The National Interest online

Battlefield: El Paso

by Douglas S. Massey

08.06.2009

From the July/August 2009 issue of The National Interest.

IT IS commonly accepted that the United States was "invaded" by an unprecedented wave of illegal immigrants beginning in the 1980s. According to the Department of Homeland Security, by 2008 there were 11.6 million illegal immigrants living in the United States, 61 percent from Mexico. The next-closest source was El Salvador, at just 5 percent. Hence the "invasion" was framed as a Mexican issue, with pundits from Lou Dobbs to Patrick Buchanan warning of dire consequences for America if it was not checked, by force if necessary.

The only problem with the invasion is that it never happened. The U.S.-Mexico border is not now and has never been out of control. From 1950 to the present, the total number of migrants entering the United States from Mexico has varied very little. There has certainly been no massive upsurge. What changed were the auspices under which Mexicans entered the country, their place of entry, their ultimate U.S. destination and their tendency to remain here rather than return home. Workers previously labeled immigrants became illegals. The border was fortified. States with high immigrant populations cracked down. Walls were built. Immigration turned into a militarized policy issue. And since it became increasingly risky for Mexicans to cross the border, once here, they remained. All these changes are a consequence of our own misguided immigration and border policies.

THE FOREGOING assertions may seem outlandish given the prevailing wisdom, but there is no arguing with the numbers.[1] U.S. policy has in many ways created our immigrant problem. During the 1950s, the United States took in hundreds of thousands of Mexican migrants each year. Most entered as temporary workers under the Bracero Program, a bilateral agreement with Mexico in force from 1942 through 1964. In the late 1950s the inflow of temporary Mexican workers was on the order of 450,000 per year. At the same time, there was no statutory limit on legal immigration from Mexico and around 43,000 Mexicans settled each year as permanent residents. Given ample options for legal entry, illegal migration was nonexistent.

All this changed in 1965. Though in fact the total number of Mexicans entering the States was declining, new U.S. policies reclassified Mexicans as illegals. This changed America's entire sense of immigration. Against Mexican protests, the United States unilaterally shut down the Bracero Program and passed amendments to the Immigration and Nationality Act that set limits on immigration from the Western Hemisphere. A hemisphere-wide cap of 120,000 visas took effect in 1968, and in 1976 Mexico was placed under a country-specific quota of 20,000 legal immigrants per year. The conditions of labor demand in the United States did not change, however, and in the absence of legal avenues for entry, that demand was met by what was now illegal migration. Although Congress reauthorized a temporary-worker program in 1976, it was limited to a few thousand visas per year. By 1986, the net

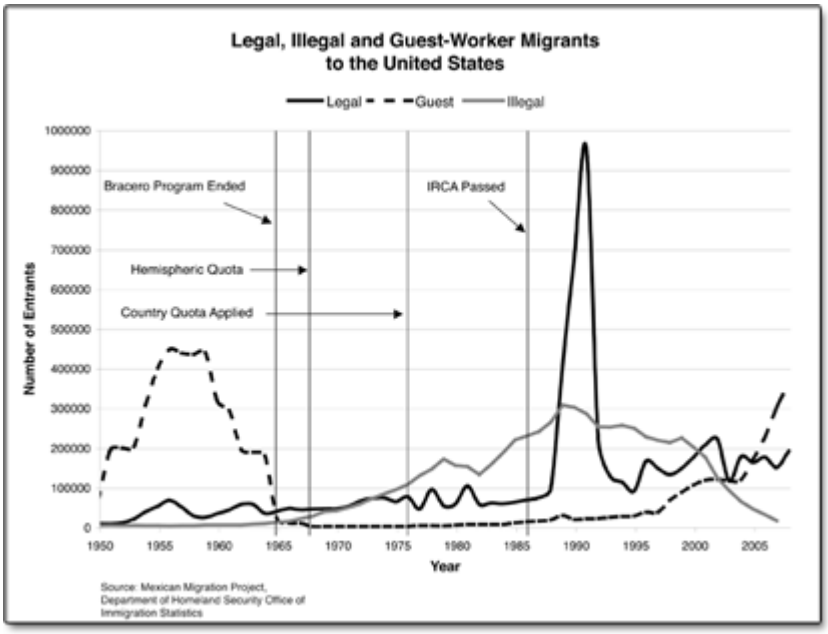
inflow of new undocumented migrants had skyrocketed, rising to around 230,000 per year from essentially none three decades earlier. When including those on temporary visas and with permanent legal residency, the total number of Mexicans entering the United States was now around 300,000. Even though this was well below the nearly half a million who entered each year during the 1950s, the framing of migrants as "illegal" imbued the issue with an entirely different sensibility. The seeds for our future immigration battles were thus sown.

