Western Hemisphere.

- “The only country in the Western Hemisphere which substantially exceeds 20,000 persons per year at the present time is Mexico. . . when the new law becomes effective. . . the 20,000 allotment for Mexico will be reached with very few numbers available for old registrants. Moreover, the other changes in the law will greatly curtail the number of qualified immigrants from Mexico.”

Austin Fragomen, *International Migration Review* 11, 1 (1977): 95

- “The new law has obvious deficiencies, which many believe are so acute as to negate its positive aspects—particularly, the severe curtailment of immigration from Mexico and the elimination of the exemption from labor certification for parents of minor United States citizen children.”

– Austin Fragomen, *International Migration Review* 11, 1 (1977): 100.

Growing Public Concern over “Illegal” Immigration

- Focused on
 - Mexican/Latin American immigrants
 - U.S.-Mexico border



- “Let’s do away with the term ‘illegal aliens’. In fact, let’s do away with the illegal status that plagues millions of workers without documents who live and work in the United States. In recent months, unemployment and inflation have once again focused attention on undocumented workers and their families. They have become the scapegoats of the present downturn and are treated as if they personally brought it about. The problem of illegal immigration will never be solved with deportation raids and repressive legislative proposals. . . The truth is that when the United States is prospering, we welcome these humble workers from Mexico. When we hit a slump, we use deportation raids and legal repression to dispose of them. . .”

Mark Day, former asst. pastor at St. Joseph’s Catholic Church in East LA, editorial, “When Times Are Hard: Making Scapegoats of the Humble” *LA Times*, Sunday, February 23, 1975

What makes immigration “illegal”?

- Universal quotas = 20,000 entrants/country/year (Mexico, Iceland, Belgium, Guatemala)
- Countries with the highest demand for migration (Mexico & Central America) are limited in # of visas granted
- Makes legal migration from these regions extremely difficult

Table 2. Latinos at Mid-Decade Detailed Hispanic Origin: 2005

	Number	%	Home Country Population
Mexican	26,784,268	63.9	109 million
Puerto Rican	3,794,777	9.1	4.0
Cuban	1,462,593	3.5	11.0
Salvadoran	1,240,031	3.0	7.0
Dominican	1,135,756	2.7	9.4
Guatemalan	780,191	1.9	13.0
Columbian	723,596	1.7	44.4
Honduran	466,843	1.1	7.5
Ecuadorian	432,068	1.0	13.8
Peruvian	415,352	1.0	28.7
Nicaraguan	275,126	0.7	5.7
Argentinean	189,303	0.5	40.3
Venezuelan	162,762	0.4	26.0
Panamanian	141,286	0.3	3.2
Costa Rican	111,978	0.3	4.1
Chilean	105,141	0.3	16.3
Other Central Americans	99,422	0.2	
Other South Americans	89,443	0.2	
Bolivian	68,649	0.2	9.1
Uruguayan	51,646	0.1	3.5
Other Spanish/Hispano/Latino	3,003,648	7.2	
Spaniard (self identified)	362,424	0.9	

Source: Pew Hispanic Center 2005.



Immigration Facts

- The source of immigrants to the U.S. has changed significantly in last 100 years.
- In 1900, immigrants from Asia and Latin America made up less than 1.5% of all immigrants.
- Today they are 26% and 52% respectively.
- In 1910, immigrants made up 15% of U.S. population. In 2000, they made up 11%.

INS Statistical Yearbook, <http://pbs.org/independentlens/newamericans> ; National Immigration Forum.

Immigration Facts

- Only 40% of “illegal”/unauthorized immigration comes across the U.S.-Mexico border.
- Another 40% overstay business, tourist, student visas.
- Undocumented immigrants come from Ireland, Bulgaria, Israel, Poland, Russia, India, Argentina. . .
- What % of all immigrants worldwide does the United States receive?
 - Less than 1%. Out of 175 million worldwide, we admitted 1,063,072 in 2002. The INS estimates an additional 350,000 unauthorized immigrants.

INS Statistical Yearbook, <http://pbs.org/independentlens/newamericans> ; National Immigration Forum.

Immigration Facts

- 75% of legal immigrants come to join a close family member.
- Of approximately 1.4 million immigrants who entered the U.S. in 2002, approx. 25% came unauthorized.
- Where did most refugees who were resettled in the United States come from in 2002?
 - Former Soviet Union, Iran, Vietnam, Sudan, Afghanistan, Cuba

INS Statistical Yearbook, <http://pbs.org/independentlens/newamericans> ; National Immigration Forum.

