

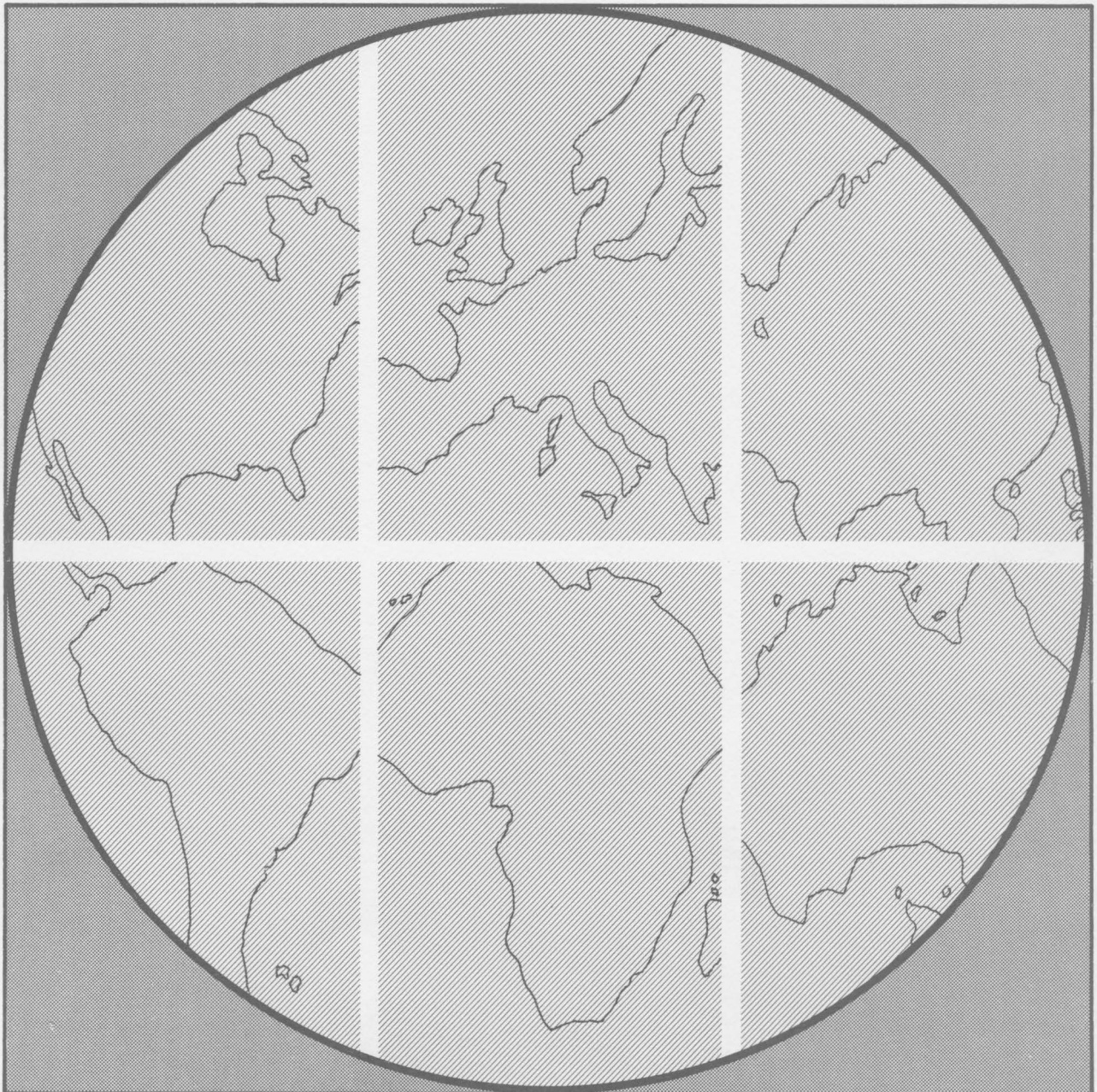
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# PRELIMINARY REPORT DOMESTIC COUNCIL COMMITTEE ON ILLEGAL ALIENS

DECEMBER 1976



PRELIMINARY REPORT

Domestic Council Committee on Illegal Aliens

December, 1976

DOMESTIC COUNCIL COMMITTEE ON ILLEGAL ALIENS

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Committee Members:

Secretary of Agriculture  
Secretary of Commerce  
Secretary of Health, Education and Welfare  
Secretary of Labor  
Secretary of State  
Secretary of the Treasury  
Director, Office of Management and Budget  
Director, Domestic Council  
Special Assistant to the President for Public Liaison

Steering Committee: \*

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Barry R. Chiswick, Senior Staff Member, Council of Economic Advisers, Technical Adviser.  
James F. Greene, Deputy Commissioner, Immigration and Naturalization Service, Law Enforcement task force.  
William F. Luers, Deputy Assistant Secretary, Inter-American Affairs, Department of State, Foreign Relations task force  
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\* The Steering Committee is composed of the five task force chairmen, the Domestic Council, the Office of Management and Budget and the Council of Economic Advisers which acts as technical adviser. A complete listing of task force members and their agency affiliations appears as Appendix B to this report.

Preliminary Report  
Domestic Council Committee on Illegal Aliens

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Preliminary Report  
Domestic Council Committee on Illegal Aliens  
Executive Summary

Introduction

Apprehensions of illegal aliens each year are almost double the number of people who enter the United States legally. Illegal aliens, traditionally from Mexico and concentrated in the Southwest, are from many nations and are found in many areas of the country. The Domestic Council committee was established to undertake a comprehensive review of the issue and its implications. This preliminary report provides an overview of the policy questions, assesses current programs and knowledge and presents recommendations for further action.

Chapter I - U.S. Immigration Law and Policy

During the early years of our history immigration was unrestricted. In the late 1800's certain classes, such as convicts, or national groups, such as Chinese, were excluded. In 1921 numerical limits were introduced based on the concept of national origin quotas. A major recodification in 1952 established three basic premises for immigration: family reunification, protection of jobs for the domestic labor force, and control of alien visitors. However the national origin

quota was maintained until 1965 when amendments replaced it with numerical hemispheric ceilings and introduced a fourth premise, that of asylum for refugees.

Immigration from the Eastern Hemisphere is held at 170,000 per year with a 20,000 per country limit. Admission is granted through a preference system which grants 74% of the places to relatives of U.S. citizens and permanent aliens. The Western Hemisphere ceiling of 120,000 was added at the last moment by Congress and operates on a first-come, first-serve basis with no preference system or per country limits.\* Labor certification by the Department of Labor is required for all non-relative classes from both hemispheres. The 1965 law is the statute which governs immigration today and has, since 1965, had two major effects: (1) Immigration has increased by more than 100% over the 1924-1965 period; and (2) there has been a shift away from European groups toward Asian and Latin American groups.

The worker importation provisions of the law apply to both immigrants and temporary workers but they play a minimal role in the present policy scheme. Canada and Australia, the two nations most similar to the U.S. in immigration matters, weigh employment impact considerations heavily in their criteria for granting immigrant status.

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\* P.L. 94-571, signed on October 20, 1976, alters these provisions by applying the current preference system of selection for the Eastern Hemisphere to the Western Hemisphere as well. This report was written and approved prior to that action.

## Chapter II - Illegal Immigration: The Global Picture

The principal source of immigration to the United States currently is Mexico, Jamaica, the Dominican Republic, Haiti, Korea, the Philippines, Thailand, and China. Demand for immigration is intense in these countries and several have waiting lists of 2 years or more. These countries are also among the major illegal alien source countries. The source countries have similar characteristics in three respects: rapid economic expansion, high population growth rates, and links with the U.S. This pattern will apply to increasing numbers of countries in the future and creates strong push forces on individuals to migrate. These push forces combine with the pull of available jobs and low risk of detection in the United States to produce illegal migration.

The phenomenon of migration occurs in streams according to certain principles among which the difficulty of intervening obstacles and development of counterstreams are prominent. The process is not responsive to legal limits but rather to its own self-sustaining momentum. Policy will have to address the fundamental principles of push-pull and migration to be successful.

Illegal immigration is from many countries but Mexico is a major source for reasons of both history and geography.

The governments of the U.S. and Mexico have established bilateral discussions on the issue. However, the illegal migration issue has not been a priority concern to policy-makers in the governance of our relations with other source nations. Actions discouraging illegal entry may compete with other foreign policy goals, e.g. tourism. However, illegal immigration merits a far higher and more generalized level of attention in our conduct of foreign affairs.

### Chapter III - Law Enforcement

There is a long history of U.S.-Mexico border enforcement in immigration matters. Thus the majority of our enforcement effort is directed at this aspect of illegal immigration. Illegal entrants from other nations are a relatively recent development that requires significantly different techniques.

The Immigration and Naturalization Service (INS) has primary responsibility for immigration enforcement. It is aided by the Department of State which issues visas overseas. Prevention of illegal entry is the agency priority and is done through inspection of individuals at ports of entry and policing our land and borders between ports. INS also carries on investigative activities within our borders

against illegals who escape detection at entry or overstay authorized entry. Recent court decisions have limited INS' latitude in the interior, making prevention more important.



Several other agencies have enforcement roles which are related to illegal immigration. They are the Social Security Administration, Internal Revenue Service, U.S. Customs Service, and the Wage and Hour division of the Department of Labor. The Committee has evaluated current and proposed additional means of interagency cooperation among them and INS and the Department of State. Experience has shown that cooperation on enforcement matters is difficult when the agency is service oriented such as the Social Security Administration. However, much can be done to increase the effectiveness of enforcement with the tools presently available both among and within the agencies concerned.

In addition to improved interagency efforts, certain disincentives to illegal migration are needed which require legislation. The disincentives are designed to lessen the economic pull which draws illegals to the U.S., discourage the use of the law to gain time and establish equity for immigration benefits, increase enforcement authorities to aid in capturing smugglers and the like, and streamline the law of anachronistic provisions which detract from more important tasks.

#### Chapter IV - The Illegal Alien: A Soft Portrait

Judging the impact of illegal aliens on our society requires information which is extremely sketchy at best. Data deficiencies center on the difficulty of counting and describing a clandestine population and the unrepresentativeness of using predominantly apprehended, Mexican illegals because they are readily accessible for research purposes. Many studies were reviewed and a composite description of the illegal includes personal characteristics by nationality, origin within native country, age, sex, education, marital status, language ability, and motivation; characteristics of entry by entry without inspection, visa abuse and others; characteristics of residence by location, mobility, and wage remissions; and characteristics of work place. The major points of agreement are that the principal impact of illegals is in the labor market, language ability is an important determinant in the type of employment, significant percentages of earnings are returned to the illegals' native country, and Mexican illegal migration may be substantially different from that from other source countries.

#### Chapter V - Domestic Impact of Illegal Aliens: The Issues of Employment and Earnings

Because research on illegal aliens is in an embryonic state, an exposition of domestic impact remains tentative.

Among several perceptions concerning the economic impact of illegals are: (a) low skilled illegal alien workers compete with low skilled natives depressing their wages and tending to increase earnings of skilled workers and owners of capital; (b) illegal aliens create unemployment by taking vacant jobs; and (c) illegal aliens take more from the system in services than they contribute in taxes. The data currently available cannot provide answers. At best it indicates certain directions.

Useful information may be obtained from analyses on the foreign born and their impact in combination with what is known about illegals. Earnings of the foreign born rise with tenure in the U.S. and after 13 or more years are substantially the same as natives. This implies that if undetected, illegals would have the same profile as natives and therefore would not remain a cheap labor source. The analysis does not hold for Hispanics, an important illegal alien characteristic, nor does it incorporate the illegality factor as a barrier to upward mobility.

The termination of the bracero program showed that sudden removal of alien labor opened jobs which natives took at improved wages while income to owners decreased and consumer prices for their products increased.

European countries have made extensive use of temporary foreign workers who have made positive contributions to economic growth but who have not returned as planned and create problems during times of economic slowdown.

## Chapter VI - Illegal Immigration: Social Issues

Migrants moving into new areas seem to resettle according to four stages. First, young, unmarried males predominate followed by married men in the second stage. In the third stage, single males marry and marrieds send for their families and settle permanently attracting supporting populations of employers, businesses, etc. in the final stage. Restrictions to keep migration temporary rarely work and the last stage is frequently marked by tension with the native population. Different parts of the U.S. may be experiencing different stages of settlement at this time.

Within the context of settlement, the welfare issue or use of income transfer programs by illegals has received much attention. These programs are examined and with the possible exception of food stamps, which restrict eligibility on the basis of citizenship, illegals are unlikely to qualify based on age, sex and other personal characteristics. Definitive judgment must await better information on the characteristics of illegals and the settlement stage(s) of various groups and areas.

Several other social issues raised by illegal immigration are population growth, INS enforcement, anti-alien sentiment and federal-state-local relations. Immigration is one of the major aspects of our population growth as a nation. If the net number of illegals is at least equal to our net immigration, the numerical impact is a central factor in growth.

INS enforcement causes community resentment and hostility in many areas, particularly in ethnic communities. The greatest degree of support is to be found with employer targeted enforcement; serious difficulties accompany residence based efforts. This potential for strife is also apparent in anti-illegal alien organizing in some large urban areas.

The federal government has not worked closely with other units of government on illegal alien issues although these are the levels at which immediate impacts are keenly felt. The existence of underground communities which actively avoid government presents significant problems which require cooperation and coordination to prevent.

## Chapter VII - Dilemmas for the Future

Beyond the issues and topics discussed in the report, immigration matters lead to large philosophical and policy questions for the society which will only be answered over

time. Some of the larger areas within which immigration is or should be an important component are government control over individuals in law enforcement matters, research methodologies and the limitations of information, long-range foreign policy priorities and imperatives, and the limits of and potential for growth.

The conclusions of the report and recommendations make up Chapter VIII.

PRELIMINARY REPORT

Domestic Council Committee on Illegal Aliens

Introduction

Immigration to the United States is intended to be governed by the Immigration and Nationality Act of 1965. Under the provisions of the Act, approximately 400,000 aliens are admitted annually for permanent residence. Actual immigration, however, bears little resemblance to the program administered under the law. In 1975, 766,600 aliens who had entered or remained in the U.S. illegally were located, about twice the number permitted to enter by law. It is believed that the number of illegal aliens residing and working in the United States is considerably in excess of the number apprehended and can be expected to increase.

Historically, apprehended illegal entrants to the United States have been largely Mexican in origin concentrated on the Southwest border in rural areas doing agricultural work. Increasingly in the last decade concentrations of illegal aliens are found in industrialized urban as well as rural areas throughout the country. Metropolitan centers such as New York and Chicago report illegal populations numbering in the millions although hard numbers which are reliable do not exist. In addition, the illegal population, while predominantly Hispanic, is from many parts of the world.

We are a nation of immigrants and have throughout our history been the most hospitable nation in the world for immigrants. Immigrants have and continue to contribute much to this country individually and in the development of our social and political values. We are also a nation of laws with a commitment to systems which enforce those laws fairly and effectively. A growing influx of unauthorized immigrants has important implications for the United States.

The overwhelming majority of illegal aliens who come to the United States are in search of economic opportunity. Many compete for jobs of interest to native workers. Others accept employment for which Americans are seemingly unavailable. All, due to their illegal status, live in fear of apprehension. As a result, they are susceptible to economic exploitation and other forms of abuse, and often live in an invisible subculture outside the boundaries of law and legitimate institutions.

Because illegal aliens are in a sense invisible, the issue is not only difficult to analyze as a practical matter but is controversial to acknowledge for policy purposes in contexts other than law enforcement. Furthermore, illegal migration in times of prosperity tends to be viewed as a handmaiden of economic growth but it becomes transformed into a threat in times of economic downturn. Recent awareness of

the finite nature of resources and of population issues has tended to render the cyclical nature of a concern over illegal aliens an ongoing concern.

In January, 1975, President Ford, established a Domestic Council Committee on Illegal Aliens. Chaired by the Attorney General, the committee consists of the Secretaries of Agriculture; Commerce; Health, Education and Welfare; Labor; Treasury; State; and the Office of Management and Budget with the Council of Economic Advisors acting in a technical advisory capacity. In January, 1976, the Attorney General reorganized the committee into five task forces as follows:

Immigration Law and Policy - Chair: Immigration and Naturalization Service

Economic and Labor Market Impact of Illegal Aliens - Chair: Department of Labor

Social and Community Impact on Illegal Aliens - Chair: Department of Health, Education and Welfare

Enforcement - Chair: Immigration and Naturalization Service

Foreign Relations <sup>1/</sup> - Chair: Department of State

The task forces are chaired by senior officials selected by the respective Department Secretaries and have functioned as working committees. The task force chairmen comprise a Steering Committee which has provided coordination between full committee meetings.

1/ This task force is also known as the Interagency Committee on Mexican Migration to the U.S. which had been previously constituted pursuant to meetings between President Ford and President Echeverria of Mexico in 1974. The scope of its activities as originally defined has been broadened for purposes of the Domestic Council inquiry.

The task forces were charged with undertaking a comprehensive review of the illegal alien issue and were asked to submit reports of their work by June 1, 1976. Those reports have been combined and integrated to create this preliminary report of the Domestic Council Committee. The report has a fourfold purpose:

- to provide an overview of the issues and policy questions involved in a comprehensive examination of the illegal alien issue;
- to catalogue and assess current efforts to deal with the phenomenon of illegal immigration;
- to catalogue and assess current knowledge about the implications of illegal immigration for the needs and interests of the United States; and
- to formulate recommendations outlining ways in which the government might respond.

The terminology used in the report is as follows:

illegal aliens are citizens of other countries who are not authorized to be in the United States. Basically there are two categories of illegal aliens. Some illegal aliens were never authorized to be in the U.S. and possess no immigration documents. Such persons are known as EWI's (Entry Without Inspection) because they entered the country surreptitiously. The second category of illegal aliens is individuals who originally entered the U.S. legally and

in possession of a visa issued by a U.S. Consul overseas but have since violated or overstayed the terms of the visa. Such persons are known as visa abusers. They may have obtained the visa through misrepresentation of their intentions, they may have changed plans for a variety of reasons after having arrived in the U.S., or they may have obtained counterfeit documents and escaped detection at the port of entry.

The method of entry and reason for being illegal are important to certain aspects of this report and will be treated as such. However in many contexts the terms illegal alien, visa abuser, undocumented worker, illegal immigrant, clandestine migrant and unauthorized worker are used interchangeably. Conversely, the terms used to describe persons legally admitted to the U.S. for permanent residence who are eligible to work are permanent resident alien, immigrant, legal immigrant, or commuter.

Apprehension figures will be cited throughout the report and are one important index of the existence of an illegal alien problem. It is important to note that apprehension figures denote the occurrence of an event, i.e., they are a workload measurement, not a total number of people. Many apprehended illegals are known repeaters. Thus the number of people apprehended each year by INS is less by an unknown proportion than the number of apprehensions.

CHAPTER I  
UNITED STATES IMMIGRATION LAW AND POLICY

A. HISTORICAL REVIEW OF U.S. IMMIGRATION POLICY

The history of Immigration in the United States is a chronicle of the conflicting philosophies of economics, sociology, politics, and of compassion and prejudice. Immigration to the Colonies had its beginnings in the early 1600's when a few hundred colonists established settlements at Jamestown and Plymouth. Some two and a half centuries later, more than 10 million more had followed the original vanguard. In 1866 the Statue of Liberty was dedicated and still bears an inscription familiar to most of us:

"Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore,  
Send these, the homeless, tempest-tossed, to me:  
I lift my lamp beside the golden door."

The spirit of that inscription has in the past generally, though not always, reflected the viewpoint of the American people.

Period of Unrestricted Immigration

Despite some misgivings, the general attitude of the original 13 Colonies was to encourage immigration. Such encouragement was not motivated merely by a spirit of altruism, for immigrants represented a solution to a chronic labor shortage, the means of promoting land settlement of a sparsely populated country and its resources.

During the first 100 years following the founding of our country, there was little legislation affecting immigration. The act of March 2, 1819 marked the beginning of so-called steerage legislation which sought to improve living conditions on ships bringing immigrants to the United States. In 1875 a statute barred the admission of convicts and prostitutes. This was followed in 1882 by the adoption of the first general immigration statute barring the entry of convicts, mental incompetents, and persons likely to become public charges. In the same year, the Chinese Exclusion Act became law and remained in effect until it was repealed in 1943.

In 1885 and 1887 Congress passed the contract labor laws, which were designed to end the practice of importing cheap foreign labor under labor contracts which adversely affected the labor market in the United States.

#### Period of Qualitative Controls

These individual immigration laws were codified in 1891 and began a period of qualitative controls. The act increased the number of classes of aliens who were to be excluded, including polygamists, those convicted of crimes involving moral turpitude, paupers, and those afflicted with a dangerous disease. Insane persons, epileptics, professional beggars, and anarchists were added soon thereafter. Aliens who had entered illegally were to be deported within one year.

From 1900-1910, over four million immigrants were admitted primarily from southern and eastern Europe in contrast to previous migrations from northern Europe. The surging tide of immigration during this period created uneasiness, largely due to economic uncertainty. In 1917 Congress passed another comprehensive revision of the immigration laws which included an English literacy test, excluded Asians, and again provided for the deportation of aliens who had entered the United States illegally.

#### Period of Qualitative and Quantitative Controls

Until 1921, immigration legislation had been concerned solely with qualitative factors relating to immigrants, and no restriction had been placed on the number of entrants. After World War I, immigration began to increase, leading to demands for restrictions to dam the expected flood of immigrants from the war-devastated countries of Europe. A lagging economy and an increasingly isolationist mood in the country strengthened these demands.

The ensuing Quota Law of 1921 represented a drastic change in American immigration policy. Introducing numerical limitations on immigration, the act limited the number of aliens of any nationality entering the United States to three percent of foreign-born persons of that nationality who lived in the United States in 1910. A ceiling of 350,000 was placed on the total number of aliens who could be admitted as immigrants during any one year.

The policy of numerical restrictions became permanent through the enactment of the Immigration Act of 1924 designed to supplement the qualitative restrictions of the 1917 act. A national origins formula was adopted which eventually based a quota for each nationality on the number of persons of that national origin in the United States in 1920. Under this formula the number of persons coming from southern and eastern Europe fell sharply. A ceiling of approximately 150,000 was placed on the number of quota immigrants who were permitted to enter each year. However, the act also established certain classes of non-quota aliens able to enter in unrestricted numbers. These included natives of Western Hemisphere countries, alien wives and children of American citizens and returning lawful residents. In addition, the act required each intending immigrant to obtain a visa abroad from a United States consular officer and a sponsor in the U.S. Persons entering in violation of the visa or quota requirements could be deported without time limitation. To exclude Asians, another provision barred ineligible aliens from acquiring citizenship.

The basic economic and sociological premise of the 1924 act was that more than 150,000 immigrants per year might be detrimental to the country. The next premise was

that maintaining the national origins make-up of the existing population by rationing the quotas in that proportion was a desirable end. Compassion gave special status to the wives and children of United States citizens, even though this might distort the mix. Other considerations, perhaps political, permitted immigration of Western Hemisphere natives without regard to numbers or to the percentage of such people in the make-up of the population. Prejudice doubtless excluded Asians. Although the Immigration Acts of 1917 and 1924 remained substantially unchanged until 1952, some restrictions were relaxed by humanitarian considerations related to the flight of refugees from Communist countries in the post-World War II era.<sup>2/</sup>

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<sup>2/</sup> The War Brides Act of 1945 allowed admission of 118,000 aliens, and the Fiances Act of 1946 brought 5,000 aliens. The Displaced Persons Act of 1948 authorized admission of about 400,000 persons unable to remain in Germany, Italy and Austria. The Refugee Relief Act of 1953 permitted 214,000 refugees to be admitted in three and a half years. Emergency measures for Hungarian and Cuban refugees followed. Most recently Vietnamese refugees were paroled into the United States.

B. CURRENT IMMIGRATION LAW

Although amended, the Immigration and Nationality Act of 1952 is still the basic statute dealing with immigration and nationality. It not only recodified existing law but made many changes. Built upon three basic premises -- family reunification, protecting available jobs for the domestic labor force, and control of alien visitors -- the act nevertheless maintained the national origin quota system. However, it also provided for:

- (1) permanent, limited immigration according to preferences for certain relatives of United States citizens and resident aliens and for immigrants with special skills;
- (2) visa requirements for visitors;
- (3) grounds for exclusion of undesirable aliens;
- (4) a double screening barrier requiring both a visa and port of entry admission; and
- (5) deportation grounds, procedures and relief from deportation.

The basic underlying selection factor of the 1924 act was the national origin quota, not occupational status or relationship to persons already residing in the United States. Criticized with some vigor from the very beginning, by 1952 opposition to the national origins quota system had become

quite vociferous. But the opposition was not sufficient to prevent enactment of a new law, over Presidential veto, with the national origin quota provision intact.

#### 1965 Amendments

By 1965 the major political issue concerning immigration was the national origins quota system and its validity as a basis for selecting immigrants to the United States.

In 1963, amendments to the Immigration and Nationality Act of 1952 were introduced which brought the national origins quota system into question. On October 3, 1965 the amendments were signed into law and comprise the system under which immigration operates today.

The 1965 amendments abolished national origin quotas as the basis for admission to the United States and substituted family relationship and needed talents or skills as the prerequisites for immigration. The visitor and deportation related features of the 1952 act were retained as was a revised form of the preference system.

The major provisions of the act are as follows:

1. Reunification of families is the foremost consideration for gaining immigration admissibility. The closer the family relationship to a U.S. citizen or permanent resident alien, the higher the preference.

2. Preference for admission is also available for individuals who possess certain special talents or skills: a) professionals or those with exceptional ability in the arts or sciences; and b) skilled or unskilled workers who can fill specific labor needs in short supply. Individuals admitted under these provisions must obtain a labor certification from the Secretary of Labor.
3. Annual ceilings of 170,000 for Eastern Hemisphere natives and for the first time, 120,000 for Western Hemisphere natives were established. The preference system as outlined below applies to Eastern Hemisphere immigration. Western Hemisphere immigration is first come -- first serve.\*
4. Spouses and children of U.S. citizens and parents of citizens over 21 years of age are exempt from the numerical ceilings.
5. For the Eastern Hemisphere, a foreign state limitation of 20,000 visas per annum was established.
6. Entry of a specified number of refugees annually was authorized in place of separate, special legislative enactments.

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\*See footnote, p. vi.

7. Labor certification controls were strengthened to control the influx of skilled and unskilled foreign workers.

The new preference system went into effect on December 1, 1965, while the system of hemispheric ceilings was not effective until July 1, 1968. (See Charts 1 and 2.)

Considerable attention was given to the nature of the new preference system. Prior to 1965, skilled workers and professionals who had pre-arranged employment were classified as first preference immigrants and allotted fifty percent of each national quota. This preference was used infrequently and the emphasis upon skilled labor over relatives was largely reversed by the 1965 amendments which decreased reliance on imported workers. Three of the first five preference classes are allotted to relatives of U.S. citizens. The percentage of the total limitation accorded to the relative classes rose from 50% to 74%. Only professionals are placed ahead of any of the relative classes. Moreover, an additional 6% of the limitation was set aside for the new refugee preference, leaving only 20% for workers and their families (10% for professionals; 10% for skilled or unskilled workers). The worker preferences cannot benefit from "fall down" -- unused portions of higher preference allocations -- whereas the relative preference can, and workers, both professional and nonprofessional, are subjected to an affirmative labor certification requirement.

CHART 1

NUMERICAL LIMITATIONS ON IMMIGRATION VISAS



Some form of numerical limitation has been imposed on immigration into the United States since 1921, although certain classes of immigrants have traditionally been able to obtain visas outside of these limitations. Outlined below are the basic elements of the amendments of the Immigration and Nationality Act by the Act of October 3, 1965.

**Act of October 3, 1965**

**I. Classes not subject to the numerical limitations:**

- (1) Spouse and children of U.S. citizens and parents of citizens over the age of 21; (Sec. 201(b)).
- (2) Returning residents; (Sec. 101(a)(27)(B)).
- (3) Certain former U.S. citizens; (Sec. 101(a)(27)(C)).
- (4) Ministers of religion and the spouse and children of such immigrants; (Sec. 101(a)(27)(D)).
- (5) Certain employees or former employees of the U.S. Government abroad and the accompanying spouse and children of such immigrants; (Sec. 101(a)(27)(E)).

**II. Numerical limitations to which other applicants are subject:**

- (1) Overall numerical limitation: 170,000 per annum;
- (2) National limit: 20,000;
  
- (3) Dependent area limitation: Each colony or other dependency may use not more than 1 percent of the total of visa numbers available to the mother country;
- (4) Quarterly limitation: Not more than 45,000 in any of the first three quarters of the fiscal year.

**III. Preference system (percentage applied against 170,000 limitation):**

- (1) First preference: Unmarried sons and daughters of U.S. citizens.  
Not more than 20 percent.

- (2) Second preference: Spouse and unmarried sons and daughters of an alien lawfully admitted for permanent residence.

20 percent plus any not required for first preference.

- (3) Third preference: Members of the professions and scientists and artists of exceptional ability.

Not more than 10 percent.

- (4) Fourth preference: Married sons and daughters of U.S. citizens.

10 percent plus any not required for the first three preferences.

- (5) Fifth preference: Brothers and sisters of U.S. citizens.

24 percent plus any not required for the first four preferences.

- (6) Sixth preference: Skilled and unskilled workers in occupations for which labor is in short supply in the United States.

Not more than 10 percent.

- (7) Seventh preference: Refugees to whom conditional entry or adjustment of status may be granted.

Not more than 6 percent.

- (8) Nonpreference: Any applicant not entitled to one of the above preferences.

Any numbers not required for preference applicants.

- (9) The spouse and child of any preference applicant may be classified within the same preference if a visa is not otherwise immediately available.

**IV. Immigrants born in any independent country of the Western Hemisphere or in the Canal Zone and the spouse and children of such immigrants are subject to a numerical limitation of 120,000 per annum; (Sec. 21(e), Act of Oct. 3, 1965).**

CHART 2

**EASTERN AND WESTERN HEMISPHERE PROVISIONS OF THE LAW \***

*The differences in the Immigration and Nationality Act relating to immigration from the Eastern Hemisphere and the Western Hemisphere are outlined below:*

**Eastern Hemisphere**

1. Numerical limitations: 170,000 per annum; not more than 20,000 per foreign state.
2. As a selective mechanism to enable distribution of the numbers to the immigrants desired, a system of seven preference classes exists: Four (1, 2, 4, and 5) based on relationship to U.S. citizens or resident aliens, two (3 and 6) based on need for labor, and one (7) for refugees.
3. Applicability of section 212(a)(14) is explicitly restricted to applicants within the 3d, 6th, and nonpreference categories, thus exempting sons and daughters (married or unmarried) and brothers and sisters of U.S. citizens.
4. Adjustment of status in the United States from nonimmigrant to that of a permanent resident may be obtained.
5. Parents of resident aliens (not being entitled to a preference) are subject to section 212(a)(14).
6. Immigrants may not enter from contiguous territory without first residing therein for 2 years unless they have arrived there on a transportation line which has an appropriate contract with the Attorney General for this purpose.

**Western Hemisphere**

1. Numerical limitations: 120,000 per annum limitation became effective July 1, 1968; no foreign state limitation. (This limitation is imposed by the 1965 Act, not by the Immigration and Nationality Act.)
2. No provision has been made for a preference system.
3. Section 212(a)(14) expressly applies to all applicants from the Western Hemisphere other than parents, spouses, or children of U.S. citizens and resident aliens.
4. Adjustment of status in the United States from nonimmigrant to that of a permanent resident is not permitted, although the Act of November 2, 1966, permits the adjustment of Cuban refugees.
5. Parents of resident aliens are exempt from the provisions of section 212(a)(14).
6. No prohibition on entry from contiguous territory.

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\* See Footnote, p. vi.

Application of the amendments to the Western Hemisphere does not appear to have been systematically considered. Prior to 1963 immigration from the Western Hemisphere had never been numerically limited, nor were proposals to establish limitations ever seriously considered. Thus, there had also never been a selection process with the system operating largely on a first-come, first-serve basis. The proposal to limit numerically Western Hemisphere natives originated with the Congress. Its inclusion in the bill apparently resulted from compromises viewed as necessary to gain abolition of the national origins quota system.

Although a Western Hemisphere ceiling was established, the law fails to provide any system of preferences or foreign state limitations for Western Hemisphere immigration\*. Subsequent to enactment of the amendments, it was contended that the labor certification provision would serve to regulate immigration from the Western Hemisphere, rendering a preference system or foreign state limitations unnecessary. The evolution of demand for immigration from the Western Hemisphere has proven this assertion to have been incorrect.

The abolition of the national origins quota system has had two significant results.

1. Average annual immigration since 1965 has risen to 390,329 from an average annual figure of

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\*See Footnote, p. vi.

190,447 during the 1924 to 1965 period, an increase of more than 100%. Although an annual number of 290,000 is authorized by the hemispheric ceiling provisions of the law, the additional 100,000+ result from the exempt categories of parents, spouses and children.

2. Immigrant source countries have changed resulting in a basic ethnic shift away from European groups toward Asian and Latin American groups.

#### Worker Importation Provisions

The great majority of post-1965 immigrants have entered the U.S. on the basis of family ties to U.S. residents. Thus they have been selected independent of labor market considerations. Nonetheless one goal of the current law is to allow entrance for needed workers both on a permanent and temporary basis. This goal is an important aspect of a discussion of illegal immigration and is therefore examined more fully in this section.

#### Permanent Immigrant Workers

Under current law 3/ certification by the Secretary of Labor is required prior to issuance of an immigrant visa for all third, sixth and non-preference immigrants from the Eastern Hemisphere and immigrants from the

3/ Section 212(a)(14) of the Immigration and Nationality Act.

Western Hemisphere except parents, spouses or children of U.S. citizens or resident aliens. These categories potentially comprise 10-20% of U.S. immigrants each year.