The authority to undertake the enforcement of caps had come at a political price. While we were making an illegal-immigration problem out of whole cloth, we were simultaneously creating an "upsurge" in Mexican permanent residents. Pressured by immigrant and employer lobbies, the government added two legalization programs to the caps in the 1980s: an amnesty for undocumented migrants who could demonstrate five years of U.S. residence, and a special legalization for farm workers who were employed during the 1985–86 growing season. Ultimately, 2.3 million Mexicans came forward and received temporary legal status—the first real expansion in legal migration since 1965—creating exactly the problem the policies hoped to avoid. When these migrants became legal permanent residents, they caused what seemed like a massive upsurge in legal immigration; but of course most of these people were already in the country—they just weren't showing up in official statistics.

With more Mexicans residing permanently this side of the border and a sense that more illegals were crossing into North America, military metaphors to describe the entire issue became commonplace. A war on immigration began. In the media, the U.S.-Mexico border was increasingly described as a "war zone" where "outgunned" immigration officials sought to "hold the line" against "armies" of alien "invaders."

IN REALITY, of course, nothing had really changed except the legal categories in which Mexicans were arriving. But the battle lines were already drawn, and fear trumped data. The invasion metaphor carried the day. It led to the passage, in 1986, of the Immigration Reform and Control Act (IRCA), which ushered in a new militarization of the U.S.-Mexico border. In 1993 this militarization was supplemented by an all-out blockade launched in El Paso. The next year a similar operation was set up in San Diego. Walls were erected, enforcement matériel concentrated and agents massed in both areas of the border. By 2000, the number of border-patrol agents had more than doubled, the number of hours spent patrolling the border rose by a factor of eight and the agency budget increased nearly sevenfold. These measures did lessen immigration. But in particular they lessened immigration to the regions that needed migrant workers, sending them to entirely different states.

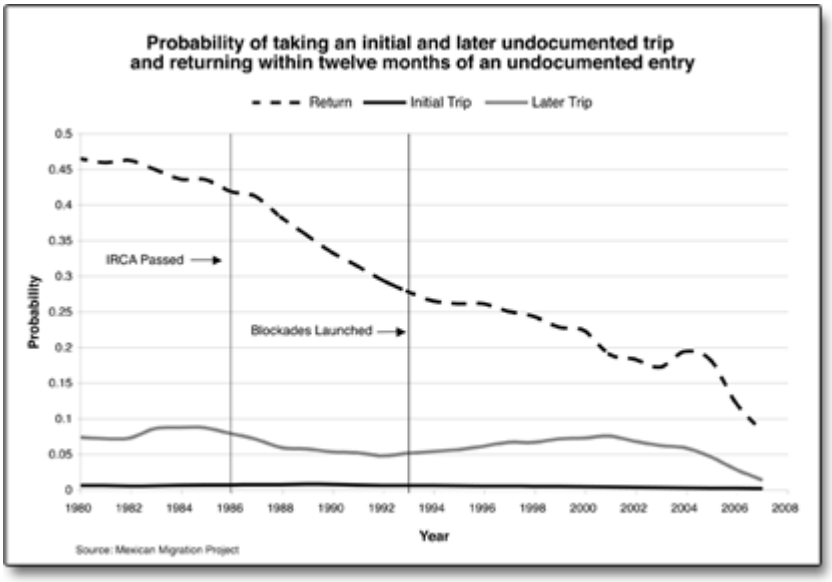
As the adjustment process proceeded, Congress did quietly expand the temporary-worker program to meet the labor demand (raising the number of Mexican visas from 12,000 in 1986 to 104,000 in 2000). But by then it was too late. This increase in legal access, combined with the drop in labor demand associated with the post-cold-war recession, meant that by the 1990s the volume of undocumented migration had peaked and begun to trend downward.



