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IMMIGRANT AMERICA: A PORTRAIT

(4th edition, forthcoming)

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Chapter 9

**Conclusion:
Immigration and Public Policy**

Sheriff Joe Arpaio won re-election in Maricopa County albeit by a much diminished margin in 2012. Meanwhile, the deportation campaign conducted by Immigration and Customs Enforcement (ICE) continued apace. Figure 1.4 (chapter 1) presented the evolution of deportations during the last two decades and shows their massive increase starting in the last years of the Bush Administration. This campaign amounts to what Douglas Massey has labeled “America’s war against its own immigrants.”¹ On the other side of the ledger, President Obama promulgated by decree a temporary stay of the campaign against the children of unauthorized immigrants, the Deferred Action for Childhood Arrivals (DACA) of 2012; in the first year of the program about 400,000 applicants were allowed to stay in the U.S., although more than half of the undocumented youth under 30 are ineligible.² Homeland Security Secretary Janet Napolitano proclaimed the end of the indiscriminate deportation campaign, announcing in 2011 that henceforth cases would be reviewed “on an individual basis,”³ although in 2012 ICE deported 409,849 individuals, a record high.⁴ The plummeting of unauthorized immigration prompted by the Great Recession of 2007-2009 and the consequent drying up of labor supplies to agriculture and other labor intensive sectors of the American economy prompted the Obama Administration to re-activate the H-2 temporary visa program on a massive scale, as seen in Chapters 1 and 5.

By 2013, the situation was nothing short of schizophrenic, with agricultural interests clamoring for the same type of worker that ICE was deporting and the U.S. government setting up a revolving door where Mexican workers were thrown out of the country, on the one hand, and welcomed as W-2 visa holders, on the other. Calls for “comprehensive immigration reform” have long been heard, but they have been routinely neutralized by the intransigent opposition of the Republican Party against “rewarding law breakers”.⁵ Only the punishing Hispanic vote against Republican candidates in the 2012 presidential election started convincing some party stalwarts to move away from their prior intransigence.

Realities underneath are more complex. While clamoring for a ready supply of foreign labor, chambers of commerce and associations of farmers and ranchers barely raised a finger in the past to stop the border enforcement and deportation campaigns. Although not saying so publicly, many of these interests viewed the American immigration system as not really “broken”, at least until recently, since unauthorized immigration provided them with a steady supply of low-cost and docile labor.⁶ Only the increasing power of the Hispanic electorate, brought about largely by the coming of age of the second generation, has introduced a new and potentially decisive element into this political equation.

The contradictions in American immigration policy today represent the latest episode of that ambivalence toward immigrants noted at the start of this book. There is no small irony in the opposite portrayals of immigration to America, reviled when it is taking place and celebrated after a period of time, when the first generation has passed from the scene and its descendants are able to revindicate its achievements. A good part of American literature is made up of these nostalgic retrospectives of the trials and accomplishments of immigrants by their children and grandchildren—Jews and Italians earlier in the twentieth century; Chinese, Cubans, and Mexicans today.⁷ This cycle of negative and positive stereotyping only skims the surface of the phenomenon of immigration, however. This is so because these contradictory images emerge in the realm of public opinion where serious understanding of the dynamics underlying the process, including the role of public opinion itself, is lacking. The well-entrenched public view is that

immigration is a consequence of the initiative of migrants themselves who come in search of a better life; they are allowed to settle because of the laxness of government controls and a tolerant attitude among the natives. If such an attitude were to disappear and the government to tighten controls, immigration would certainly go away.⁸

These views are erroneous. Immigrant flows are not initiated solely by the desires and dreams of people in other lands, but by the designs and interests of well-organized groups in the receiving country, primarily employers. Up to a point, public opposition to immigration can play into the hands of these groups by maintaining the newcomers in a vulnerable and dependent position. Similarly, governments are not omnipotent in their regulation of immigration. In particular, governmental attempts at reversing well-established migrant flows do not generally have the intended effect because of the resistance of social networks linking places of origin and destination.

This final chapter aims at teasing out these complex dynamics in order to lay out the basis for a sound understanding of the origins of contemporary immigration and for viable policies toward it. To do so, we must examine the interplay between the two sets of forces just mentioned: the surface level of policy debates and shifting currents of public opinion, and the underlying realities rooted in the political economy of the nation. The interplay has effects on three key constituencies which must be examined systematically: the immigrants themselves, the ethnic groups created by them, and society at large.

A Game of Mirrors: The Public Perception of Immigration

a) Intransigent Nativism

The general perception of the foreign population among the native-born majority is not grounded in an understanding of the historical linkages between the United States and the countries of origin or by knowledge of the economic and social forces driving the phenomenon. The public view is guided instead by surface impressions. When foreign accents and faces are few, they are ignored. However, when they grow in number and concentrate in visible spaces, they trigger increasing apprehension. Natives are put on the defensive, fearing that their way of life and their control of the levers of political and economic power will be lost to the newcomers. This sentiment is expressed in familiar outcries such as “the end of white America”, the “mongrelization of the race”, “the rise of ‘Mexifornia’”, and “the Hispanic challenge”.⁹

Intellectuals, past and present, have echoed and legitimized such fears. In chapter 1, we saw how Harvard scholars endorsed the popular lynching of Italian immigrants in New Orleans in the early twentieth century. At the beginning of the new millennium, another Harvard intellectual voiced similar views and fears, this time toward Mexicans and other Latin immigrants:

Apart from Indian tribes which could be killed off or pushed westward, no society was there, and the seventeenth and eighteenth century settlers came in order to create societies that embodied and would reinforce the culture and values that they brought with them... the old European immigrants were

absorbed into the core. But the new immigration from Asia and Latin America – above all that from Mexico – is challenging that identity, that core.¹⁰

Policies stemming from these fears have followed two basic paths: to exclude the newcomers or to assimilate them as fast as possible. These two positions define the two great ideologies toward immigration among the general public. They have in common that, since neither is rooted in an understanding of the real forces at play, their transformation into policy leads to consequences that are commonly the opposite of those intended. The first ideology, which may be labeled *Intransigent Nativism*, seeks to stop all or most immigration, expel unauthorized immigrants, and put remaining ones on notice that they occupy an inferior position, ineligible for the privileges of citizens.