To issue a labor certification the Secretary of Labor must certify that (a) there are not sufficient workers in the U.S. at the alien's destination able, willing and qualified to perform the job, and (b) employment of the alien will not adversely affect wages and working conditions of similarly employed U. S. workers. Thus certification on a case-by-case basis is required to allow an alien to enter. This is a direct reversal of the provisions of the 1952 act under which a certification was required to keep an alien out.

The Department of Labor has published two occupational schedules. Schedule A -- a precertified list -- consists of occupations generally in short supply nationwide. Schedule B -- the noncertification list -- includes low-skill occupations requiring little or no education, training or experience for satisfactory job performance and for which domestic workers are available or can be readily trained. An alien whose category of employment appears on Schedule A qualifies for a certification without a job offer or DOL review. A labor certification without a job offer can also be granted to aliens who are members of professions or persons of exceptional ability in the sciences or arts.

A specific job offer is a prerequisite for all other aliens who request certification. The alien's application must be filed by the prospective employer or the employer's representative at the State Employment Service (ES) office serving the area where the alien is to be employed. The ES office forwards the application together with pertinent information on the availability of domestic workers and the prevailing wages and working conditions to the appropriate DOL regional office for a determination leading to the granting or denial of certification.

Department of Labor estimates supported by independent research, 4/ indicate that only 12 to 15 percent (in FY 1974 less than 10 percent) of the approximately 400,000 immigrants admitted annually receive labor certifications. Moreover, of those relatively few, over half (57%) change occupations -- not just jobs -- within two years or less. Thus less than 5 percent of the immigrants are meaningfully screened for their labor market impact, although the majority (65%) of each year's 400,000 immigrants enter the labor market. Furthermore, in 1968, one in every 10 aliens applying for certification was already in the U.S. By 1972,

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4/ North, David S., Alien Workers: A Study of the Labor Certification Program, U.S. Department of Labor, August, 1971.

this proportion has increased to 4 in 10. Most already held the job for which certification was requested further diluting the effectiveness of the certification.

The present program has obvious shortcomings which attach both to the goal stated in the legislation and the actual workings of the program:

1. Approximately 1.7 million people join the civilian labor force annually while less than 40,000 (10% of new immigrants) have labor certifications. Sixty-five percent or about 260,000 of new immigrants enter the labor market.
2. A negative labor certification decision does not decrease the number of immigrant workers arriving. It simply stops a particular immigrant from coming to a particular place in the United States. His place on the visa waiting list will be filled by someone else, probably destined to work elsewhere. Thus there is no impact on the macro labor markets.
3. Impact on micro labor markets is minimal since there is no control over the worker after he arrives and 57% change occupations quickly.
4. The post-1965 labor certification process has not changed the distribution, among broad occupational categories, of immigrants entering the U.S. for employment.
5. In the significant number of cases where the alien applicants for labor certification are already here and working, the labor certification decision has no real impact.

6. In cases where the worker is not here or not permitted to remain, timing is important. In the Western Hemisphere, backlogs caused by statutory limitations on numbers, currently result in delays of two years to secure a visa. Even in the up to date areas of the Eastern Hemisphere, it takes several months to gain admission. During this period the employer does not have the worker he claims he needs. Further, the labor market situation may have reversed by the time the worker arrives, and there may then be available resident workers with requisite skills.

#### Temporary Nonimmigrant Workers

Each year approximately 6 million aliens are admitted temporarily into the United States for a variety of reasons and under many types of visas. About 60,000 or 1% enter solely for employment in the U.S. labor market, i.e., as entertainers, agricultural and woods workers, athletes, construction workers, visiting professors, artists, and the like. The visa designations are H-1 for aliens of outstanding merit and ability (about 15,000/per year), H-3 for industrial trainees (about 5,000/per year), and H-2 for the other temporary workers (about 40,000/per year). <sup>5/</sup> Only the H-2 temporary worker is subject to a DOL certification.

The Immigration and Nationality Act is clear as to the intent of Congress in making the temporary "importing" of any alien as a nonimmigrant contingent upon the approval by

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<sup>5/</sup> Another category of nonimmigrant workers, the L's, comprises intracompany international transferees and their families. This group represented over 22,000 persons in FY 1975.

the Attorney General of a petition of the "importing employer." Congress provides that the alien to be imported under the provisions of section 101(a)(15)(H)(ii), be coming "temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in the United States." An employer who wishes to import temporary workers, therefore, must make an effort to recruit United States workers prior to seeking to import temporary workers.

The Department of Labor's role in connection with the temporary employment of alien workers in the United States is advisory only. The Attorney General has determined that DOL is the appropriate agency of the government for consultation regarding the importation of an H-2 temporary alien worker. Decisions authorizing entrance of H-1 -- aliens of "distinguished merit and ability" -- and H-3 -- trainees -- visitors are made by the Immigration and Naturalization Service (INS) without consultation with DOL. DOL either certifies that qualified U.S. workers are not available and that the employment of the H-2 alien will not adversely affect the wages and working conditions of U.S. workers that are similarly employed, or provides notice that such a certification cannot be made.

Administrative appeal from a DOL refusal to certify is to the INS whose regulations provide that upon DOL notification that a certification cannot be made, the petitioning employer may present evidence that qualified persons in the United States are not available and that DOL employment policies have been observed. All such evidence is then considered by INS in adjudicating the petition.

Finally, the DOL advisory opinion accompanying a non-immigrant visa petition to accord an alien worker H-2 classification requires a determination as to "availability" and "adverse effect." DOL has interpreted these criteria as follows:

1. Availability

A prospective employer who is unsuccessful in his attempt to obtain United States workers must present detailed evidence of the attempts made and the number of responses received, in what manner the United States workers did not meet the requirements offered or were otherwise unwilling or unable to accept the employment.

When an employer places a job offer with the State Employment Service (ES) to test the local market for availability, the offer must be for the same job and the same terms and conditions as those offered an alien. However, the ES is only one source of job applicants, involved in a small percentage of job placement in the U.S. economy, and does not actively deal in placements in all occupations in the economy. The fact that it cannot produce qualified

workers for a given occupation at a single time and place therefore cannot serve as proof that U.S. workers are not available from other usual sources of recruitment.

2. Adverse effect

DOL makes the adverse effect determination from the contents of the entire application, viewed in the light of labor market information, special circumstances in the industry, particular organization, or particular occupation, existence of labor disputes, discrimination, misrepresentation, or conflict with provisions of Federal, State, or local laws. Adverse effects upon wages and working conditions of workers similarly employed may include hiring aliens during strikes; hiring aliens of below prevailing skills at below prevailing wages; hiring aliens for jobs involving a variety of skills, high and low, and paying at the lower skills rate; excessive turnover of employees in the establishment; excessive percentage of alien employees in the establishment; or hiring of aliens for jobs for which they are not qualified or for which they cannot obtain a required license.

A wage or salary offer at less than prevailing wages is an important aspect of adverse effect. In determining the prevailing wage, the content of the basic job to be performed is considered -- not for whom it is to be performed. As the prevailing wage, DOL applies that wage found to be prevailing for those similarly employed in the same area, without distinction as to whether the job is in a public or private organization, in a union or nonunion situation, or in a large or small establishment.

In addition, DOL takes into account whether employment offered an alien temporary worker is temporary or permanent because the availability of United States workers in a given occupation can vary considerably depending on whether employment is permanent or temporary. The nature of the industry for which alien temporary

workers are sought is the principal determinant. Coal mining, for example, is a permanent industry and the occupations associated with it are permanent. In other industries, employers cross-train the work force to handle peak demands, or upgrade the work force to fill in behind highly skilled workers and temporarily fill in behind them from among local workers; there are also peak or cyclical needs in some industries which can be met only by the temporary employment of temporary workers.

Viewed together the labor certification and temporary worker programs involve approximately 80,000 aliens each year. One-half are permanent and the other are temporary. Since about 400,000 individuals enter as immigrants and about 6 million as visitors each year, it is fair to conclude that the worker importation provisions of the current law play a minimal role in the present scheme of immigration policy.

#### C. IMMIGRATION POLICIES OF OTHER NATIONS

Few other nations have formalized immigration systems. Some, for example Israel and South Africa, have such specific goals as to be largely irrelevant for our purposes. Those which most nearly approximate the history and policies of the U.S. are Australia and Canada. Their approach offers the basis for some helpful comparative analysis.

Canadian and Australian attitudes towards persons seeking admission as immigrants are substantially different from our own. Both countries take an active interest in recruiting, assessing and assisting prospective immigrants.

Both maintain substantial numbers of officers with wide discretionary powers in foreign countries for the purpose of interviewing. The personal quality of the prospective immigrant weighs heavily in the final assessment. Qualitative selection criteria for immigration in both Canada and Australia are so broadly stated as to demand expansion and development through administrative processes. Although the grounds for exclusion are to protect the security and economic well-being of the importing country and the health and welfare of its people, in practice both of these countries have left to the administrators the power and authority to tailor the qualitative selection procedures to best suit their changing national needs.

Our own system of accepting immigrants inclines to be almost mechanistic by comparison. If the alien has no criminal or subversive record, meets the labor certification requirement, will not become a public charge, and is not within any other excludable class, an immigrant visa will normally be issued. How well an applicant may personally fit into life in the United States does not concern us, nor does his attitude towards migration, or his ability to speak English. If the alien meets all the visa requirements, it is irrelevant whether adequate housing and medical facilities will be available in the city to which he is migrating, whether his children will have adequate schooling,

and whether he intends to learn English. No consideration is given to a host of other indicators that point to the ultimate adaptation, integration and happiness of the intending immigrant. In contrast, Australia and Canada are very much concerned with such matters.

#### Canada

Prevailing numerical limitations in Canada in any given year are determined by the Department of Manpower and Immigration. Since 1967 Canada has had a system of assignment of a variable number of units in certain qualifying categories with a maximum of one hundred units. The alien must earn at least 50 units if he is an independent applicant, unrelated to a Canadian citizen or resident. A sponsored dependent is not subject to the unit scheme if he comes by virtue of relationship to a spouse or other close family member and immigrates solely on the basis of such relationship. Prospective immigrants having other relatives in Canada are rated partially on the unit assessment scale and also receive credits for the relationship.

There are several aspects of the Canadian system that are of interest. Qualifications considered are not only the demand for the prospective immigrant's occupation, but also his level of skill, whether he has pre-arranged employment, or an occupation in which there are unfillable shortages so that a job opportunity is assured. Twenty points are

awarded for education and training, 15 for personal qualities and 10 for age.

Under one policy, a prospective immigrant with five years of education and training is on a par with one with fifteen years. Unlike the Canadians, the United States makes no distinction as to whether the intending immigrant is between the ages of 18 and 35 or between the ages of 36 and 44. The Canadian system gives as much as 10 points for a knowledge of English or French. Our policy is not concerned with knowledge of English except insofar as it might be essential in the job for which the alien has a labor certification.

Canada awards five additional units depending upon the area of destination. This is undoubtedly related to the fact that approximately half of all immigrants coming to Canada are destined for the Province of Ontario and one half of those settle in the City of Toronto. Canada feels a desperate need to develop large unpopulated areas. Therefore an immigrant who is willing to settle in remote areas is accorded appropriate recognition.

#### Australia

The Minister of Immigration in Australia controls the number of aliens admitted annually. Applicants are designated through the Australian Selection Assessment System. To be approved the applicant must establish that he will be economically viable in Australia, that he is medically fit and has a satisfactory character record

and personal qualities that will fit into the Australian community, and that he has a sincere intention of making a permanent home in Australia and of becoming a citizen. Interviewing officers make firm selection recommendations after considering the size and composition of the applicant's family, the presence of relatives (if any) in Australia and the extent and degree of support and assistance likely to be required from the government after arrival. The latter is not unlike our statutory grounds of ineligibility (section 212(a)(15)) which applies when the consular officer has reason to believe that the applicant is likely at any time to become a public charge. The alien's attitude towards migration, expectations in Australia, responsiveness, initiative, self-reliance, independence, appearance, personal hygiene, speech and behavior as well as his family unity all are relevant to the assessment. Unlike Canada, Australia has no fixed score on the overall assessment that will insure approval. It is understood that selection for immigration is founded strictly on the economic conditions and labor market needs of Australia and the whole selection process is geared to deny the immigration of all but those persons who will most benefit the country.

Exempt from the assessment procedure for humanitarian reasons are the spouses, dependent children and aged or

otherwise dependent parents of Australian residents. Residents of Australia can also sponsor other close relatives and other people with recognized qualifications of experience which will fulfill community needs subject to their qualification under a limited administrative assessment system.

Canadian and Australian immigration systems, then, vest almost unabridged discretionary powers in selection officers who determine qualifications which are based on highly subjective criteria. However a central goal, that of labor market participation and contribution, is effectively implemented in these countries.

D. CONCLUSIONS AND RECOMMENDATIONS

Although the United States is a nation of immigrants, policy which has determined who may enter has embodied formidable restrictions, qualitative as well as quantitative, intended to prevent open migration to this country. Our present law, which was passed in 1952 and substantially amended in 1965, incorporates four main goals: family reunification, immigration of individuals with needed skills and abilities, asylum for refugees, and control of visitors. In fact, the act works to have one major goal, family reunification, and three lesser goals. Most immigrants today are selected wholly on the basis of their family ties to U.S. citizens or permanent resident aliens with no consideration for their role or impact in the labor market or society in general. Although provisions for obtaining needed skills and talents represent one important goal of the current law, the labor certification program for implementing that goal has only minimal impact in providing permanent or temporary workers. In contrast, Canada and Australia, countries with immigration histories most similar to our own, effectively treat labor market needs as a major feature of their immigration systems.

As a nation we are experiencing a 100% increase in the number of immigrants since 1965 (about 400,000 per year) as compared with the 1924-1965 period (about 190,000 per year). In addition, immigrant source countries have changed markedly resulting in a basic ethnic shift in our immigration away

from Europe in favor of Latin America and Asia. Pressure to immigrate from these areas is intense with several high demand countries having up to two-year waiting periods for immigrant visa issuance. Such backlogs contribute to illegal immigration streams from these nations.

When the 1965 amendments were passed, a numerical ceiling was placed on Western Hemisphere immigration for the first time, however neither a preference system nor per country limits were applied as in the case of the Eastern Hemisphere. Abolishing the national origin quota and controlling Eastern Hemisphere entry were the overriding legislative considerations. Virtually no analysis or discussion prompted the final hour Western Hemisphere ceiling provision. Thus the statutory framework within which illegal immigration occurs and is defined was developed in order to eliminate past injustices from the law rather than to establish policy or definitions for meeting society's needs for immigration over future years.

#### RECOMMENDATIONS

1. Legislation should be passed by Congress which would extend the preference system and per country limits to the Western Hemisphere so that immigration opportunities within each hemisphere are more nearly equalized.\*

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\*See Footnote, p. 241.

2. Replace the present case-by-case certification procedures with a system to make determinations more reflective of labor market conditions as indicated by data and information.
3. A thorough study of the effects of the Immigration and Nationality Act should be made as the basis for proposing fundamental statutory revisions which set immigration levels and qualifications in relation to current and anticipated future labor market needs of the society.

CHAPTER II  
ILLEGAL IMMIGRATION: THE GLOBAL PICTURE

To formulate a comprehensive understanding and approach to the phenomenon of illegal immigration requires examination of the forces which create and perpetuate migrations of people. This chapter will examine the demand from other nations to immigrate to the U.S. followed by an analysis of illegal alien sending countries, migration theory, and the foreign relations issues which must be considered.

A. WHO WANTS TO COME? - IMMIGRATION TO THE UNITED STATES

The impetus to migrate is in varying degrees accommodated through the immigration laws and system described in Chapter I. We can measure the demand to immigrate through (a) statistical data relating to immigrant visa issuance, and (b) the numbers of aliens registered on immigrant visa waiting lists. These groups of aliens have met the initial qualifying tests of establishing the existence of a qualifying family preference relationship or obtaining a labor certificate for proposed employment. The only difference between the groups is that immigrant visa numbers have become available for final action for the former group but not yet for the latter. For each hemisphere, waiting lists are maintained in chronological order.

Western Hemisphere

The Visa Office of the Department of State statistically groups the Western Hemisphere countries into two sub-groups:

North American (including the Caribbean Islands and Central America to Panama) and South America. During the period 1969<sup>6/</sup> to 1975, the breakdown between these sub-groups was:

North America<sup>7/</sup> average - 83,737 visas issued; and  
South America average - 15,783 visas issued.

The total population of North American countries is about 112,000,000 and the total for South America is 204,000,000. The difference in average visas issued shows rather dramatically that North America is the principal source of immigration to the United States from the Western Hemisphere with Mexico (almost 50% of the total), Jamaica, the Dominican Republic and Haiti as the major source countries.

For immigrant visa applicants registered as of January 1, 1976, the same principle holds: almost 250,000 of the 300,000 total Western Hemisphere registrants come from North America (other than Cuba). In this group, Mexico is even more predominant, constituting about two-thirds. Within the Western Hemisphere therefore, major sources of documented demand for immigration are

<sup>6/</sup> First full year of hemispheric ceiling restriction of 120,000 for Western Hemisphere.

<sup>7/</sup> Excluding Cuba which constitutes a special case and whose immigration figures do not represent a normal outflow.

Mexico and the Caribbean area, while demand from mainland South America is relatively minor.

#### Eastern Hemisphere

The Visa Office divides the Eastern Hemisphere into four regions: Africa, Asia (including the Middle East), Oceania (Australia, New Zealand, Fiji and several other island nations in the Pacific Ocean), and Europe. Documented demand from Oceania is very small, averaging less than 2,000 per year in 1969 to 1975. Immigration from Africa has also been small during the period, averaging about 5,300, although it has been increasing. Thus both regions have been negligible sources of immigration.

Asia and Europe, however, are significant sources of immigration, with high annual averages during the 1969 to 1975 period: Asia, 83,234 and Europe, 78,345. Although Asia and Europe are roughly equal, these average figures hide an important shift over the period. In 1969 Europe exceeded Asia as a source of immigration in a ratio of about 3:2 (97,393 to 65,935). Annual declines in immigration from Europe and annual increases in immigration from Asia have virtually reversed this ratio so that in 1975 immigration from Asia reached 98,996 and immigration from Europe had fallen to 61,386, a major shift in patterns of immigration.

Four countries account for 76.1% of Asian immigration since 1969: China, India, Korea and the Philippines. Under existing legislation however, this process of increase cannot continue. Of the four countries concerned, three (China, Korea and the Philippines) have already reached the maximum annual foreign state limitation of 20,000 per year. Moreover, India reached almost 16,000 in 1975, and any increase will be limited to about 4,000. Additional demand will simply build up an annual backlog which will mean a waiting period of months or years for new applicants.

The January 1, 1976 annual report of aliens registered on immigrant visa waiting lists shows that of the 225,000 registrants reported, over 160,000 were from Asia with about 55,000 from Europe. A case in point is the Philippines where over 100,000 applicants are registered. The foreign state limitation prevents visa issuance above 20,000 unlike the Western Hemisphere which has no individual state limitations on independent countries.

Thus documented demand for and immigration to the U.S. today rests principally with Mexico, the countries of the Caribbean and Central America, Korea, the Philippines and China.

B. MAJOR ILLEGAL ALIEN SOURCE COUNTRIES

Fifteen countries comprise the major illegal alien source countries. They are Mexico, the Dominican Republic, Haiti, Jamaica, Guatemala, Colombia, Peru, Ecuador, the Philippines, Korea, Thailand, Greece, India, Iran and Nigeria.<sup>8/</sup> With few exceptions, the countries from which the majority of legal immigrants today come and which exhibit the greatest documented demand for legal immigration are also the countries from which the majority of illegal entrants come. While our knowledge of the illegal entrant is largely limited to information which can be developed about apprehended illegal aliens, it is safe to conclude that those countries which have a large documented demand for immigration also have a great hidden demand which is producing illegal entry to the U.S.

Illegal migration to the U.S. is from a variety of countries in the less developed world primarily in Latin America and Asia. The notion that the illegal problem is a Mexican problem is mistaken and represents a narrow view of the issue even though Mexico is probably the largest single sending country.

8/ This list, developed by the Foreign Relations task force, is based on data from the refusal/deportation/visa issuance statistics of the Department of State and the Immigration and Naturalization Service.

The countries from which illegal aliens come have similar characteristics in several important respects. These characteristics constitute significant push forces which, when combined with equally strong pull forces at another point, result in major movements of people or migration.

#### International Push-Pull

The push to migrate is primarily determined by the economic characteristics of the points of origin and destination including wages, unemployment and industrial growth. Social and demographic factors such as educational facilities, housing, population density, and personal characteristics of the migrant are involved, however employment differences have proven to be the dominant driving force.

The composite picture of illegal alien sending countries is one of depressed economic conditions for the vast majority of people with large-scale rural to urban internal migrations underway. The economies of these countries are unable to provide employment for large segments of the skilled, semi-skilled and even professional population. Furthermore, there exist inadequate community services, including educational facilities, and a general lack of social mobility as well as very high population growth rates. Political instability or a perceived sense of impending political violence may also be a factor.

Specific examples, drawn from country reports prepared by the Foreign Relations task force, illustrate the push factor.

"PERU although rich in minerals is a poor country, with most of its 16 million population earning little better than subsistence level livings at agriculture, mining and fishing."

"COLOMBIA's per capita income of \$510 disguises the fact that rural living standards are very low, many people live on subsistence agriculture, urban pressures include marginal masses, and the existence of a 10% unemployment rate."

"In addition, INDIA's many schools and universities, some of which are quite good, turn out a large number of educated unemployed, and the prospects for improvement in the employment picture are not good in the short or medium term."

"The results have been increasing disparities between the developmental levels of the [ECUADORIAN] cities and the countryside, greater rural emigration which has exacerbated urban unemployment and under-employment, inflation rates which have cut the buying power of the poor and created even greater social distances between the mainstream and the large and backward Indian population which exists only on the margin of the cash economy."

"Although the rate of population growth has decreased significantly in the past decade under government-sponsored control programs to a 1975 level of 1.7% and is still falling, the number of KOREANS entering the labor force annually as a result of higher growth rates in earlier years remains high."

"[IRAN's] rapid rise in oil earnings that started in 1973 triggered an acceleration in development efforts that has overstrained the existing infrastructure."

"Although MEXICO's economic development in the 1960's and 1970's was the highest in any country in Latin America, the fruits of that growth do not benefit the segment of the population attracted to the U.S. Labor Market."

Pull factors in the United States are derived from the economic and technological disparity between the developed nations (one-fourth) of the world and the underdeveloped majority. Some evidence indicates that the native U.S. population has become so educated and upwardly mobile that many are unwilling to take lower paying, low status or disagreeable jobs. These jobs are willingly taken by workers from other countries and U.S. employers are anxious to hire unskilled foreign-born labor because it is cheap and industrious. This availability of work and the lack of sanctions for hiring illegal aliens is the single most important incentive to migration creating the pull portion of the equation. For people from other nations the U.S. remains a land of economic opportunity hospitable to those who would work hard to improve their circumstances. This lure, whether accurate or not, is enhanced by better opportunity for schooling and training for themselves and their children, and improved living conditions. The heterogeneity of the U.S. population makes it relatively easy to find acceptance in combination with cultural and historical affinity between established ethnic groups in the U.S. and the sending countries.

"Our common 2,000<sup>9/</sup> mile border with MEXICO is unique in that nowhere else on earth does a political boundary separate two major countries with greater economic disparity."

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<sup>9/</sup> The U.S.-Mexican border is 1945.86 miles as determined by the U.S. Geological Survey. A rounded figure of 2,000 miles will be used in this report.

"As against a U.S. per capita GNP now exceeding \$5,000 per year, the PHILIPPINE per capita GNP, at current prices, reached only \$368 in 1975."

"Some employers also prefer MEXICAN illegal workers for some occupations because they form a more passive supply of labor than more mobile native workers -- they tend to work 'scared and hard'."

"COLOMBIANS, in general, and the poorer classes in particular, have come to view the United States as a relatively accessible land, of high living standards, upward social mobility, and unlimited opportunity."

"Despite GREECE's economic growth and European Economic Community ties, the U.S. will still remain a strong drawer of GREEK immigrants primarily because of the size of the Greek-American community and because of the importance of family and religious ties."

Illegal alien source countries share essentially three common characteristics which seem to operate in combination to produce illegal migration. The pattern which emerges is one which will, given current trends and policies, apply to increasing numbers of countries in the world over the coming decades.

1. Rapid Economic Expansion

The source countries tend to show signs of rapid economic growth and expansion and do not rank with the very poorest nations in the world. This is to be expected as individuals in the poorest nations have too few skills, too little knowledge of the U.S., and too few resources to attempt migration. Accompanying growth in source countries has frequently been a persistent mal-distribution of income so that the benefits of expansion have not accrued to all geographic or economic groups in the population.

Thus, expectations have often risen faster than has the capacity to fulfill them. If this pattern is an inevitable aspect of rapid economic growth, we can expect more nations to be involved in the future.

## 2. High Population Growth Rates

These countries have high rates of population growth with the majority being young. Thus large numbers of people are and will be seeking employment in the future. Annual population growth rates of 2.5, 3.0, and 3.5% tend to offset gains made toward the creation of adequate numbers of jobs, the most important development challenge facing these countries.

Emigration serves as a stop gap measure contributing to the postponement, to some extent, of necessary source country changes. While providing a safety valve, it also has definite draw backs for the sending countries. Migration is inevitably selective. Although the education level of migrants is on the average somewhat lower than that of native Americans, it is usually higher than that of the natives in the sending countries. Emigration removes people of productive age and leaves behind children and old people thereby raising the underdeveloped country's already high dependency ratio. The value of remittances sent back home may partly compensate for those losses, but the remittances are often uncertain. When they come, they are spent largely on consumer items rather than directed toward capital formation.

As the source countries become still more crowded, there will be increasing pressure for emigration. Generally speaking, however, the problems of underdeveloped source countries are beyond solution by emigration. Should the United States try to accept as migrants the excess population growth of these countries, we would be dealing with the following figures:

	<u>Total Population</u>	
	<u>1976</u>	<u>2000</u>
United States	215,300,000	262,500,000
Source Countries	976,000,000	1,743,200,000

The world's first billion inhabitants were produced by around 1850. By 1930 there were 2 billion. By 1961 world population reached 3 billion. Fifteen years were required to pass 4 billion and at present growth, 5 billion will be reached in 13 years. Latin America has the world's most rapid rate of growth with a population exceeding 326 million. It will enter the 21st century with well over one-half a billion people (606 million), having taken only 25 years to double its population at today's growth rate.

### 3. Links With the U.S.

Cultural or historical links between the U.S. and the source countries appear to be a necessary ingredient in illegal immigration. A migration stream is sustained by positive reports, generally by word of mouth, of conditions, both economic and personal, in the host country. Links develop through U.S. cultural saturation of source countries, e.g., wartime presence in Korea or the Philippines, or through the existence of ethnically familiar communities in the U.S. Concentrations of legal immigrants are by no means necessarily supportive of or involved in illegal immigration. However, their very existence creates conditions of cultural familiarity and psychic support which are important factors in sustaining migration streams.

Push and pull forces act cumulatively to create intense pressure for migration to the U.S. When it cannot be accommodated through authorized means, it may turn to clandestine means for the policies and resources which seek to contain it are not nearly so strong or fundamental as those which operate to nurture it.

MAJOR ILLEGAL ALIEN SOURCE COUNTRIES

COUNTRY	Population Estimate Mid-1976 (millions)	Rate of Population Growth (annual, percent)	Number of Years to Double Population	Population Projection to 2000 (millions)	Population under 15 Years (percent)	Urban Population (percent)	Per Capita Gross National Product (US\$)
USA (Reference)	215.3	0.8	87	262.5	27	74	6,640
Mexico	62.3	3.5	20	134.4	46	61	1,000
Dominican Republic	4.8	3.0	23	10.8	48	40	590
Haiti	4.6	1.6	43	7.1	41	20	140
Jamaica	2.1	1.9	36	2.8	46	37	1,140
Guatemala	5.7	2.8	25	11.1	44	34	570
Colombia	23.0	3.2	22	44.3	46	64	510
Peru	16.0	2.9	24	30.9	44	60	710
Ecuador	6.9	3.2	22	14.0	47	39	460
Philippines	44.0	3.0	23	86.3	43	32	310
Korea	34.8	2.0	35	52.3	40	41	470
Thailand	43.3	2.5	28	86.0	45	13	300
Greece	9.0	0.4	173	9.7	25	53	1,970
India	620.7	2.0	35	1,051.4	40	20	130
Iran	34.1	3.0	23	67.0	47	43	1,060
Nigeria	64.7	2.7	26	135.1	45	16	240

Population Data: Population Reference Bureau,  
Washington, D.C.

The Migration Phenomenon

The combination of push forces at a point of origin and pull forces at a point of destination result in migration, a complex phenomenon involving demographic, anthropological, economic and political interrelationships.<sup>10/</sup> Peoples have been in movement for all of recorded history drifting from place to place in response to social, political, and economic factors. As these factors change over time, patterns of migration change. Migration is both internal to countries and external. While our interest rests with external or outcountry migration, the distinction between in and out-country migration is not primary. Rather, migration is the playing out of forces among which national boundaries is a secondary, not a controlling factor.

Given the push-pull construct as the underlying basis for individual decisions to migrate, migration as a phenomenon exhibits common, predictable features.



1. Migration tends to take place largely within well defined streams.
2. For every major migration stream, a smaller counterstream develops. Some migrants intend to return; others return because of difficulties in re-settling.
3. The net migration is high when conditions at the destination are favorable in comparison to those at the origin.

<sup>10/</sup> See Weaver, Thomas and Downing, Theodore E., ed., Mexican Migration, University of Arizona, 1976, for a full discussion.

4. Migrants tend to be the more highly motivated and able individuals from the areas they leave.
5. The volume of migration increases as the difficulty of the intervening obstacles (distance, expense, natural barriers, laws) lessens.
6. The greater the intervening obstacles, the more highly motivated and able are the migrants.
7. In the absence of severe checks, both volume and rate of migration tend to increase with time.

These general principles provide a framework for analyzing the policy questions which illegal immigration presents. If movement into the United States takes place within well defined streams, our legal immigration may serve to beget illegal immigration from countries where the pressure to emigrate is greater than our legal limits contemplate. Legal immigration limits are a function of domestic political considerations and perceived national interests. However migration streams develop in response to economic and social forces which our law was never meant to accommodate. However legal immigration may well set in motion a self-sustaining process which is guided by its own momentum instead of by the law which spawned and seeks to define it.

To recognize the possibility of legal immigration fostering illegal immigration is not to conclude that immigration from high demand areas should cease. It does,

however, require careful consideration of what other tools may be available to influence the migration process. The rate and nature of migration is strongly influenced by the obstacles between origin and destination. Thus we would expect an easily penetrated land border to be more inviting than a cross-ocean journey which involves considerable expense and procurement of documents. Stressing prevention of entry by making the physical process of coming to the U.S. more formidable and risky is an obvious approach which addresses basic principles guiding migration.

To the extent that the obstacles between origin and destination simply involve physical difficulties related to gaining entry, they present but one level of an obstacle strengthening approach. Policy could also recognize the ease or difficulty of living in the U.S. illegally. In this regard the availability of work, services, change of legal status and the likelihood and penalties of being discovered are important.

The principle of counterstream and net redistribution of population pursuant to migration also provide tools. If there is a built in tendency for migrants to return, policies which encourage return in both host and sending countries might be developed. Over the long term, narrowing the gap in conditions between origin and destination will make it

less compelling for migrants to brave the difficulties of resettlement. Experience with Italy-U.S. migration has had an interesting history in this regard. Until recently the pressure to emigrate from Italy had been intense displaying all the characteristics and patterns of source-host country relationships discussed earlier. However in recent years the surge has become a trickle and the explanation given by observers relates to the gradual but definite improvements in living standards that have occurred in high out-migration areas of Italy. Remaining in Italy still does not offer the economic opportunity available in the U.S. However, the gap has been narrowed to a point where overcoming the financial, cultural and psychic costs of resettling is attractive to fewer and fewer would-be immigrants.

Programs directed at the counterstream and net redistribution principles must also take into consideration the forces which influence migrants during the settlement process in a new country. Settlement is discussed in detail in Chapter VI, however in general it can be said that migrants who may intend to remain only temporarily in a new country tend to undergo a basic change in aspirations or goals rather quickly which causes them to resettle permanently.

Thus settlement pressures may outweigh the incentives available to effect significant counterstreams. A careful understanding of migration and analysis of the specific character of the migrations we are currently experiencing must be sought and utilized by policymakers. Illegal immigration is a result of international push-pull forces which are stronger than the law and systems currently in place to control it. Comprehensive policy approaches, both short and long term, must be directed at the ingredients which create push-pull and at the principles governing the migration phenomenon if they are to have any reasonable chance of successfully slowing the illegal alien flow.

C. MEXICO AND THE UNITED STATES - A BILATERAL APPROACH

Although clandestine migration is not a narrowly based phenomenon limited to few countries or causes, Mexico does occupy a unique historical and geographical place in the picture.

The number of Mexican nationals who have legally emigrated to the United States has steadily increased over the last decade. During the period from 1963 through 1975, Mexicans constituted at 664,453 the largest group of legal immigrants to the United States. In 1975, the 62,205 Mexican immigrants admitted represented approximately 16 percent of the total legal immigration to the United States, double the second largest national contingent which was from the Philippines.

However, the Immigration and Naturalization Service (INS) apprehends and returns to Mexico more undocumented migrants each year than the total number of people who emigrate legally to the United States from all nations of the world. Thus Mexico is our most sizeable current source of clandestine immigration as well as legal immigration.