Immigration Reform and Control Act (IRCA) 1986

- Established employer sanctions for knowingly hiring “illegal immigrants”
- Birth of I-9 form, employer verification
- How do employers get around this?
 - Accepting fraudulent documents
 - Subcontracting

Immigration Reform and Control Act (IRCA) 1986

- Increased funding & resources for Border Patrol
- Gave president authority to declare “immigration emergency”
- Offered amnesty for those who could prove 5 yrs. of working in U.S.

Amnesty & IIRIRA (1996)

- 3 million unauthorized immigrants became legal U.S. residents (2.6 million of them from Latin America)
- But then. . . Illegal Immigration Reform and Immigrant Responsibility Act (1996) – denied services to **legal** immigrants
- So, 1994-1997: citizenship applications to INS tripled from 543,353 to 1,411,981
- This happens because of: a) IIRIRA, b) new Dual citizenship options in Latin America, and c) California Prop 187

Jorge Durand & Douglas Massey, “The Costs of Contradiction” (2003)

- 25 year study—the Mexican Migration Project
- “Contradictory policy of growing integration and increasing separation”
- The U.S. wants Latin America to open its markets but does not want to open U.S. to Latin America
- Effects of free trade and border patrol policies have led to ongoing immigration “crisis”

North American Free Trade Agreement (NAFTA) & “Operation Gatekeeper”

1994



NAFTA

- Eliminated tariffs on trade between U.S., Mexico, Canada
- Trade with Mexico increased from \$80B in 1994 to \$200B in 2000
- Free Trade: goods/investments can come & go. . .

“Operation Gatekeeper”

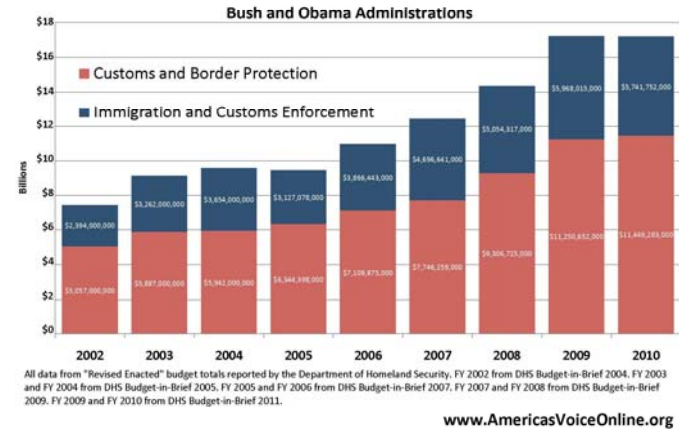
- Crack down on traditional border crossing points
 - San Diego-Tijuana
 - El Paso-Ciudad Juarez
 - Laredo-Nuevo Laredo



Consequences of increased enforcement at 3 sites

- Illegal crossings and apprehensions decline
- BP channeled migrants to where they would be less likely to be caught so. . . unauthorized migrants crossing in desert
- Dangerous crossings—over 5,000 migrant deaths along border since mid-1990s
- And. . . AZ and TX ranchers encountering growing #s of migrants on their property
- Rise of “The Minutemen” (2005), vigilantism
- More undocumented immigrants are staying in US permanently-- population doubled from 1994 to 2004

SPENDING ON IMMIGRATION ENFORCEMENT

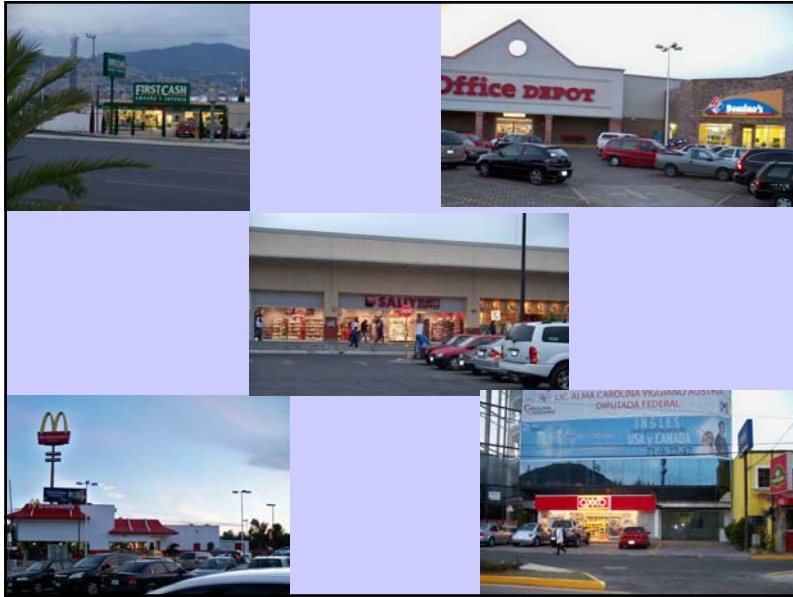


Durand & Massey’s “contradiction”

- We want open borders for trade & capital from *North to South* but not for people from *South to North* and this is creating the 21st century immigration “crisis.”