Supporters of this ideology look mainly to the present. They do not know or care to know about the factors underlying immigration or the history of the process. They give expression instead to the immediate concerns, discomfort, and anxieties of the native population. Accordingly, they lash out not against the true sources of migration, but against the migrants themselves. Success for this position consists in rendering the foreign element invisible once again. Intransigent Nativism finds expression at a number of levels, ranging from elite intellectuals to xenophobic politicians, all the way to radio and television commentators.¹¹

This ideology has registered some notable successes, such as the passage in 1994 of Proposition 187, the “Save Our State” (SOS) proposal in California (although it was struck down as unconstitutional by the federal courts three years later); the passage in 2004 of Proposition 200 in Arizona, a kindred measure dubbed “Protect Arizona Now” (PAN); and a plethora of other state laws and local ordinances since 2006.¹² At the federal level it has found expression in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); the anti-immigrant provisions attached to the 1996 federal welfare reform bill (the Personal Responsibility and Work Opportunity Reconciliation Act, or PRWORA) which barred immigrants from access to a number of public assistance programs; and more recently, the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R.4437), a bill sponsored by Congressmen James Sensenbrenner (R-Wisconsin) and Peter King (R-New York). *The New York Times* called this bill “shameful – a reflection of the power of xenophobic politicians who want to fence in America”. Despite extraordinarily expensive and impractical provisions, the bill passed the House of Representatives on December 16, 2005 although it was subsequently defeated in the Senate.¹³

As seen in chapter 1, the rash of recent state-level legislation in states such as Arizona, Alabama, Georgia and Utah sought to make life prohibitively difficult for unauthorized immigrants, thereby forcing them to “self deport”.¹⁴ Much of this legislation has been struck down in the courts as an infringement of the exclusive federal powers to regulate and control immigration. Nevertheless, their announcement and early application in states such as Arizona and Alabama did trigger a mass departure of Mexican workers, thereby creating a major crisis in the states’ agriculture and service industries.¹⁵ This outcome was predictable and points, once again, to the consequences of policies guided by superficial sentiments and misperception of the underlying realities.

b) Forced Assimilationism

Ronald Unz, the Jewish-American millionaire who spearheaded Proposition 227, a California initiative dubbed “English for the Children” in 1998, explained his support for the measure as follows:

As a strong believer in American assimilationism, I had a long interest in bilingual education. Inspired in part by the example of my own mother who was born in Los Angeles into a Yiddish-speaking immigrant home but had quickly and easily learned English as a young child, I had never understood why children were being kept for years in native-language classes, or why such programs had continued to exist or even expand after decades of obvious failure.¹⁶

This second mainstream ideology is less radical than the first. Forced assimilationism does look at the past, but less to find the origins of contemporary immigration than to search for ways in which prior flows were separated from their cultures and integrated into the American mainstream. The nation’s success in absorbing so many foreigners is attributed to its relentless hostility to the perpetuation of cultural enclaves and the immersion of foreign children into an English-only environment that made Americans out of them in the course of a single generation. As we saw in Chapter 6, the United States is indeed a veritable “cemetery of languages” in which the most varied linguistic backgrounds – from German to Italian; from Chinese to Spanish – have disappeared into a monolingual world in the course of two or three generations.

Assimilationists want the future to mirror this past as a proven way to restore unity and peace. Just as Yiddish-speaking mothers had to leave their culture and language behind, so should Mexican immigrants and Vietnamese refugees today. Though less traumatic than the effects of nativist exclusionary campaigns, forced assimilationism also has important consequences and they are mostly negative. Policies derived from this ideology delegitimize the culture and language of immigrant parents, thus encouraging the phenomenon described in chapter 7 as dissonant acculturation. By instilling in second generation youths the sense that their linguistic heritage is inferior and should be abandoned, this ideology drives a wedge across generations, weakening parental authority and efforts of parents to protect children against the dangers confronting them in schools and in the streets. As we saw in prior chapters, full acculturation to American society is not an unmixed blessing. Bereft of parental guidance, monolinguals and limited bilinguals are more exposed and more likely to follow a downward assimilation path.

A second consideration is the changing position of the United States in the world economy. In a new global order, in which economic, political, and cultural ties bind nations ever closer, it is not clear that the rapid extinction of foreign languages in America is in the interest of individual citizens or of the country as a whole. In an increasingly interdependent world system, the existence of pools of American citizens able to communicate fluently in English plus another language represents not a threat to cultural integration, but a resource and a source of enlightenment for individuals and communities alike.

Despite being grounded on reflection on the country's past, forced assimilationist policies, such as that championed by Ronald Unz, are ultimately reactionary. They reflect a wish to restore America to its state at the beginning of the last century, not as it must be in the new millennium, after it emerged as the core of the global system. In the process, old-line assimilationism undermines the very forces of parental authority and ambition that can make the difference in guiding the second generation around major obstacles to successful adaptation and productive citizenship.

Tensions that Make a Difference

The two ideologies described previously—exclude them or assimilate them—are those that resonate with the general population. However, they seldom succeed in their intended goals, leading to the host of policy contradictions noted earlier. Reasons for this outcome have to do, first, with the realities of political economy examined in prior chapters and, second, with the reaction of the very groups that are the targets of these policies. We discuss the resulting tensions below.

1. Nativist Discontent and the Class Structure

There is a fundamental “disconnect” between the attitudes and actions of immigration opponents and the structural importance of immigration for key sectors of the American economy. The situation is graphically portrayed in Figure 9.1. In the new “hourglass” American economy, demand for labor exists at the top for engineers, programmers, and other professionals in short supply domestically and for agricultural construction, and service laborers at the bottom. As we saw in chapters 1 and 4, highly-skilled workers come primarily through the H1-B temporary permits program; manual workers, for the most part, have crossed the border surreptitiously.¹⁷ Both modes of arrival have in common the lack of a legal basis for permanent settlement. This insecure legal status is ultimately beneficial to employers who can use it to extract greater compliance and higher productivity from their foreign workers. A dissatisfied or contentious Indian engineer does not get his residence permit renewed; a militant Mexican agricultural worker is easily dismissed and, if necessary, turned over to Immigration and Customs Enforcement.