Mexico-U.S. comparisons present a classic example of push-pull factors with the most striking feature being annual per capita incomes of \$700 and \$5000, respectively. Still the case of Mexico is also unique in two important ways.

- We share a common 2000 mile border which is relatively easy to cross.
- Mexican migration to the U.S. is not a recent development but rather part of a long history of significant regional cultural commingling and economic interdependence.

Evaluated within the framework of migration discussed earlier, these differences are significant. Our common border is a far less formidable intervening obstacle than is an ocean and therefore influences the selectivity of the migration as well as the volume. Time and cultural receptivity are equally important indicators influencing migration. The North-Houston research, which will be more fully discussed in Chapter IV, indicates that the Mexican migration is qualitatively different largely due to the factors which make Mexico distinct from, rather than similar to, other illegal alien source countries. This suggests that a different approach to Mexican clandestine migration may need to be fashioned although much research must yet be done in order to understand better the similarities and differences which are relevant to policy. It also suggests that bilateral negotiations and cooperation should be sought.

Undocumented Mexican migration raises difficult issues for the governments of both Mexico and the U.S. Mexican spokesmen cite the unreliability of the illegal alien data base which is disseminated by official American sources as a major concern. They wish to insure that the legal, labor and human rights of their nationals in the U.S. are fully protected. Mexico has recently established several significant internal resettlement efforts directed at Mexican workers from areas of high rural out-migration. These programs rely on rural development through labor intensive employment schemes. Any sudden return to Mexico of large numbers of undocumented workers would exacerbate already serious internal employment problems.

The United States hopes for increased enforcement of extant Mexican laws and regulations directed at immigration to this country. Examples are:

- ensuring that persons leaving Mexico do so through a designated place of departure.
- increased enforcement directed against Mexican or American smugglers of illegal aliens.
- identification of persons in the border areas who are there solely for the purpose of surreptitiously entering the United States.
- preventing nationals from third countries from using Mexico as a means of illegally entering the United States.

While such measures would help to slow the flow of Mexican illegal aliens, they do not address the underlying causes. For the long term much more must be known about the dimensions, characteristics, and impacts of Mexico-U.S. migration to develop effective approaches.

Proposals for joint action should be directed at law enforcement and criminal abuse of undocumented workers as well as at relevant economic, trade, investment and labor matters.

#### U.S.-Mexico Discussions

The problem of the illegal Mexican migration is currently being discussed by the U.S. Inter-Agency Committee for the Study of Problems Related to the Illegal Migration of Mexican Aliens Into the U.S. 11/ and the Mexican Commission on Undocumented Workers. These groups, established as an outgrowth of President Ford's meeting with President Echeverria in October, 1974, last met in a joint plenary session in Washington, D.C., April 19, 20, 21, 1976. Follow-up sessions have since been held at several border sites. The work of these groups represents initial steps toward meeting the serious need for cooperative efforts between the governments of both nations.

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11/ Serves as Foreign Relations task force of Domestic Council Committee on Illegal Aliens.

Other Countries

With the possible recent exception of Mexico, the control of illegal immigration has not been an item of concern to U.S. policymakers in the governance of our relations with sending countries. The State Department's country policy papers, which outline U.S. policy goals for the major sending countries, do not in any case cite illegal emigration as an issue although several accord priority to establishing effective visa issuing processes. Bureaucratic expertise or resources with regard to migration and related issues are sparse at best. Research monies in the international area are not commonly directed at the relationship between migration and other foreign policy goals. The research which is available and which is discussed in Chapter IV indicates that there may be significant differences between Mexican migration and that of the Caribbean and Central American countries. Very likely the influx from the Philippines poses important variations to the theme as well.

Illegal immigration must be accorded a far higher and more generalized level of attention in the conduct of foreign affairs. Illegal emigration is not simply a consular matter but a central feature of development in a significant number of countries. While the issue encompasses a somewhat unique blend of foreign and domestic policy concerns, this combination has appeared before in such areas as drugs for example.

Slowing the flow of illegal aliens will require new policies in both the domestic and foreign relations areas. Understanding and cooperation from sending countries is critical. Steps to establish bilateral discussion and joint cooperation must be significantly expanded to include all the major source countries and the issue of illegal emigration must in and of itself as well as through the attendant issues of family planning, rural development, employment policies and the like, receive greater foreign policy emphasis.

D. COMPETING FOREIGN RELATIONS PRIORITIES

Strict Visa Issuance Controls

To pursue a policy of actively discouraging illegal immigration from within source countries would impinge on certain established practices and policy goals. The most obvious is our long-established goal of promoting student and visitor travel.

What would be the result if the U.S. Government were to exercise its sovereign right to adopt a more effective visa issuing and port of entry admission posture? This would include more careful screening out of fraudulent applicants who misrepresent their real intent to work and remain in the United States with false claims or documents. Section 214(b) of the Immigration and Nationality Act clearly spells out that "Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer .. and the immigration officers ... that he is entitled to a nonimmigrant status." If this basic provision of the law were vigorously and thoroughly enforced, visa refusal rates and exclusion statistics for the illegal alien source countries would doubtless rise sharply.

The State Department believes that our relations with the source countries would not be noticeably affected if

controls of ineligible aliens were tightened somewhat on a worldwide, non-discriminatory basis. Even in the event of a significant increase of visa refusal and exclusion rates, while there might be some souring of local attitude toward the United States within certain elements of the local populace, there would in all probability be no immediate effect on intergovernmental relations. Imposition of control measures with real teeth or outright exclusion, however, could cause serious repercussions, especially in Mexico, and to a lesser degree in the Caribbean area and the Philippines. As a current U.S. foreign relations priority, an effective visa issuing process varies within the source countries. This function is inadequately stressed in current U.S. foreign country policy goals.

#### Tourism

Imposition of stricter travel controls could adversely affect the mission of the United States Travel Service (USTS) as stated in the 1961 International Travel Act:

- (1) develop, plan and carry out a comprehensive program designed to stimulate and encourage travel to the U.S. by residents of foreign countries for the purpose of study, culture, recreation, business, and other activities as a means of promoting friendly understanding and goodwill among the people of foreign countries and the U.S.; and

- (2) encourage the simplification, reduction, or elimination of barriers to travel, and facilitation of international travel generally.

USTS argues that actions which would frustrate or impede the flow of bonafide tourists into the U.S. -- for example the prescription of more stringent tests of non-immigrant status for visa applicants, the imposition of travel controls on persons entering, or intending to enter, the country legally, or the settling of a rigid rejection rate objective, by country, for visa applications -- would conflict with national tourism policy and affect the Travel Service's ability to carry out its responsibilities.

Tourism is an important element of U.S. trade in goods and services, and according to USTS accounted for an estimated \$5.5 billion in foreign exchange earnings in 1975. USTS estimates that every \$15,000 in tourism receipts creates or supports one job. Expenditures by international visitors supported about 366,000 American jobs in 1975.

Whether or not strengthened controls will decrease the number of bona fide tourists is an important issue. USTS points out that any significant changes to control the flow of illegal aliens must take into account an awareness of the economic benefits of tourism, the legitimate interests of the tourism industry (including labor) and the intent of the Congress in passing the International Travel Act of 1961.

Other priorities in overseas investment programs, development efforts and the like very likely come into play. In the long term exploration and analysis of the inter-relatedness of emigration and a wide range of foreign policy goals and practices is needed.

E. CONCLUSIONS AND RECOMMENDATIONS

The demand to immigrate legally to the United States is intense in Mexico, several Caribbean and Central American nations, the Philippines and Korea. These are also prominent among the 15 major illegal alien sending countries. When the pressure to emigrate cannot be met through authorized means, it may become clandestine for the push forces creating it are stronger than the official policies or systems established to contain it.

The economic push due to a lack of jobs and economic opportunity in source countries is met by strong pull forces in the U.S. The major attraction for illegal immigration is available work. The illegal entrant risks detection but the risk is not great enough to prevent significant numbers from coming. This combination of international push and pull forces is the basic cause of illegal immigration. Some tools around which to develop new policies are suggested by the principles which describe the phenomenon of migration, principally the deterrent potential of increased obstacles.

Illegal alien sending countries exhibit striking similarities in the areas of economic expansion, population growth, and links with the U.S. These characteristics operate in concert to produce migration which functions as a safety valve for the sending country and contributes to postponement of necessary change. Under current conditions

in the U.S. and abroad the potential number of aliens involved is staggering. If pressure to emigrate to the U.S. is indeed a function of certain patterns of development, we can expect to add other countries to the source list in the future.

Although Mexico is not the sole source of illegal entrants, it is the major source. Bilateral discussions between the U.S. and Mexican governments have been initiated and working proposals on law enforcement, criminal abuse of Mexican nationals and relevant economic issues are being developed. Solutions to the illegal alien problem must include cooperation and support from source country governments. Bilateral discussions must be greatly expanded. In addition, control of illegal immigration must become a more central concern to U.S. policymakers in the conduct of our foreign relations. This means that some conflicts with other foreign affairs goals, such as promotion of travel and study in the U.S., need to be considered.

#### Recommendations

1. State Department Contribution to Research

A major U.S. Government research effort aimed at filling in the extensive knowledge gaps regarding the flow of illegal aliens should be supported, with interagency coordination. For example, the Department of State should develop a correlation analysis for those factors that have

been identified as common to most source countries. This should be specifically structured to extrapolate data capable of predicting future flows of illegal migration.

2. Continuation and Expansion of U.S./Mexico Dialogue

Useful discussions between the U.S. Interagency Committee on Illegal Aliens and the Mexican Inter-Secretarial Commission have been held. Such meetings and exchanges must be continued and established with other sending nations. Future meetings should include intensified cooperation between U.S. and Mexican immigration officials, establishing working groups to deal with operational problems and developing proposals for economic policies.

3. Establish Position in State to Coordinate Illegal Migration Matters

The State Department should establish a full-time position and resources for overseeing worldwide efforts at slowing the flow of illegal aliens. The magnitude and spread of illegal migration calls for an intrafunctional approach involving political and economic personnel and resources in addition to the techniques utilized in traditional consular procedures. The migration officer would also act as liaison officer for State with INS and the Domestic Council Committee on Illegal Aliens.

4. Develop Strategies Aimed at Push-Pull Forces

The relationship between push-pull, migration theory, individual source country patterns of economic growth, and U.S. foreign relations with those countries must be thoroughly analysed and re-evaluated. We must develop strategies and programs which address the basic themes of push-pull and migration recognizing that fundamental changes, difficult for governments to control in the short term, must be sought.

CHAPTER III - LAW ENFORCEMENT

Today the enforcement of this nation's immigration laws is largely directed at the problem of illegal immigration. To understand enforcement issues, one must separate the migration of undocumented workers from Mexico, which has its antecedents during World War I, from the more recent phenomenon of a movement of labor from certain less developed nations to the U.S. The latter has only begun to manifest itself since the mid-1960's, and involves, based on the evidence to date, several migration streams from various parts of the world.

A. BACKGROUND

Mexico

Basic to the issue of Mexican immigration into the United States is the nature of the border between the two nations. The entire region which now encompasses our boundary once belonged to Spain and later to Mexico. Originally explored and colonized by Spanish-speaking people, it was developed by them for almost three hundred years before a definite boundary was drawn giving to the United States that portion generally north of the Rio Grande. The border, established without regard to either the ethnic composition or the economy of the people within the region, has been called one of the most unrealistic borders in the Western Hemisphere.

Legally, immigration is "the passing or moving into a country with a purpose of permanent residence." When applied to the border, the place of residence is the region, and thousands of Mexican people have been accustomed to live in the area for generations. The permanence of residence is not destroyed by the mere crossing of a line which is for the most part imaginary, regardless of the side of that line upon which one happened to be born. Unlike immigrants from Europe and the rest of the world, the Mexican has no great psychological or physical obstacles in the path of his migration. Culturally and economically, the northern States of the Republic of Mexico are in many respects similar to the Southwest region of this country.

In a sense, then, the cultural basis for the current situation in our Southwest was established after the Mexican-American War of 1846. Through the Treaty of Guadalupe Hidalgo, the United States annexed most of the territory which now comprises the states of Arizona, California, Colorado, New Mexico, and Texas, as well as smaller parts of Nevada and Utah. Under the terms of this treaty, all Mexican citizens living within this area were to become citizens of the United States if they did not

leave the newly acquired territory within one year or declare their intent to retain Mexican citizenship.

Few chose to leave.

Very little immigration across this new political boundary took place until the turn of the century. Between 1910 and 1917, 150,000 Mexicans emigrated to the U.S. largely as a result of violence accompanying the Mexican civil war. With the advent of the First World War, the United States faced certain labor shortages. Not only agriculture, but railroad and mining interests required an available supply of cheap labor. The Secretary of Labor authorized immigration officials to exempt illiterate temporary Mexican farm workers from the immigrant qualifications and head tax provisions of the Immigration Act of 1917. A rapidly industrializing America as well as the nomadic life thrust upon Mexican agricultural workers combined to induce movement into many cities of the Midwest and Northwest. Although the largest number remained in the Southwest, significant enclaves of Mexicans were established in a number of Midwestern cities.

The dispersion continued until the Great Depression when approximately 200,000 Mexicans, who had entered without documentation, were repatriated. Special efforts were made to locate and remove illegal Mexican aliens. In fact, the

campaign became so zealous that certain numbers of persons of Mexican ancestry -- usually with some form of legal equity -- were induced to repatriate themselves by "voluntarily" returning to Mexico. Stopping welfare payments was one device used to aid in this effort. Much of the latent antagonism of Mexican-American communities toward the Immigration and Naturalization Service and its agent, the Border Patrol, which was created in 1924, has its origin in this unhappy period.

#### The Bracero Program

World War II again brought war-related labor shortages which prompted this country to seek an arrangement with the Government of Mexico for the temporary importation of workers. In August, 1942, a formal agreement between Mexico and the United States was negotiated and the action launched the Mexican Labor Program, better known as the Bracero Program, under which Mexican labor was to be provided for agricultural and railroad laborer jobs. Provisions of the contract stipulated that workers were to be afforded protections in housing, transportation, food, medical services, and wage rights.

The Bracero Program was to terminate in 1947, however, it was continued informally until 1951. In that year, it was formalized as Public Law 78, and the agreement for

Mexico to provide laborers to work in the American rural labor markets remained in effect until terminated on December 31, 1964.

Operation Wetback

Illegal Mexican migration increased during the Bracero years because employers, dissatisfied with the Bracero Program, sought to maximize their profits. Texas farmers, because of Mexico's refusal to extend the Bracero Program into their state for a time, probably hired more illegal Mexican aliens than any other state. As a result, the Border Patrol launched Operation Wetback in 1953-54, and nearly 1 million apprehensions of clandestine Mexicans were made in one year.

Some contend that a major function of the Border Patrol in this period was to regulate through selective enforcement rather than by apprehension and exclusion. Certainly one controversial practice of this era was the so-called "wringing out wetbacks." Under this practice, Mexican illegal aliens were returned to Mexico, if only temporarily, and subsequently recruited and returned under contract with employers in the United States. With the conclusion of Operation Wetback, the apprehension of sizeable numbers of illegal aliens along the border fell significantly until the termination of the Bracero Program in

December of 1964. For the period following Operation Wetback, 1956-65, total apprehensions averaged less than 50,000 annually.

The Contemporary Problem

The forces which created and sustained the "Bracero" program continue to persist. There continues to be an economic demand induced by some employers in the United States for Mexican workers. That demand is being met by commuters <sup>12/</sup> and illegal aliens.

During recent years, along with the high population growth rate, there has been a major movement of people within Mexico from rural areas into Mexico City and northern border towns. Mexico City, for example, 15 to 20 years ago had a population of approximately 1-1/2 million. It has now burgeoned to an estimated 10-13 million.

Conditions in the U.S. border towns appear to be particularly relevant. Economic conditions there are unfavorable, unemployment being estimated in the 30 to 40 percent range, and wages at the subsistence level. While there is variance from town to town for those employed, wages are never more than one-third the minimum in the United States.

12/ In December 1975 there were about 54,000 commuters working legally in the United States, 45,000 of whom were from Mexico.

Prospects of available employment, of course, are the major attraction drawing illegal workers into the United States. Migration by the Mexican is also enhanced by the Bracero experiences of friends and relatives and by ties of cultural affinity existing for many generations between Mexican-Americans (Chicanos) and Mexicans. Although divergent political and economic realities on either side of the border have often caused antagonistic feelings between these two groups, mutually shared cultural values, including a common language, remain.

Traditionally, illegal Mexican migration was a relatively localized situation. It is now spreading far from the border to those areas that were settled in the early part of this century by immigrants from Mexico such as Chicago, Denver, Detroit, Kansas City and St. Louis.

In addition, current migration is much more heavily institutionalized than that of the past. A significant number of professions, agencies, and individuals live off of promoting migration to the United States. Some examples would be border-town taxi companies and mini-buses that make the run to Chicago, San Francisco, Denver, Dallas, and other cities, forever soliciting a full complement of passengers, including women, children, and old folks, as well as "tourists" and "shoppers" whose request for a

visitor's visa has been turned down by American consuls; the travel agencies that sell cut-rate tourist excursions by air direct to the United States or via Puerto Rico or Canada; the coyotes and enganchistas whose longstanding business has been to deliver truckloads and busloads of gullible Mexican jobseekers from the interior of Mexico to border towns; smuggler rings, involving guides, drivers, innkeepers, labor agencies, job foremen, fabricators of false documents, and the like; and ~~certain predatory~~ lawyers, immigrant consultants, and public notaries, who work immigrant hardship cases.

There is ready accessibility to the United States across our 2,000 mile border which makes policing very difficult. Late in 1974, about 85 percent of the 1,600 person Border Patrol force was assigned to that border, leaving the interior relatively unpoliced. As a result, if the Mexican alien now successfully penetrates the border region, he is essentially "home free." The very openness, freedom of movement, absence of controls, and physical size of the United States and the heterogeneity of the population make it relatively easy for undocumented migrants to remain undetected. Escaping detection is substantially enhanced by the lack of risk or cost for the employer hiring illegal workers. Although it is against the law for an alien to

enter illegally or remain illegally, it is not against the law for an employer to hire an undocumented worker.

Normally, if migration is permanent, the sending country loses some of its productive workers. However, in the case of Mexico where population levels, aspirations, and infrastructure development are in disequilibrium, any Mexican sense of loss may be many years in the future. In addition to relieving population pressure through the safety valves of illegal and legal migration, the favorable effects on international balances of payment for Mexico from remittances by migrants to their families are considerable.

#### Other Countries

The Mexican problem involves surreptitious entry around designated ports of entry across our common land border. Recently a newer, sometimes less obvious migration of illegal aliens from a number of Caribbean, Central American and Asian countries has begun to create a more complex situation. It involves, for the most part, persons coming through ports of entry documented as visitors and students, who then violate the terms of their admission by overstaying and/or taking employment. As screening for such entrants increases, these persons are turning to any number of fraudulent devices in order to gain entry to this country.

Although not entirely accurate because the categories overlap to some extent, non-Mexican illegals are referred to as visa abusers whereas Mexican illegals are known as EWI's (Entry Without Inspection). As discussed in Chapter II the source countries of visa abusers share many characteristics in common with Mexico. However the different means by which the two groups enter pose significantly different, difficult enforcement problems.

B. PRESENT ENFORCEMENT SYSTEM

The task of preventing the illegal migration of people into the country falls primarily to the Immigration and Naturalization Service (INS). This agency is aided in its prevention efforts by the State Department which is responsible for the issuance of visas overseas. A number of other agencies' activities, to a lesser extent, impact on enforcement efforts aimed at illegal aliens. These activities generally involve actions relating to control over such persons once they are in the country. These entities are: the Wage and Hour Enforcement Division of the Department of Labor, the U.S. Customs Service, the Internal Revenue Service, and the Social Security Administration.

In enforcing the nation's immigration laws, the prevention of illegal entry is of paramount importance to INS and involves almost 40 percent of its personnel. Prevention is carried on through two activities: inspections at ports of entry and maintenance of a border patrol between entry sites. Inspection activities are conducted at numerous points of entry along our international borders as well as at designated airports and seaports. The law requires that each alien seeking admission to the United States present himself to an immigration officer who determines whether such a person is admissible based on 31 categories of exclusion.

The U.S. Customs Service also performs inspection for immigration purposes according to a cross-designation authority. In FY 75, 790,232 persons (0.003%) were denied entry <sup>13/</sup> out of a total of 259 million inspections. If a person does not present himself at a port-of-entry for inspection, it falls to the Border Patrol to prevent the entry.

Authority

Definition and designation of immigration officers are provided by statute and regulation. The Immigration and Nationality Act of 1952 provides wide ranging authorities:

" . . . any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant . . .

To interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

To arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion or expulsion of aliens;

To arrest any alien in the United States if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation, and is likely to escape before a warrant can be obtained for his arrest;

13/ This number includes so-called "turnbacks," persons who approach the port and do not have proper documentation at that time.

To make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion or expulsion of aliens if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest;

Within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel, within the territorial waters of the United States and any railway car, aircraft, conveyance or vehicle;

Within a distance of twenty-five miles from any external boundary, to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States."

Additional authority to board and search conveyances is contained in section 235 of the act, which states:

"Immigration officers are hereby authorized and empowered to board and search any vessel aircraft, railway car, or other conveyance, or vehicle in which they believe aliens are being brought into the United States."

#### Tactics and Procedures

Border Patrol officers assigned to this duty are the primary interception force which is responsible for preventing and/or detecting illegal entry and alien smuggling. There is a wide spectrum of activities which are performed as part of the line watch including the physical patrolling

of the border, surveillance at known crossing points, tower watch, "sign cutting," observation by aircraft, and responding to sensor network alarms. This first line of defense at the immediate border is the foundation and precondition of successful enforcement. Since experience has shown that interdiction is most efficiently and effectively performed at the immediate border, the Border Patrol has always allocated a majority of its manpower and resources to the areas of the immediate border.

There are also several supplemental tactics which are used to backup the line watch.

1. Traffic checks are aimed at the illegal entrant who has successfully crossed the border and is presumably enroute to an interior destination. Both permanent and non-permanent traffic checks have been employed; permanent check points are used on major highways while non-permanent are selectively placed on different roads leading from and through the border area.

2. Farm and ranch checks are designed to locate and apprehend those illegal entrants who have penetrated the INS "first line of defense" and successfully obtained jobs. This tactic normally has a high apprehension rate since

illegal entrants are often found in groups at their places of employment.

3. City patrol attempts to locate the illegal entrant who has been able to reach one of the metropolitan areas along the border. It includes checking factories, businesses, hotels, jails and other potential locations.

4. Transportation checks are targeted against the successful entrant who is attempting to flee the immediate border area by common carrier. They include the questioning of suspected aliens at bus stations and at train and aircraft terminals. They also include checking freight trains and freight yards.

5. Secondary patrol is the tactic employed by the backup stations. It includes "sign cutting" and highway and road patrol.

6. Boat patrol is conducted along the coastal borders and on inland waterways.

The relative effectiveness of these tactics is demonstrated in the large numbers of illegal entrants who are apprehended at entry or shortly thereafter. Line watch is the most productive and efficient since it results in the interdiction of the largest number of illegal entrants

immediately at the border. It is also the least disruptive or objectionable tactic from the community relations point of view for citizens or resident aliens of Hispanic background.

Once an illegal entrant has gained access to the "interior" of the country, the job of detecting such a person falls to the investigative arm of the Service. For those persons who have not entered surreptitiously over the borders, it is the investigator force who must locate an overstaying visitor, a student not attending school or working full-time, or any alien who has violated the criminal provisions of the Immigration and Nationality Act. Investigators are located mainly in major urban centers with over half of the investigators located in our three largest cities, Chicago, Los Angeles and New York. The basic technique utilized is to follow specific leads either on individual cases of suspected illegal aliens or information on known congregating points of illegal aliens such as certain work places.

Once an illegal alien is apprehended, the massive number of immigration law violators apprehended by INS prevents the application of the full force of the law, i.e., prosecution in the courts or formal deportation within the INS administrative process. In FY 1974, there were 741,369 violations

which could be entertained for prosecution; over 92 percent were closed by blanket or general waiver. For this reason, a less complicated repatriation procedure is used. Immigration statutes and implementing regulations provide for illegal aliens to "voluntarily depart" for their country under certain circumstances, and INS uses this procedure extensively to expedite the removal of illegal aliens from the country. "Repeat" or aggravated offenders and criminal violators are held for prosecution and/or deportation proceedings.

There are a number of factors about this system which deserve comment. First of all, the inherent nature of the situation places emphasis on the detection and prevention of illegal entry. The efficiency with which the Service can apprehend large numbers of illegal entrants in the immediate border area contributes to the disproportionate numbers of Mexican nationals that are reflected in the annual apprehension statistics. It is also the major factor that influences the current placement of resources. This emphasis, for example, finds about 40% of the Service's total resources being devoted to enforcement in our Southwest -- activities that are primarily preventive in nature. Over 1700 of the Border Patrol's 2000 officers are located in the

greater Southwest area. To some extent, then, this deployment defines the problem -- particularly in terms of the numbers of illegal aliens that are located each year.

A second factor is the difficulty in apprehending illegal aliens in interior locations such as our larger metropolitan areas. The illegal alien, once in these locations, tends to become an invisible person. All tactics that are used to ferret out and apprehend such persons must be weighed in light of their impact upon individual liberties of all persons of foreign descent as well as the disruptive consequences they may have on the communities involved. Even if an illegal alien is apprehended at areas away from the border, detention is hindered by a lack of facilities and by cost.

A third, and sometimes overriding factor, is the often dilatory tactics that illegals employ in an effort to remain in the country and gain equity once they have arrived. A higher percentage of illegals located in interior locales utilize the hearing process than those aliens along the Mexican Border. With its present resources the Service could not possibly conduct a hearing for every alien apprehended without seriously affecting its overall enforcement posture.

Thus, with resources of 8,800 personnel and \$210 million in FY 1976, the Service places its highest priority on prevention activities. Despite this emphasis, a force of some 1700 patrolmen in our Southern Border can mean only slightly over 200 on any one shift. This results in one patrolman for every 10 miles of the 2000 mile long border. Of almost 800,00 apprehensions <sup>14/</sup> per year recently, over 700,000 were Mexicans, the vast majority of whom were apprehended in the immediate border area.

#### Court Decisions

Recently, the courts have taken a more active role in areas affecting the operations of the Service.

In Almeida-Sanchez v. U.S., 413 U.S. 266, the Supreme Court held that the warrantless search of an automobile at a location other than the border or the functional equivalent thereof, made without probable cause or consent following a roving patrol stop, violated the Fourth Amendment of the Constitution.

The Supreme Court, in United States v. Brignoni-Ponce, No. 74-114 held that a roving patrol stop of a vehicle away from the immediate border area, and the questioning of its

<sup>14/</sup> An apprehension is an event for statistical purposes, not a person. Thus 800,000 apprehensions probably involves less than 800,000 individuals, as many illegal aliens are apprehended more than once each year.

occupants merely because they appeared to be of Mexican descent, violated the Fourth Amendment.

The Court explained that before any such stop could be adjudged lawful, the officer must be aware of specific articulable facts<sup>15/</sup> supporting a reasonable suspicion that there are illegal aliens in the vehicle. The Court added that while Mexican appearance was relevant, standing alone, it was not sufficient justification for the stop.

In United States v. Ortiz, No. 73-2050, the Supreme Court ruled that a checkpoint search of a vehicle trunk, away from the border, without probable cause or consent, violated the Fourth Amendment.

In United States v. Martinez-Fuerte, No. 74-1560, the Supreme Court held that the Border Patrol may routinely stop vehicles at established checkpoints reasonably located away from the border in absence of suspicion that particular vehicle contains aliens. Vehicle searches, however, require probable cause or consent.

In areas away from the border and its functional equivalents, a vehicle may be stopped by the patrol and the occupants questioned briefly pursuant to a determination by

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<sup>15/</sup> In this sense, articulable facts refers to a combination of circumstances that prompt an officer to stop and query an individual. These circumstances must be clearly explained and sufficient to convince a reasonable person that such a check was justifiable.

the officer that there is a reasonable suspicion of illegal aliens in the vehicle which can be supported by specific articulable facts.

Whenever a vehicle is to be searched in any but a "border search" situation, the officer must be prepared to articulate a clear determination of probable cause, or the stated consent of the driver or owner. This is applicable to both checkpoint and roving patrol stops. To comply with the decisions in these cases, the Service revamped some of its Mexican border area highway operations; a case in point was the elimination of stopping cars by roving patrols.<sup>16/</sup>

In a related development, several district courts are urging that the principle of articulate reasonable suspicion be extended to pedestrian situations routinely encountered in such enforcement functions as the stopping and questioning of persons on the streets, in transportation terminals, in other public places, and commercial establishments.

On July 29, 1975, a preliminary injunction was issued against the Immigration and Naturalization Service in the case of Illinois Migration Council v. Pilliod (case as yet unreported.) Under the terms of the injunction the Service

<sup>16/</sup> The checkpoint at San Clemente and several others were closed for 15 months following an adverse decision of the Ninth Circuit Court of Appeals. However, they were reopened when the Supreme Court ruled in U.S. v. Martinez-Fuerte et al. that the routine stopping of vehicles for brief questioning of occupants at reasonably located Border Patrol checkpoints is constitutional. It was also held that such motorists may be selectively referred to secondary areas for further limited inquiry. The Court reasoned that "... the public interest in making such stops outweighs the constitutionally protected interest of the private citizen."

is barred, in the North District of Illinois, from stopping, detaining, arresting or interrogating persons of Mexican ancestry of Spanish surname in the absence of a warrant, or reasonable suspicion that the person is an alien illegally in the United States. At this time, INS has decided to limit all area control operations throughout the country to working specific leads and complaints.

The effect of these decisions has been to place even greater emphasis on preventing entry in the first place.

#### Visa Screening

The issuance of visas was first instituted by a Department of State instruction on April 17, 1917, and elaborated in a joint order of the Departments of State and Labor on July 26, 1917. The visa requirement was made statutory by the Immigration Act of 1924 and by subsequent legislation, notably the Immigration and Nationality Act of 1952.

Under the terms of the Act of 1924 a dual-check system of determining the admissibility of aliens desiring to enter the United States was made a part of the statutes. Consular officers of the United States Foreign Service, responsible to the Department of State, were charged with the responsibility of issuing visas to alien applicants abroad who had proved their admissibility under the immigration laws, while representatives of the Bureau of Immigration, then a part of the Department of Labor, were required to verify the aliens' admissibility upon their arrival at a port of entry of the United States.

The consular officer's authority under the law to issue a visa is not reviewable, and is unlike that of the immigration inspector whose judgment regarding inadmissibility must be supported by a finding of excludability on the part of an immigration judge. The discretion of a consular officer places him in a unique and somewhat invidious position for preventing mala fide visa applicants from coming to this country.

In recent years successive Presidents have stressed the importance of facilitating international travel. The procedures for the issuance of visas to persons wishing to visit the United States have been made as simple as possible and every effort is made to expedite the necessary action.

During the last ten years, the issuance of such visas has gone from under 1 million to over 3 million -- an increase exceeding 200 percent. However, the number of officers issuing visas -- both immigrant and nonimmigrant -- has decreased slightly during this same period. At the present time, there are about 360 full-time Foreign Service officers supported by 1000 indigenous personnel (i.e. Foreign Service locals) handling visa work. All in all, the cost of maintaining this function came to \$35.6 million in FY 1975.

C. INTERAGENCY COOPERATION

One of the mandates of the Domestic Council Committee is to assess the cooperative relationships among various agencies having responsibility for some aspect of illegal immigration. The implication of such an approach is that more can be done without: (1) new legal authorities, or (2) significant increases in resources. The most recent precedent for this approach has its basis in legislation passed in 1972 which required cooperation between the Social Security Administration and the Immigration and Naturalization Service. One can properly regard this arrangement as an example of what is involved in such undertakings. The experience must be viewed from the standpoint of what structural deficiencies and competing considerations have been manifested, and how these difficulties should be overcome in any future proposals.

1972 Social Security Amendments

Since the overriding incentive for illegal aliens to enter or remain in the United States is the desire to work, and since employment opportunities for the vast majority of workers is limited to those who possess social security numbers, in the past much debate centered on improvements in social security card issuance. Historically, the INS had sought to preclude access to a social security number by illegals, while the Social Security Administration (SSA)

had resisted becoming part of a control system over aliens.

The SSA's traditional view has been that citizenship is not an issue in determining eligibility for SS benefits. Rather, the purpose of SS legislation is to insure that with certain specified exceptions, all remunerative work is covered by the appropriate provisions of law. Further, since there is no specific exclusion in the law for aliens working illegally, they are considered to be covered. The possession of a social security number in no way conveys an authority for a person to work, yet in fact, the social security card serves as a work permit.

Prior to the amendment of the Social Security Act in 1972, applicants for a SS number could obtain one on the spot in SS district offices. The foregoing was well known by illegal aliens and it would probably be accurate to guess that the great majority of illegals today have valid SS cards despite recent changes in the application procedure.

The 1972 Social Security Act Amendments required the Secretary of HEW to "take affirmative measures to assure that social security account numbers will, to the maximum extent practicable, be assigned to all members of appropriate groups or categories of individuals." As originally envisioned, this provision was intended to exclude aliens who were prohibited to work from receiving a social security account number. However, many institutions, both within the government and outside it, now use the social security

account number as an identifying mechanism. The SSA has been somewhat helpless in trying to stop or reverse this process. In the arrangements worked out between INS and SSA to implement the provisions of the 1972 amendments, the procedures called for persons applying for a card, who had foreign birth, to prove their status with regard to the immigration and nationality laws. If they needed a card but were not authorized to work, their account number was annotated to that effect. If earnings were reported to the account, SSA referred the information to INS.