Free Trade: The U.S. in Mexico, 2010





- “Throughout the 20th c. the U.S. has arranged to import Mexican workers while pretending not to. . . [and] politicians and public officials have persistently sought ways of accepting Mexicans as workers while limiting their claims as human beings.”

– Massey, Durand, and Malone, 2002, *Beyond Smoke & Mirrors*

How do we profit from an “illegal” immigrant labor force?

- Immigrant workers are replenishing an aging labor market (think: baby boomers).
- 70% of immigrants arrive in prime working age. We get workers for whom we have not invested in social services, education.
- American companies profit enormously from “illegal” labor.
- For consumers = lower prices for goods & services (i.e. food, hotel rooms, personal services)
- Agriculture, meat processing industries [Food Inc.](#)

Federal Reserve, National Academy of Sciences

- During Florida’s prime tomato-picking season from November to May, Norberto Jimenez rises at 4 a.m. six or seven days a week to pack his lunch. He needs to be at the central parking lot in Immokalee, Fla., early if he wants to be selected by a crew leader and catch an early bus to whatever field is being picked that day. By the end of the working day—either “five or six or seven” at night, he says—Jimenez has picked around 125 buckets of tomatoes, each weighing 32 pounds, for which he’ll earn \$.40 to \$.50 a bucket. When the night bus returns to the parking lot, Jimenez will have earned somewhere between \$50 and \$60 for lifting two tons of tomatoes.

– Aaron Sarver, “A Win for the Coalition of Immokalee Workers,” 4/07

How do undocumented immigrants contribute to the U.S. economy?

- DOL report concludes migrant laborers' poverty subsidizes wealth/profits in agribusiness
- Undocumented workers have contributed over **\$600 billion** surplus to the Social Security system
 - Social Security Administration "Earnings Suspense File"
 - 1991: \$8 billion 2006: \$586 billion (Camayd-Freixas, 2009)
- Undocumented immigrants often overpay federal & state taxes (est. \$90-\$140 billion/year)
- They access fewer social welfare programs than we do.

Contributions of undocumented Latino/a immigrants & their children



Henry Cejudo, son of undocumented Mexican immigrants. 2008 Olympic Gold Medal winner in Wrestling for the U.S.



Lance Corporal Jose Gutierrez, 22, undocumented immigrant from Guatemala. One of the 1st American soldiers killed in Iraq War. He was granted citizenship posthumously.

A view on immigration from the other side

- “Countering the U.S. view that Americans are footing the bill for illegal Mexican workers, [Mexican foreign minister Carlos González Gutiérrez] asserted that Mexico is subsidizing the American economy with cheap labor, without which large sectors of the American economy would falter.”
 - Gandara & Contreras, 2009, 12.

A view on immigration from the other side

- “He also warned that the U.S. economy must soon wean itself of dependence on this inexpensive labor source, because the growth of the Mexican economy and the decline in the Mexican birthrate indicate that a severe shortage of such Mexican workers will occur within twenty years.”
 - Gandara & Contreras, 2009, 12.

The consequences of immigration raids: Postville, Iowa 2008

- “Interpreting After the Largest ICE raid in US History: A Personal Account,” Erik Camayd-Freixas
– “Vivencias: Reports from the field,” *Latino Studies Journal*, vol. 7, no. 1 (2009): 123-139

A Hemispheric Concept of “América”

- “Enrique reminds me that [his wife] *is* Native American: Mexico is part of the North American continent.

‘You didn’t know that? We’re all *Americanos* here, güero, except for you. Juana and I *somos americanos indigenas*. Where are you from?’

‘You mean like my family? They’re from Norway and Finland, mostly.’”

--Gabriel Thompson, *There’s No José Here*

A Hemispheric Concept of “América”

- “One evening while watching the news I saw a man shouting, ‘Go home, illegals!’ at a group of immigrants who were demonstrating for their right to have driver’s licenses. As the camera panned the crowd of protestors I could see many broad Indian faces, faces that are indigenous to the continent that we all share. The irony was lost [on the man], whose ancestors grew up thousands of miles away.”

--Gabriel Thompson, *There’s No José Here*

Major Indigenous Civilizations prior to European contact