Figure 9.1 about here

This favorable situation is undoubtedly one of the reasons why chambers of commerce and other employer organizations have not been at the forefront of calls for immigration reform. The continuation of the *status quo* depends, however, on the outcome of the clash between the economic benefits of migration, that are privatized, and its costs, that are socialized. Costs of migration assume three main forms: First, greater competition for native-born workers at both the high—and low—ends of the labor market. While there is no conclusive evidence of nationwide displacement of native by foreign workers, a number of field studies in different labor markets have demonstrated a clear preference by employers for more pliant and more diligent foreign labor.¹⁸

Second, a sense of discomfort among the general population because of a growing foreign presence. In class terms, neither economic elites nor the upper middle-classes are

negatively affected by migration which provides them with a reliable labor source for their firms and for their homes. Instead, it is the native working-class population, living in close proximity to a rising foreign presence, that manifests the greater sense of unease and discontent. The feeling of becoming foreigners in their own land and the resulting calls to “rescue America for Americans” or “take back our country” tend to resonate most at this level.¹⁹

Third, lack of legal rights makes the undocumented population highly vulnerable to exploitation, crime, and other social problems.²⁰ Firms employing migrant labor assume no responsibility for these problems, nor for the broader discontent created by a large foreign population. Discontent among natives can reach such a pitch, however, as to threaten the economic benefits of migration by provoking mass political mobilizations in favor of restrictionism. The successive anti-immigrant mobilizations discussed previously reflect these sentiments. Hence, the “disconnect” portrayed in Figure 9.1 has clear class undertones, with powerful actors in the American economic system lining up on the right-side and substantial elements of the native masses supporting anti-immigrant intransigence on the left.

The structural importance and the strategic role that migration can play in the industries dependent on it have led these industries to an articulate and powerful defense of their interests. It is broadly recognized that American agriculture could not survive without the presence of migrant workers. At the other end of the economic continuum, hi-tech industries have threatened to move production facilities abroad if the H1-B program is not maintained or expanded.²¹ While chambers of commerce and other employer organizations have remained indifferent to nativist mobilizations and calls for immigration reform, they have swiftly mobilized when their foreign labor supply has been seriously threatened. The history of immigrant legislation and attempts at immigration reform in America is replete with instances in which legislative initiatives to constrain or regulate foreign labor flows have been bypassed by the timely intervention of these lobbies.

From the “Texas Proviso” that held employers of unauthorized labor legally harmless following the end of the Bracero Program, to the 1986 Immigration Reform and Control Act (IRCA) that repealed the Texas Proviso but exempted employers from checking the validity of migrant workers’ documentation, powerful economic sectors have proved remarkably nimble at insuring the continuation of a reliable supply.²² The swift re-enactment by the federal government of the H-2 visa program to counteract the drying up of unauthorized immigration during the last years stands as the latest illustration of this consistent trend. During these years, restrictionists simultaneously “won” by the drastic reduction of unauthorized migration and “lost” by having it almost instantly replaced by a new wave of temporary legal migrant laborers.

The result of these interventions by employer lobbies has been to restore equilibrium between migration’s economic benefits and its social costs to an acceptable range, insuring the continuation of structurally important labor flows. If we were to conceptualize employers and the native working-class as game players, their strategies and corresponding payoffs could be summarized as in Figure 9.2. For native workers, the ideal outcome would be Cell A, where no effort is needed to restrict immigration since employers refrain from hiring foreign workers. Preventive mobilizations against immigration, as in Cell C, imply some costs but still the payoff accruing to native workers in terms of the absence of labor market competition and removal of the foreign presence would be high. Neither situation corresponds to reality because of the

interests and the associated knowledge and power of the employer class. For it, the most profitable outcome is Cell B, but this is also unrealistic given the impossibility of keeping the native population entirely quiescent. The “game” converges in Cell D which, though not ideal for the employer class, still benefits it at the expense of greater competition and general unease among natives and their advocates. In game theory, this situation corresponds to a “Nash-like” equilibrium because either player would lose by changing its strategy, but neither actually maximizes its benefits.²³

Figure 9.2 about here

2. Reactive Ethnicity

The second reason why nativist campaigns backfire is rooted less in the political economy of immigration than in its politics. Mobilizations against immigrant and ethnic minorities do not occur in a vacuum. While, at the start, first generation immigrants may lack the information and the organizational resources to counteract external attacks, that situation does not last long. In time, either immigrants themselves or their children manage to acquire voice, mobilizing to defend identities previously attacked with such impunity. Minority political movements can be powerful because, unlike those in the general population, they are focused on a few specific targets – stopping deportations, defending bilingual education, preventing labor market discriminations, etc.

In Chapter 5, we saw how anti-immigrant measures often turn against their proponents. It is worth recalling some of these experiences. Proposition 187 in California, widely perceived as anti-immigrant and anti-Mexican, led to a massive political mobilization of the Hispanic population. As a consequence, proponents of 187 lost their congressional seats or faded from political life – a fate ultimately befalling the measure’s most ardent advocate, Republican governor Pete Wilson. Defeated politicians are often replaced by members of the very ethnic group they attacked, as happened in California with the ascent of Congresswoman Loretta Sánchez, a daughter of Mexican immigrants who displaced ardent nativist and six-term Republican incumbent Bob Dornan in Orange County. The same story repeated itself in the wake on the anti-bilingual referendum in South Florida in 1980. As seen in chapter 5, the subsequent Cuban-American political mobilization virtually swept away the entire former “Anglo” elite from power.²⁴

Such episodes have, as a fundamental background, the resilience of the American constitutional order that simultaneously prevents the native majority from imposing its will by extra-judicial means and endows minorities with the opportunity to articulate their views through the electoral process.²⁵ Arguably the most recent and most telling manifestation of this time-honored pattern happened during the 2012 presidential elections. Prior to it, Sheriff Joe Arpaio and his fellow nativists acted as if they had the political field to themselves, piling measure after measure against the immigrant population. Naturally, unauthorized migrants could not defend themselves politically, but the nativists did not count on the reaction of their co-ethnics. Hispanic voters went to the polls in record numbers, inflicting a decisive defeat on those very politicians who had attacked their culture and language with apparent impunity.