During the initial months of the new SSA application procedure, an average of 500 applications a day were referred to INS for checking; in all, a total of about 40,000 applications were referred in the period March 1974 to February 1975. Following the implementation of the Privacy Act of 1974<sup>17/</sup>, these referrals fell off sharply; today they average about 10 - 20 a week. At present, whenever an applicant is hesitant or reluctant to provide proof of citizenship or legal alien status he is informed that the information could be referred to INS for an illegal alien check. If the individual withdraws the application, all

<sup>17/</sup> The Privacy Act does not cover "illegal aliens, so there are no restrictions regarding exchange of information between various agencies concerning such individuals. However, the SSA does not know whether they are dealing with a legal resident or not. Since the Privacy Act covers legal resident aliens, the SSA is carefully revising its regulations to cover exchanges of information with INS.

data already submitted by the alien are returned and no referral is made to the INS. Only after complying with the provisions of the Privacy Act and the individual's expressed desire to pursue the application are doubtful cases referred to INS and even then the SSA will wait just one week before processing the application.

Following the March 1974 implementation of regulations and before the Privacy Act became effective, the data on all SS applications abandoned following a request for proof of status was routinely passed to INS. There were some 39,000 applications abandoned under these conditions in the period March 1974 to February 1975. The SSA control system cannot detect the use of someone else's valid SS number by an illegal alien or anyone else for that matter. SSA records are essentially confidential pursuant to the Privacy Act. While illegal aliens are not covered by the Privacy Act, a prudent bureaucrat would be careful not to make a mistake involving a U.S. citizen or a legal alien resident. Concern over the requirements of this legislation has essentially brought the cooperative effort to a standstill. While SSA continues to screen applicants and does annotate accounts, very little information is being sent to the INS. The one salutary aspect of this program may be in the area of abandoned applications which are thought to be indicative of deterred ineligible aliens. However, this may not be true in light of the fact that a number of abandoned applications

turned out to be those of resident legal aliens or citizens as a subsequent check with INS revealed. It was this development which prompted the SSA to stop making referrals to INS, unless the person's permission was received to pursue the application in such a manner.

During the period of March 1974 to February 1975, the SSA issued 23,000 cards for which the account was annotated "work prohibited". One thousand five hundred cases of reported earnings were referred to INS for that period.

This program has had an uneven history. The following problems exist in the current procedures:

1. Those persons under 18 claiming native birth are not required to show any documentation. The SSA did conduct a study to validate this experiment.
2. For those over 18 who claim citizenship, a check with INS that only allows seven days for turn-around before issuance of a card is not realistic given the volume of work involved in such processing.
3. The application form for an SS number only requires a date and place of birth -- it does not require a statement of citizenship or alien status. As the system works now, there is an inherent bias which favors the false claimant. Although the card carries a warning regarding those who willfully furnish false information, the SSA does not prosecute illegal aliens offering false information to obtain a number. They are prepared to prosecute those who intend to defraud the system of benefits; however, they doubt that U.S. Attorneys would be willing to prosecute just fraudulent applicants.
4. There is a minimum time delay of six months before earnings to an annotated account will be reported

to INS. The INS places these investigations in a low priority due to the time delay involved.

Until such time as new regulations are written and promulgated by SSA, the impact of this cooperative effort will be minimal. However, the following possibilities should be considered to improve the quality and usefulness of information exchange:

1. The SSA has collected its information on abandoned applications centrally. The SSA should conduct a study of this information. One area to analyze is the particular districts which have the largest number of abandoned applications as compared with those areas that are perceived to be the locales of large numbers of illegal aliens.
2. INS must give greater attention to working leads on annotated accounts with reported earnings. Once a test of these leads' workability has been completed, a judgment can be made about their worthiness for future efforts.
3. INS could supply information to SSA on prospective overstays, and SSA would compare this data with its data on annotated accounts with reported earnings.
4. The SSA could, within its own system, compare data on employers with reporting problems with its data on annotated accounts with reported earnings, and make referrals to INS.
5. INS could refer to SSA the names of employers who are thought to be hiring illegal aliens. SSA, in turn, could compare this information with either its data on annotated accounts with reported earnings or its data on employers with reporting problems.

All of these possibilities would have to be tested.

Their success would depend upon the relative costs involved in carrying on such efforts on a large scale. However, they offer the possibility for improved information exchange in the context of these agencies' current capabilities.

The experience with the SSA/INS cooperative efforts is instructive in a number of respects. First and foremost, future policymakers should be extremely wary of drawing agencies whose central purpose is not enforcement into arrangements which require them to act in ways contrary to their historical nature. The SSA has always seen itself as a service agency, and thus has been slow to adjust to the requirements inherent in the amendments of 1972. Secondly, when such arrangements are undertaken, proper consideration must be given to the funding implications involved. This is not always a case of additional personnel. Thirdly, the success of these efforts can turn on nothing more than how such agencies collect and organize information. If there is not sufficient compatibility and management attention to information gaps and procedural difficulties, such arrangements are probably doomed to failure. And finally, all these factors would indicate that it is far more desirable to foster cooperative relationships between agencies whose operations are essentially enforcement or compliance in nature, and thus share a common interest in related problems. In this sense, the operations and legislative mandate of the Bureau of Security and Consular Affairs, the Internal Revenue Service, and the Wage and Hour Enforcement Division, are more akin to such endeavors.

Department of State

Responsibility for bringing persons into this country either as immigrants or nonimmigrants is shared between the Immigration and Naturalization Service and the Department of State.

A crucial element in improving our ability to cope with illegal migration rests with efforts that deal with the problem at the source. Prevention at this stage is not only cost effective, but in many ways, the most humane approach. Little coordinated study has been made of the characteristics of nonimmigrant applicant motivations and goals or of whether our procedures contribute to fraud. Insufficient effort has been made to inform host governments of the extent and nature of the illegal entry problem. There has been little exploration of systems for dealing efficiently with large numbers of persons. There has been little recognition of the contradiction between effective information programs about the United States and curbing illegal immigration. In the absence of such systematic guidance, consuls engaged in visa activities have developed their own methods of coping with local pressures and making accurate judgments. Such methods are not sufficient.

Despite all the time pressures involved in such work, the rise in workloads, the attendant resource situation, and the sometimes sensitive nature of this work, the real source of difficulty in improving the overall effectiveness of the

visa issuing function lies with the priority assigned to these activities within the Department of State. In fact, certain management considerations may work in a contrary manner. For example, since there are subsequent time consuming procedural activities to be accomplished in the event of a visa refusal, at busy posts there is a built in bias to find in favor of the applicant as often as specific case circumstances makes possible. And if this is coupled with management's not giving due consideration to the extra effort involved in denials when assigning staffing levels for high fraud posts, there may be a reluctance at such posts to increase denial rates to more realistic levels.<sup>18/</sup>

There is increasing evidence that illegal immigration and its causes will be a major consideration in our relations with a number of developing nations for the foreseeable future. New policy guidelines on immigration-related matters as well as specific action proposals to foster new objectives aimed at relieving the causes and incidence of illegal immigration are needed. Visa issuance and fraud in certain countries must be given higher priority within the Department

<sup>18/</sup> Since it is specifically intended to be an instrument governing and controlling the movement of aliens into the United States, the Immigration and Nationality Act assigns responsibility for visa issuance to "a consular officer." However, management considerations have also resulted in the diminution of individual visa officer responsibility. To speed up and simplify the visa issuing process many posts, including those in Mexico, now issue visitor visas which often carry the facsimile signature of someone other than the responsible visa officer.

of State so that only for the most compelling political considerations should action against visa fraud not be vigorously pressed or made a country priority. Country-by-country visa abuse experience must be considered in developing new guidelines. The following are specific recommendations which can be taken to ameliorate the problem of illegal immigration. Some of them require giving higher attention and priority to relationships and programs which already exist. In some other instances, they involve making current initiatives more comprehensive in nature. And finally, there are some new approaches of a pilot nature.

1. Policy

a. The President should issue instructions to ambassadors of major sending countries to accord the highest priority to visa issuance functions and to reaffirm and emphasize that Chiefs of Consular Sections utilize the widest latitude and discretion in their areas of responsibility. These instructions should point out that visa issuance and refusal are delegated by law solely to the consular officer.

b. High fraud posts must be given high management attention with respect to personnel and budgetary priorities to, inter alia, permit the use of foreign service officers in the initial screening of applicants.

c. Prospective students' financial capability for the duration of the course of study, applicability of the training to future employment possibilities in the native land, and general skills at the time of application should be given careful consideration in the issuance of student visas.

2. Operations

a. All high fraud posts as well as potential problem consulates must have access to a centralized computer capability. <sup>19/</sup>

b. In identifying developing trends and potential problem areas, the Visa Office should have the benefit of a management information system. Such a system would, inter alia, monitor use of multiple entry visas at high fraud posts, a practice which may not be justified.

c. Referrals are the means by which the Ambassador or one of his subordinates requests a consular officer to accord "special consideration" to certain visa applicants. With regard to referrals, each post should be required to keep a careful system of documentation describing the nature of the recommendation, its importance and its status if a visa is granted on such a basis. To the maximum extent practicable, all persons receiving a visa on such a basis should be required to appear before a consular officer upon the return to the country placing responsibility upon the individual Consulate to prove that the procedure does not compromise the visa issuance process.

d. All high fraud posts should have investigative staffs to bolster the screening and interviewing process.

19/ This capability would enable posts to check applicants against various "lookout" lists. In addition, the Department of State keeps information for two years on all applicants who are denied a visa.

3. Department of Justice/Department of State Cooperation

a. To create a more formalized communications process between the two agencies involved in controlling the entry of aliens, the Bureau of Security and Consular Affairs and the Immigration and Naturalization Service should hold regularly scheduled meetings, perhaps as often as once a month. Meetings should not be confined to central office personnel alone, but should be extended to the field for personnel involved in fraud control and matters of mutual interest.

b. The Immigration and Naturalization Service and the Bureau of Security and Consular Affairs should work more closely in the development of fraud profiles for illegal alien sending countries.

c. Fraud information should increasingly be stressed in the immigrant as well as nonimmigrant areas. Problems in nonimmigrant visa issuance become apparent in the practices and circumstances of applicants for immigrant status.

d. INS and State should seek more systematic use of information on all persons denied admission as well as all visa abusers who are apprehended.

e. Visa issuing officers should make use of notations and other information on the visa as a means of aiding immigration inspectors in their determination about an

applicant's intentions as well as whether the individual presenting himself for admission is the valid holder of the documentation presented.

4. Actions Within Countries

a. Each embassy with visa fraud problems should enlist the host country's political cooperation. This might include:

- Development projects aimed at areas that have been identified as areas of out-migration.
- Actions taken within the government to discourage the abuse of documents and representation.
- Host country cooperation in improving the overall quality of documentation.
- Licensing of travel agents and others who traffic in fraudulent documents.
- Vigorous prosecution of fraud cases involving the assigning of indigenous personnel to such cases.

b. The U. S. Information Service should sensitize the indigenous populace to the problems of illegal immigration and the unscrupulous persons who visit hardship on their victims. Specifically, an organized campaign should be developed to:

- Inform the press of widespread abuses of persons who seek middlemen in an effort to obtain a visa.
- Encourage academics to conduct research on the causes of migration within the country and out of it.

c. The Immigration and Naturalization Service with the State Department should take steps to establish closer liaison with the immigration authorities of other countries to gain better use of departure control systems including exchange of information to detect fraudulent documents or imposters.

Internal Revenue Service

Other cooperative efforts are already underway. The Internal Revenue Service is presently conducting two programs in the illegal alien area. One program is aimed at apprehended illegal aliens and the other is aimed at the employers of illegal aliens.

1. Apprehended Illegal Aliens 90 Day Test

The test program which ran from March 4, 1974 to June 7, 1974, was conducted in San Diego, Dallas, Chicago, and New York City, in conjunction with INS.

This test provided that for 90 days, one Revenue Officer or one Revenue Representative in each of the participating districts would spend an entire workday at the local INS

detention facility where apprehended illegal aliens are processed to determine potential tax liability. The results were:

Total No. of Aliens Interviewed	1,699
Total No. of Returns Secured	1,090
Total Amount of Tax Assessed	\$247,696
Total Amount of Tax Collected	\$168,469

Since this test indicated a high frequency of noncompliance among apprehended illegal aliens, though of relatively modest amounts (about \$140) on the average, an on-going program was developed. The new program, with basically the same guidelines as the test, was implemented on April 12, 1976, in the 15 cities where INS processes the highest volume of illegal aliens. They are:

Chicago, Illinois;  
Chula Vista, California;  
Dallas, Texas;  
Denver, Colorado;  
El Centro, California;  
El Paso, Texas;  
Miami, Florida;  
Newark, New Jersey;  
New Orleans, Louisiana;  
New York, New York;  
San Antonio, Texas;  
Seattle, Washington;



Swanton, Vermont;  
Washington, D. C.; and  
San Francisco, California.

2. Employers of Illegal Aliens

Another test began on October 30, 1975 and will be completed by June 30, 1976. It is being conducted in seven areas: Baltimore, Chicago, Los Angeles, Dallas, Manhattan, Cleveland, and Jacksonville.

With the joint cooperation of IRS, Immigration and Naturalization Service (INS) and the Social Security Administration (SSA), it involves securing the payment of withholding taxes by employers of illegal aliens.

Where a common employer is shown for a specified number of employees (five in some districts, two in others) in INS apprehension records, the records will be forwarded to the participating IRS district office. IRS will determine whether the employer has filed Form 941, employer's quarterly report. If no return has been filed, a revenue officer calls on the employer to ensure that all federal tax obligations have been and are being met by the employer. If a return has been filed, a "request for social security earnings information" will be forwarded to SSA and one of the following procedures will be completed:

a. If the alien's wages were properly recorded, the case will be closed.

b. If the wages were not reported, the case will be referred to the Audit Division for possible field contact by an agent for eventual audit if warranted. If the wages were under-reported and/or a possibility of fraud exists, the case will be forwarded to the Intelligence Division for possible field contact by a special agent.

Statistics for this test have not been compiled at this time. However, should the statistics for the test prove to be encouraging, consideration would be given to continuing this program on an expanded basis.

#### Department of Labor

Since the passage of the Fair Labor Standards Act in 1938, the Department of Labor has been quite successful in developing a relatively high level of compliance in the area of wage and hour enforcement. In fact, it represents one of the government's most successful regulation attempts. However, a rather serious problem of backlogs has developed in the last two years for a number of the laws that are administered by the Wage and Hour Division partially due to the passage of a number of new pieces of legislation since 1960, which extend the Department of Labor's responsibilities. This has been coupled with a stable budgetary situation yielding only minimal increases in compliance investigators for wage and hour enforcement over the past fifteen years or so. However,

wage and hour enforcement is a primary area for increased enforcement.

1. The Farm Labor Contract Registration Act, as amended December, 1974, contains a provision prohibiting the knowing employment of illegal aliens. A similar provision should be incorporated into all other important labor standards' and labor relations' laws, and should be accompanied with commensurate increases in resources for enforcing such provisions.

2. The INS and Wage and Hour Enforcement Division of the Department of Labor jointly should sponsor a pilot project in a large metropolitan area where there is evidence that substantial numbers of illegal aliens reside. The greater New York City area is an example since there are currently less than 50 compliance investigators working there. It would involve:

- Increased and more systematic exchange of information.
- Mutual targeting of employment establishments.
- Priority assignment of personnel in areas which may be of mutual benefit.

Internal Actions: INS

In addition to more effective coordination with the above agencies, INS can take steps internally to more optimally allocate its resources and improve its ability to cope with illegal immigration. Although the Service has sought additional resources, it has also recognized the need to improve current methods of operation. Consequently, a number of evaluations and consultant studies have been undertaken.

INS is often buffeted between competing pressures. This competition is markedly shown in the inspection for admission process. At ports of entry, emphasis is frequently placed on speedy facilitation of entry to the detriment of careful screening of applicants. Screening for fraud can be a laborious process and tends to mitigate against facilitation. However, to some extent, this can be overcome by careful staffing, training and motivation of personnel. The Service should not maximize its presence at all ports of entry, but instead assign its personnel to critical and heavily used points in a manner which deploys them at peak traffic times.

Currently about 91 percent of all inspections are performed at land border ports and about 65 percent of these are along the Southwest border. Illegal entry is detected through ports along the Southern border eight times as often

as at ports along the Northern border. In FY 1974, for every workyear devoted to primary inspection 207 aliens were denied entry on the Northern border and 1,839 aliens were denied entry on the Southwest border. However, only 23 percent of the inspections workforce is stationed along the Southwest border, while 37 percent of all the inspections workforce is on the Northern border.<sup>20/</sup>

Along the border, the Service is also investigating the efficacy of using certain border patrol staffing patterns that involve flooding areas at peak times in an effort to maximize apprehensions. This effort should be coupled with continuing experiments for improving the configuration and placement of sensor systems.

Finally, some joint ADP and Telecommunication development and sharing between INS, the U. S. Customs Service and the Drug Enforcement Administration has a wide range of potential benefits. Some INS and Customs personnel at field offices around the country are frequently co-located; the use of remote ADP terminals and the development of a common communication network could result in significant cost savings. For example, it appears feasible that INS' Alien Documentation, Identification and Telecommunication system could use the existing Customs Service's ADP and communication network.

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<sup>20/</sup> There are 147 land ports on the U.S.-Canadian border and 40 on the U.S.-Mexican border.

Therefore, it is recommended that INS:

1. Develop expanded and ongoing training of supervisory and journeyman personnel. This is particularly important for an agency which is undergoing so much change. There will be considerable turnover within INS over the next two years. Added to the large numbers of new personnel received in recent budgets are the impending retirements brought about by the Law Enforcement Officers Retirement Act.
2. Continue to place emphasis on evaluation techniques, process studies and simulation models that offer the prospect of improving the current deployment of resources. In striving to achieve this goal, INS should take full advantage of the wide range of technical services that are available within the federal government.
3. Investigate the feasibility of applying alternative enforcement techniques. This could include but would not be confined to: expansion of preclearance inspection operations abroad, development of specialized investigative units to combat smuggling, and expanded use of investigations at overseas posts.

D. DISINCENTIVES

While further interagency efforts are quite necessary and hold promise for improving overall immigration enforcement, such initiatives must be augmented by legislative improvements which seek to diminish the strength of the pull factors drawing people to enter and remain illegally in the U. S. Stronger checks, referred to as disincentives are intended to (1) create additional impediments for those persons who are contemplating illegal entry or who intend to violate their status while in the United States; (2) deny various benefits to persons who clearly act in circumvention of the law; and (3) attempt to lessen the effect of the immigration law where it currently works in a manner contrary to its stated purposes. As current conditions exist, there are many persons who use their very illegality to gain immigration status and preference under the system. This is unfair and tends to undermine the whole immigration system.

It is unrealistic to hope that we can be completely successful in preventing an alien from entering the United States illegally, or remaining in violation of law if he succeeds in entering lawfully. However, the problem can be mitigated by reducing the incentives for illegal immigration. Those incentives are essentially economic.

If potential immigration law violators cannot find employment, they may be discouraged from ever attempting to come in the first place. Moreover, if the illegal alien cannot use dilatory tactics to build up equities under immigration law, there will also be less incentive to remain. Finally, if various social benefits are unavailable, there will be almost no opportunity to prolong stay in the United States. But a fair and balanced system of enforcement and penalties must also deprive employers of the advantages gained by employing illegal aliens. Therefore, it is recommended that a disincentive program involving a range of approaches be adopted.

1. Sanctions on Employers

The preponderance of available information suggests that the major cause underlying illegal migration is the aliens search for employment and economic opportunity. The vast majority of aliens in illegal status who are apprehended by the INS are either working, seeking work or have been employed at one time or another. In addition, domestic employers' willingness to hire illegal aliens, in some cases actively recruit them, is undoubtedly a significant part of the economic forces which exacerbate the flow of illegal aliens. Those agencies concerned with administering

and regulating the flow of aliens into the country are convinced that only when we begin to cope with the economic magnet that draws individuals here will we be in a position to have some control of illegal immigration. This overriding consideration prompted Congress to introduce legislation which would impose sanctions upon employers of illegal aliens. This legislation, commonly known as the "Rodino" bill, has passed in the House on two occasions, but has never been acted upon by the Senate. The proposed penalties are conditioned upon the employer "knowingly" hiring the illegal alien. 21/ This type of legislation is perceived to have a number of beneficial aspects. It sanctions employers who currently bear no responsibility for hiring of individuals illegally in the country, thus eliminating a discriminatory and contradictory feature of the current law, namely, it is illegal for an unauthorized alien to accept employment but it is not illegal for an employer to hire such a person. Furthermore, such sanctions would achieve a high level of voluntary compliance simply by being legislated as federal policy.

As this legislation has languished in two different Congresses because of Senate inaction, this type of approach has become more and more controversial. Initially there was a wide range of opinion about whether civil penalties would be sufficient or if the stronger criminal penalties would be

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21/ Such a provision does apply in the hiring of farm contract labor. See p. 106.

required. The INS and the Department of Justice opposed the "civil penalties" only approach on the grounds that they would not be a sufficient deterrent alone. In addition, the great administrative and financial burden of collecting penalties would not be sufficiently offset by civil legislation.

The current legislation in the House (H.R. 8713) contains a compromise. This compromise suggests a civil and criminal penalty combination similar in nature to other Federal provisions such as the Occupational Safety and Health Act of 1970 (29 U.S.C. 666), the Federal Aviation Act (49 U.S.C. 1471) and the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(a)). The latter, for example, provides for an initial civil penalty to be assessed by the Secretary of HEW for the violation of mandatory health and safety standards. In addition, this act requires a hearing, provides for the compromise of the amount of the penalty and permits suit for the enforcement in U.S. district court. More specifically, criminal penalties are provided in the event of willful violation. The result is a three step plan -- citation, civil penalty and then a criminal penalty -- for violation of the law.

The Senate Subcommittee on Immigration and Naturalization has, for the first time since the enactment of the Immigration Act of 1965, commenced hearings on widespread immigration reform.

On March 4, 1976, Senator James O. Eastland, Chairman of both the Senate Judiciary Committee and the Subcommittee on Immigration and Naturalization introduced S. 3074, a comprehensive bill dealing with the problem of the illegal alien. With regard to sanctions against employers, Mr. Eastland proposes direct civil penalties -- up to \$500 for the first offense and up to \$1,000 for each subsequent offense. Again, the proposal is conditioned upon the employer "knowingly" hiring the illegal alien. The imposition of sanctions against employers is most controversial even though the Rodino measures have passed the House overwhelmingly in both the 92d and 93d Congresses. The formidable opposition which has mounted in the 94th Congress has stalled action by the Rules Committee. The opposition comes principally from employer groups such as the American Farm Bureau Federation, which feel employers are to be compelled to become enforcement "agents" of federal law; from minority groups, principally Hispanic, who feel their members will be discriminated against in employment practices and religious groups including the United States Catholic Conference which also cannot accept sanctions without protection against discrimination and without a meaningful amnesty provision to protect the aliens and their families from mass exodus or deportation.

Many others are concerned, about the difficulties inherent in enforcing this type of law, and feel it may be unwise from a policy standpoint accordingly.

However, the most thorny issue seems to be the perceived problem of discrimination in hiring practices that such legislation may bring about. One means by which discrimination in hiring practices could be avoided is the use of some type of identification card which would be required of every applicant for employment. Such a suggestion has seriously raised further opposition. Opposition to this scheme runs the gamut from civil libertarians to organized labor. However, in response to this concern, the House has included in the "Rodino" bill a provision that authorizes the Attorney General to bring civil actions when he has reasonable cause to believe that an employer has engaged in employment discrimination based on national origin.

Although this Committee is sensitive to the controversial aspects of the various pieces of proposed legislation, it remains convinced that some control over this problem must begin with one of its causes -- employer willingness to hire illegal aliens. A great deal of emotion has attended the debate on this subject. And yet, a precedent for this type of approach was established with the enactment into law

of a provision in the Farm Labor Contract Registration Act prohibiting "knowing" employment of illegal aliens. The Committee finds no compelling reasons for why one sector of the economy should be singled out for such legislation. As the foregoing discussion of the various instruments proposed for implementing such an approach indicate, there are strengths and weaknesses to each; the Committee recognizing this has chosen to avoid recommending the specific means by which such legislation should be carried out. However, it does recommend that appropriate means be developed to:

1. Penalize employers of illegal aliens.
2. Prohibit use of U.S. Government funds for employment and training of aliens who are not authorized to work.
3. Disallow for federal income tax purposes any business deduction for wages paid to an illegal alien.

2. Combating Dilatory Tactics

The longer the illegal alien is able to remain in the United States, the greater is his reward. For this reason, it has been said by immigration lawyers, "the name of the game is time." The alien of course needs time to work so he can earn a sufficient amount of money to employ a lawyer

or travel agent to help him become a lawful permanent resident alien so he will not become a public charge, and to support his family abroad until he is able to bring them to the United States. He may also need time to obtain a job that would qualify him for a labor certification, to marry a lawful resident alien or United States citizen or divorce his spouse abroad and remarry, or to become the parent of a United States citizen child so that he will be exempt from the labor certification requirement. Also the passage of time may enable the illegal alien to acquire equities so that he may become eligible for adjustment of status or regularization of his status through registry or suspension of deportation.

Because time is such a valuable ingredient, it puts a premium on delays, adjournments, dilatory tactics and other techniques of evasion, including frivolous appeals. The following recommendations will lessen the possibilities of waiting out the system:

1. Amend suspension of deportation provisions to preclude consideration of physical presence acquired in the United States subsequent to initiation of expulsion proceedings.

2. Change the law to provide that the priority date for the issuance of a visa number will regress, or that the waiting time for a visa application will be extended, in proportion to the time spent in the United States subsequent to the institution of deportation proceedings.

3. Discontinue the statutory provision that automatically grants a stay of deportation upon the filing in a Circuit Court of Appeals of a petition to review a deportation order.

### 3. Sanctions on Illegal Aliens

More can be done to discourage individuals from profiting by violating the law, or manipulating the law to gain experience that may entitle them to preference under it.

1. Make violations of status or unauthorized employment grounds for barring persons from adjustment of status within the United States.\*
2. Require certain students to return to their native lands for a period of at least two years before they can become eligible for immigration to the United States.

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\*P.L. 94-571, signed October 20, 1976, contains a provision which bars adjustment of status for an alien (other than an immediate relative) who continues in or accepts unauthorized employment.

3. Narrow the categories of aliens who may be classified as a nonimmigrant student.
4. Disallow, for purposes of labor certification and occupational visa preference, work experience gained by an alien while illegally in the United States.
5. Require a labor certification for the parents of a United States citizen child under 21 in the Western Hemisphere.\*
6. Eliminate marriage after the institution of deportation proceedings as a reason for adjusting status from that of an alien to permanent resident.
7. Forbid the return to the United States of a deported alien unless he has reimbursed the United States for the estimated expense of his deportation.

#### 4. Denying Social Benefits

A comprehensive approach to the problem also requires that illegal aliens be denied the means to remain in the country. However, measures in this area should not be so harsh that emergency medicare treatment or the like would be precluded.

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\* P.L. 94-571, signed October 20, 1976, provides for such a requirement.

1. Define "public charge" to include aliens receiving public assistance whether or not there is a requirement to reimburse the governmental agency that furnished the assistance.
2. Deny federal benefit programs to illegal aliens such as is currently provided for in the case of food stamps.

5. Enhancing Enforcement

Enforcement of the law can be enhanced by providing greater authorities or making greater use of already available mechanisms similar to that of other federal agencies.

1. Authorize summary seizure and forfeiture of vessels, vehicles, and aircraft used for smuggling aliens.
2. Include in the criminal penalty imposed for counterfeiting the following: border crossing and alien registration cards and other documents used for entry into or as evidence of stay in the United States.
3. Require visitors and students to post departure bonds with American Consuls.

Most of these items would not have a major budgetary impact, since they, in large part, only seek to create additional impediments to those who are violating their

immigration status. The major exception is, of course, any provision which would penalize employers of illegal aliens. The budgetary impact for such a provision is a matter of record in congressional testimony. It may be more appropriate to deal with some disincentive concepts by regulation or executive order, rather than by seeking legislation. On the other hand, it may be desirable to bolster the food stamp prohibition, which is currently governed by regulation, with the force of law. Moreover, various federal benefit programs should be studied and clarified in the overall context of aliens' rights. Whatever the means, there is a clear need for introducing greater rationality into the immigration laws which often work at cross purposes, or in ways never envisioned.

#### 6. Changes Having An Indirect Impact

Any major revision of our immigration and naturalization laws must include consideration of the extent to which these laws no longer reflect contemporary standards and thinking. As current conditions exist, immigration investigators may spend considerable time investigating allegations involving the use of marijuana or moral turpitude for an applicant for naturalization. These efforts are counterproductive and detract from more important enforcement tasks. Thus, consideration must also be given to those changes which would streamline the immigration process of its anachronistic provisions and thereby free manpower and resources. Some examples would be: the elimination of mandatory excludability and deportability for possession of small amounts of

marijuana, a statute of limitations in deportation, and the restriction of the Attorney General's authority to waive inadmissibility because of technical defects in immigrant visas.

E. CONCLUSIONS AND RECOMMENDATIONS

Immigration law enforcement today is directed almost totally at the problem of illegal immigration. The agencies with primary responsibility for enforcing the law, the Immigration and Naturalization Service and the Department of State, have a long history of involvement with the problems of the United States - Mexico border and illegal immigration in that context. The newer illegal migration from other nations requires different tactics and methods.

Our enforcement efforts are not sufficiently effective to undermine the push-pull forces which create and sustain illegal immigration. Significant improvements must be made in several areas.

RECOMMENDATIONS

1. Prevention of entry should remain the foremost enforcement goal of both the INS and the Department of State from a cost, a legal, and a community impact point of view. To achieve an acceptable level of prevention will require additional resources for both agencies, and

improved management techniques (see pages 98-102 and 107-109), and higher priority for the visa function with the Department of State.

2. Several federal agencies share varying degrees of responsibility in illegal alien enforcement. Enforcement efforts would be significantly strengthened by continuing and expanding the cooperative interagency efforts underway. Specific, detailed recommendations are discussed above in pages 93-106.
3. Additional resources and improved coordination must be augmented with substantial legislative action in five important areas: sanctions on employers, combating dilatory tactics, sanctions on illegal aliens, denying social benefits and enhancing enforcement. Discussed on pages 111-120, these changes would rationalize the current penalty structure directed at illegal entry to reflect a goal of slowing the flow of illegal aliens.
4. In the longer run the Immigration and Nationality Act should be fundamentally reviewed in order to examine the extent to which the current law and its enforcement meets policies and values of the society in which it exists today.

CHAPTER IV -- THE ILLEGAL ALIEN: A SOFT PORTRAIT

Law enforcement is the first line of domestic response to illegal immigration. However, sizeable illegal immigration raises additional questions for the society which merit consideration. To postulate the implications of a significant illegal population in our society requires information derived from research.

Current studies of the illegal alien can be compared to a series of preliminary sketches. Each is drawn from a different perspective on the subject and none can stand by itself as a valid representation of the whole.

The intent of this chapter is to examine existing data from many sources in an effort to develop the foundations for assessing their effects on our society. In this way we can determine which of the elements are missing, incomplete, misplaced or of questionable value.

A. DATA DEFICIENCIES

The task forces concerned with assessing the domestic impact of illegal aliens reviewed a wide range of information which has been developed about the impact of the illegal. Much of this information is based on opinion rather than hard data. Writers, researchers, and officials who have been close to the issue may be very perceptive in their analyses but it is impossible to confirm independently the accuracy of their

judgments. Attached as an Appendix A to this report is a comprehensive listing and summary of the topic areas and sources of information which is available on the impact of the illegal.\* We make no value judgment on the relative validity of these sources. Among them, however, are several studies which represent sound research efforts and which we believe, despite the serious problems described below, provide some objective basis for setting forth a "soft portrait" of the illegal alien given the data available to date.

The data and therefore the portrait is severely handicapped by the enormous methodological problems inherent in any attempt to count and describe a clandestine population. Every attempt will be made by the individual to mask his illegal status. Proof of legal status would have to be volunteered and no researcher can demand such information of an uncooperative subject. Moreover, substantial numbers of illegals may be highly mobile and may not have one fixed address for a long period of time. Therefore, even locating a random sample of this population poses almost insurmountable difficulties.

A second problem is the absence of a suitable interview environment. Two of the studies reviewed were based on interviews conducted at INS detention centers with groups of apprehended illegal aliens.

\*Prepared and submitted by the Immigration and Naturalization Service.

The North-Houstoun study used 793 apprehended illegal aliens, 16 years of age or older who had worked for wages for at least two weeks in the United States. Any sample taken from the population of apprehended illegal aliens is automatically biased by current INS enforcement strategy. The number of illegal aliens apprehended by INS at a certain time in a certain place varies with any number of factors, including local priorities, the types of "leads" on hand, the amount of money available for detention and deportation, detention space available, INS manpower available, etc. It should also be noted that any group of apprehendees will overstate the proportion of Mexicans in the overall illegal alien population due to INS enforcement policy. Because of these numerous factors which affect INS apprehensions, it is impossible for apprehensions to reflect the illegal population as a whole.

For example, far less detention space (if any) is available for the detention of females, and INS policies on transporting females are sufficiently cumbersome so that there is a tendency not to apprehend women when the number of males that can be apprehended already exceeds the capabilities of the available INS manpower. This operational reality influences not only the data obtained in the North-Houstoun study about sex, but also all other data obtained, especially that on the participation of illegal aliens in the labor market, and in the tax, social security, health, education, and welfare systems. Unemployment runs higher for certain foreign-born women,

and it is therefore quite possible that more women may be at home rather than in places of business which are more likely targets for INS enforcement efforts because of the greater likely pay-off. Moreover, the unemployed are far more likely recipients of welfare, food stamps, health benefits, etc.