But America's declaration of war on immigrants had already transformed what had been a modest seasonal flow of workers going to just three states and largely returning to Mexico within two years into a much-larger settled population of families living in all fifty.

Prior to the hardening of the border, the vast majority of undocumented migrants entered the United States through two gateways: San Diego and El Paso. As walls went up and crossing in these sectors became increasingly difficult, migrants naturally circumvented the new barriers, and flows were diverted to formerly quiet sections of the border, especially in Arizona. Whereas in 1986, 64 percent of undocumented migrants entered the United States through San Diego or El Paso, by 2000 the share had dropped to 29 percent.

Once diverted away from job markets in California and elsewhere in the West, migrants kept on going to new destinations throughout the country. Two-thirds of Mexicans arriving between 1985 and 1990 went to California, but between 1995 and 2000, only one-third did so. The fastest-growing Mexican populations in the United States are now in places such as North and South Carolina, Georgia, Minnesota, Iowa and Florida. Although the underlying volume of undocumented migration had not increased, these shifts reinforced the narrative of invasion.

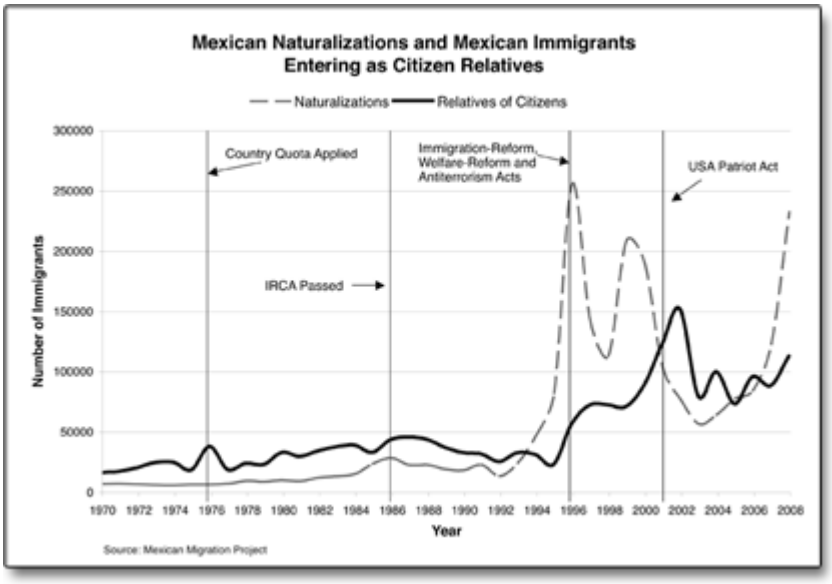


Perception makes all the difference. U.S. policies made undocumented migration much more visible by shifting where people crossed the border from areas that were used to seeing Mexicans to ones that were not. Whereas tens of thousands of migrants arriving regularly in the San Diego metropolitan area did not create much of an impression on its 3 million residents, the same number arriving in Douglas, Arizona, made a big impression on its 15,000 inhabitants and neighboring ranchers. The American media predictably flocked to the Arizona border to report on the "new" invasion from Mexico.

U.S. policies for the first time brought immigrants into direct contact with natives in places that had known no immigration for generations, particularly in the South and Midwest, by diverting immigrants away from California to new destinations throughout the country. As immigrants poured into what had been exclusively native communities, residents in Iowa, North Carolina and Georgia could only conclude that a "new" alien invasion was indeed under way.

BUT POLICY has done more than just transform the geography of migration and border crossing. Harsh immigration enforcement also shifted the cost-benefit calculus of returning home versus staying in the United States. The cost of hiring a guide to help an undocumented immigrant make it across the border quadrupled between 1986 and 2008. A so-called coyote now costs $2,200. Moreover, as migrants were diverted away from urban crossing points into open deserts, high mountains and wild sections of the Rio Grande, their death rate tripled. This diversion did however lower the odds of apprehension because the wild country contained fewer border-patrol agents. Yet another irony of our immigration policies.