Relations between the native majority and an immigrant minority are portrayed idealtypically as in Figure 9.3. Cell A represents an ideal situation where natives are tolerant of foreign groups who, in turn, concerns themselves with their own individual pursuits in a context regarded as favorable or at least neutral. Cell A corresponds to what we have identified in chapters 2 and 4 as a favorable mode of incorporation. Cell B, labeled “pre-emptive mobilization”, corresponds to a situation in which immigrants organize, even in the absence of external hostility or mass discrimination, in anticipatory defense of their interests. This cell is mostly empty in the case of labor migrants who seldom see a need to mobilize in order to confront a non-existent peril. Only immigrants who have managed to create economic enclaves, as described in previous chapters, have been capable of such preventive forms of organization. They remain, overall, exceptional instances.

Cells C and D are theoretically more interesting. Cell C ushers the start of anti-immigrant campaigns where militant nativists have the field to themselves. In this situation, when targeted minorities are defenseless, there is no limit to the groundless accusations leveled against them. The simple, and erroneous expectation of nativists in this situation is that their mobilizations would lead directly to a change in government policy, preventing further immigration, expelling the unauthorized, and forcing remaining immigrants to assimilate as quickly as possible. Reality, however does not converge in Cell C, but D: repeated attacks against a minority inevitably trigger a process of reactive formation and political mobilization in self-defense. With time, these mobilizations grow in strength incorporating not only members of the second generation, but liberal and progressive mainstream groups appalled by the narrower and meanness of nativist attacks. The result, as seen previously, is likely to be the opposite of what the original attacks intended.

Cell D corresponds fairly well to the present political scenario in which the demonization of immigrants, particularly Mexicans, led to a series of harsh measures and legislative proposals, in turn countered by a powerful reactive vote by the Hispanic electorate. Added to the underlying contest of economic interests between employers and segments of the native working-class, the situation has evolved into a political *impasse*, where contradictory policies are allowed to continue leading to a series of mostly negative outcomes.

[Figure 9.3 about here](#)

Alternative Policies

The disconnect between public perceptions of migration and the realities underneath, the resulting inefficient equilibrium between the interests of employers and the wishes of nativists, and the emergence of reactive ethnic militancy in response to anti-immigrant mobilizations provide the background for the present state of American immigration policies. Understanding these realities is also the first step for fashioning more rational and effective ones.

Today, as in the past, the United States is a nation of immigrants. While there is no denying that the process of integration has met difficulties and challenges, it is equally undeniable that the country would not occupy the paramount position that it has in the world today without the millions of foreigners who have come to its shores, and their offspring.

Restrictionists and assimilationists have always existed, but their dire warnings have proven wrong. More useful than continuing to pay attention to this lamentable choir is to reflect on what policies can resolve the most important problems confronted by immigration today so as to maximize its contribution to the country, as a whole, and to the communities where it settles.

Instead of Nativist Intransigence, a Regulated Labor Program

Inocencio Suárez from Xochihuehuetlán, state of Guerrero, came to New Jersey in 1990 after crossing the border without papers in San Ysidro, California. He simply sat in the passenger's seat of the car and pretended to sleep. The guards waved them in. In New Brunswick, he counted on the support of a kinsman who had acquired papers and prospered after opening a Mexican restaurant. Inocencio first went to work for an Italian landscaping contractor. He performed so well that, after two years, his boss agreed to support him in launching his own business. Inocencio bought a used truck in cash at a police auction and Suarez Landscaping Company was born. From Xochihuehuetlán, he imported five reliable young men who crossed the border through various expedients. He also brought his wife and a young son.

In the early morning hours after a snowstorm, well-to-do clients in New Brunswick and its environs could see the reliable crew of Suárez Landscaping alighting from the old truck to clear their driveways. Inocencio divided his time between working for his Italian boss and protector and his new business. The enterprise prospered. He bought a second truck and, after the birth of his first U.S.-born child, he took the plunge and put the down payment for a new home.

The company was registered in the name of his legal kinsman who also arranged a loan for the purchase of the house. As things moved ahead for him and his family, Inocencio's attention focused on legalizing his situation. For this, he hired a lawyer and asked help from his supportive boss. Things took a very bad turn, however, when, after an attempt to get a legal driver's license (he had been driving with a forged one), the clerk at Motor Vehicles Administration identified him as a possible illegal and denounced him to Immigration Control and Enforcement (ICE). ICE agents promptly detained him, and after determining that he was without papers, summarily deported him.

Left behind were the wife, two children, one a U.S. citizen by birth, a home, two trucks and a car. Fifteen years of ceaseless toil were about to go up in smoke. Fortunately, the Mexican community in and around New Brunswick rallied. They dug up information about the most reliable *coyotes* and the best places to cross the border. They advanced the money for the journey while Inocencio's workers continue to run the business for him. Inocencio finally succeeded in re-crossing the border, walking for days in the Arizona desert where he almost lost his life. While Inocencio and his family's story turned out well in the end, it could have ended in tragedy. There is little reason for this. After fifteen years of hard work, serving others, paying taxes, and raising a model family, one would think that there would be every reason for leniency. Present laws do not allow government agents that freedom. Thus, as the cat-and-mouse game continues at the border, people die, families are separated, and children orphaned.²⁶

There is a better way and it consists in bringing the unauthorized labor flow above ground and regulating it. In collaboration with governments of sending countries, this flow can be managed and controlled. The resurrected H-2 program goes some distance toward that goal, but with severe limitations. More promising is the immigration reform proposal passed by the Senate in 2012, although it has been weighted down by unnecessary punitive provisions. Here is an alternative proposal that takes into account the forces at play leading to a better equilibrium:

- Set up a temporary labor permit program. Every foreign laborer with a certifiable work contract in the United States can cross the border legally upon payment of \$2,000 (or about two-thirds of the estimated current price to hire a professional smuggler).
- The permit will be valid for three years and renewable for another three. Upon return to their countries, migrants will get half of the entry payment plus accumulated social security contributions. Since they will not retire in the United States, there is little reason to retain these taxes. This reimbursement will serve as a powerful incentive to return.
- The program will be initially capped at one million per year (commensurate with estimates of the size of the unauthorized labor flow prior to the start of the 2008-10 Recession).
- For the estimated 11 million unauthorized immigrants already in the country, a special regularization program will be set up, contingent on payment of the same entry fee and the absence of a criminal record. They will receive the same three-year temporary work permit, renewable for another three. Contrary to the demonization of these immigrants as “law breakers” by nativists, this measure would redefine them as economic actors, prompted by employment incentives in the U.S. but unable to access them legally in the past due precisely to the absence of a temporary labor program in the past.
- The U.S. government will support governments of sending countries, especially Mexico, that, in exchange for legal access for their migrants to the American labor market, will implement special health, education, and job training programs for the families of new migrants. Such programs will work as an incentive for these families to remain at home and for migrants to return.
- For migrants wishing to stay in the United States after six years of temporary work, a special path for permanent residence will be created. This path will be contingent on absence of a criminal record, proof of employment and economic solvency.

For legal temporary programs to work, three conditions must be met. First, workers should be free to change employers after a period of time. One of the main drawbacks of the old Bracero program and the current H-2 (and H1-B) programs is that they condition legal residency to the will and consent of the original employer. This gives hiring firms excessive power, to the point of rendering the migrants’ labor rights null. After a period of six to nine months, temporary workers should be free to change employers. This would right the balance of powers, while giving hiring firms an incentive to treat their foreign workers fairly.²⁷

Second, there should be voluntary incentives to return. While migrant workers will undoubtedly prefer to hold legal status in the United States, some may be motivated to stay after their contracts are up. Punitive measures against them will not work, as demonstrated by past enforcement failures in the United States and Western Europe.²⁸ For this reason, enforcement should be coupled with incentives to return both in the host and home countries. Those described above should serve this purpose.

Third, despite incentives to return, temporary labor programs inevitably create a sediment of migrants wishing to stay for one or another reasons. Blocking such persons risks a return to the *status quo ante* – the creation of a new unauthorized population. For this reason, it is preferable to create a path to legal entry as outlined above. Conditions attached to this path will ensure that it is not used frivolously and that it will yield a law-abiding and productive population.

The proposed measures will have the following practical advantages:

1. By giving migrant laborers legal standing in the country, they will eliminate the worst abuses by unscrupulous employers, some of whom have reduced their workers to a condition of semi-slavery.
2. The measures will allow trade unions to better organize migrant workers, again reducing their vulnerability and, simultaneously, their attractiveness for firms reliant on exploitable labor.
3. Employers will lose access to an exploitable labor force but, in return, will gain a steady and reliable labor supply. Heavy civil and criminal penalties should be meted on firms that continue to hire unauthorized workers after the new program is in place.
4. The program will actively involve the governments of sending countries, turning unilateral repression into a bilateral labor management program.
5. It will create powerful incentives for migrants to return and to invest in small businesses and other productive activities at home.
6. More importantly, it will motivate them to keep their families and children home, thus avoiding the worst problem associated with a poor and marginalized second generation.
7. The years of temporary work will act as a “screen”, insuring that those finally wishing to gain access to U.S. residence meet a set of personal and economic requirements.

The typology of immigrant workers, professionals, entrepreneurs, and refugees presented in Chapter 2 suggests the possibility of other policy changes for other types of migrants. In reality, the rest of the American immigration system functions generally well and, with the exception of a refugee policy less governed by geopolitical considerations and more by humanitarian concerns, there is relatively little else to “fix”. A path to permanent residence for

H1-B professionals, along the lines outlined above, should facilitate retention by the country of a valuable skilled labor force.²⁹ Otherwise, the naturalization rules that extend citizenship rights to immigrants after a relatively short period and grant them automatically to children born in U.S. soil have worked so well to facilitate the integration of the foreign-born in the past that there is no point in tinkering with them. In this context, unauthorized immigration is truly the “broken” part of the system. The program just described, based on the best evidence available, should set it right.

Instead of Forced Assimilation, Selective Acculturation

After accepting a position in a California university, Raúl Amaral, a Brazilian-born psychology professor, set out to enroll his son Luis at a local school. U.S.-born and achievement-oriented, little Luis brought excellent grades, along with fluency in two languages – English and his parents’ Portuguese. Upon learning about the latter, the school counselor immediately enrolled him in the LEP (Limited English Proficiency) track. To the counselor, the mere fact that a language other than English was spoken in the home sufficed to assign the child to the remedial track, apart from the courses taken by regular students. It took the parents’ intervention, all the way to the school’s principal and the school board, to overcome the counselor’s ignorance and place the child in the mainstream English curriculum.³⁰

If this can happen to the son of a university professor, what chance do children of poor immigrants stand? While, as seen previously, selective acculturation is the best course for insuring the proper integration of second generation youths, it is a policy orientation rarely adopted in public schools. Instead, assimilationism, of which our school counselor is a shining example, is the reflex reaction of school personnel to students of foreign origin.

The preceding set of policies toward unauthorized labor migration should significantly reduce the size of the at-risk second generation by encouraging would-be migrants to leave their families behind and even repatriating those already in the United States. However, a sizable group is likely to remain in the country and it stands in need of attention. A set of enlightened policies toward children of unauthorized and other low-skill migrants are likely to make the difference in promoting successful integration and avoiding the worse consequences of downward assimilation. For the most part, these are measures to be taken at the local level, but the U.S. Department of Education and other federal agencies can have a significant influence by providing the right set of incentives:

- First and foremost, children of unauthorized migrants, brought into the U.S. by their parents through no fault of their own, should be given a path toward permanent residence and citizenship. The DACA program, enacted by decree by the Obama Administration, is a first step toward that goal, but the temporary reprieve from deportation that it grants should be made permanent.
- Support the creation of *real* dual language schools that teach the curriculum in English and one major foreign language in areas of immigrant concentration. These schools should be made accessible to both children of immigrants and children of natives as a means to develop sizable groups of fluent bilinguals. As

former U.S. Secretary of Education Richard Riley noted, this pattern is common in Western Europe where youths are commonly bilingual or multilingual.³¹