The unemployed illegal aliens group was not, however, touched by the study. Because the group surveyed by the North-Houston study had been employed, it can be concluded that this study is significantly biased against indicating any impact illegal aliens might have on welfare or social services.

Pursuant to a 1972 study by the Mexican Government, 22/ researchers interviewed persons at the border who were returning voluntarily. Illegal aliens from Mexico may misrepresent where they live in Mexico because they wish to avoid being returned to the interior. For some obvious reasons, some apprehended illegals may not want to discuss how, when, and where they crossed the border, or how much they had earned.

22/ After a meeting in June of 1972 between Presidents Nixon and Echeverria, both countries established interdepartmental study commissions to analyze and evaluate the problems posed by Mexican migration to the United States. The Mexican group, during the course of its study, interviewed several returning Mexican migrants who were granted voluntary departure. Because of this factor alone, this study suffers from the same problem of representativeness that similar United States studies have suffered from, also. This study will be referred to throughout the chapter.

Probably the closest thing to a suitable environment was present in the small scale study performed by Dr. Wayne Cornelius. Persons who had returned from illegal work in the United States were interviewed at home in Mexico. Yet, these people may differ in significant ways from illegal aliens who do not return home. Interviewers explained that they were not representatives of the Government of Mexico and would keep responses confidential. However, the study was a collection of preliminary findings of a 22-month study. This particular phase covered a period of 15 months. The findings were tentative since a final seven-month phase was yet to be completed. The research was carried out in small communities ranging in size from 490 to 4,500 inhabitants and covered only one state in Mexico. The author points out that the findings of a case study of the type conducted are always subject to challenge on the grounds that the communities selected for inclusion in the study were not in some way representative of the majority of rural communities in Mexico which serve as points of origin for migrants to the United States. Most of the persons interviewed, who migrated to the U.S. were single men. Married men interviewed did not take their wives and children with them. The author is also quick to point out that persons being interviewed during this study were those who had successfully entered the U.S., had been

employed, and had remitted part of their earnings to families at home.

Another problem is that studies tend to stress the undocumented worker from Mexico. This is certainly the largest single group, but it is unlikely that it forms as large a percentage as is commonly perceived. In this profile, studies limited to illegal aliens from Mexico will be separated from studies which attempt to treat the wider spectrum of nationality. Nonetheless more must be known about the Mexican migration.

In reviewing illegal Mexican immigration to California, W. Tim Dagodag conducted a study of migration from a number of Mexican states to one United States state (California), basing the study on data collected by INS from apprehended illegal aliens. As described previously, this approach will severely bias the male-female distribution, a factor recognized in the study. Further, over 77% of the surveyed were apprehended with 72 hours of their illegal entry into California, a period of time too short for a high percentage to either locate employment or to have access to the American social support system. All of those in the study were either currently employed or were actually seeking employment, presenting significant potential competition for those segments of society least able to protect themselves.

Another approach is represented by the San Diego County study which is based primarily on "best estimates" made by the various county agencies and anecdotes, rather than statistical methodology. The methodology consisted largely of interviews with "knowledgeable persons," i.e., members of the San Diego Immigration Council and their various contacts within the county agencies and in county community affairs. In the few cases where samples were taken, they were often too small to provide statistically sound results or were not chosen randomly. It also appears from the report that each agency and person interviewed may have had varying interpretations of the definition of illegal aliens. The need for a clear and concise understanding of the parameters of the illegal alien population is especially crucial in a border county where there is also a considerable legal Hispanic population and where there may also be a "permanent" illegal alien population. Also, cases cited do not reflect the impact of illegal aliens on entire county social systems in many cases, but rather relate to the estimated impact on one particular school or hospital.

Even if based on sound estimates the San Diego study is specific only for an area with a major influx of illegal Mexican aliens and an influx of very few non-Mexican aliens. It is impossible to generalize this unique border experience

to any other area, especially to the illegal alien population at large.

With the above qualifications and problems in mind, we in no way intend to endorse these studies but instead have found them to provide a reasonable basis for certain tentative judgments. INS is currently conducting a Residential Survey as a key component of a research program on illegal immigration. The survey is the first attempt to collect data on the number, characteristics, and impacts of illegal immigrants on a national scale. 23/ The results will be very helpful to increased understanding of impact questions.

B. DEFINITIONS

"Entry without Inspection" (EWI) will be used to designate persons who enter surreptitiously. "Visa abuser" will be used to designate all individuals who enter with a legal document but then violate the terms of that document, or anyone else who uses fraudulent means to gain entry to the United States. "Western Hemisphere" (WH) refers to independent countries of North, Central and South America as well as those of the Caribbean. "Eastern Hemisphere" (EH) refers to any independent country not included under Western Hemisphere. Colonies and

23/ The Survey is to be conducted in the twelve most populous states: California, New York, Pennsylvania, Texas, Illinois, Ohio, Michigan, New Jersey, Florida, Massachusetts, Indiana, and North Carolina.

dependencies are counted as part of the country with which they have that relationship. The terms illegal alien and undocumented worker are used interchangeably.

### C. PERSONAL CHARACTERISTICS

A review of data relating to personal characteristics can be extremely useful in assessing the impact of the presence of the illegal alien. For example, if the population is young, we can predict that the group will not place heavy demands on services for the aged in the near future. If the population is predominantly male, we can expect that demands on hospital maternity facilities would be small.

#### Nationality

There is little data available on the national origin of the illegal alien population. The most comprehensive data is the numbers of deportable aliens apprehended by the INS. Ninety percent of apprehended illegals are Mexican citizens. The non-Mexican apprehended groups breaks down as follows:

	<u>Percentage</u>	<u>Number</u>
Canada	12%	9,362
British West Indies & Belize	7%	5,512
Greece	6%	4,619
China	5%	4,204
Dominican Republic	5%	3,601
Philippines	4%	2,804
United Kingdom	3%	2,334
Others	59%	45,750*

\*Only countries with over three percent representation in this population have been included. Because of rounding, percentages add up to 101%. (INS, 1975)

While it is reasonable to assume that Mexican nationals form the largest element within the illegal alien population, it is probable that they constitute far less than ninety percent. Several researchers have suggested that the true percentage is closer to sixty percent, but this estimate appears to be no better than an educated guess. (North, 1976) As previously mentioned, the apprehension rate is biased by the emphasis of the INS enforcement activity. It is also biased by the ease in identification of many Mexicans on the basis of racial characteristics. Another aspect of enforcement efforts which may further skew the figures is that the INS spends relatively little effort in attempting to locate visa abusers. If we are to believe the findings of certain studies, fewer Mexicans are in the visa abuser category. (North, 1976) 24/

A recent study done under contract for INS concerning fraudulent use of immigration documents has some nationality data. Inspections of documents for the study were made on a random sample of applicants for admission at 10 major international airports and the 12 largest ports of entry on our Southern land border. Nationality breakdowns are not available for the land port group. Of those malafide entries

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24/ Here and elsewhere the term "visa abuser" excludes Mexican citizens who, under pretext of shopping on the U.S. side, are actually employed. No data are available on the size of this group, but it may be substantial.

through airports, 57% came from countries bordering the Caribbean excluding Mexico; 14% came from Mexico, 17% came from Europe; and 5% came from South America. (Fraud. Entrants, 1976)

#### Origin Within Country of Citizenship

Information has been discovered relating to the regional origin of some illegal aliens within their country of citizenship. Unfortunately, such data are limited to Mexico. This information will be useful in selecting sites for further research on "push" factors. It may also be useful in considering new techniques for the identification of illegals in enforcement activities.

Forty-six years ago, Manuel Gamio identified the states of Michoacan, Guanajuato and Jalisco as the primary sending areas of Mexico for both legal and illegal immigrants. (Gamio, 1930) Studies done during the last few years have come to essentially the same conclusion. A study based on the analysis of apprehension forms for the Chula Vista sector (California) identified two of the states mentioned by Gamio as the source of forty-eight percent of the aliens apprehended (Jalisco and Michoacan). (Dagodag, 1975) A second study conducted by the Mexican Government along the length of the border revealed that fifty-seven percent of those who had been apprehended

were from six states. Three of the states were the same as those cited by Gamio. The others were Chihuahua, Baja, California and San Luis Potosi (Mexico, 1972). The 1968 Border Study Project directed by Julian Samora cited Gamio's three states and added Chihuahua and Durango as the source of more than fifty percent of the migration. (Samora, 1971) While the findings of these four studies are not absolutely consistent in that they rank the states differently, the degree of similarity of their findings over a forty-six year period is remarkable.

Perhaps even more valuable than data on state origin, is the data gathered by the Mexican Government on the origin by "municipio". There there are 2,338 "municipios" in Mexico, more than fifty percent of the persons interviewed were from 82 "municipios".

Several studies have also pointed out that the areas from which many illegal aliens come are precisely those areas which provided the bulk of the "braceros" during the life of that program (1942-1964). One researcher has suggested that the "bracero" program in a sense never stopped, but merely went underground. (Cornelius, 1976)

#### Age

The available studies indicate that the group is predominantly a young one and consequently is very active in.

the labor market. If the average age is indeed less than thirty, the group will probably continue to be active for more than thirty years (provided, of course, that these individuals remain in the United States).

The only study which deals with the age of illegal aliens across the board sets the average at 28.5 years. (North, 1976) The average age of illegals who seek to enter the U.S. at Southern land ports with documents that are fraudulent or with the intent to violate terms of the visa is 27 to 28 years. Those entering through international airports have an average age of 30. (Fraud. Entrants, 1976) Other studies dealing only with the Mexican illegal come to similar conclusions. Some of these are: "mean age", 29, (Dagodag, 1975); 61.4% between the ages of 18 and 29, (Mexico, 1972); predominantly 17-29, (Cornelius, 1976); more than 70% under 30, (Samora, 1971). 25/

### Sex

The percentage of males vs. females in the illegal alien population may affect the impact that the group has on the labor market. It may also indicate the present and future impact on social institutions such as schools and health care

25/ If the probability of being apprehended decreases the longer one has been in the U.S., older illegal aliens are underrepresented in arrest data.

facilities.

Several studies and anecdotal data indicate that the illegal alien population is overwhelmingly male (about 90%). However, these data are based on apprehended illegal aliens and are therefore suspect. INS maintains no overnight detention facilities for women and consequently concentrates its efforts on the apprehension of males (except for individuals apprehended or turned back in the border zone).

Fraudulent Entrants Study found that for the malafide applicants denied entry at the studied land ports, 55 percent were women. At the airports studied, 45 percent of the malafide applicants denied entry were women. These data are based upon a random sample. They challenge the 90 percent male estimate at least for those who do not enter surreptitiously between ports of entry.

Based on his interview sample, North at first appears to accept the nine to one ratio. However, he concludes that the ratio is probably not accurate. He points out that in a study he did in 1975 for the Law Enforcement Assistance Administration, 40 percent of the unapprehended illegal aliens identified were women. Of the 51 unapprehended illegal aliens he interviewed in the 1976 study, 41 percent were female. Of the 344 married apprehended aliens he interviewed in the 1976 study, 135 said that they had a spouse in the United States. While no data

are available to indicate whether the spouse is also here illegally, a substantial percentage are likely to be illegals. 26/

### Educational Level

The educational level of the illegal alien is a particularly important area of consideration in evaluating the impact of this population on the labor market. It can be assumed that the nature of employment and wages which the illegal alien obtains in the U.S. will bear some relationship to his or her educational level. However, the North study indicates that many illegal alien white-collar workers are employed in blue collar positions in the U.S. (North, 1976) 27/

The average number of years of formal education found by North, among apprehended illegal aliens, was 6.7 years. However, for the Eastern Hemisphere, the average number of years was 11.9 (about the U.S. average). The average for Mexican nationals was 4.9 years. Other studies have also indicated

26/ Regarding the North Study, it is imperative to keep in mind that their sample of apprehended illegal aliens was not random. A criterion for selection in that study was that all persons interviewed had to have worked for at least two weeks in the United States prior to apprehension. Because this sample group was apprehended illegal aliens, most of the members were men.

27/ Occupations may require different skills in different countries. A white collar clerk in Mexico may find that a lack of fluency in English limits him to blue collar work in the U.S. Or skills sufficient in country of origin may not be sufficient in the U.S.

a very low average for Mexican illegal alien workers. (North, 1976; Samora, 1971; Mexico, 1972)

Since the educational level of many illegal aliens appears to be low, these individuals would probably find employment in unskilled jobs. The social impact of their presence would be similar to that of other workers in such jobs.

### Marital Status

The marital status of the undocumented worker population could be an important indication of potential for social impact by suggesting permanence (if the illegal alien is married and brings spouse); disruption of family (if married and does not bring spouse); potential for regularization of status (if the individual is seeking a spouse) and the possibility of changing from an illegal status to a legal status (if the individual marries a citizen even though the original intention was not to stay permanently).

The one study which deals with this subject for the illegal alien population as a whole, indicated that thirty-six percent of the twenty-five to thirty-four age group was single. (North, 1976)

The Fraudulent Entrants study developed marital status information only on the individuals who entered through international airports. A majority of both sexes (58.9% and 56.6% of women) were single.

Studies relating to Mexican undocumented workers of all ages also indicated high percentages: 52 percent single (of the entire group of 2,794), usually single (group of 75), 62.3 percent single (group of 1,539) and 46 percent single (group of 493). (Mexico, 1972; Cornelius, 1976; Dagodag, 1975; Samora, 1971)

In addition to the importance of marital status as an indicator of permanence, this factor will also affect the way the individual impacts on the community.

#### Language Ability

English language ability directly affects how an illegal alien will interact with the community. It is thought to be a major determinant of the kind of employment he or she can expect and also may influence his or her decisions as to where to live.

The one study which provided information on language ability for the overall group indicated that sixty-four percent did not speak English. Among Western Hemisphere illegals the percentage was nearly seventy percent. (North, 1976)

For the Mexican group, two studies provided some information. Both reported that ninety percent of the group did not speak English. (North, 1976; Samora, 1971)

One study also found that illegal aliens with a good command of English were likely to have: (1) better jobs,

(2) less problem in avoiding INS, and (3) were likely to live outside ethnic communities. (North, 1976)

### Motivation

An individual who decides to emigrate illegally to the U.S. may do so for a single reason or for several. However, the primary reason for the decision of the majority of illegals appears to be economic. This is attested to by INS data, e.g., number of apprehended illegals employed and number of illegals apprehended while seeking jobs. It is also supported by anecdotal accounts. Additional supporting evidence for this belief can be obtained by comparing economic conditions in major sending countries with those in the U.S. (push-pull factors). While employment opportunities for illegal aliens in the U.S. may be poor by American standards, they are considerably better than those in the country of origin.

Data obtained by North in his interviews of 793 apprehended illegals strongly supports this belief. Seventy-four percent of those interviewed gave employment opportunities as the reason for emigration. When the responses were broken down by region of origin, however, some very interesting contrasts became apparent. Only twenty-three percent of Eastern Hemisphere respondents said that they had entered to find a job. Sixty percent of non-Mexican Western Hemisphere respondents also gave this as a primary motive. In contrast, eighty-nine

percent of the Mexican illegal aliens interviewed by North gave employment as the reason for emigration. The other responses for non-Mexican illegals interviewed by North were as follows: 17% to study, 15% to see the U.S., 6.5% to see relatives and 10% gave other reasons. (North, 1976)

Studies limited to Mexican illegals strongly emphasize the economic nature of the motivation to emigrate. (North, 1976; Cornelius, 1976; Mexico, 1972; Samora, 1971) One study suggested two additional reasons for emigration. These were: a desire to escape parental authority and temporary emigration to the U.S. as a local tradition. (Cornelius, 1976)

#### D. CHARACTERISTICS OF ENTRY

The breakdown by area of origin (Eastern Hemisphere v. Western Hemisphere) confirms what we could logically expect. Most illegals from the Eastern Hemisphere fall into the visa abuser category, while Western Hemisphere illegals from Mexico and Canada usually enter without inspection. Other Western Hemisphere illegal aliens are more likely to be visa abusers. Sixty-one percent of all illegals are apprehended within seventy-two hours of entry. Most of these persons are Mexican EWI's caught at the border or in the border zone. (INS, 1975)

#### Entry Without Inspection (EWI)

Eighty-eight percent of the illegal aliens apprehended by INS are in this category. However, the pattern changes

dramatically when the origin of the undocumented worker is taken into consideration. For example, very few Eastern Hemisphere apprehended illegals are EWI's (2.4%). On the other hand, twenty percent of Western Hemisphere illegals are in this category if Mexico and Canada are excluded. Forty percent of the Canadians are EWI's and ninety-six percent of Mexicans are in this category. (INS, 1975)

A large percentage of illegals entering from Mexico appear to be aided by smugglers. For a price, the smuggler indicates when, where, and how a group should attempt to cross. They are then met by a truck on the U.S. side. Transportation can be arranged as far north as Chicago and services frequently include some sort of forged document. It appears to cost somewhere between \$200 to \$300 depending on the services rendered. (Cornelius, 1976; Dagodag, 1975; Samora, 1971)

#### Visa Abusers and Malafide Entrants

A visa abuser enters on a legal visa, but then overstays or violates the conditions of his/her visa. Individuals in this group are overwhelmingly non-Mexican. Visa abusers are apprehended less frequently because of the nature of INS enforcement efforts. The category represents about twelve percent of the illegals apprehended. 28/

28/ However, it should be noted that INS records indicate that Mexican unresolved departures total almost 400,000 since 1974. This data represents those holding documents.

A subcategory of visa abusers is malafide entrants. This includes those attempting entry with counterfeit or altered documents, as imposters, by false verbal or documented claims to U.S. citizenship, or with valid documents, the terms of which the bearer had or intends to violate, usually to work. It is estimated that in 1975 there were 12 to 14 times as many successful malafide entries as there were entries denied. These statistics relate to entries, not entrants and are therefore not an estimate of population as one individual may enter several times. However, these data mean that over 500,000 (ratio of 9:1 land port to airport) fraudulent entries were made. This figure is exclusive of sea or Northern border arrivals, those with bona fide intentions upon arrival who subsequently violate terms of admission, and those entering surreptitiously between ports. (Fraud. Entrants, 1976)

#### Others

Another group mentioned previously is those Mexican citizens who live close to the border and commute daily to jobs in U.S. border towns under the pretext of shopping in U.S. stores. No data exists as to the number of persons in this category but the group may be sizeable. 29/

29/ One group related to this phenomenon, however, is known. Those holding cards that convey "commuter" privileges number approximately 45,000 on the Southern Border.

E. CHARACTERISTICS OF RESIDENCE

Where and how illegal aliens live in this country is of concern in that it directly affects their impact on communities. Unfortunately, the available information is limited and is of poor quality.

Location

Hard data on the location of illegal aliens within this country are limited to apprehension figures. These, to a considerable degree, are a function of the nature of enforcement activity of the INS. At best they provide an extremely rough indication of where the illegals are. Apprehension data do, however, show that a change has taken place in the distribution of undocumented workers. Illegals are now apprehended in every state and in virtually every town. Substantial numbers of Mexican illegals have moved successively northward away from the border even though the largest concentrations are probably still in the Southwest.

According to one researcher, the largest single element in the illegal alien population on the East Coast is from the island of Hispaniola (Haiti and the Dominican Republic). Another researcher divides the population into three elements: (1) Mexican--residing mainly in California and the Southwest, (2) other Western Hemisphere--mainly East Coast, and (3) Eastern Hemisphere--predominantly East Coast. (Piore, 1974; North, 1976)

One 1972 study, based on interviews with 2,794 Mexican illegal aliens departing voluntarily, indicated that apprehension took place in the following states:

Texas	-	44%
California	-	25%
Arizona	-	10%
New Mexico	-	8%
Illinois	-	3.3%

Residence With Other Illegal Aliens

North indicates that illegals are likely to reside with other illegals. This was especially true with Mexican illegals (53.9%) and also with those that spoke little English. (North, 1976)

Residence in Areas With High Percentages of Resident Aliens and Citizens of Similar Ethnic Background

Beyond the North data, little or no evidence has been found to indicate that illegal aliens are concentrated nationally in areas with high percentages of resident aliens and citizens of similar ethnic background.

Bustamante and others have described the tension existing between illegals and citizens of the same ethnic background. Cornelius mentions that those illegals with relatives in the U.S. may live with them but that this is probably not the majority. Perhaps the best indication that there is some

validity to this assumption is INS's success in making apprehensions in these areas. (Bustamante, 1976; Cornelius, 1976; North, 1976)

### Mobility

Data of several types are available from different researchers which indicate that the illegal alien is highly mobile and frequently returns to his/her country of citizenship. This can be interpreted as proof of the continuing strength of his/her ties to his/her native country. One researcher reported that apprehended illegals returned to their country of origin an average of 2.1 times during a five year period.

Apparently, Mexican nationals have a much higher return rate than non-Mexicans. Mexican illegals returned home on the average of 4.5 times during the last five years. Another study indicated that the average length of stay in the U.S. for Mexican undocumented workers was six to eight months. (North, 1976; Cornelius, 1976)

### Wage Remissions

Frequent remission of part of a worker's earnings to a relative in the country of origin is another indication often cited as proof of the strength of ties with the country of citizenship. One study dealing with illegal aliens of all

nationalities indicated that seventy-five percent of the apprehended illegals interviewed stated that part of their wages were sent home to help support a relative. (North, 1976)

Other studies of Mexican nationals indicated a high wage remission rate. A 1972 study of voluntary departues indicated that 52% sent wages home by mail. Another study tended to confirm this. (Mexico, 1972; Cornelius, 1976)

#### F. CHARACTERISTICS OF WORK PLACE

##### Exploitation

For obvious reasons illegals are vulnerable to exploitation by unscrupulous employers. They can hardly afford to report substandard work-related housing or dangerous working conditions to OSHA nor could they report minimum wage violations even though they are theoretically protected. Numerous horror stories circulate regarding employers who report illegal aliens to INS in order to avoid paying wages. While there can be no doubt that these circumstances do occur, it is difficult to say how widespread the pattern is.

One study based on interviews with illegal aliens of different nationalities, reported that twenty-three percent of the workers were paid at less than the minimum wage. The same study reported that eighteen percent of the workers interviewed felt that they had been hired because they were illegal aliens. (North, 1976)

The study done by the Mexican Government in 1972 revealed that although eighty percent of those interviewed stated that they were willing to go back to the U.S., sixty-seven percent reported they were not paid regularly and/or were still owed wages when apprehended. (Mexico, 1972)

#### Availability of Jobs

Many of the illegals apprehended by INS are discovered at their place of work. While no clear indication of the success rate of undocumented workers in finding employment is available, some information is available for the Mexican group.

Some studies indicate that a number of illegal aliens have considerable difficulty in finding jobs. One study reported that finding a job presented far more difficulty for the illegal alien than eluding the INS. A second study indicated that only forty-seven percent of the voluntary departures interviewed were able to find a job. An earlier study indicated that most illegals are unsuccessful in locating a job. (Cornelius, 1976; Mexico, 1972; Samora, 1971) 30/

#### G. USE OF SERVICES

It has frequently been alleged that illegal aliens produce a substantial drain on public services such as welfare, food stamps, hospital care, public education, etc.

30/ Again, this information may be biased by the groups we are dealing with in the samples.



Several of the studies which base their conclusions on hard data contradict this assertion. For example, a study done in San Diego County indicates that of 9,132 welfare cases, only ten were known to be illegal aliens. The same study reports that in Los Angeles, of 1,400 cases, only fifty-six were found to be illegal aliens. In San Diego, indications were also found that the problem of illegal aliens participating in public education, hospital services and food stamps was minimal. (San Diego, 1975)

Additional information on this topic was obtained from an HEW document which reported error of less than .7 percent in the Aid to Families with Dependent Children (AFDC) program due to citizenship-alienage problems. (HEW, 1975)

The North study also indicated that the problems of use of public services by illegal aliens was minimal. However, it is likely that the North study understates the problem since all persons interviewed worked for at least two weeks in the U.S. prior to apprehension. Of the persons interviewed by North, only .5% had received welfare, 1.5% had received food stamps, 4% had collected unemployment and 27% had used hospitals and clinics. Of the 27% who had used hospitals and clinics, 83% reported that they had paid for the care themselves, or that it was paid for by the employer or by a health insurance plan. In consequence, only 4.6% of North's interview population had received free health care. (North, 1976)

Another study dealing with Mexican illegals indicated that only three out of thirty persons interviewed received unemployment benefits. None of the persons had ever received food stamps, welfare or medical benefits. (Cornelius, 1976)

#### H. CONTRIBUTIONS TO THE TAX BASE

Obviously, illegal aliens pay sales tax and consequently contribute to the tax base. In addition, there are indications that many illegal aliens may pay income tax. The same is true of Social Security taxes. According to North, seventy-three percent of all illegals he interviewed had income tax withholding deducted from their salaries and seventy-seven percent had Social Security deductions taken out. Perhaps more surprising was the fact that thirty-two percent had actually filed tax returns. However, it has been pointed out that some illegals claim more than an appropriate number of deductions for dependents. No indication has yet been found of how widespread this practice is. (North, 1976)

Somewhat contradictory information was developed during a 90-day test conducted by IRS on apprehended illegal aliens in INS detention centers. Of the 1,699 illegals interviewed, 1,090 had outstanding income tax liabilities. The total amount owed in that test was \$247,696, an average per subject of about \$140. As a result of this high frequency of

non-compliance, (of modest average amounts), the IRS is currently studying compliance among employers known to hire illegal aliens. The results of this review are as yet unavailable. (See pages 102-104).

I. SUMMARY

Based on the above discussion, we must conclude that research on illegal aliens is very much in its infancy. In spite of the limitations and deficiencies, certain guides to future research are evident. Although this chapter has not attempted to discuss stage(s) of settlement, this aspect of migration may bear a major relationship to the impact brought about by illegal migration. Because of our lack of knowledge we have not used the soft portrait to predict which stage(s) we may be experiencing. A discussion of settlement stage(s) appears in Chapter VI of the report. In instances where there is considerable agreement among researchers, those points of agreement can be used to formulate hypotheses. Some of the hypotheses emerging from this review are:

1. The principal impact of the presence of illegal aliens at this time is likely to be on the labor market rather than on social services. The nature of the impact may be dependent upon the stage of settlement of various groups of illegals. In the early stages, the illegals tend to be young, single and male. In the latter stages, they tend to have families and remain permanently.

2. A significant percentage of the earnings of illegal aliens is remitted to the country of origin.
3. Mexican migration may be very different from that originating in other countries by method of entry, motivation, frequency of return, education and language ability, and male-female configuration.

## CHAPTER V - DOMESTIC IMPACT OF ILLEGAL ALIENS

In addition to the international forces which establish migrations of people, the domestic impact of illegal aliens must be analyzed. As we have noted in Chapter IV, research on illegal aliens is still in an embryonic state, making an exposition of impacts not only difficult but tentative. Nevertheless, some basic outlines of the socio-economic dimensions of this issue can be developed from available research, comparison groups and standard social and economic theory.

Recognizing that (a) the heart of any dramatic policy shifts is likely to be a function of domestic impact and that (b) domestic impact is a vast area of inquiry, the task forces have developed only select themes consistent with the preliminary nature of this project. Presumably, as better information and greater awareness develops, our view of the illegal alien issue will be increasingly influenced by measures of their impact.

### The Issues of Employment and Earnings

This section presents hypotheses as to the impact of illegal aliens on the labor market and the income of others, a comparison of the demographic and occupational distribution of the illegals with those of legal immigrants, a discussion of the earnings of immigrants and a discussion of guest worker programs in the United States and Europe.

A. HYPOTHESES

Much of the concern with regard to illegal aliens focuses on their impact on the labor market, and the resulting effects on the economy as a whole. One concern has to do with the effect on the economy's total output, Gross National Product (GNP). The other is with the impact on the distribution of real income, that is, on relative wages, profits and prices.

GNP and Relative Incomes

Economic theory does suggest hypotheses as to the impact of the presence of, or an increase in the number of, illegal aliens. The total real output (GNP) produced by the economy increases in response to the greater employment supply due to immigration, whether legal or illegal. Even the total real income of those already residing in the United States increases.<sup>31/</sup> However, the gain in real income is not shared uniformly.

As relative wages for illegal aliens decline in response to an increase in their labor supply, the owners of firms employing illegal aliens and the consumers of the goods produced by illegal aliens tend to gain through higher profits and lower prices, respectively. On the other hand, the relative

<sup>31/</sup> This follows from the standard assumption of a declining marginal product of labor. The marginal product of labor declines if the extra output from an extra million workers decreases as the size of the labor force increases, other factors held constant.

wages of legal resident workers who are close substitutes in employment for the illegal aliens also decline. They suffer a loss in earnings that is not likely to be fully compensated by the decline in the prices of goods and services that illegal aliens produce or by increases in the return on their nonlabor assets. In short, many residents may gain a little at the much greater expense of a few. Historically, public policy has attempted to protect the interests of those upon whom such burdens fall and this analysis is not intended to suggest departures from this principle.

As will be shown below, apprehended illegal aliens tend to be low skilled. And during the first few years in the United States, immigrants in general tend to be less productive than native born persons of a similar age and schooling, as the immigrants are not familiar with the language, skills and customs relevant to U.S. labor markets. If the illegal aliens are in fact low skilled, then low skilled legal resident workers are likely to be close substitutes for them in employment. Consequently, the increase in the relative supply of unskilled workers brought about by the presence of illegal aliens would tend to depress the real and money wages of unskilled workers.

But this same presence implies a decline in the proportion of skilled workers in the labor force, and the relative wages of skilled workers to unskilled workers will therefore tend to increase.

The lower real wages for all low skilled workers as a result of the illegal immigration of low skill workers could appear as either a slower growth in money wages or a deterioration in working conditions. The latter effect is more likely if there is a floor under money wages, for example, because of minimum wage legislation. Workers can be expected to respond to a deterioration in working conditions in a manner similar to their response to lower money wages.

The relative decline in wages in the occupations that are intensive in lower skilled illegal alien labor would encourage legal resident workers to leave these sectors, and this occupational change is sometimes referred to as the displacement effect. Some of these workers would go to other lower skilled jobs and tend to depress wages there. Others, however, would acquire training to qualify for higher skilled jobs, as the financial return to training has increased. While still others (particularly the aged and married women with young children) would tend to drop out of the labor force.

The decline in the earnings and employment of low skilled workers would result in an increase in transfer payments. Experienced workers who become unemployed would qualify for unemployment compensation benefits. Some older workers would apply for social security. Low income families would qualify for Food Stamps, and possibly AFDC, among other programs.

In the past there has been much concern with the outflow of dollars from the United States. This arose because during a period in which the Government was attempting to defend fixed exchange rates, an increase in the short-term net outflow of dollars could have serious balance of payments difficulties, and result in substantial manipulation of the domestic economy. In the current era of flexible exchange rates, however, such problems disappear in the long run. <sup>32/</sup>

There is also a concern among some that the "leakage" of U.S. dollars due to immigrant remittances has an adverse effect on U.S. employment and output. This is not the case as ultimately other countries use these U.S. dollars to buy U.S. goods and services. As far as domestic output and employment are concerned, it does not matter whether a U.S. resident spends \$100 in the United States or a foreigner who received this money from a U.S. resident spends \$100 for U.S. export.

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<sup>32/</sup> The impact of the short run adjustment process is ambiguous.

Unemployment and Job Vacancies

There is substantial concern that illegal aliens reduce the number of jobs available for legal workers, and thereby create unemployment for legal workers. Some even imply that this occurs on a one-for-one basis. This view, however, is based on the assumption that there are a fixed number of jobs in the economy, and giving one person a job implies denying it to another. As long as relative wages can respond to changing relative supplies of different types of labor, an increase in the size of the illegal alien population per se will not increase unemployment in the long run. There may, however, be some short-run impact as legal residents may have to engage in a somewhat longer job search process until they adjust to the new situation.

The unemployment impact is heightened when there is a floor under wages and working conditions. If illegals work at levels that just meet or violate Fair Labor Standards Act or Occupational Safety and Health Act provisions, but natives will not, employers would hire at least some illegals at legal residents' expense. Furthermore, the violation of such standards undermines the effectiveness of those protections for native workers. The low skilled legal residents whose productivity rests at the minimum

employment cost (the minimum wage plus the cost of legally mandated fringe benefits and working conditions) would have difficulty finding employment. They would experience greater unemployment as they search for a job opening. This adverse employment effect is likely to be most severe for legal residents who are teenagers, disabled, or clearly unskilled -- those who have the lowest productivity. Some unemployment from this source is not transitional, and can persist for a long time especially if the legal minimum employment cost rises at least as fast as average wages in the economy.

The argument is sometimes advanced that illegal aliens do the jobs that all legal resident workers find so distasteful that these jobs would not be filled if there were no illegal aliens.<sup>33/</sup> In this view, illegal aliens are not substitutes in employment for legal workers because the latter would not accept the jobs the illegals fill. To attract legal workers to such jobs money wages and working conditions would have to be increased by so much that firms that now rely on illegal workers would go out of business or substantially change their conditions of employment through a substitution of capital

<sup>33/</sup> The benefits received from income transfer programs may be sufficient to discourage legal workers from taking jobs that offer low wages and undesirable working conditions.

for labor. The curtailment of the use of illegal alien labor may then have little effect on legal worker employment, but would raise costs to these firms and raise the relative prices of the items they produce.

This view rests on the two assumptions that it would take a very large increase in real wages to induce legal workers to these jobs (inelastic labor supply) and that the demand for these products declines sharply in response to price increases (elastic demand for the item). The argument was most forcefully raised in discussions of the Bracero program, but as will be indicated below, these fears were not well founded. Thus far there is no evidence that these conditions apply to sectors employing illegal aliens. However, more information is needed about the illegal alien labor market before this controversy can be fully resolved.

