

Legacy and lessons of immigration, Part 2

In the early 1980s, Americans were feeling apprehensive after a recession, layoffs, oil aftershocks and the Iranian hostage crisis. As large numbers of undocumented Mexican and Latino workers competed for jobs with Americans in urban areas where they had not previously been, their presence became a political issue.

Since immigration policy is the purview of Congress, any solution had to be through federal legislation. As lawmakers debated, a consensus emerged that "comprehensive" immigration reform was needed, reform that could provide stronger enforcement coupled with an amnesty to bring immigrants "out of the shadows" and provide growers with documented labor.

In 1986, after contentious negotiations, the Senate and House made an historic compromise. Yielding to pressure from growers for more workers and placating organized labor with provisions for workplace and border enforcement, a bipartisan deal was orchestrated. The resulting Immigration Reform and Control Act (IRCA) was signed by President Reagan on Jan. 1, 1987.

IRCA's objectives were to: establish a standard of employment that would require employers to hire only documented workers; legalize 3 million immigrants through an amnesty that would provide a path to citizenship; and improve border security and enforcement with more agents, fencing and technology.

For a time, IRCA worked. While the rate of legal immigration rose to an all-time

GUEST COMMENT

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high due to its amnesty provisions, apprehensions of illegal entrants dropped. But then, as the Immigration & Naturalization Service cut workplace and interior enforcement, apprehensions climbed dramatically.

IRCA's employment regulations proved largely symbolic. Since the law didn't require employers to verify workers' identity documents, they risked little by hiring illegal migrants. Workers quickly adapted to the new rules of the game with fake "papers," while employers became ever more addicted to cheap, exploitable labor.

Another problem was gross mismanagement of IRCA's two amnesty programs, which were so loosely administered and fraught with fraudulent claims that they had the ultimate effect of actually increasing illegal immigration.

IRCA also failed to control visa "overstays." Forty percent of illegal residents entered legally on temporary visas, and then refused to leave when those visas expired. Millions were at large, and the government had no idea where they were or what they were doing. The nation would pay a tragic price in the Sept. 11, 2001, terrorist attacks, in which three aircraft hijackers were in the U.S. illegally, with two of them having

overstayed their visas.

In the end, IRCA failed, due not only to inherent flaws, but a notable lack of congressional oversight. By 2007, the illegal immigrant population had tripled to 12 million, even though the number of border patrol agents quadrupled.

The failure of IRCA and the wholly inadequate congressional oversight remains a cautionary lesson. It suggests that another comprehensive reworking of the immigration system is unlikely to succeed.

A more realistic, cost-effective approach would be to implement reform in stages with certification of successful implementation required before continuing. First step: enforce existing laws and strengthen interior enforcement, aggressively prosecuting employers who hire undocumented workers. Second, secure the border, not by erecting more fencing or militarizing it, but turning off the "job magnet" by requiring all employers to use the e-verify identity check system and by tracking visa holders to eliminate "overstays." Once these steps are certified by the CBO or other independent entity, implement a well-regulated guest worker program for employers in good standing that incorporates fair pay.

These measures would go a long way toward effectively reforming our broken system by reducing illegal immigration, providing a certified labor pool, ensuring fair treatment of guest workers and rectifying the mistakes that are the lingering legacy of IRCA.

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