- Create incentives for immigrant parents to come to school, organize to voice their needs, and be informed about the schooling of their children. Lack of information by low-skilled migrants about schools and about the means to support their children's education has been an important factor leading to lower levels of achievement in the past.³²
- Provide incentives for churches and co-ethnic organizations to create after-school compensatory programs for children of low-skilled migrants in order to help them overcome their educational handicap and teach them about the culture and the language of their parents' country. Such knowledge will help anchor the self-esteem of these children and neutralize the worse effects of discrimination.
- Create and make accessible vocational courses for youths who have dropped out of school. Not everyone can go to college, and children of low-skilled migrants, especially the unauthorized, are unlikely to do so. The vocational route has offered an alternative to deviant lifestyles, providing both regular employment and opportunities for entrepreneurship.³³

These policies would endow the country with sizable pools of fluent bilinguals—something that, as Secretary Riley noted, is sorely lacking at present. Selective acculturation must not be confused with multiculturalism, however, if by that term we understand the preservation of distinct cultural enclaves across generations. Multiculturalism of this kind encourages ethnic confrontation, while weakening national solidarity. On the contrary, the end result of selective acculturation will be to turn children of immigrants into Americans, but “Americans, plus” endowed with knowledge of other languages, familiar and comfortable with other cultures and, hence, able to move more easily into an increasingly globalized world.

As seen previously, American public school systems have been for the most part tacitly or consciously assimilationist. They have, thereby, undermined the immigrants' cultural capital and regularly turned out a monolingual work force. A number of private schools have bucked the trend, teaching part of the curriculum in one or another foreign language.³⁴ Tuition in these schools is high, limiting access to them to well-heeled parents. The end result is another class divide where offspring of elites frequently turn out bilingual or multilingual, while the masses, including children of most immigrants, are reduced to a single language.

The proposed measures would change this situation, leading to a significant transformation of school curricula. Even more important, they would re-educate school principals and teachers into an appreciation of what other languages and cultures can contribute to American society in the future. Otherwise, the country will continue along its present course where, barring a few elites, the vast majority inhabits a monochrome world of limited linguistic horizons. The irrationality of the public ideologies of immigration, examined in the course of this chapter, stems largely from this situation. Along with policies for first-generation immigrants, outlined previously, these measures will endow the United States with the tools to manage

needed labor flows in the future, ensure that migrants will be protected against the worst abuses, and turn their offspring into valuable, well-adapted members of this society.

Looking Forward

As we come to the end of this journey, the logical question is what the future holds in store both for the nation and for its foreign-born population. Sociology and the social sciences in general, have not been very good at predicting specific major events. Indeed, the literature in these fields is littered with failed grand predictions. It would be a risky task to anticipate whether or when a major immigration reform will pass the U.S. Congress or which will be the next country (or countries) to meet the insatiable need for foreign labor of the American economy. If we cannot predict concrete events, there are two other phenomena that we can anticipate with a reasonable degree of confidence -- steady states and trends. This is so because both phenomena are extended over time and both possess a path dependent character.³⁵

There are two major steady states that can be anticipated with a reasonable degree of confidence: first, the continuation of immigration despite nativist resistance; and second, the continuation of struggles over migration and assimilation. Both are anticipated by the D-cell convergencies in Figures 9.2 and 9.3. The continuing requirement for foreign-labor by firms at both ends of the American hourglass economy pretty much insures that these flows will continue despite populist attacks and nativist denunciations. This is because, as seen in Figure 9.2, the balance of power leans consistently, though not entirely, in favor of the corporations and other firms in need of this labor. We will not have an “employer paradise”, but we will have a continuous, albeit contested inflow of foreign workers -- professionals and technicians at one end and unskilled and semi-skilled laborers at the other.

The second steady state is just the continuation of the historical rivalry between the foreign-born population and its native adversaries. We used the iconic figure of Sheriff Joe Arpaio in the first chapter to illustrate this resilient and paradoxical struggle – supporters of Arpaio at election time are the same people who depend on the immigrants he persecutes for domestic help and intensive care in old age.³⁶ We have traced this controversy in its multiple forms in the chapters on politics, language, and religion, and have sought to synthesize its core dynamics in these final lines. As shown in Figure 9.3 nativist exclusionary campaigns seldom succeed and often backfire, not only because of the economic interests of employers, but also because they trigger a spirited reaction among the groups so attacked and their offspring. This outcome has never prevented believers and pundits from trying again, seeking to scare and mobilize the native population against the “foreign peril”. Many have profited handsomely from such campaigns which is, in part, the reason why political reality has seldom converged on peaceful Cell A, but rather on its opposite.

Trends are arguably more interesting because they adumbrate the likelihood of future social change. Three are particularly important: first, the gradual spread of the immigrant presence to all regions of the country; second, the growing political power of the foreign-born and foreign-origin population; and third, the end of Mexican labor migration. The first trend is an extension of what has already been taking place, as seen in Chapter 3. The continuous process of arrival and settlement of foreign workers now extends to all states of the nation. During the last

two decades, the fastest growth of this population has taken place in states largely untouched by these inflows in the past -- Georgia, Kentucky, Arkansas and the Carolinas, to name a few. Even poor states like Mississippi, Alabama and West Virginia have seen their immigrant populations increase rapidly, less because of massive labor flows into their feeble economies than because of the presence of immigrant entrepreneurs playing a middleman role in the interstices of these economics and immigrant professionals providing health and other services to the native population.³⁷

The second trend is a consequence of numbers and time. The rise of Hispanics as the nation's largest ethnic minority and of Asians as a fast-growing third is well-known. By itself, this growth would not mean much politically were it not for two parallel developments -- first, the consolidation of these groups as "real" entities, with common interests and collective identities; second, the coming of age of the second generation. Jointly, these developments account for the growing political power of these populations and their capacity to inflict on their opponents, nativists politicians and pundits at the forefront, painful defeats.