#### Taxes and Social Services

The gain to the resident population from additional immigration (legal or illegal) is reduced to the extent that the taxes paid by immigrants (or in their behalf by their employers) are less than the sum of the extra cost to society of providing them with social services and the extra burden they place on the criminal justice system. The taxes include income, payroll, property, sales and excise taxes. Even if illegal aliens do not directly

pay property taxes, and if many evade income taxes, a smaller proportion could evade paying social security taxes (see Chapter IV). Social security taxes are the major source of Federal tax revenue from low-income families. 34/

Social services include subsidized hospital care, schooling for children, and welfare benefits. To the extent that illegal aliens are predominantly adult but not aged men, and to the extent that they seek to avoid contact with government authorities, their use of social services would be minimal and the extra cost to the taxpayers as a whole would be small. Chapter IV suggests on the basis of the research performed to date that their use of social services would seem to be minimal at this time. However, if low income alien workers bring their families to the U.S., their use of social services may exceed their contribution to that form of taxes.

#### Additional Hypotheses

A particular level of net migration may be observed because there is a large turnover in the immigration population, that is, many migrants return to their country of origin after working in the United States for a short period of time. The same net migration can also be observed because of a gross inflow and little or no return migration. The latter implies a longer average tenure in the United States of illegal aliens. Since it is shown below that

34/ In 1976, the combined employer and employee Social Security tax is 11.7 percent of the first \$15,300 of a worker's earnings.

tenure in the United States is an important determinant of the productivity and earnings of migrants, these different determinants of a given level of net migration have different implications for the impact of illegal aliens. At this time, however, there is too little data to estimate the magnitude of the net and gross flows, or the average tenure in the United States of illegal aliens.

Finally, a complete model of immigration should treat net and gross flows of immigrants as endogenous. Migrants tend to respond to employment opportunities in the United States, and in their country of origin. If illegal aliens are responsive to employment opportunities, their net migration rate would be lower during a recession in the United States. Then, they may contribute little to the growth in unemployment during a recession.

Although the gross and net effects of these factors need to be quantified to test these hypotheses and to estimate the economic impact of illegal aliens, the scanty data currently available cannot provide definitive answers. At most they can indicate the direction of some of the effects.

B. DEMOGRAPHIC CHARACTERISTICS OF LEGAL AND ILLEGAL IMMIGRANTS

If legal and illegal aliens are comparable demographically, information on the former may provide for postulating about the latter. The basic source of information on the characteristics of foreign born residents of the United States is the 1970 Census of Population. These data indicate that of the 9.6 million foreign born residing in the United States, 4.4 million (46 percent) are males. Of these males ages 16 to 64, 88 percent were in the labor force in March 1970. Similarly, among foreign born women age 16 to 64, 47 percent were in the labor force. The respective unemployment rates in March 1970 for the foreign born were 3.8 percent for males and 6.0 percent for females, compared to 3.9 percent and 5.2 percent respectively for the entire (native and foreign) population.

By way of comparison, the studies primarily of apprehended illegal aliens cited in the Soft Portrait in Chapter IV suggest that the illegal alien population is predominantly male.<sup>35/</sup> This proportion would probably be higher if the data were limited to illegal aliens who expect to stay permanently, but it would still be a predominantly male population.

<sup>35/</sup> The proportion of women among apprehended illegals may be less than among all illegal aliens because of INS apprehension policies.

There is evidence that apprehended illegal aliens have a high unemployment rate but are actively seeking work and thus show a very high labor force participation rate. Based on a small sample, North and Houstoun estimated that the unemployment rate from 1970-1975 averaged 10.2 percent.<sup>36/</sup> This study, as well as other studies on illegals, indicates that the labor force participation rate is close to 100 percent, that is nearly all are employed or actively seeking employment. It appears that illegal aliens are a working population rather than one that is largely unemployed or out of the labor force.

These data imply that the unemployment rates and the labor force participation rates of illegals exceed those of the foreign born residents as reported in the Census. It is not known, however, to what extent illegal aliens make themselves particularly vulnerable to being arrested when they are without a job and are looking for work. Also, adjustments to U.S. labor markets take time, and the apprehended illegals tend to be relatively recent arrivals. It is not known to what extent the unemployment rate of illegal aliens and the

<sup>36/</sup> David North and Marian Houstoun, "The Characteristics and Role of the Illegals in the U.S. Labor Market," Linton and Co. Inc., Washington, D.C., 1976. Their sample was limited to 793 non-randomly selected illegal aliens who had worked for at least two weeks prior to apprehension. Thus, labor force participation would be expected to be high. The sample consisted largely of apprehensions, although some had not been apprehended.

probability of being apprehended decline with tenure in the United States. Given the age and sex distribution of the illegal alien population (see Chapter IV) and fears of potential deportation if they are detected by the authorities, their high labor force participation rate is not surprising.

Table 1 compares the occupational distribution of the male illegal aliens in the North-Houston study with that of foreign born males (whose occupational distribution is similar to that of all U.S. males). The table indicates substantial occupational disparity between North-Houston's illegal aliens and the foreign born residents. While nearly 80 percent of the illegal population were employed in the generally unskilled categories of nonfarm laborer, operative, service worker, and farm worker, about 40 percent of the foreign born males were similarly employed. The illegal aliens in the North-Houston study are underrepresented in the professional and managerial occupations (2.9 percent compared to 27.2 percent). The occupational differences are somewhat smaller in a comparison between the illegal aliens, who tend to be of relatively short duration in the United States, and foreign born men who migrated between 1965 and 1970.<sup>37/</sup>

<sup>37/</sup> The apprehended illegal aliens are likely to be more recent arrivals because (a) apprehended illegals are either deported or made legal and the probability of having been apprehended sometime would increase with tenure in the United States, (b) the probability of being apprehended in a year may decline the longer one has been in the United States, and (c) illegal aliens may be more likely to have viewed migration to the United States as temporary.

Table 1. Occupational Distribution of Employed Foreign Born Males Aged 16+ and Apprehended Illegal Aliens (%)

<u>Occupation</u>	<u>All Foreign Born Males (1970)</u>	<u>Foreign Born Males Who Entered 1965-1970 (1970)</u>	<u>Apprehended Illegal Aliens (1975)</u>
<u>White Collar Workers</u>	39.6	37.7	5.4
Prof; Tech. & Kindred	16.9	22.4	1.6
Owners; Mgrs; and Admin. except Farm	10.3	5.3	1.3
Sales Workers	5.9	3.0	1.1
Clerical & Kindred Workers	6.5	7.0	1.4
<u>Blue Collar Workers</u>	45.1	45.8	55.2
Craft & Kindred Workers	21.3	17.5	15.3
Operatives	17.8	21.4	25.1
Nonfarm Laborers	6.0	6.9	14.8
<u>Service Workers</u>	12.1	13.6	20.6
<u>Farm Workers</u>	3.2	3.1	18.8
Total	100.0	100.0	100.0
Sample Size	(1)	(1)	628

Note: Detail may not add to total due to rounding.

(1) Five percent sample of the U.S. population.

Source: Columns 1 and 2: 1970 Census of Population, Subject Reports PC(2)-1A, National Origin and Language -- Table 18, p. 466. Column 3: David North and Marian Houstoun "The Characteristics and Role of Illegal Aliens in the U.S. Labor Market," Linton and Co., Inc., 1976 Table V-3. See Footnote 36 on p. 165.

Table 2 compares the occupational distribution of employed Mexican born male U.S. residents (all and those who migrated between 1965 and 1970) with that of the North-Houston sample of Mexican illegal aliens. The divergence in the occupational distributions between the foreign born and the North-Houston illegal aliens largely disappears when the data are limited to recent arrivals from Mexico.<sup>38/</sup> The four unskilled categories of nonfarm laborer, operative, service worker, and farm worker accounted for 84 percent of the Mexican illegals while 79 percent of the resident Mexicans that entered in 1965-70 were in these classifications. For professional and managerial occupations the proportions were 0.5 percent for the illegals and 3.1 percent for the recent migrants. These distributions are very similar.

It must be noted, however, that the North-Houston sample is not a random sample of illegal aliens. It is not known to what extent their procedures would tend to bias their sample in favor of persons with low occupational levels, particularly farm workers. In addition, their sample size was very small.

<sup>38/</sup> This is to be expected since the Mexicans were 65 percent of the sample of illegals and 10 percent of the foreign born men who arrived between 1965 and 1970, and immigrants from Mexico have an occupational distribution that differs from that of other immigrants.

Table 2. Occupational Distribution of Employed Males Born in Mexico and Apprehended Mexican Born Illegal Aliens (%)

<u>Occupation</u>	<u>Born in Mexico (1970)</u>	<u>Born in Mexico, Entered U.S. 1965-1970 (1970)</u>	<u>Apprehended Mexican Illegal Aliens (1975)</u>
<u>White Collar Workers</u>	11.7	6.7	1.2
Prof; Tech & Kindred	3.2	2.1	0.5
Owners; Mgrs. and Admin. except Farm	3.0	1.0	--
Sales Workers	2.3	1.0	0.7
Clerical & Kindred	3.2	2.6	--
<u>Blue Collar Workers</u>	61.2	63.2	54.8
Craft & Kindred Workers	18.8	13.8	14.3
Operatives	27.4	33.5	22.6
Nonfarm Laborers	15.0	15.7	17.9
<u>Service Workers</u>	11.5	13.4	16.9
<u>Farm Workers</u>	<u>15.6</u>	<u>16.7</u>	<u>27.0</u>
Total	100.0	100.0	100.0
Sample Size	(1)	(1)	407

Note: Detail may not add to total due to rounding.

(1) Five percent sample of the U.S. population.

Source: Columns 1 and 2: 1970 Census of Population, Subject Reports PC(2)-1A, National Origin and Language -- Table 18, p. 487. Column 3: David North and Marian Houstoun, "The Characteristics and Role of Illegal Aliens in the U.S. Labor Market," Linton and Co., Inc., 1976, Table V-5. See footnote 36 in p. 165.

In summary, from Chapter IV and this chapter it appears that apprehended illegal aliens differ demographically from the resident foreign born population. The apprehended illegals are more likely to be young adult males, in low skilled occupations, and unemployed. However, these differences narrow dramatically when the comparisons of illegal aliens with the foreign born are done separately for persons of Mexican and non-Mexican origin, and when the foreign born are recent immigrants. This suggests that useful insights about male illegal aliens may be obtained from analyses for the foreign born, if particular attention is given to the effects of country of origin and tenure in the United States. These conclusions must remain tentative and preliminary, however, until we obtain more and better data on the illegal population.

### C. THE IMPACT

The impact of illegal aliens on the U.S. labor market is difficult to assess because there is little information on the number of illegal aliens in the United States, their earnings, schooling and job training, their knowledge of English, and their tenure in the United States. However, legal immigration may pose many of the same problems associated with illegal immigration. By combining an analysis of the earnings and economic ramifications of immigrants in general with what little is known about how illegal aliens differ

from legal immigrants, one can draw inferences about the earnings and labor market impact of illegal aliens. This section first considers the earnings of foreign born men, and the native born sons of the foreign born, to analyze the effects of tenure in the United States and country of origin and to see if they form a disadvantaged group. It then discusses some aspects of the impact on others through an examination of "guest worker" programs.

Earnings of Immigrants<sup>39/</sup>

Upon arrival illegal aliens may be at a greater earnings disadvantage than foreign born persons who are legal residents with similar skills and a similar tenure in the United States because the former will tend to avoid situations that could result in their illegal status being revealed to the authorities. This earnings disadvantage may include wage discrimination by employers who know or suspect that they are illegals. It is likely, however, that over time, illegal aliens learn how to mask their illegal status. This is suggested by the large proportion of recent arrivals among those apprehended by INS district office investigators. If so, the earnings disadvantage of illegal aliens relative to legal foreign born residents would diminish over time. Thus,

<sup>39/</sup> The analysis of the earnings of the foreign born and foreign parentage is based on Barry R. Chiswick, "The Effect of Americanization of Earnings," mimeo, July 1976, and uses data from the 1970 Census of Population.

the earnings history of foreign born persons may provide useful insights into the likely experiences of illegal aliens.

Although the native and foreign born white men had approximately the same annual earnings in 1969 (Table 3), they differed in several important characteristics associated with earnings. Foreign born men have a lower level of schooling, a mean of nearly 11 years compared to a mean of nearly 12 years for the native born. However, foreign born men are nearly three years older and are more likely to live in urban areas and outside the South. Although the average annual earnings of the foreign born are 1 percent lower than the native born, using regression analysis it is found that for persons of the same schooling, age, marital status, and place of residence, the foreign born have weekly earnings that are 3 percent higher than those of the native born.

Among foreign born men the effect on earnings of an extra year of schooling and an extra year of labor market experience prior to immigration is lower than the effect of schooling and experience for the native born. This may arise because there are elements in the knowledge and skills acquired in school and in job related training (labor market experience) that are country specific. That is, knowledge and skills may have a large impact on earnings in the country in which they are acquired.

Table 3. Means of Earnings Related Characteristics of White Men  
Age 25 to 64 by Nativity Status, 1969

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<u>Variable</u>	<u>All Men</u>	<u>Native Born</u>	<u>Foreign Born</u>
1) Earnings (\$)	9,734.09	9,738.13	9,662.01
2) Education (years)	11.84	11.90	10.83
3) Age	42.92	42.77	45.64
4) Weeks Worked	48.16	48.22	47.16
5) Percent Rural	29.39	30.39	11.49
6) Percent South	28.03	28.88	12.89
7) Percent Not "Married Spouse Present"	14.76	14.66	16.53
8) Percent Foreign Born	5.31	0.0	100.00

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Number of observations

- (a) All -- 36,245
- (b) Native Born -- 34,321
- (c) Foreign Born -- 1,924

Source: 1970 Census of Population, 1/1,000 Sample, 5 percent  
questionnaire.

Earnings rise with tenure in the United States for the foreign born, presumably because after immigration they acquire knowledge and skills that are specific to the United States. Five years after immigration the foreign born have earnings 10 percent lower than the native born (other things the same), but earnings are approximately equal after 13 years, 6 percent higher after 20 years, and 13 percent higher after 30 years. For this effect to emerge, among persons of the same age, schooling and area of residence, the foreign born would have to have more innate ability, motivation or other earnings generating characteristics than the native born. If the distribution of ability were the same in the United States as elsewhere (schooling and age constant), this would suggest a selectivity bias in migration -- that is, a tendency for the migrants to be of disproportionately high ability or highly motivated people.

There is an effect on earnings of the country of birth of foreign born white men. For the same schooling, age, etc., country of origin is generally not related to weekly earnings, with men from Mexico and Cuba being primary exceptions. Compared to the earnings of other foreign born men those from Mexico and Cuba have earnings that are lower by 33 percent and 24 percent, respectively.

To determine the cause of the lower earnings for men born in Mexico, these persons can be compared with native born men

of Spanish surname living in the five southwestern states. Largely because they have less schooling and fewer weeks of work during the year, men born in Mexico had annual earnings that were 22 percent lower than the native born men of Spanish surname. However, for men of the same age, schooling and place of residence there was no difference in earnings. The earnings of men born in Mexico are sensitive to the number of years since migration to the United States. Although initially the earnings of Mexican-born men are substantially lower than for native born Spanish surname men, they rise rapidly with tenure in the United States and reach equality with that of native born Spanish surname men after 15 years, and are higher thereafter. The Mexican/Spanish surname analysis suggests that the earnings disadvantage of immigrants from Mexico compared to other immigrants reflects problems shared in common with native born Mexican-Americans. That is, it is an ethnic group, rather than an immigrant group, effect.

The Cuban born are geographically concentrated (urban Florida) and are relatively recent migrants. At this time it is too early to determine whether their lower earnings arise from their being recent migrants and that this disadvantage will decrease over time, or whether it reflects longer term or permanent effects possibly arising from the different motivation for migration than other recent immigrants.

There do not appear to be adverse second generation effects. Men of foreign parentage have annual and weekly earnings about 12 percent higher than men with native born parents (Table 4). About one-half of this difference arises because second generation Americans are less likely to live in a rural area or in the South. The native parentage and foreign parentage have a similar level of schooling.

Earnings are lower (by 2.0 to 4.5 percent) if a language other than or in addition to English was spoken in the home when the person was a child and it appears to matter which parent is foreign born. Compared to persons with both parents native born, those of foreign parentage have earnings that are 7 to 8 percent higher if only the father is foreign born, but there is not significant difference if only the mother or both parents are foreign born. Persons of Mexican parentage do have lower earnings, as is also true of Mexican-Americans whose parents were born in the United States. Again, this appears to reflect an ethnic group rather than an immigration group effect.

In brief, these findings suggest that the earnings of white foreign born men are not substantially different from white native born men. Concerns that immigrants (or their descendants) form a long-term "underclass" appear to be unfounded. While immigrants from Mexico have lower earnings, this is also

Table 4. Means of Earnings Related Characteristics of Native Born White Men, Age 25 to 64, by Nativity of Parents, 1969

<u>Variable</u>	<u>All</u>	<u>Both parents native born</u>	<u>One or both parents foreign born</u>
1) Earnings (\$)	9,653.53	9,441.93	10,567.98
2) Education (years)	11.91	11.92	11.85
3) Age	42.72	41.71	47.08
4) Weeks Worked	48.27	48.27	48.28
5) Percent Rural	30.24	33.14	17.70
6) Percent South	29.24	33.60	10.37
7) Percent not "Married Spouse Present"	14.44	14.55	13.96
8) Percent Father Foreign Born	16.24	N.A.	86.41
9) Percent Mother Foreign Born	13.91	N.A.	74.02
10) Percent Both Parents Foreign Born	11.36	N.A.	60.43
11) Percent One Parent Foreign Born	18.79	N.A.	100.00
12) Percent in which a Language other than English was Spoken in the Home	22.69	12.73	65.76

Number of observations

- (a) All -- 33,878
- (b) Native Parentage -- 27,512
- (c) Foreign Parentage -- 6,366

N.A. -- not applicable

Source: 1970 Census of Population, 1/1,000 Sample, 15 percent questionnaire.

true of Spanish surname people whose ancestors have lived in the United States for many generations. The foreign born initially have less training and knowledge specific to U.S. labor markets, but this disadvantage appears to be overcome as time passes and, other things the same, the foreign born eventually have higher earnings than the native born.

The implication is that, if left undetected, illegal aliens may experience a similar earnings history. Initially, however, their attempts to evade the authorities may result in somewhat lower earnings than legal foreign born residents. Apprehended illegal aliens tend to be disproportionately of Mexican origin and disproportionately recent arrivals and can therefore be expected to have lower earnings than the overall native born or foreign born population.

#### Bracero Program

The end of the Bracero Program in 1964 provided an excellent opportunity to gain insight into the effects of a reduction of immigration on the sectors that employ unskilled aliens. Officially sanctioned use of Mexican nationals in U.S. agriculture ran from 1941 to 1964 with statutory authorization granted in 1949 (Public Law 78). The use of braceros was restricted to areas where the Secretary of Labor certified that: (1) a shortage of bona fide domestic farm workers existed; (2) the employer had unsuccessfully sought to hire

native labor; and (3) the wages and work conditions of domestic agricultural workers would not be impaired.

The peak period was 1955-59 with over 400,000 workers annually. Employed in 30 states, 79 percent worked in Texas and California with cotton as the major crop throughout the period. During the last years (1960-64) the numbers declined steadily. Demand for unskilled labor was sharply reduced by mechanization, larger farms and capital intensive crops in U.S. agriculture, as well as by stricter Department of Labor regulations governing the use of foreign nationals.<sup>40/</sup>

A rise in farm wage rates in areas formerly using braceros was one major result of the end of the Bracero program. Nationally, the hourly wage rate for farm workers not receiving room and board increased 2.9 percent per year between 1955 and 1964. In 1965 it increased 5.6 percent, the largest annual increase since the Korean War. The sharp rise in wages in 1965 was a once-and-for-all effect as the supply of U.S. labor adjusted to the new circumstances.

The decreased use of foreign farm workers expanded employment for U.S. workers by about 100,000 in 1965. At the August peak, 86,000 more Americans were employed as seasonal workers than one year earlier and unemployment for agricultural labor fell to 4.8 percent from the 6.5 percent in the previous year. This sharp decline in unemployment was temporary, a

40/ U.S. Department of Agriculture, Economic Research Service, Termination of the Bracero Program: Some Effects on Farm Labor and Migrant Housing Needs, Rept. No. 77, June 1965, pp. 4-6.

short-term response to an unexpectedly tight labor market for legal residents working in this sector. The U.S. balance of payments improved by an estimated \$50 million annually. <sup>41/</sup>

The impact of the Bracero program was directly addressed by a study of the cucumber industry in Michigan. <sup>42/</sup> Prior to 1964 the majority of cucumber pickers were Mexicans. Although farm employers had claimed that U.S. workers would not pick cucumbers, in actual practice, U.S. workers became available as wages increased and nonwage provisions of employment improved. Another consequence of the curtailed supply of Mexican labor and the higher wages was an increase in the capital-labor ratio, as growers increased their use of mechanical harvesters. However, the increased costs of production lowered the income of Michigan cucumber farm owners and raised the price of cucumbers compared to what they would have otherwise been.

Two empirical studies that have some bearing on these issues are by A. Ericson and Brian Rungeling. <sup>43/</sup> They studied the labor market impact of Mexican commuters who crossed the

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<sup>41/</sup> Final Report, California Farm Labor Panel to Secretary of Labor Wirtz, 12/1/65, L.A., Calif.

<sup>42/</sup> John D. Mason, "The Aftermath of the Bracero: A Study of the Economic Impact on the Agricultural Hired Labor Market of Michigan from the Termination of Public Law 78" (unpublished Ph.D. dissertation, Michigan State University, 1969).

<sup>43/</sup> A. Ericson, "The Impact of Commuters on the Mexican American Border Area," Monthly Labor Review, 98 (August, 1970); Brian Scott Rungeling, "Impact of the Mexican Labor Commuter on the Apparel Industry of El Paso, Texas," (unpublished Ph.D. dissertation, University of Kentucky, 1969).

Mexican border daily to work in the United States. They found that in the border cities where commuters are working, wages were lower and unemployment rates higher than in the rest of the border areas and the country as a whole.

The Bracero experience illustrates some important points underlying the impact of immigrants. First, employers of alien labor do not want the migration curtailed as this tends to raise labor costs. Second, the U.S. workers' "disinclination" for jobs usually held by alien labor declines as there are improvements in wages and working conditions. Third, U.S. workers may exaggerate the adverse employment effect of alien workers by assuming that a job held by an alien necessarily means one less job for a citizen.

#### European Guest Workers

The countries of northern Europe have in the last decade made extensive use of imported labor for manufacturing and service jobs in a manner similar to our Bracero program. <sup>44/</sup> It is sometimes suggested that this may serve as a model for a U.S. guest worker program for nonfarm jobs. Although there is little hard data on the impact of the European guest workers, a review of the European experience may provide insights into the likely effects of a similar program for the United States.

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<sup>44/</sup> In Western Europe there are about 10 million foreign workers. The largest impact is in Switzerland where almost 1 million alien workers comprise one-quarter of the labor force.

The immigration to the more developed European countries was in response to the rising real incomes and wages that accompanied the economic growth in the post-World War II period. The rising wages for low skilled workers would have increased the cost of many goods and services, and provided an incentive to bring in lower wage workers to mitigate the low skill "labor shortage." Many believe that this contributed to Europe's economic growth in the 1960's. With the slower rate of economic growth in the 1970's and particularly the recession triggered by the 1973 oil crisis, the relative importance of guest workers has declined.

Opinions are shifting as to the long-term economic and political benefits and costs of the guest worker programs. Clearly, the workers migrate in response to jobs that would presumably otherwise not be done or would be done at a higher cost. When they first arrive, guest workers accept low wages, come without their families and place few demands on the social service structure. Thus wages for low skilled workers are held down and existing industrial capacity is used more productively than otherwise.

Many migrants initially perceived themselves as temporary, seeking to save some money and then return to their native land. They soon find that their goal to return home is overtaken by the desire for the "good life" in the host nation, the high living costs which make it more difficult to save than had

been anticipated, and by their acquiring skills that are more productive in the host country. Although they are generally from cultural and often ethnic strangers, many do not return after the first few years and are eventually joined by their families or marry into the local community. Once established, other relatives and fellow villagers tend to join them. As a result, the demands on housing and social services increase. And, as they acquire skills and knowledge of the country they become more competitive with native workers for jobs and housing.

As a result of a growing number of guest workers, rising ethnic (nationalistic) tensions, and the recent recession in the developed countries, policies toward guest workers have changed. However, the magnitude of the actual decline in the use of guest workers is difficult to quantify. In November 1973, Germany announced an end to new guest worker migration. In mid-1974, France followed. The Swiss have declared a ceiling of 600,000 guest workers, down from 1 million, and in Holland numbers are being cut severely despite economic advice which calls a steady supply a stimulus to economic growth. The Dutch government has articulated its stand in a comprehensive document which argues for stabilizing the present foreign population through family reunion but then ending migration, even at the expense of a diminution in growth. The European experience suggests that beyond some point it may

be politically and socially, if not economically, better to move capital and modern technology to unskilled labor in the poorer countries, instead of bringing unskilled labor (and the resulting social conflict) to the developed nations.

D. SUMMARY AND CONCLUSION

We would expect a large net inflow of illegal alien workers to have an important impact on the economic conditions of the U.S. resident population. The illegal migration appears to be in response to better job opportunities in the United States than in the country of origin, and an inability to acquire a legal status. With regard to the domestic economic impact, the important questions are the nature and magnitude of the effects on the total income received by the legal U.S. population and on the distribution of this income through changes in the occupational distribution, unemployment, relative wages, profits and relative prices. Although qualitative statements can be made, given our limited information on the size and characteristics of the illegal alien labor force, and on the supply and demand responses in the markets for factors of production and for goods and services, it is not possible at this time to quantify these impacts.

To the extent that illegal aliens are predominantly lower skilled workers, their presence tends to lower the wages and working conditions of U.S. workers in low skilled jobs. In the adjustment process, domestic unemployment tends to increase. Over time, however, if the illegal aliens are able to mask their illegal status they can acquire skills and knowledge more relevant to U.S. labor markets and their earnings would increase. They then become more competitive with more skilled U.S. workers.

The presence of these illegal alien workers tends to raise the average real income of the legal resident population. This effect is mitigated to the extent that the illegals' use of social services and their impact on the criminal justice system exceeds their contribution in the form of taxes. Most apprehended illegal aliens are young adult males who seek to avoid contact with the authorities. If they are representative of the illegal alien population, the use of services by illegal aliens is likely to be relatively small. However, if they were to bring their families with them, their use of social services might exceed the value of their taxes.

Public policies with regard to illegal aliens (and the size of legal immigration) should take full account of the effects on both the total income of the legal population and the distribution of this income. However, while fewer restrictions on immigration may increase the average real income of the resident population, the increase creates declining real incomes for those most competitive with the new immigrants. Historically, policy has been directed at minimizing or eliminating such adverse effects.

This chapter has outlined the variables and parameters of interest in a study of the economic impact of immigrants, whether legal or illegal. For many of these parameters a priori analysis indicates the sign, or direction of the effect. Further research is needed, however, to extend the theoretical analysis and to quantify the relevant parameters. The latter is essential for the estimation of the magnitude of net effects. This type of analysis would provide insight into the optimal size and structure of immigration, and serve as an aid in the reevaluation of immigration policy.

CHAPTER VI - ILLEGAL IMMIGRATION: SOCIAL ISSUES

The issue of employment and earnings of illegals comprises one important component of the domestic impact of illegal aliens. A variety of other issues are presented by the undocumented migration of large numbers of people to the United States. Loosely defined as the social issues, they are most keenly felt at the community level where they affect in very basic ways thousands of individuals and institutions daily. The framework within which the social issues develop is an outgrowth or extension of the migration principles discussed in Chapter II. It should again be noted that migration is to some extent influenced by laws and policies of host and sending nations. However, it is fundamentally characterized by general principles and patterns which transcend the particular institutions and regulations of individual countries. This same theme applies to re-settlement of population groups.

A. SETTLEMENT PATTERNS OF MIGRANTS <sup>45/</sup>

The movement of migrant workers from one country to another proceeds in general according to four stages.

<sup>45/</sup> This section is based on Marshall, Ray, "Economic Factors Influencing the International Migration of Workers", Paper presented at Weatherhead Foundation, San Antonio, April 15, 1975; and Power, Jonathan, "Europe's Army of Immigrants", based on paper commissioned for International Institute for Environment and Development, 1974.

1. Young, unmarried adults predominate having moved from rural areas of the sending country (ies). Often they find employment in the agricultural sector. The migrants' intention tends to be to remain temporarily and return home with enough money to improve life there. These workers are generally the more highly educated and aggressive of the working classes from which they originate.
2. Married men join the younger, unmarried adults attracted by stories of opportunity told by returning workers. In both the first and second stages, there is considerable movement back and forth between source and host countries and the host country invariably treats the workers as temporary.
3. Single adults marry natives of the host country and married men send for their wives and families to join them. Movement between countries declines. This stage is brought on by a basic change in aspirations, skills and acculturation of the worker. Sending country conditions no longer appear attractive relative to life in the host country and hope for the future attaches to the new home. It is with the change in aspirations that the conditions which turn temporary workers into permanent residents are set in motion. The change in aspirations is fueled by the increased use of migrants in occupations other than those of the initial penetration point. Favorable experience by host country employers creates the continuing demand which renders the process self-sustaining.
4. Supporting populations of ethnic employers, religious leaders, social service agencies and small businesses appear. They cater to the new groups and are sustained by them.

Thus alien workers often first enter the host country with the objective of earning money to gain particular objectives and return home. While many return, many remain undergoing a change in aspirations born of experiences and conditions no longer compatible with realities in their

native country. This change is reinforced by positive employer reaction to the use of foreign workers.

Host countries, on the other hand, tend to adopt measures which restrict employment of migrants and their pattern of movement to the second stage attempting to maximize the productivity of the workers and minimize the net burden of their non-working family members on the social infrastructure and fabric of the host society. Restrictions usually include limiting the employment of the aliens to occupations native workers spurn. The general tendency of native workers to move out of low status jobs is characteristic of economic growth and creates a demand for immigrant workers to fill "undesirable jobs" which, if not redefined, stimulate migration.

Despite the attempt, restrictions rarely succeed in preventing permanent settlements. The social and economic forces which bring about a change in the alien's aspirations and job opportunities are greater than the attempts made to check them. Employers will substitute foreign workers for natives as quickly as possible. Friction between native and alien workers tends to be minimal in a growing economy but intensifies during times of unemployment. The competition for jobs exacerbates social relations, even though it may increase the income of the native population as a whole. Tension is magnified by the family settling features of stage

three causing competition for housing and increased participation in public programs. When racial and ethnic differences enter in, conflict is even more likely.

Over time, as the foreign worker's aspirations incorporate those of the host country, his initial satisfaction, and more particularly that of his children, shifts to dissatisfaction with discrimination and a desire to obtain equal rights. The second generation acquires greater skills and tends to shun the low status jobs filled by their parents. The demand for cheap labor remains, filled, presumably, by fresh supplies of "temporary" foreign workers.

This model is based largely on the experience of worker importation areas such as Europe and the Virgin Islands. Though we cannot prove or disprove its specific features at this time, the research which has been done on U.S. illegal immigration (see Chapters IV and V) tends to support it. Most likely different regions of the country, different ethnic groups and different economic sectors are passing through divergent points of the sequence simultaneously. Under certain circumstances stages may even be bypassed. Nonetheless it offers a framework for understanding some of the social issues attendant to migration.

B. THE WELFARE ISSUE

Much of the attention which has been given to the illegal alien turns on the question of enforcement, jobs, and welfare. Social impact is generally treated via contentions that illegals place substantial burdens on the welfare system. Varying claims, not necessarily supported by hard data, have been made by individuals and by local units of government on this point. Some examples of these claims are:

- A Los Angeles County grand jury recently cited an annual cost of \$3.7 million in health care and welfare burdens caused by illegals due to 3,500 aliens receiving assistance. It stated that in 1975, \$10.8 million was expended on medical care of illegals. HEW has been sent a bill for this care as the county defines the problem as a federal one.
- Los Angeles County officials have estimated that the termination of welfare to 2,600 illegal aliens has saved \$2.7 million in federal, state and county funds.
- New York City alleges that there are nearly 2 million illegals in the metropolitan area

draining health, education and welfare services for which revenue sharing funds, allocated on the basis of U.S. Census counts, are insufficient. They have called on the federal government to remove the aliens or pay for the expenses the impacted communities disproportionately incur.

-- San Diego County officials have stated that during the years 1971-1975 approximately \$1.9 million has been spent on 943 illegal alien patients with the largest category of care being deliveries of babies.

-- The Immigration and Naturalization Service frequently quotes a figure of \$13 billion as the national annual cost in services of illegal aliens.

In the broadest sense, public services could include police and fire protection, water and sewage treatment, highway construction, the availability of parks and recreational facilities and the enforcement of labor laws which protect the rights and health of workers. Welfare refers to participation in one or more programs which assist low income families -- General Assistance, Supplementary Security Income, Medicaid, Aid to Families with Dependent Children and Food Stamps, Social Security and Unemployment Insurance. Families headed by males who are

not disabled and not aged cannot get benefits from these programs with the exception of Food Stamps. Social Security and Unemployment Compensation are also income transfer programs but benefits are contingent upon prior contribution through work rather than low income.

#### General Assistance

General Assistance is a wholly state-funded benefit program for unemployable persons who are economically disadvantaged. The programs are usually used to provide benefits to such individuals while their application for participation in federal programs is pending. The regulations governing General Assistance are different in each state. While some establish citizenship requirements, there is no information on whether or not a substantial problem exists. However, since General Assistance is a transitional program, illegal aliens would become subject to federal program requirements as their applications are processed. It is also a very small program. Therefore, it is unlikely that any significant amount of assistance is given to illegals under General Assistance.