The data reveal the clear effects of the new conditions. The likelihood of taking a first undocumented trip has declined sharply, as has, quite obviously, the likelihood a Mexican will take an additional undocumented trip to the United States after a first successful attempt. Given the higher costs and risks of border crossing, quite logically fewer migrants decided to strike out for the United States without documents. What also changed was the number of Mexicans who decided to stay in America once they risked the perilous trip across the frontier. The likelihood that a migrant will return to his or her home country within twelve months of an undocumented entry has plummeted.



Rising enforcement did reduce the overall rate of migration after 1989, but it didn't stop every Mexican. It wasn't until 2001 that enforcement deterred the truly experienced migrants. In the wake of 9/11, Americans apparently needed concrete symbols on which to project their fears, and illegal migrants and the Mexican border were appropriated for the purpose. The war on terror morphed into a further uptick in the war on immigrants.

Although none of the hijackers entered from Mexico and the country had no terrorist cells, no significant Islamic population and a declining rate of undocumented migration, border enforcement nevertheless rose exponentially. The border-patrol budget increased to 52 times its 1986 level and the number of hours spent patrolling the border rose by a factor of 146. Internal deportations also increased, breaking an old record last set during the mass-deportation era of the 1930s (with increases from just 11,000 in 1986 to 349,000 in 2008). To many Mexican immigrants, America increasingly resembled a police state.

In the end, the small changes in the likelihood of in-migration were swamped by a massive decline in the rate of out-migration. Now Mexicans simply stayed in-country once they got here. The likelihood of returning to Mexico within twelve months of an undocumented entry averaged 45 percent before 1986, steadily declining thereafter until it reached a record low of around 8 percent by 2007. It was the new calculus of border crossing that caused the undocumented Mexican population to balloon during the past two decades. Given the higher costs and risks, fewer migrants left for the United States, but those who did easily got across the border because they outsmarted a dysfunctional system. Indeed, the odds of apprehension remained low despite the border buildup. Once inside the United States, both new and experienced migrants hunkered down to stay longer and in larger numbers to avoid having once again to face the gauntlet at the border. If return migration to Mexico had remained at pre -1986 levels, we would have had 2 million fewer undocumented Mexicans settling in the country between 1980 and 2005 than are here today.

FOR SEVERAL reasons, the period of large-scale illegal migration from Mexico may be drawing to a close. All estimates show that the undocumented population has peaked and is now on a downward trajectory. Although it is tempting to attribute the drop in illegal migration to mass immigration enforcement, equally important has been the evaporation of labor demand over the last few years. Still

more important has been the opening of two new doors for immigrant entry, even as enforcement continues to escalate. Much as in the 1980s, a legalization process is under way that is increasing the number of visas to and opportunities for permanent-resident status for Mexicans.

The first door opened quietly and without much fanfare but went a long way toward meeting the demand for unskilled workers. From 2000 to 2008, the number of temporary-work visas issued to Mexicans more than tripled, reaching a total of 361,000. This rivals numbers last seen during the Bracero Program and even exceeds the 300,000 undocumented immigrants observed at the height of the illegal "invasion" in the late 1980s.

The second opportunity was created by actions of the immigrants themselves. In response to the escalation of the war against them, many Mexicans sought U.S. citizenship. Back in 1996, U.S. policy had hardened not only against illegal migrants, but against legal immigrants as well. In that year, immigration- and welfare-reform legislation barred legal permanent residents from receiving a variety of public entitlements. Passage of the Antiterrorism and Effective Death Penalty Act, meanwhile, gave the federal government broad new powers for the "expedited exclusion" of legal immigrants who had migrated illegally or committed a felony, no matter how long ago. There was a jump in the number of immigrants considered deportable. Then in 2001 the USA Patriot Act authorized the deportation, without hearing or evidence, of all aliens—legal and illegal—that the attorney general had "reason to believe" might commit, further or facilitate acts of terrorism.

These actions dramatically increased the costs of not being an American citizen and the results were predictable—a massive surge in naturalization among legal Mexican residents, a group that historically displayed the lowest naturalization rate of any major immigrant group. After fluctuating in the tens of thousands for decades, the number of Mexicans seeking U.S. citizenship rose to levels in the hundreds of thousands during the late 1990s and 2000s. This had the unintended effect of paving the way for more immigrants to enter the United States legally.