It is worth emphasizing that the growing political influence of the foreign-origin population is a *fait accompli* since it is based on a population *that is already here*. In other words, it does not depend on the continuation of immigration although, as seen previously, this is likely to happen anyway. During the last two decades, the growth of the Hispanic population has been primarily due to births in the United States rather than to new migration.³⁸ Naturally, the passage of time brings about the maturation of a second generation increasingly numerous and ready to enter the political arena. This near-inevitable trend will significantly alter the balance of forces at election time. Contemplating their devastating defeat during the 2012 elections, major figures in the Republican Party have moved to argue for a change of strategy and some, represented by Florida Senator Marco Rubio and former Florida governor Jeb Bush, have taken a lead in proposing serious immigration reform.³⁹ These developments lead us to expect that the policy proposals advanced in the previous section have a chance of being enacted, at least partially, into law.

The third trend—the decline and eventual end of Mexico as the principal reservoir of low-wage labor for the American economy—is a function of three developments: first, rapid declines in Mexican fertility, leading to progressively fewer new entrants into the labor force; second, the maturation of the Mexican economy that will create more job opportunities for its workers in the future; third, the increasingly high costs and dangers of crossing the border surreptitiously.⁴⁰ Already this last development, added to the decline of the American economy during the 2007-2009 recession, brought about unauthorized Mexican migration to a virtual standstill, as we have seen previously. While the urgent revival of the H-2 visa program to compensate for this situation temporarily revived Mexican labor migration, the other two developments will, in time, prevail.

As we saw in chapter 2 and subsequent ones, long-distance migration is a path-dependent process, governed by the growth and consolidation of social networks across space. These networks will insure the continuation of Mexican migration in the short-to-medium terms but, over time, demographic and macro-economic forces will take over, leading to its end. What will happen then? Unless technology delivers the miracle of complete replacement of workers by machines in agriculture, construction, industry, and personal services, new sources of labor must

be found. The Central American and Caribbean countries are too small to fill this role, so that the search would have to be conducted afar. If the big Asian countries, particularly India, are tapped for this purpose, the character and composition of the resulting immigrant communities would be very different from those described in chapter 4 and elsewhere. And if such searches prove unsuccessful, opponents of Mexican migration may come to rue the fulfillment of their desires.

As long-term observers of immigration, we have seen changes cascade, not trickle, in each of the preceding decades. In all probability the future will mirror this past, bringing about the consolidation of the above three trends and, along with them, a new page in the complex and often surprising history of this nation of immigrants that we have attempted to portray.

End Notes: Chapter 9

¹ See Massey, “Borderline Madness”; Massey, “Foolish Fences”; Massey, “America’s Immigration Policy Fiasco”; Massey and Pren, “Unintended Consequences of U.S. Immigration Policy.”

² Passel and López, “Up to 1.7 million unauthorized immigrant youth may benefit from new deportation rules.”

³ National Immigration Law Center, “DACA’s One-year Anniversary”; Julia Preston, “Larger Union that Enforces Immigration Opposes Bill”.

⁴ ICE Removal Statistics, at <http://www.ice.gov/removal-statistics/>.

⁵ The 2013 Immigration Reform bill passed by the Senate (S.744) has been blocked by House Republicans who refuse to grant a path to legalization and citizenship to such “law breakers”.

⁶ These remarks are never expressed publicly, but are uttered discreetly and in private by at least some business representatives and economists. See also Asbed and Sellers, “The High Cost of Immigrants Laws”.

⁷ As examples, see Amy Tan, *The Joy Luck Club*, on Chinese-Americans; Cristina García, *Dreaming in Cuban*, on Cuban-Americans; Richard Rodríguez, *Days of Obligation*, on Mexican-Americans. See also Alejandro Portes, “The Longest Migration,” on contemporary Mexican-American literature.

⁸ Staff Report of the Select Commission on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest*, esp. xxxi – dxi.

⁹ See Lamm and Imhoff, *The Immigration Time Bomb*; and Brimelow, *Alien Nation*. Cf. Alba, Rumbaut and Marotz, “A Distorted Nation.”

¹⁰ Huntington, *Who are We?*

¹¹ For a number of years, CNN news anchor Lou Dobbs waged a relentless campaign against immigration, in particular Mexican immigrants. He was taken off the air only after a major mobilization via the Internet and in public rallies of Hispanic viewers and their sympathizers. Dobbs fate exemplifies that befalling other extreme nativists, as seen below.

¹² Rumbaut, “Harvest of Loneliness?”

¹³ *New York Times*, “Cheap Border Politics”.

¹⁴ This was, for a while, the rallying cry of 2012 Republican candidate Mitt Romney. The theory was that, if life was made sufficiently miserable for unauthorized migrants, they would leave voluntarily.

¹⁵ New York Times editorial, “It’s what they asked for”; Asbed and Sellers, “The High Cost”; Siavelis, “Beyond Push and Pull.”

¹⁶ Unz, “California and the End of White America”, p. 24.

¹⁷ U.S. Office of Immigration Statistics, *2008-2012 Yearbooks*; Portes and Celaya, “Determinants and Consequences of the Brain Drain”; Massey *et al.*, *Beyond Smoke and Mirrors*.

¹⁸ Kircheman and Neckerman, “We Love to Hire them...but”; Waters, “West Indians and African Americans at Work”; Fernández-Kelly, “Social and Cultural Capital in the Urban Ghetto”; Tienda and Stier, “The Wages of Race”.

¹⁹ Brimelow, *Alien Nation*; Lamm and Imhoff, *The Immigration Time Bomb*. During his time as CNN anchor, Lou Dobbs harped daily on this theme.

²⁰ Massey, “Foolish Fences”; Hondagneu-Sotelo, “Ten Things You Should Know about Mexican Immigration”; Fernández-Kelly, “Undocumented Workers; Documented Mendacity”.

²¹ On the importance of continuing professional immigration for U.S. high-tech industries, see West, *Brain Gain: Rethinking U.S. Immigration Policy* and Gafner and Yale-Loehr, “Attracting the Best and Brightest”. See also Portes and Celaya, “Determinants”.

²² Massey *et al.*, *Beyond Smoke and Mirrors*; Portes and Bach, *Latin Journey*; Fernandez-Kelly, “Undocumented Workers”; Samora *et al.*, *The Wetback Story*.

²³ Nash, “Equilibrium Points in N-Person Games”; Sethi, “Nash Equilibrium”; Myerson, “John Nash’s Contributions”.

²⁴ See also Rumbaut, “Harvest of Loneliness?”

²⁵ Zolberg, *A Nation by Design*. See also the discussion of this topic in chapters 1 and 5.