### Supplementary Security Income (SSI)

Title XVI of the Social Security Act establishes the Supplementary Security Income program. SSI is designed to "provide supplemental security income to individuals who have attained age 65 or are blind or disabled." The legislation prohibits the delivery of services to illegal aliens by requiring that a participant be:

a resident of the United States and either  
(i) a citizen or (ii) an alien lawfully  
admitted for permanent residence or other-  
wise in the United States under color of  
law (Section 1614(a)).

Although not legislatively mandated, the same requirement has been adopted through regulation by the following programs: Medicaid, Aid to Families with Dependent Children and Food Stamps. As the data in Chapter IV suggests, few illegals are aged and could not therefore get SSI benefits.

### Medicaid

The Medicaid program is authorized by Title XIX of the Social Security Act. Federal funds are made available to supplement state funds in providing medical services to the economically disadvantaged. While the legislation is silent as to alienage/citizenship, HEW regulations specify that reimbursement cannot be made for services to illegal aliens. The language of the regulations is identical to that of the Supplementary Security Income program. Some states have

requested reimbursement for expenditures in providing services to illegal aliens arguing that:

1. To deny emergency room treatment to anyone is unconscionable
2. The denial of services to illegal aliens creates a potential health hazard for the entire population
3. Immigration law and consequently illegal aliens are a federal responsibility.

However, these arguments are not acceptable under current regulations. Only AFDC and Social Security participants and the "medically indigent" are eligible for benefits.

#### Aid to Families with Dependent Children (AFDC)

Title IV of the Social Security Act authorizes federal payments to the states for programs to furnish "financial assistance and rehabilitation and other services to needy dependent children and the parents or relatives with whom they are living to help maintain and strengthen family life." Intact families with a non-disabled male head cannot generally get benefits. The AFDC legislation does not establish requirements relating to citizenship/alienage. However, this condition is established by regulation.

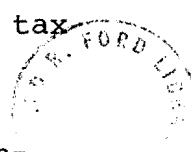
#### Food Stamps

The Food Stamp program enables low income families to purchase coupons at a discount which are redeemable for food purchases. The legislation for the program is silent on the

issue of citizenship. Requirements have been established by regulation and are identical to those found in the Supplementary Security Income legislation. In the Food Stamp Certification Handbook (August-1974), state agencies administering the program are instructed to verify the citizenship or legal status in "questionable cases." They are further advised that "to require verification for all cases would be an unreasonable imposition." While state programs are not required to use any specific application form, a recommended form, which includes a question on citizenship, is published in the Handbook. It is also interesting to note that those agencies which administer the program are directed to report suspected illegal aliens to the INS.

Federal Old Age Survivors, and Disability Insurance Benefits (Social Security)

The Social Security program furnishes retirement income to persons over 65 years of age and to the disabled. Since it depends on employee contributions, it is different from tax base programs. Since 1972, applicants for Social Security cards have been required by law to provide proof of citizenship or legal residence. Consequently, there should be no citizenship issue with recent applicants. No provision of the legislation or regulations would prohibit illegal aliens from receiving benefits if they secured a card prior to 1972. However, benefits depend on past contributions which is based on work history under Social Security.



Unemployment Insurance

This income transfer program is a set of programs which provide income for workers who are unemployed. Some occupations, such as agriculture, are not covered. Largely financed by a payroll tax, neither the authorizing legislation nor the regulations make any mention of citizenship. While individual states could possibly establish such requirements, none has them at present. A proposed amendment to the authorizing legislation would establish such a requirement nationally if it became law (proposed amendment to HR-102210). At present, however, illegal aliens who work in jobs covered by the program have the same right to benefits as any other worker. However, a work history requirement is an integral part of the program.

Thus most public assistance programs are required by regulation or statute to screen for citizenship status. We have not attempted to ascertain the effectiveness of these screening procedures. In addition, eligibility and use of welfare programs are largely restricted to women without husbands but with dependent children, the elderly, the sick who are poor, and the disabled. Relatively few non-aged men are public assistance program users except through Unemployment Compensation and Food Stamps. It is difficult to make generalized statements about the characteristics of illegals or their impact on the basis of the limited data available. However the data currently available points to an illegal alien population which is overwhelmingly young (70% under 30) and employed, characteristics unlike those of public assistance recipients. Substantial proportions of illegals seem to be sending remittances to the country of origin (75%) and paying social security (77%). The North-Houston research shows that only 1.5% used food stamps, 4% collected unemployment and 4.6% received free health care.

Neither the allegations of massive incursions into welfare, more precisely income transfer programs by illegals, nor the limited research which shows the opposite, are necessarily reliable. A great deal of attention should be given to the development of a profile of the illegal alien population characteristics which might serve as the basis of a comparison with the profile of those receiving public assistance.

The task forces have examined the subject closely, however, and find the welfare fraud arguments to be somewhat overdrawn on the basis of the current evidence.

Instead, welfare usage should be regarded as but one of a range of issues that arise as handmaidens of settlement. Our model suggests that welfare usage would increase in the latter stages of settlement. Before any accurate assessments can be made about current and prospective welfare burdens, we will need to know more about: (a) the extent of family relationships involved in our illegal alien numbers; (b) the duration of stay and mobility of illegal alien groups; and (c) the efficacy of procedures to assure that only eligible individuals receive benefits.

C. SOCIAL AND COMMUNITY IMPACT

Population Growth

In recent years, the U. S. has experienced declining birth rates and an attendant slowing in overall growth. As a result the subject of population growth has begun to surface as an important component of immigration policy considerations. Since we do not know the extent of illegal immigration today, we cannot define the proportion of population growth it creates. However, it is instructive to assess the role legal immigration plays in population growth as an avenue toward revealing the relationship between population growth and illegal immigration.

Immigration has, since the 1965 amendments to the Immigration and Nationality Act, assumed increased importance as a major contributor to U.S. population growth. It is less than we experienced during the peak years prior to World War I but more than that of the post-World War II years.

The 1972 report of the Commission on Population Growth and the American Future shows that the relative importance of immigration as a component of population growth has and will increase significantly as a decline in birthrates lowers the natural increase. Between 1960 and 1970 about 16 percent of total population was due to net immigration. If net

immigration is maintained at the current rate (approximately 400,000 per year) and all families have an average of two children, immigration between now and 2000, plus descendants, will number 15 million, nearly one-fourth of the total projected population increase for that period.

In July 1976, the Subcommittee of Population Education, Federal Interagency Committee on Education published a report entitled Population Education and the Federal Role. The report notes the impact of international migration on U.S. society. If both fertility and illegal immigration continue at current levels, all growth in the U.S. will derive from immigration by the year 2035. Today legal immigrants account for about 30% of the U.S. population growth and because of the present low fertility the relative contributions of immigration to population growth is increasing yearly.

Not only the growth but the distribution of population is affected. Immigrants prefer metropolitan areas and concentrate in a few states. Assuming current tendencies prevail, two-thirds will settle in six states -- New York, California, New Jersey, Illinois, Texas and Massachusetts.

Immigration as defined and experienced by the United States pursuant to the law is a central factor in growth. To the extent that some workings of the current law contribute to illegal immigration, and to the extent that we have been relatively unable to control the sheer size

of such a migration, immigration becomes all the more important as a determinant in projecting future population growth. Levels of illegal immigration are not accurately known, but most recent estimates run to several million yearly. Since FY 1974, INS apprehension statistics for illegal aliens have hovered around three-quarters of a million annually. At an estimate of 1 million persons per year, the United States population increase of 1.2 million persons in 1975 is in effect doubled as a result of illegal immigration. The following table of U.S. Population Projections gives us some indication of the effects of legal and illegal immigration given the historically low, current fertility rate of 1.8 children per woman and given the replacement fertility rate of 2.1 children per woman. Although this information is insufficient to judge the extent of the impact that immigration, both legal and illegal, will have on the U.S., it is sufficient to indicate that serious consideration must be given to the question of the proper level of immigration in the context of dwindling resources and desired growth.

U.S. POPULATION PROJECTIONS

YEAR	1.8 TFR plus 400,000 immig.	1.8 TFR plus 1.2 M immig.	2.1 TFR plus 400,000 immig.	2.1 TFR plus 1.2 M immig.
1980	222,966,000	223,548,000	227,253,000	227,852,000
1985	232,526,000	236,050,000	241,517,000	145,187,000
1990	240,999,000	247,393,000	255,021,000	261,754,000
1995	247,746,000	256,844,000	267,084,000	276,776,000
2000	253,252,000	265,289,000	278,205,000	291,170,000
2005	258,129,000	273,980,000	288,986,000	306,213,000
2010	262,400,000	282,954,000	299,374,000	321,883,000
2015	265,758,000	291,420,000	308,980,000	337,302,000
2020	267,877,000	298,826,000	317,412,000	351,855,000
2025	268,608,000	305,173,708	324,470,000	365,511,000

The first column of data assumes a continuation of the current fertility rate of 1.8 children per woman, a legal immigration rate of 400,000 immigration, and an illegal immigration rate of zero. The second column assumes a continuation of the current fertility rate, plus a legal immigration rate of 400,000 and an illegal immigration rate of 800,000. The third column assumes an increase in fertility to replacement level (2.1 children per woman) by 1980, a legal immigration rate of 400,000 and an illegal immigration rate of zero. Column four assumes an increase in fertility to replacement level by 1980, plus a legal immigration rate of 400,000, and an illegal immigration rate of 800,000.\*

\*Assumptions

<sup>1</sup>Population size equals the total U.S. population including armed forces overseas as of July 15, 1975 (by age and sex).

<sup>2</sup>Age and sex structure of all immigrants (both legal and illegal) is the same. (Source: Census Bureau, Current Population Reports, Series P-25, No. 601, p. 134.)

<sup>3</sup>The survival ratios are different for males and females but are similar for all races and for natives and immigrants. (Source: Census Bureau, Current Population Reports, Series P-25, No. 601, p. 130.)

<sup>4</sup>That average age-specific fertility rates for women age 15-49 are used. Fertility rates apply to all women by single year of age, regardless of race or nationality.

<sup>5</sup>The timing of births (proportionate distribution of births to women) is similar to the actual childbearing pattern of 1973. The timing of childbearing is assumed to be the same for all races and for natives and immigrations. (Source: Census Bureau, Current Population Reports, Series P-25, No. 601, p. 125.)

## INS Enforcement

Immigration policy in general and its effects on certain groups within the society in particular have always been the source of varying degrees of controversy and bitterness. Today the most vigorous opposition to enforcement policy comes from the ethnic groups and communities that find significant numbers of illegal aliens in their midst. Their attitudes, rooted in negative experiences and a history of racial-type conflicts, have the potential for causing serious conflict at the local level in the future.

Two distinct types of community organizations are openly critical of INS enforcement policy. One of these can be classified as ethnic civil rights organizations, the other as groups which defend the rights of aliens in general.

### 1. Ethnic Community Organizations

These groups are composed of American citizens who are members of an identifiable ethnic group and consider themselves singled out for enforcement emphasis because of their cultural origins. They resent having to prove that they are U.S. citizens when other Americans are not required to do so. Because the majority of the enforcement effort is now directed at Mexican illegal aliens, it is principally Hispanic groups that have raised charges of civil rights violations. Any enforcement activity which has the appearance of being targeted towards Hispanic or any other ethnic community will continue to inspire strong criticism.

## 2. Aliens' Rights Organizations

According to these organizations, aliens have rights under the Constitution which are consistently violated by INS. Such organizations would like to have the rights of aliens recognized and clearly defined by law. Such rights may include: freedom from discrimination in employment, and recognition of the right to receive services, the right to counsel. Some of these groups would like the U.S. to adopt a much more open immigration policy.

The strongest reaction to INS enforcement activities in the past has been caused by residential or community enforcement tactics. Residential enforcement involves surrounding an entire city block and questioning everyone, raiding movie theaters and boarding houses and questioning persons at bus stops on their way to work. These techniques antagonized many persons because they seemed to imply that members of these communities were second-class citizens or were all here illegally. Many complaints have been in response to such raids; INS has recently abandoned such techniques.

Community reaction to employer-focused enforcement is much milder. Such activity bears little apparent relationship to the ethnic group even though it may make up the bulk of the employees. If the employer is cooperative, the inspection may be limited to the examination of personnel records. If the visit is in response to a tip, INS may already have the names of the persons it is seeking.

More than 80 percent of the illegal aliens apprehended by INS are located at the border or a few miles inland. Much of the border enforcement activity generates relatively little adverse reaction. If the apprehension is made under circumstances which clearly indicate that the individual has just crossed the border at other than a port of entry, no civil rights violation can be alleged. However, the questioning of individuals at bus stations close to the border and at checkpoints along the highway remains a source of friction between the Border Patrol and the Mexican-American community in the Southwest. Persons chosen for questioning are usually dark skinned and consequently the Hispanic community feels singled out for enforcement emphasis. The involvement of local law enforcement agencies in immigration activities gives rise to additional problems. These agencies are often unaware of usual policies in the enforcement of immigration law or hostile to the feelings of ethnic communities.

While the basis for community hostility is apparent, the dilemma which it highlights is difficult. How does an agency enforce the law in a free society when the illegal act is the presence of an individual who cannot readily be identified? Officials know that there are large numbers of Hispanic illegal aliens and the society wants

the most enforcement and efficiency possible for the tax dollar. Therefore greater screening and resources befall Hispanic origin individuals who may believe themselves unduly singled out because it makes strategic sense.

Furthermore the Hispanic community itself is in disagreement over the dilemma. In a recent Gallup Poll 72% of the Latin American origin group interviewed felt that a law against hiring illegal aliens should be passed and 46% felt illegal aliens should be sent back to their homes. However, another attitude survey, conducted by the University of San Diego School of Law, reports that while 45% of Hispanic respondents support law enforcement policies which target employers, only 16% indicated they would be likely to assist in the effort by reporting the presence of an illegal alien. Furthermore, 44% agreed with the proposition that illegals take employment opportunities from U.S. citizens but only 7% felt they ever failed to obtain employment or lost a job to an illegal alien.

Enforcement policy in the past has subjected the Mexican-American and other ethnic communities to inconveniences which were not borne by Americans as a whole. While INS policy has already been modified in response to mounting complaints, every effort should be made to ensure that the rights of all Americans are respected and that our immigration policy does not convey or appear to convey

second-class citizenship to any ethnic group. Recommendations containing measures that would help to ameliorate the problems faced by ethnic communities as a result of the influx of illegal aliens are contained at the end of this chapter.

In addition, a great deal of confusion exists regarding the legal rights of both legal resident aliens and illegal aliens posing another interesting philosophical question: What are the legal rights of persons who have no legal status here? Clarification of these questions would be of enormous benefit to law enforcement agencies, the administrators of public assistance programs, American ethnic communities and legal resident aliens.

#### Anti-Alien Sentiment

Americans are proud of presenting the nation of immigrants image pointing to the Statue of Liberty and the sentiments it represents. In fact, behavior toward newcomers from strange lands bringing different ways has throughout our history been anything but benevolent. There continue to be strong nativist attitudes and institutions in this country which do not view immigrants as desirable. The

illegal aspect of recent immigration serves to intensify these feelings and can cause severe strain and tension.

Along with prejudice, there is a growing antipathy toward the illegal which springs from the perception that

- (a) jobs and services are being expropriated by illegals at the expense of natives and the public Treasury; and
- (b) illegals are in violation of the law and therefore cannot be tolerated.

These attitudes have been revealed in several large metropolitan areas primarily in two forms:

1. Proposals for state legislation and local ordinances barring illegals from eligibility for employment or participation in services. Six state legislatures are currently considering legislation which would make it illegal for employers to employ illegal aliens. <sup>46/</sup> New York is closest to achieving passage and sounds a common theme: if the Federal government won't act to protect us from the influx, we will take measures to protect ourselves. Reports of local actions designed to keep the children of illegals out of public schools and ineligible for related services are also beginning to appear.

2. Organization or reactivation of community associations around the issue of illegals and their debilitating effect on neighborhoods and the survival of a certain way of life. These groups exert considerable political pressure on their legislative representatives. More important they create severe polarization within impacted areas which results in generalized suspicion toward "foreigners" regardless of their legal status and a menacing form of scapegoating which ties the problems of housing, urban flight, overburdened services and quality of life to the presence of illegal aliens.

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<sup>46/</sup> In a February, 1976 decision, DeCanas v. Bica, the Supreme Court held that a California state law which prohibits an employer from knowingly employing an illegal alien is not unconstitutional as a regulation of immigration, a power which rests exclusively with the federal government. It referred to the California state courts the question of whether the statute itself would conflict with the INA or other federal laws or regulations.

Both the problems of INS enforcement and anti-alien sentiment have serious community strife potential. The settlement thesis outlined earlier in this chapter indicates that tension appears in the fourth stage, when families move permanently into certain areas and support populations appear. There is evidence to support the contention that in some of our large metropolitan areas this final stage has developed. The friction which accompanies it will be felt most keenly by the legal immigrant and ethnic populations whose very real need for assistance in overcoming culture shock, language barriers and the like may be met by an atmosphere of distrust and whose economic and political power to mitigate it is minimal.

#### Federal-State-Local Relations

The illegal alien issue presents a peculiar disproportionality in the roles of respective levels of government. Problems are felt at the local and regional level but local officials have few tools with which to respond for the laws involved are federal. On the other hand the Federal government administers immigration policy, somewhat mindful of its long-run implications for the nation as a whole, but far removed from the state and local levels of government where the outcome of its actions are felt.

Intra-governmental communication and cooperation on this issue is very important and has been virtually non-existent. This neglect has given rise to unrealistic demands from local governments for millions of dollars in reimbursements for services allegedly rendered to illegals. It has created lawsuits over fiscal responsibility as well as serious criticism from publicly funded and private community agencies who handle ever increasing caseloads. It has caused some local law enforcement officials to refuse to contact INS officials when illegal status is uncovered in the course of their work because their assistance in immigration work costs necessary community support in other aspects of their law enforcement responsibilities.

The prospect which faces state and local government officials is a somber one. The settling in of substantial numbers of illegals has produced underground communities of people whose existence depends on evading and avoiding contact with the law and with government in any form. Above all we are a nation of laws dependent upon the institutions and systems which are created and regulated by law to maintain justice and equity in our communal existence. The illegal alien, both adds to the burdens upon society's infrastructures and is fearful of using services because it increases the likelihood of discovery and apprehension. This reluctance is a further dimension of the

issue. People who are underground cannot be counted for planning or fiscal allocation purposes; they cannot be protected from abuse on the job or from landlords, discrimination, disease, or crime; they may avoid education for children; and they are unable or reluctant to assert political or legal rights. Thus there is the possibility of a substantial underclass which must avoid the legitimate institutions and government of the society in order to survive. This has long-range implications for education, housing, criminal justice planning, and other important areas of primary state and local government responsibility.

D. CONCLUSIONS AND RECOMMENDATIONS

Migrants settle in new areas according to a general pattern which consists of four stages. In the initial stages they come singly with the intention of remaining only temporarily usually for economic reasons. However for many, aspirations and opportunities change and become transferred to the host country. This brings on the latter stages when families are formed or sent for and support populations appear. The latter stages can cause tension and conflict over jobs and services with some groups in the native population. Very likely different areas of the country and different illegal population groups are at varying stages of this process today.

Allegations of heavy illegal alien use of tax-supported income transfer programs are common. An examination of these programs shows that the majority depend on characteristics such as old age, female head of household, or disabled for eligibility. Present information shows that illegal aliens are unlikely to be making heavy use of such programs due to very different personal characteristics. Our tentative conclusion is that the welfare use issue is overdrawn. However, final judgment is dependent on better information delineating the characteristics of the illegal population. Several

other social issues merit consideration. Population growth, discriminatory effects of enforcement, anti-alien sentiment and the formation of underground communities are of concern. These issues require a great deal of further analysis but will become increasingly important as settlement proceeds into the final stage. The federal government must work far more closely with state and local governments at which level impacts are most dramatically felt particularly in the area of social tension and strife, a characteristic of permanent settlement.

Recommendations

1. Enforcement activities which minimize community and ethnic hostility should be stressed. Border enforcement and employer targeting are far less controversial than residence-oriented enforcement and are therefore preferable. Greater attention should be given to overcoming the negative effects of INS practices on ethnic, particularly Hispanic, groups. This should include:
  - An expanded public information and education program to keep communities aware of the law, INS policies and practices and to enlist voluntary cooperation and support for enforcement from ethnic communities. This emphasis should build upon the "neighborhood storefront" concept recently tested in Chicago. Under such a program, persons can obtain information about their immigration status without risking apprehension by INS.

- Establish a grievance mechanism that would quickly redress injuries resulting from overzealous enforcement.
  - Establish a program to ensure consistency between INS policies and those of assisting law enforcement agencies.
  - Clarify questions relating to aliens' rights, including legislation if necessary.
2. The illegal immigration issue must be treated in the context of population growth and the long-term effects on birthrates in the U.S. This requires detailed analysis and improved information and should be introduced as an important variable in the current debate over dwindling resources and growth.
3. Develop close communication and coordination with state and local units of government where illegal aliens live and work. Cooperation should be sought immediately in such areas as:
- enforcement coordination;
  - U.S.-Mexico border problems;
  - research and information;
  - administrative program and legal procedures for expenditures in government programs; and
  - legislation.

CHAPTER VII  
DILEMMAS FOR THE FUTURE

Immigration matters present challenging and perplexing questions. As a nation we have shown decided ambivalence about immigration policy maintaining an exclusionary law as our basic statement of policy and at the same time pointing with pride to our heritage as a nation of immigrants and to the idealism symbolized in the Statue of Liberty's welcome to the oppressed of the world. We cling to the belief that ours should be a land offering opportunity to those who would help to build it but we have been willing to discriminate blatantly over time in identifying those whom we welcome. Immigration is often treated in highly emotional, politically charged terms yet implementation of the system necessary to carry out the law has been low on our national list of funding priorities, vesting extraordinary discretion in the enforcement agencies on matters which affect individual lives in the most fundamental and dramatic ways.

To formulate policy on the issue of illegal aliens, the government must consider the larger question of immigration policy in general. . Today comprehensive planning on immigration matters presents several major dilemmas for the society which must be acknowledged as central to the debate.

A. CONTROL

First is the issue of control inherent in fashioning a truly effective system of enforcement of immigration laws. Present document use and personal identification systems in this country are inadequate from a law enforcement point of view for effective control. We know, for instance, that the number of fraudulently documented entrants to the U.S. is 10 times greater than the number detected. In addition, INS cannot confirm the departure of 10% of the temporary arrivals or 600,000 persons annually. Departure control which, when untended, leads to false claims and documentation for citizenship and identification of alien status are essential to effective immigration enforcement. However, they require computerized recordkeeping, inter-system exchanges of information and secure documentation procedures which violate perceptions of the right to civil freedoms and personal privacy.

A work permit system akin to that utilized in most other industrialized nations in the free world would ease matters considerably by making citizenship status a consideration in the hiring of workers. However a work permit system limits certain freedoms we enjoy and have been unwilling to yield. The need for control and the commitment to certain individual freedoms need not and should not constitute a tradeoff. Yet finding a suitable balance

in this area is far from accomplished. Accepting a certain degree of illegal immigration may necessarily be a price, perhaps even a desirable price, to pay.

Immigration enforcement must also be evaluated in the overall hierarchy of law enforcement demands. Presently the border is a revolving door. On the individual level, illegal entry is a victimless crime. We repatriate undocumented workers on a massive scale only through Mexican cooperation. The illegals cooperate by agreeing to voluntary departure and significant numbers promptly re-enter. It is not unusual for an illegal to undergo multiple apprehensions and re-entries for there are no serious deterrents. The policy of U.S. Attorneys is to waive prosecution, except for the most aggravated offenses, and our penal system has no capacity to ingest large numbers of illegals. In FY 1974, there were 741,349 violations which could be entertained for prosecution; over 92 percent were closed by blanket or general waiver. Even serious offenses such as smuggling are profitable. Smugglers were fined an average of \$88 per conviction as against an earning of \$200 per alien. Thus the border situation represents a virtual standoff.

American labor was responsible for the abolishment of provisions to bring temporary labor into the area. Agricultural and other interests have continued to fill their labor needs through a system of illegal immigration. There are actions

which can be taken to impede the illegal alien flow across the border. For example, during Operation Intercept in late 1969, through the flooding of enforcement personnel in the border area and the application of rigid screening procedures at ports of entry without considering inconveniences to travelers, we were able to seal off the border quite effectively. Another approach is the more widespread use of fencing or other types of barriers. Clearly the relative importance of immigration enforcement, travel ease and powerful domestic interests are at issue making the choices complex.

B. INFORMATION

Underlying much of the current discussion is the assumption that if we only knew the true dimensions of the illegal alien issue and its impact, we could target resources to the level of compliance that we wish to achieve. This notion may well be wishful thinking. We may never know the dimensions of this issue.

Research into the characteristics and impact of a clandestine population presents extraordinary difficulties. Some researchers believe it is similar to subjects like pornography or victimization and is therefore unresearchable. In addition, extant data systems on immigration and immigration-related matters are very primitive. Hard data on illegal aliens is virtually non-existent.

The principal repository of data on immigration, legal or illegal, is the Immigration and Naturalization Service. Related information is held by the Department of State due to its visa issuance function and by the Bureau of the Census. Visa demand and issuance information is capable of being used to establish patterns and the decennial census contains valuable information about the foreign-born population in the United States. INS records containing social security numbers can be matched with social security data to obtain earnings histories.

However, State and Census information is useful only to the extent that it can be used in conjunction with information flowing from the functions uniquely performed by INS. INS is an agency with law enforcement as its primary mission. It is distinguished from other law enforcement agencies by the fact that it has a major service mission to carry out in addition. Thus data collection and analysis are not priority functions. The information which is accumulated relates to operational needs and is not research-oriented or in any way compatible with systems maintained by the State Department or Census Bureau.

Implementation of illegal alien study programs is forcing INS to systematize and examine its data operations in an effort to incorporate the study data so it can be continually updated. However, it is but a first step. INS is the primary and often the only source of data on immigrants, legal and illegal. Information on these groups due to their size and socio-economic and political importance is central to adequate planning and evaluation of immigration, population and employment policy. Until this is recognized and increased priority through resources and expertise is directed to it, effective planning on all immigration matters, of which illegal entry is but one manifestation, will continue to be largely uninformed. If INS, due to its enforcement

role, is ill-suited also to serve as the sole or major repository of statistical information, data systems and research on the effects of the law and policy it administers, perhaps the functions of another agency ought to be extended to include improvement of our knowledge of the causes, consequences and characteristics of immigration to the U.S.

The lack of data coupled with a search for ways to develop reliable information for evaluating the impact of illegal aliens in the U.S. occupied substantial effort in several of the task forces. Specific study recommendations appear at the end of this chapter. However while serious study must be directed not only at illegal immigration but at the related issues it raises, the paradox we face rests with the realization that as time brings more knowledge about the illegal, time may also entrench illegal immigration so as to render it an increasingly irreversible trend.

C. FOREIGN POLICY

Were the differences between underdeveloped and developed nations not so great, the pressures creating illegal immigration would, presumably, disappear. This suggests emphasizing economic growth through aid, overseas investment and the like. Certainly these are not novel solutions. Significant resources and attention have been funneled into the countries involved in illegal immigration for decades past. Yet in many cases, the gap is indeed widening. Thus not only is no end in sight, some conclude the world will in fact lose the development battle. Such cosmic questions notwithstanding, it is not the difficulty of economic development per se that causes the problem before us. In fact, high out-migration countries tend to be those experiencing laudable success in their economic expansion. Rather it is the strain to which economic growth is put in the face of extraordinary rates of population growth. Development must run in order to simply stand in place due to burgeoning numbers of people. From a foreign policy point of view probably the most productive position to pursue is a singleminded, long-term commitment to population planning in developing nations. For numerous reasons which need not be discussed in this review, it would require major policy revisions for the United States, at least publicly, to embrace population control as the core element of policy with illegal alien source countries.

However, even if such a strategy should emerge, there are already in the pipeline sufficient numbers of people to create severe population pressure for this and the next generation at a minimum. It is only realistic to assume that the United States will in all probability absorb some of this excess. Thus the question may turn to the form in which we adjust to reality rather than to whether or not we accept it, the latter providing, in simplistic terms, the impetus for the Domestic Council committee's existence. In other words, the choice may already no longer be ours.

Without promoting a Doomsday mentality, it is not beyond the realm of possibility to speculate that private investment overseas and the priorities of host governments may well exacerbate migration in favoring capital rather than labor intensive growth. Furthermore the export of capital is virtually free of political boundary considerations whereas barriers to migration make the free movement of labor, viewed by some nations as a corresponding economic force, impossible. The circumstances under which such themes become joined with migration issues, if indeed they ever do merge, are impossible to predict. It would seem, however, that in spite of whatever difficulties migration may present within the United States, we will not as a nation see or support a fundamental restructuring of our outlook or practices on these matters.

Instead the reality of excess populations may be confronted through developing distinctions between various types of migrations, encouraging some due to the education and skills for instance of the migrants deemed to be desirable, and discouraging others as a result of negative domestic impacts. Strong competing interests and trends will meet as the international aspects of illegal migration converge with domestic priorities. Probably the most appropriate context within which to formulate new goals is the growing debate over our own levels of and need for growth.

D. GROWTH

The illegal alien problem is at one level a problem of a breakdown in law resulting in a substantial number of people in the U.S. who are not authorized to be here. Control over who enters and exits from a nation is universally recognized as a basic feature of national sovereignty and erosion in the exercise of that sovereignty is a serious matter. At another level the illegal alien problem is a question of too many unintended immigrants. At this level the problem becomes one of determining the optimal size and nature of immigration to the United States. Since immigration is a central component in assessing the rate and nature of growth in this country, both growth of population and growth of our work force, it merits full public education and debate.

There are many steps recommended in this report which we can and must take to alleviate the problem of a breakdown in our law as currently conceived. But the illegal alien issue also raises the necessity to rethink immigration at its most important, provocative level. How many people should be allowed to enter the United States annually to take up permanent residence? What proportions should gain entry as a result of family ties in the U.S., employment characteristics, or refugee status? Should our neighboring countries, Canada and Mexico, receive special treatment in the allocation of numbers for immigrant slots? Should the

law distinguish between Eastern and Western Hemisphere origins? What role should domestic demands for foreign labor play in immigration policy? What techniques can be used to predict the effects of changes in immigration laws?

These questions must be studied and debated and answers must be proposed in light of current and expected domestic and international circumstances. Immigration policy involves difficult, far-reaching considerations which require policy attention. Effective solutions to the illegal alien problem must be developed within the framework of overall changes in immigration policy.

Although information is no substitute for careful analysis and reasoned judgment, the process of reviewing and revising immigration policy, with illegal immigration as a foremost issue, will be immeasurably aided by improved information. The Committee recommends that the following broad areas receive priority research concentration.

E. RESEARCH RECOMMENDATIONS

1. The Illegal Alien Population

Due to recent pressures on INS to provide a better understanding of the illegal alien issue, Congress recently appropriated \$1 million to contract studies yielding information on the number and characteristics of illegal aliens in the United States. The Domestic Council Committee has worked closely with INS drawing upon expertise from traditionally more research oriented agencies to design a study which will be sound and which will meet general policy needs of several government agencies concerned about the illegal alien issue. Our recommendations have been that the INS study strive to develop a minimum number, or a baseline, of illegals in the United States rather than a total number and that it concentrate on developing information which is useful in determining the impacts and rate of growth of illegal migration to the United States. The study will not be complete for another year.

2. Similarities to the Foreign Born

One of the most promising sources of basic socio-economic information on illegal aliens is the Immigration and Naturalization Service (INS) Form #213 which is completed for each apprehended illegal alien. The form asks age, sex, marital status, social security number, country of origin, time in the United States, and whether employed, among other questions.

Persons apprehended at the border (sector offices) have not been successful in penetrating the United States and presumably do not have a direct impact on the United States economy. Illegal aliens who are apprehended at locations other than the border are brought to a district office and interviewed. It is these persons who presumably have been residing in, and have had an impact on the United States. A preliminary examination of #213's filed in the Washington, D. C. and Chicago offices indicates that the forms are carefully filled out.

We propose that a random sample be taken from the approximately 160,000 #213's filed in district offices in 1975. This would not necessarily represent a random sample of illegal aliens residing in the United States since the probability of being apprehended may vary in a systematic manner with relevant characteristics or enforcement priorities. It would, however, be a first step in a systematic analysis of apprehended illegal alien data. This data would provide insights into the characteristics and impact of illegal aliens directly and could then be compared with Census Data on the foreign born to determine similarities and differences between these population groups in order to develop further insights into the impact of illegal aliens.

3. The Displacement Factor

One of the central questions surrounding the issue of the impact of illegal aliens on the labor market centers on whether illegal aliens actually "displace" legal residents from jobs they would otherwise have taken and the effect on the earnings of legal residents:

(a) What is the effect of the presence of illegal aliens on wages and working conditions in different jobs?

(b) To what extent do domestic workers adjust their labor force participation and occupational choice to changes in wage rates and working conditions?

To what extent do income support payments serve as an impediment to labor force and occupational adjustments for legal residents?

(c) What are the labor force characteristics of the illegals: wages, skill, and occupational distribution, labor force participation, unemployment, etc.?

(d) What is the effect of illegal aliens on GNP, on the distribution of this income and on the efficiency of resource allocation?

(e) What is the net social cost (or net social benefit) from illegals? How can the net cost be minimized?

4. Use of Public Services

The question of whether or not illegal aliens create a burden for public service programs is of considerable



importance in assessing the significance of their presence to this country. There is, however, very little data to support any conclusions on this topic. Most studies tend to indicate that the use of public services by illegal aliens is infrequent. Unfortunately, the quality of this data is poor. A meaningful assessment of this question cannot be made until additional research has been done. Such studies may need to address the different groups within the illegal alien population, different areas of the country and the different services.