Although it surely was not the intent of Congress, this surge in naturalization triggered by anti-immigrant legislation worked to increase the legal access of Mexicans to permanent-residence visas. Now they could move their families here as well. Each new citizen acquired the right to sponsor the entry of spouses, minor children and parents without numerical limitation, and to sponsor the entry of brothers, sisters and older children through the quota system. Each new naturalization thus opened the door for more legal immigrants downstream. The two peaks in naturalization in 1996 and 1999 were followed closely by parallel peaks in the legal entry of family members in 2002 and 2004. As Mexican naturalizations have once again surged toward record levels in post-9/11 America, the number of family members entering outside of the quotas has again shifted upward, a trend that can only be expected to continue into the future.

OUR CURRENT immigration crisis is thus very much one of our own making. The policies designed to crack down on illegal immigration are responsible for the seemingly overwhelming influx of undocumented workers. There never was an "invasion" from Mexico. Migrants have been continuously coming to the United States since the 1940s. What changed over time were the ways in which migrants entered the country, whether they were labeled "legal" or "illegal," the rate of return migration and the place of destination. These shifts were driven by our unilateral reduction of legal avenues for entry, unwarranted militarization of the border and a misplaced declaration of war on Mexican immigrants.

Paradoxically, this remarkable shift to mass police actions occurred at a time when the United States was growing economically closer to Mexico, seeking by treaty to lower barriers to the cross-border movement of goods, capital, information and services. Indeed, from 1986 to 2008 total trade increased thirteenfold and Mexico became one of America's top trading partners, along with Canada

and China. As one might expect, in the context of ongoing North American integration, the consequences of mass arrest, incarceration and deportation were not benign. In addition to the havoc wreaked on individual immigrants and their families, mass enforcement did not solve America's immigration problems. Without exception it made them worse.

Now we must face the reality of cleaning up our own mess. With legal opportunities for entry at their highest level since before 1965 and the economy in turmoil, new undocumented entries are almost nonexistent and even repeat undocumented trips have dropped to extremely low levels. In this context, by far the most pressing issue for immigration reform today is the nearly 12 million people who languish in unauthorized status as a result of our past political follies. The rate of departure among those already in the United States continues to fall and the decline has only accelerated. Settled undocumented families obviously are not leaving despite the deteriorating economy—because they have deep ties and roots here and their younger children are often U.S. citizens. They are instead left in a legal no-man's-land.

Of the 11.6 million people currently out of status, at least 3 million entered the country as minors in the company of parents or other relatives. The overwhelming majority of these people grew up in the United States, stayed out of trouble, speak English and graduated from high school. But until the weight of illegality is removed, they experience an impermeable barrier to upward mobility here. The only moral and practical resolution to this dilemma is an immediate and unconditional amnesty for undocumented migrants who entered as children and have no criminal record. After all, their only sin is obeying their parents.

Some of the remaining people out of status have not yet established roots in the United States and will take advantage of the expansion in temporary-work visas to stay in the country. Most have strong claims on U.S. society by virtue of years of otherwise law-abiding residence, gainful employment, tax payment and community involvement. For these people, a program of earned legalization is the only moral and practical solution. Long-term undocumented migrants would immediately receive temporary legal status and then earn their way to a permanent-resident status by accumulating credits for positive behaviors, such as learning English, taking civics, paying taxes, having citizen children, owning a home, etc. The final stage would involve paying a fine as restitution for breaking U.S. immigration laws, allowing them to move forward in the United States with a clean slate, having paid their debt to society.

The current immigration crisis stems from our misguided, ill-informed policy choices in the past. Fortunately this means that with more reasonable and informed policies in the future we can resolve our problems and move forward to create a stable, integrated and prosperous North America, one in which we will no longer wrestle with phantasms of invasions.

Douglas S. Massey is the Henry G. Bryant Professor of Sociology and Public Affairs at Princeton University.

[1] Data on legal immigrants and temporary workers come from the Department of Homeland Security Office of Immigration Statistics. The remainder of the figures used in this article, including the net inflow of illegal migrants, comes from data gathered by the Mexican Migration Project of Princeton University, which I codirect. Migration histories compiled on thousands of migrants interviewed in annual surveys since 1982 enable me to estimate the likelihood of a migrant leaving Mexico on a first

undocumented trip and returning within twelve months, which, when applied to population data from the Mexican census, yield reliable estimates of net annual undocumented migration.