²⁶ The story is authentic and has been followed closely by the authors. Names and places are fictitious to protect the participants.

²⁷ See Massey, “Foolish Fences”; Massey, “Testimony before Immigration Sub-committee”; National Immigration Law Center, “Analysis of the Senate Reform Bill, Title II”.

²⁸ Massey *et al.*, *Beyond Smoke and Mirrors*; Cornelius, “Death at the Border”; Siavelis, “Beyond Push and Pull”.

²⁹ West, “Brain Gain”. See also Saxenian, *The New Argonauts*.

³⁰ The story is authentic. The names are fictitious.

³¹ Riley, “Statement by the Secretary of Education on California Proposition 227”.

³² Ream, *Uprooting Children*; Rumbaut and Komaie, “Immigration and Adult Transitions”; Fernández-Kelly, “The Back-pocket Map”; Feliciano, “Beyond the Family”.

³³ See Portes *et al.*, “No Margin for Error”; Perreira *et al.*, “Making It in America”.

³⁴ Portes and Rumbaut, *Legacies*, Ch. 6. See also the discussion in Chapter 6 of this book.

³⁵ Portes, “On Grand Surprises and Modest Certainties”; Portes, *Economic Sociology*, Ch. 1.

³⁶ Asbed and Sellers, “The High Cost of Anti-immigrant Laws”, New York Times Editorial board, “Border Injustice” Preston, “welcome Rescinded”.

³⁷ Agarwala, “Tapping the Indian diaspora”; Portes and Yiu, “Entrepreneurship, Transnationalism, and Development”/

³⁸ Tienda and Sánchez, “Latin American Immigration to the United States”; Tienda, “Demography and the Social Contract”; Hondagneu-Sotelo, “Ten Things You Need to Know”.

³⁹ National Immigration Law Center, “Analysis of Senate Immigration Reform Bill”. *The Economist*, “Immigration Reform”.

⁴⁰ Massey, “America’s Immigration Policy Fiasco”; Siavelis, “Beyond Push and Pull”; Asbed and Sellers, “The High Cost”.

Figure 9.1
The Immigration Policy Disconnect

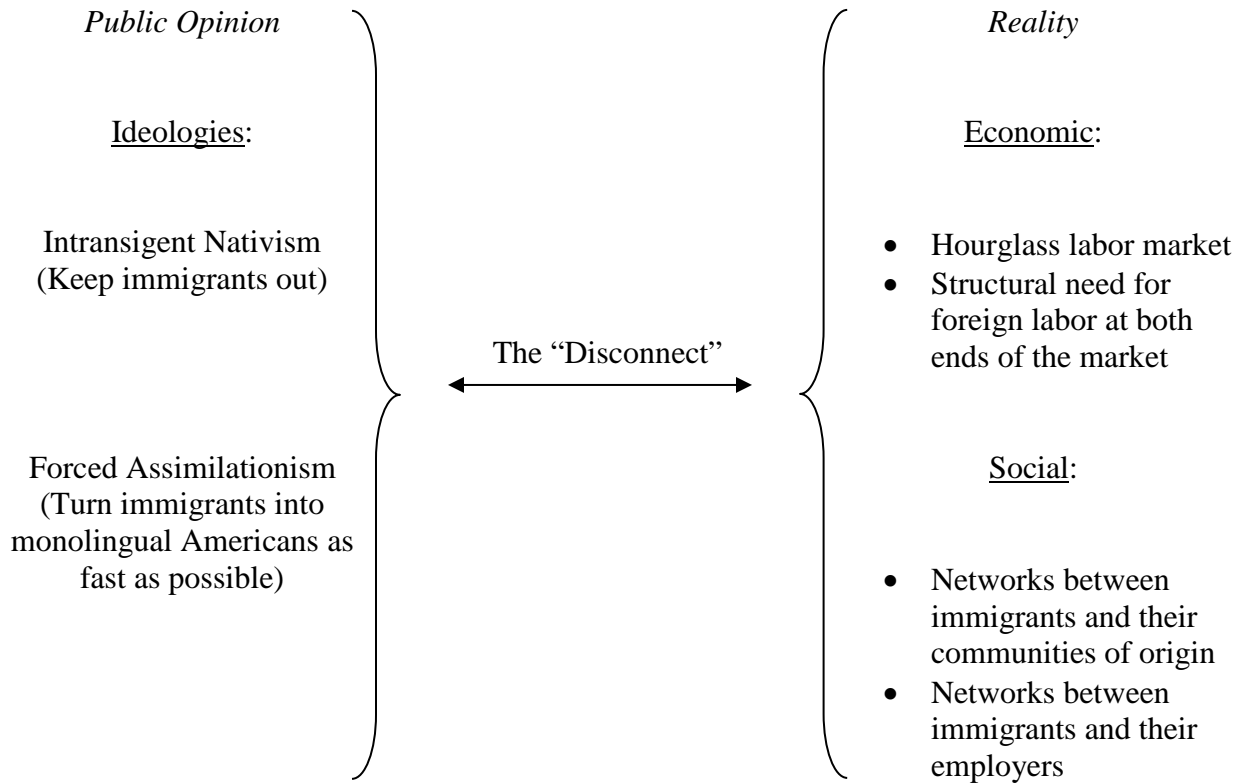


Figure 9.2
Immigrant Labor and the Native Class Structure*

		Employers	
		Not hire migrants	Hire migrants
Natives	Accept Immigration	A	B
		Native Workers' Paradise	Employers' Paradise
	++ / --	-- / ++	
	C	D	
Oppose Immigration	Preventive Mobilization	Contested and Restricted Migration	
	+ / --	- / +	

*Left-most plus or minus signs in each cell are hypothetical payoffs for native workers; right-most figures are hypothetical payoffs for employers.

Figure 9.3
Alternative Political Scenarios of Immigration:
A Typology

		Native Population	
		Tolerant Stance	Militant Nativism
Immigrant Minorities	Apolitical Stance	A	C
		Paced Socio-cultural	Exclusionary Campaigns
	Politically Active	Incorporation	Forced Assimilation
		B	D
		Pre-emptive Mobilizations	Reactive Ethnicity