- One HEW study which will shortly be underway deals with the medical costs incurred by illegal immigrants. This project will attempt to determine the magnitude of the problem in seven different cities where large numbers of illegal aliens are apprehended by the INS. Researchers will determine what criteria hospitals use in identifying illegal aliens and how accurate these identifications are. The study will assign a rough dollar figure to the services rendered and will be able to conclude whether or not a substantial problem exists for the hospitals included in the study.
- In an effort to encourage Federal/state interaction, case studies using state agencies, immigration aid groups and the like should be undertaken at the local

level. One promising area of inquiry would be a study of the impact on the educational system of a large city such as Los Angeles or New York. The County of San Diego has already undertaken a systematic search of its records and agencies in an effort to determine the uses of its services by illegal aliens. The problem with this approach rests with creating non-comparable data and using incompatible methodologies.

#### 5. Migration Patterns

The rise of Third World nations, their exploding populations and the implications for interregional economic development are becoming more apparent. In our case, there is the added dimension of border region research and policies. Research should concentrate on the following areas:

- Comparative study of migration experience, including intra-European and intra-Caribbean migration, including guest workers, and the mechanisms which have been developed in those areas.
- Demographic trends and policies and their impact on migration to the border zones and from one country to another.
- The impact that movement of people has on international transfer of science and technology.
- Evaluation of alternatives for economic assistance for the development of the border regions in Mexico. Specific attention would be given to those elements essential for a coordinated and integrated economic approach.

6. Community Attitudes

For the future, more should be done in the way of assessing the perceptions of certain communities towards illegal aliens, their impacts and the relative effects of various law enforcement techniques which are used to identify such persons.

7. Immigrant Studies

The ethnic makeup of our legal immigration since 1965 is considerably different from that of the preceding era. The ethnicity and the demographic characteristics of immigrants are increasing in importance as social policy issues because of government programs. More research must be devoted to longitudinal analysis of legal immigrants. At this time study should concentrate upon the optimal characteristics of immigration including analysis of admission criteria and systems. U.S. experiences with guest worker type programs and comparative analysis with labor importing countries should be assessed in order to evaluate the trade in goods or trade in labor supplies questions immigration policy poses.

CHAPTER VIII  
CONCLUSIONS AND MAJOR RECOMMENDATIONS

In drawing conclusions and formulating recommendations, it is important to reemphasize the preliminary nature of this report. The illegal immigration phenomenon is complex and an interagency examination of this issue is a very recent development. The charge to the Domestic Council Committee was to develop a comprehensive approach to the issue. In furtherance of that goal, this report attempts to provide a clear statement of the issue in its broad terms, assess current information, and chart the process and tasks through which the executive branch of government should proceed as a result.

One clear theme of this report is that a dramatic lack of reliable information makes thorough analysis of illegal immigration impossible at this time. Thus the conclusions which the Committee has drawn are tentative and subject to revision. Nevertheless the Committee believes that certain judgments can and should be made in an effort to channel further inquiry in a productive fashion.

A. CONCLUSIONS

1. Illegal immigration is rooted in powerful social and economic forces endemic to both host and sending countries.

Historically Mexico has been and remains a major source of illegal entrants to the United States.

However illegal immigration today involves many nations and new migration streams. Sending countries are typically rapidly developing nations where rising expectations combined with population pressure have far surpassed the ability of economic growth, albeit substantial, to narrow significantly the income gap with the U.S. Thus pressure to emigrate is intense, and large numbers of people have already emigrated to the United States legally from source countries in accordance with the 1965 Amendments to the Immigration and Nationality Act (INA). These amendments markedly changed legal immigration to permit large numbers of Latin and Asian origin groups and to diminish numbers of Europeans who immigrate. Illegal immigration must be studied in the context of migration incentives and the law governing legal entry. United States employers seek foreign workers for many kinds of work. Thus economic opportunity and kinship and culture ties in the U.S. combine with migration pressures to create potent push-pull forces which the INA was not designed to check.

2. Illegal immigration is significant and growing.

Current estimates of the stock and flow of illegal aliens are educated guesses at best. Establishing these numbers in a credible fashion is important. Although

sound numbers are not available, the relevant point for current policy purposes is that the illegal immigration phenomenon is significant and growing. Our immigration policy, as promulgated under the INA, is ineffective. Our official commitment is to an exclusionary policy founded in history and domestic political considerations which allows approximately 400,000 foreign-born to take up permanent legal residence in this country per annum. The de facto situation is quite the opposite in that a combination of legal loopholes and incentives, enforcement inadequacies, and international push-pull forces have considerably eased limitations on immigration so that in practice we have a very open immigration system. Analysis of this combination of factors leads inevitably to the conclusion that a trend has been established which is likely to grow if present circumstances persist.

3. The major impact of illegal aliens at this time seems to be in the labor market. This impact is likely to extend over time to other areas as the process of settlement proceeds.

Illegal aliens compete effectively with native workers, particularly with the minimally skilled and under-employed, although the degree to which they actually displace native workers is unclear. These immigrants raise the income of owners of capital and

land and of highly skilled workers and lower prices to consumers of goods and services they help produce. Thus certain legal residents gain and others, particularly those with few skills, lose from the presence of illegal aliens. However the unskilled labor which the illegal generally contributes in the early stages of migration later tends to be offset by the costs incurred in the latter stages of migration when new communities of families must be absorbed. This result occurs during settlement, the end-product of migration. Initially the migrant generally intends to emigrate only temporarily. However his aspirations, objectives and opportunities become attached to the host country so that he eventually remains, establishing or sending for family rather than returning.

4. The community-related implications of large numbers of illegal aliens are significant and merit government attention.

The ineffectiveness of the INA has helped to create communities concentrated in our largest urban centers whose existence depends on avoidance of law and authority. Breeding these conditions signals long-run negative social implications for ethnic Americans and for the ability of state and local units of government to function effectively. Aside from the question of economic impact, the ramifications of harboring large numbers of people in illegal

status are undesirable and contribute to a breakdown in the institutions and systems upon which we depend for fair government.

5. Effective enforcement of the Immigration and Nationality Act must stress prevention above all other considerations.

It is vastly more desirable from both a policy and a resources standpoint to prevent entry of the illegal or screen out potential illegals before arrival than to locate and apprehend the illegal once he is in the U.S. This strategy is currently accepted but it will require more adequate resources for both the State Department and the Immigration and Naturalization Service, improved management and tactics, legislation, and greater cooperation among federal agencies with related enforcement responsibilities to be effective.

6. Effective enforcement is not enough. The illegal alien issue is ultimately an issue of immigration policy and will not be satisfactorily met until a thorough rethinking of our immigration policy is undertaken.

Who may enter this country for what periods of time under which circumstances are the questions we must, as a nation, answer. These questions in turn raise questions about employment, population, and

other broad policy areas. The law must be revised to incorporate current and future realities not envisaged in the 1965 deliberations in which our present system was formulated. The executive branch must provide leadership and take an active role in the development of a better immigration policy. Serious study, widespread discussion, public education, interagency coordination, adequate resource allocation, policy analysis, planning, and cooperation with state and local levels of government are all needed.

B. MAJOR RECOMMENDATIONS

The recommendations set forth below do not preclude the more specific recommendations contained at the end of individual chapters. Specific chapter recommendations will presumably be implemented as part of the overall follow-up to this report by the Committee in accordance with the major recommendations below. The Committee does not believe any single element among its recommendations can solve the illegal alien problem. It does believe that the cumulative effect of implementing the recommendations which follow will be to slow the flow of illegal aliens significantly and to take major strides toward the development of a more effective immigration policy.

1. The issue of illegal immigration merits priority attention and requires Cabinet leadership. Actions to be taken cross many bureaucratic and agency lines and will require continued coordination and direction at the highest level.

2. The executive branch should aggressively pursue the enactment of legislation which relates directly to the illegal alien question and which the executive branch has supported in the past. Such legislative actions include:

- (a) penalties for employers who knowingly hire aliens not authorized to work;
- (b) application of the preference system and foreign state limitations to Western Hemisphere immigration in a manner similar to that regulating Eastern Hemisphere immigration;<sup>47/</sup>
- (c) thorough revision of the labor certification provisions of the current law so that immigrants admitted for employment fall within prescribed quotas and individual certifications are eliminated;

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<sup>47/</sup> P.L. 94-571, signed on October 20, 1976, contains these provisions. This report was written and approved prior to that action.

- (d) advancement of the eligibility date for establishing a record of admission for lawful permanent residence from June 30, 1948 to July 1, 1968; and
- (e) increased penalties for persons who smuggle or facilitate illegal immigration.

3. The Committee should evaluate the current H-2 or temporary worker program authorized by the INA to determine if it is adequate, both from an administrative and statutory standpoint, to meet the legitimate needs of employers for temporary foreign workers. It should further assess the United States experience with the bracero program and the experiences of other nations with guest worker programs. An expanded, government to government foreign worker program should not be sought at this time. However, means of improving the government's responsiveness to employers under current law should be developed if necessary.

4. The agencies administering the INA -- INS and the Department of State -- should receive high priority in the allocation of resources directed at prevention of and screening for illegal entries, management and operational upgrading, and inter-Departmental coordination.

5. The Committee is concerned about the large number of illegal aliens already in the United States. The

Committee believes that massive deportation is both inhumane and impractical. It is expected that the enactment of the legislation described in recommendation #2 would permit some illegal aliens to adjust their status and cause many others to decide to leave the United States. In addition, the Committee should evaluate and develop other policy approaches toward those illegal aliens currently in the country.

6. The Department of State should undertake serious, high-priority exchanges, in addition to those underway with Mexico, with governments of the major illegal alien sending countries on the illegal migration issue, visa controls, and U.S. domestic pressures and activity surrounding the illegal alien. U.S. foreign aid and other efforts toward less developed nations should be encouraged, but with greater emphasis on factors that would reduce the pressures that encourage migration, e.g., population planning, rural economic development and labor intensive programs.

7. The Committee and the cognizant federal agencies should initiate and support a broad based research program to determine the nature and scope of various immigration related problems. This must include research within government agencies as well as through contracting with outside individuals and institutions, involvement of other levels of government and consultation with a wide variety of experts in many disciplines. Relevant economic,

sociological, demographic and labor market data are needed to adequately examine existing policies and update them.

8. The Committee should initiate a thorough re-examination of the basic precepts and operations of current immigration policy with the goal of developing proposals and systems which are based on information developed through careful study and research and widespread discussion among affected interest groups and the general public.

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APPENDIX A\*  
INFORMATION LISTING OF ILLEGAL ALIEN IMPACTS

Prepared and submitted by the  
Immigration and Naturalization Service

\*See page 125 of the report.

IMPACT AREA	SOURCE	FINDING
Balance of Payments	Seattle Times, Seattle Washington, December 15, 1974.	About \$7 million is sent to Mexico each year by illegal aliens in Washington according to a study conducted by the Governor's Interagency Task Force on Agricultural Workers.
Balance of Payments	Seattle Times, Seattle Washington, December 15, 1974.	Illegal aliens send their earnings home to Mexico. Their earnings are equivalent to U.S. workers - i.e., they may earn as much as \$5,000 a season. Little gets into the local economy. If the estimate of 5,000 illegals in the State is accurate, and the average may have earned \$1,500 in the season, then \$7,500,000 of the State's economy may have been affected.
Balance of Payments	Seattle Times, Seattle Washington, December 15, 1974.	At an average annual wage of about \$5,000, illegal aliens receive about \$75 million from the Illinois employment market. A good portion of their income is sent to their families in Mexico and is permanently drained from the Illinois economy.
Balance of Payments	U.S. Congress. Illegal Aliens, Part 4 Hearings before Subcommittee No. 1, 92nd Congress, 2nd Session, March 10 and 11, 1972.	At these New York hearings mention is made of a series of articles on illegals by the New York Daily News, which estimated that illegals send \$1.5 billion out of the country annually.
Balance of Payments	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 illegal aliens who had worked in the U.S. at least two weeks and had been apprehended by INS, the average monthly remittance sent to their homeland was \$105 and helped support an average of 4.6 persons.

NOTE: The following information is derived from a variety of sources. Most newspaper accounts rely upon information provided by federal, state, and local government agencies.



IMPACT AREA	SOURCE	FINDING
Country of Origin	Cornelius, Wayne A., "Mexican Migration to the United States: The View From Rural Sending Communities," Presented at the Conference on Mexico and the United States: The Next Ten Years, School of International Service, the American University, Washington, D.C., March 18-19, 1976.	Funds and expertise gained in U.S. have on occasion benefitted Mexican communities; and, in toto, while not improving significantly Mexican conditions, probably kept them from becoming considerably worse.
Country of Origin	U.S. Congress. House. Illegal Aliens, Part 2, Hearings before Subcommittee No 1, 2nd Congress, 1st Session, June 24, 25; July 9 and 10, 1971.	At the July 9-10 Hearings at El Paso the American Consul General in Juarez testified to the effect that illegal aliens have on the Mexican economy.
Country of Origin	Portes Alejandro "Return of the Wet-back" Society, April/May 1974, pp. 40-46.	Mexico benefits from the flow of illegals to the U.S. in two ways: It alleviates the tensions and costs of the income maldistribution by providing the poor with an alternative and secondly, remittances from Mexican immigrants are being sent into the country.

IMPACT AREA	SOURCE	FINDING
Crime	El Paso Special Commission on Crime Final Report, City of El Paso, Texas, page 39.	There is no way of knowing how many of the average of 70 cars a week stolen in El Paso cross the border, but it is certainly a substantial percentage.
Crime	El Paso Special Commission on Crime Final Report, City of El Paso, Texas, page 36.	In a single calendar quarter in 1974, 6,762 illegal aliens were arrested by the downtown foot patrol for offenses other than illegal entry.
Crime	Illinois Study on Illegal Aliens, Legislative Investigating Commission, State of Illinois, 1971.	Almost all are young, single male adults or married and unaccompanied by their wives and families. This has bred prostitution.
Crime	M. A. Farber, "Unlawful Aliens Use Costly City Services," <u>New York Times</u> , December 30, 1974.	Half of 210 arrested in 1973 in connection with an international cocaine-smuggling operation were illegals living and working in NYC Area; estimated 6-10% of city jails' 7,300 inmates are illegal. No evidence that illegals commit more crime, proportionally, than other people.
Crime	I&NS Western Region, Regional Commissioner's Annual Report, FY 1976, Memorandum from Philip H. Smith dated September 3, 1976.	Of 571 foreign-born felony-charged prisoners in Los Angeles County jails, INS investigators interviewed 20% and found that 35% of those were deportable.

IMPACT AREA	SOURCE	FINDING
Criminal Justice	Joint Crime Suppression Task Force - Rampart Area Report. Los Angeles County Policy Department.	During a special exercise over a 3-day period in 1974, 36.3% of felony arrestees and 17.3% of misdemeanors arrested in the Rampart area of Los Angeles were illegal aliens, a figure estimated to be disproportionate to the assumed population by 223 to 391%.
Criminal Justice	Migration, Office of the Lieutenant Governor, State of California, 1976, page 53.	In San Diego County 234 illegal alien juveniles were served between June 6, 1974 and July 21, 1975 at a cost of \$370 per person. Total cost \$87,048.
Criminal Justice	Migration, Office of the Lieutenant Governor, State of California, 1976, page 61.	Estimated cost to probation department in South Central, East Los Angeles, and West San Fernando Valley offices for 1974 was \$269,893.80 for 1902 illegal aliens.  Illegals constitute 4.1% of total case load.
Criminal Justice	Migration, Office of the Lieutenant Governor, State of California, 1976, page 53.	According to Raul Longoria of Edinburg, Texas, more than 10,000 incidents were reported in 1974 in which juvenile illegal aliens were apprehended and charged in violation of state laws.
Criminal Justice	Illegal Juvenile Alien Crime Along The Mexican-United States Borderland. Prepared by the State Youth Secretariat Division of the Texas Department of Community Affairs, June 1975.	Charges on apprehended illegal juvenile aliens. 40.3% - Theft - Petty - Grand 26.1 - Immigration 21.4 - Burglary 10.5 - Other

IMPACT AREA	SOURCE	FINDING
Criminal Justice	Joint Crime Suppression Task Force - Rampart Area Report. Los Angeles County Police Department.	<p>Illegal aliens represent 42.5% of the felony arrests for repressible crime, 37.4% of felony arrests for narcotic/drug offenses, and 38.4% of the arrests in "other" felony category.</p> <p>A direct correlation does exist between the presence of illegal aliens and the level of criminal activity.</p>

IMPACT AREA	SOURCE	FINDING
Cultural Impact	Illinois Study on Illegal Aliens, Legislative Investigating Commission State of Illinois, 1971.	Since almost all are here for the purpose of earning money to take back or send back to Mexico, they live under economically depressed conditions that militate against increasing the social well being of the community.
Cultural Impact	Community Relations Service, Dept. of Justice cited in <u>New York Times</u> , April 9, 1976, page 13.	While not all illegal aliens, dramatic influx of Spanish-speaking, a majority of whom are low-income, poorly-educated, young, high fertility rates, has serious implications for social order: increasing number of bilingual and bicultural communities, special demands on educational system, friction between newcomers and settled population.

IMPACT AREA	SOURCE	FINDING
Drugs	U.S. Congress. - House. Immigration and Naturalization Service Regional Office Operations, Part 4 Hearing before a Subcommittee of the Committee on Government Operations, 93rd Congress 1st Session, November 13 and 14, 1973.	Chinese illegal aliens were involved extensively in the smuggling of heroin from Southeast Asia.
Drugs	Joint Crime Suppression Task Force - Rampart Area Report. Los Angeles County Police Department.	Illegal aliens represent a disproportionate involvement in drug and narcotic activity in the Rampart Area.
Education	GOVERNMENT OFFICE OF CALIFORNIA STATE DEPARTMENT OF EDUCATION	of education and noncitizens
Education	"Right to the Mexican Heritage", American Bar Association	children
Education	California Department of Social Services	of children
Education	THE NEW YORK TIMES	of children

IMPACT AREA	SOURCE	FINDING
Education	Buder, Leonard. "65,000 illegal aliens reported in city schools." <u>The New York Times</u> , 12 June 1973.	Instruction of illegals costs New York City \$78 million per year, an estimate derived from federal figures. One thousand foreign students are enrolled at City University. Although foreign students pay the annual tuition of \$900, the actual cost per student is about \$2,100 per year.
Education	California State Social Welfare Board. "Position Statement: Aliens in California." California: Health and Welfare Agency, Department of Social Welfare, January 1973.	Brief analysis of the number, cost impact of foreign students on California institutions of higher learning.
Education	Ortega, Joe C. "Plight of the Mexican Wetback." <u>American Bar Association Journal</u> 58 (March 1972) pp. 251-54.	Illegal aliens living in the U.S. have very few rights. Children of illegals are denied education in California where state law requires school superintendents to request documentation of citizenship of children.
Education	<u>Migration</u> , Office of the Lieutenant Governor, State of California, 1976, page 48.	Claim for reimbursement as a result of educating nonimmigrant and noncitizen pupils in California in 1971-1972 - 4,386,017.49 for 5818 pupils.
Education	<u>Migration</u> , Office of the Lieutenant Governor, State of California, 1976, page 48.	The claims for reimbursement for the education of noncitizen children in San Diego County for the last 5 years have increased from \$107,000 in 1970-71 to \$228,000 in 1974-75. Enrollment has increased 41%.

IMPACT AREA	SOURCE	FINDING
Health	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 apprehended illegal aliens who had been employed in the U.S. for two weeks or longer, 27% reported using hospitals or clinics.
Health	U.S. Congress. House. Illegal Aliens Part 2, Hearings before Subcommittee No. 1, 2nd Congress, 1st Session, June 24, 25; July 9 and 10, 1971.	Effect on welfare and medical programs in Colorado. The Regional Director U.S. DHEW, and medical doctors with the Colorado Health Dept. and Migrant Coalition discuss impact illegal aliens have in areas such as residing in hazardous housing, incidence of infectious diseases, low level of immunization, and impact on Colorado and Migrant Health budgets.
Health	U.S. Congress. House. Illegal Aliens Part 2, Hearings before Subcommittee No. 1, 2nd Congress, 1st Session, June 24, 25; July 9 and 10, 1971.	The July 9-10 hearings held in El Paso included testimony from U.S. DHEW Regional Director and representatives of health and welfare services, concerning impact of illegal aliens upon health and welfare in the border states.
Health	California State Social Welfare Board. "Position Statement: Aliens in California." California: Health and Welfare Agency, Department of Social Welfare, January 1973.	Regards data on impact illegals are having in the state of California tax supported medical care.
Health	"On Illegal Aliens" <u>El Paso Times</u> , 19 January 1975.	According to County Judge Udell T. Moore, El Paso County spent \$300,000 for medical care to the children of illegals.

IMPACT AREA	SOURCE	FINDING
Health	<u>Miami Herald</u> , Miami, Florida, May 16, 1975.	Between November 1974 and May 1975 Jackson Memorial Hospital in Miami, illegal aliens have cost the hospital over \$20,000, costs which were passed on to other patients.
Health	"Taxpayers Hit by Alien Health Care," <u>The Bakersfield Californian</u> , October 7, 1974.	Los Angeles County Health Department estimated cost of health services to illegal aliens during 1973-74 fiscal year at \$8,153,804.
Health	Seman, Ray: Refund for Illegal Alien Medical Care Sought." <u>Los Angeles Times</u> , 26 June 1974.	Los Angeles County hospitals seek federal reimbursement for \$7 million in medical care rendered each year. The county collects only 10% of the costs from illegals; taxpayers pay the remaining \$7 million.
Health	Garza, Daniel "Tracing the Deadly Tax Drain of Mexican Aliens,": <u>Dallas</u> , August 1974, pp. 23.	The illegal alien often brings serious communicable diseases with him from Mexico, yet avoids health officials until he is so sick he is an emergency case. In the meantime barrio residents and others are exposed.
Health	U.S. Dept. of HEW. Regional Office VI "Regional Memorandum" by Howard D. McMahan, Regional Director. Dallas, Texas, November 1973.	Talks about incidence of disease among illegal aliens being one of Region VI top priorities.

IMPACT AREA	SOURCE	FINDING
Impact on Illegal Aliens	Numerous newspaper articles. Durham Morning Herald, Aug. 22, 1976; New York Times, June 6, 1976, & April 28, 1976.	Frequent deaths of illegal aliens while riding freight trains or being smuggled in crowded vans and trucks.
Impact on Illegal Aliens	<u>New York Times</u> , June 6, 1976, page 26.	Bandit gangs prey on Mexican aliens crossing border; in 5 months, 5 killed and scores wounded in 93 reported attacks; probably no more than 20-25% of attacks are reported.
Impact on Illegal Aliens	Illinois Study on Illegal Aliens, Legislative Investigating Commission State of Illinois, 1971.	Extortion of money by personnel placement officers of industrial plants and by some unscrupulous police officials is a particularly obnoxious corruptive practice.
Impact on Illegal Aliens	U.S. Congress. House. Committee on Government Operations. Immigration and Naturalization Service Regional Office Operations. Part 1 Hearings before a subcommittee of the Committee on Government Operations, 93rd Congress, 1st session, March 27; April 3 and 10, 1973.	Discussion at these hearings on the exploitation of illegal aliens by unscrupulous employers.
Impact on Illegal Aliens	Samora Julian. <u>Los Mojados: The Wetback Story</u> . Notre Dame: University of Notre Dame Press 1971.	Chapter VI offers a profile of the wetback, talks about the problems of living outside society and of the exploitation at all levels.

IMPACT AREA	SOURCE	FINDING
Labor	Gregory, John. "Life in the Barrios, A Study of Alien Nation." <u>Los Angeles Times</u> , 5 January 1975.	Chicano-Mexican tensions regarding illegals: Some exploitation, some assistance. Primary, though anecdotal, data on life-style differences and economic competition between the two.
Labor	Holles, Everett R. "Ruling on Mexican Aliens Stirs Chicanos' Job Fears." <u>The New York Times</u> , 2 December 1974.	The impact of the Supreme Court regarding the right of resident aliens to live in Mexico and work in the U.S.
Labor	Washington. Inter-Agency Task Force for Agricultural Workers. "Investigative Study of the Impact of Illegal Aliens on Farmworkers in the State of Washington." Preliminary Report, December 1974.	A composite of estimates from public service officials indicated the presence of 5,000 or more illegal aliens working in agriculture during a peak period in 1974, most of whom were concentrated in the Yakima Valley. There was an indication that most of these workers were taking jobs away from local and U.S. migrant workers. Illegals received an estimated \$7.5 million in wages which is reported by Post Offices to be sent to Mexico.
Labor	Texas Good Neighbor Commission of Texas. <u>Texas Migrant Labor 1973, Annual Report</u> . P.O. Box 12007, Austin, Texas 78711.	Talks about impact of illegal aliens on farm job market.
Labor	Illinois Legislative Investigating Commission.. "Report to the General Assembly on the Problems of Illegal Aliens in Illinois." Chicago, Illinois, October 1971.	Types of employment & places of employment of illegals - procurement of social security cards by illegals.
Labor	U.S. Dept. of Labor. Manpower Admin. "The Legal and Illegal California Farmworker: Some Implications for Unemployment Insurance," by Paul E. Sultan and John M. Virgo, January 1974.	Study on the direction in the change of unemployment insurance costs in California should farmworkers become eligible. Discusses effects illegal aliens would have on unemployment insurance. Also considers the extent, methods, and impacts of illegal manpower flows into California. See Chapters VI, VIII, IX, X.

IMPACT AREA	SOURCE	FINDING
Labor	U.S. Dept. of Labor. Manpower Admin. <u>Farming and Farm Labor</u> , by Paul Sultan and Darryl D. Evans, Available from National Technical Information Service, Springfield, Va. 22151, 1974.	Analysis of the patterns and barriers of the occupational and geographic mobility of farm laborers in California. Presence, characteristics and role of illegals in farm-nonfarm employment is considered in Chapters II VII and VIII.
Labor	U.S. Dept. of Labor. manpower Admin. <u>The Border Crossers: People who Live in Mexico and work in the United States</u> , by David S. North. Available from the National Technical Information Service, Springfield, Virginia 22151, April 1970.	Study of the flow, magnitude and characteristics of commuting Mexican workers and their impact on the resident American Work Force in the Southwest, where wages are generally low and unemployment high. The origins of the commutation practice, the controversies it has created, the role played by the border crossers in a variety of federal programs and the presence of illegals are also discussed.
Labor	U.S. Dept of Commerce. Manpower Admin. "Bibliographic Literature on Migrant Seasonal Workers: An Annotated Reference Guide." Prepared by LMC Inc. October 1974.	Included in the bibliography on migrant workers are several references to the presence and impact of illegal aliens in the farm labor force.
Labor	U.S. Dept. of Commerce. Economic Development Admin. "Industrial and Employment Potential of the United States-Mexican Border," by Robert R. Nathan Associates, Inc. December 1968.	Report states that "the large inflow of legal and illegal Mexican immigrants, together with commuters who live in Mexico but work in the United States, undoubtedly contributes to disruption of the labor market and to poverty problems on the U.S. side of the border."
Labor	U.S. Congress. House. <u>Illegal Aliens, Part 4, Hearings before Subcommittee No. 1, 92nd Congress, 2nd Session, March 10 and 11, 1972.</u>	Testimony at these New York hearings from the DOL Regional Manpower Administrator affirmed the belief that illegal aliens seriously depress wages and impair working conditions.

IMPACT AREA	SOURCE	FINDING
Labor	U.S. Congress. House. <u>Illegal Aliens Part 2 Hearings before Subcommittee No. 1, 2nd Congress, 1st Session, June 24, 25; July 9 and 10, 1971.</u>	The July 9-10 hearings held in El Paso included testimony and statements from DOL Regional Manpower Director, representatives of local labor unions, employment agencies, and employers concerning impact that illegals have upon unemployment, their wages and the question of labor certification.
Labor	U.S. Dept. of Labor. Manpower Admin. <u>Alien Workers: A Study of the Labor Certification Program</u> , by David S. North. Available from the National Technical Information Service, Springfield, Virginia 22151, August 1971.	A study of that part of the U.S. immigrant screening process administered by the Dept. of Labor's labor certification. The report provides a history of the program, describes its operation, and analyses its impact on the labor market.
Labor	<u>Population and the American Future, Final Report.</u> Washington, D.C.: Government Printing Office, 1972.	Recommends that Congress immediately consider passing legislation imposing civil and criminal sanctions on employers of illegal border crossers or aliens in an immigration status in which employment is not authorized.
Labor	Samora, Julian, and Bustamante, Jorge. "Mexican Immigration and American Labor Demands." Paper presented at the Center for Migration Studies, Brooklyn College, New York 1970. Reprinted in U.S. Senate Committee on Labor and Public Welfare, <u>Hearings of the Subcommittee on Migratory Labor</u> , 91st Congress, 1st and 2nd Session, Part 7-13 pp. 4783-4821.	Mexican immigration and American labor demands.
Labor	U.S. Senate Committee on Labor & Public Welfare, <u>Migrant and Seasonal Farmworker Powerlessness</u> , Part I-8C <u>Hearings before the Subcommittee on Migratory Labor</u> 91st Congress 1st and 2nd Session, 1969-1970.	Focus on the presence and impact of illegal aliens Part 4-13 Farmworker legal Problems; Part 5-13 Border Commuter Labor Problems; Part 7-13 Manpower and Economic Problems.

IMPACT AREA	SOURCE	FINDING
Labor	<u>Miami News</u> , Miami, Florida August 26, 1974.	An estimated 70,000 aliens are working illegally in Dade County while 43,000 citizens are out of work.
Labor	<u>Migration</u> , Office of the Lieutenant Governor, State of California, 1976, page 29.	A study prepared by the San Diego County Human Resource Agency in November 1975 estimated that approx. 9,000 illegal aliens hold jobs in San Diego County and earn wages totaling \$34,560,000. 63% earn less than \$2.50 per hour. Average wage was \$2.00.
Labor	<u>Migration</u> , Office of the Lieutenant Governor, State of California, 1976, page 29.	The Report estimates that over 150,000 illegal Mexican aliens are employed in the city of Los Angeles alone. If accurate, there are more Mexicans employed in Los Angeles than in any city in Mexico except Mexico City and Guadalajara.
Labor	Lippman, Leopold. "Guest Workers, Handicapped Workers: Are they the Seed bed of Conflict" <u>The Social and Rehabilitation Record</u> 1 (October 1974): 20-24.	The use of the guest worker in Europe and the illegal worker in the U.S. who are willing to perform unpleasant work for low pay, has substantial - and negative implications for the prospects of employment for handicapped and rehabilitated workers.
Labor	Mexican Intersecretariat Study. Mexico 1974.	46.8% illegal aliens found work in the U.S., 53.2% never did, majority in agriculture, average number of days worked in U.S. was 62.
Labor	Washington. Inter-Agency Task Force for Agricultural Workers. "Investigative Study of the Impact of Illegal Aliens on Farmworkers in the State of Washington." Preliminary Report, December 1974.	There were overwhelming indications that jobs were being taken from local and U.S. migrant workers by illegals, which caused them economic stress.

IMPACT AREA	SOURCE	FINDING
Labor	Stoddard, Ellwyn R. "Illegal Mexican Labor in the Borderlands: Institutionalized Support of an Unlawful Practice,": a paper prepared for presentation at the 70th Annual Meeting of the American Sociological Association, August 25-29, 1975.	According to Cesar Chavez, a mass of un-employed Mexican nationals available to the American employer would completely undermine Chicanos in their tactics of organized labor bargaining.
Labor	Illinois Study on Illegal Aliens Community Relations Service, Dept. of Illinois, 1971.	Conservatively, 15,000 jobs now held by Mexican illegals deprive employment to legally admitted aliens and united States citizens residing in Illinois. This situation aggravates the State's unemployment problem and causes collateral, unfavorable economic ramifications.
Labor	U.S. Congress. House. Committee on Government Operations. <u>Immigration and Naturalization Service Regional Office Operation, Part 1</u> , Hearings before a Subcommittee of the Committee on Government Operations, 93rd Congress, 1st Session, March 27, April 3 and 10, 1973.	At these hearings Congress talks about the involvement of illegal aliens in government sponsored programs such as OEO.
Labor	U.S. Congress. House. <u>Illegal Aliens, Part 3, Hearings before Subcommittee No. 1</u> . 92nd Congress 1st Session, October 22 and 23, 1971; January 21, 1972.	At the January 21 Detroit hearings a representative of the local Veterans of Foreign Wars spoke on the effect of illegal aliens upon veteran's opportunities for employment in the area.

IMPACT AREA	SOURCE	FINDING
Labor	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	The average hourly wage of 793 apprehended illegal aliens who had worked in the U.S. at least two weeks was \$2.71. The lowest paid respondents earned \$2.34 per hour as compared to 84.08 for the highest paid.
Labor	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 apprehended illegal aliens who had worked in the U.S. for 2 weeks or longer only 16% had joined a labor union.
Labor	U.S. Congress. House. <u>Illegal Aliens Part 2, Hearings before Subcommittee No. 1, 2nd Congress, 1st Session, June 24, 25; July 9 and 10, 1971.</u>	DOL Denver Regional Manpower Administration, Wage and Hour Div. Asst. Area Director, and Colorado State Representatives testified about impact illegal aliens have on labor problems (including violation of minimum wage laws), impact of illegals on urban as well as rural employment.
Labor	Karkashian, John E., "The Illegal Alien," unpublished paper for the Senior Seminar in Foreign Policy, Dept of State, 1976.	30% apprehended in 1975 were employed and many earning above minimum wage.
Labor	Cornelius, Wayne A., "Mexican Migration to the United States: The View from Rural Sending Communities," a paper presented at the conference on Mexico and the United States: The Next Ten Years, School of International Service, The American University Washington, D.C. March 18-19, 1976.	At least in the agricultural sector, the principal impact seems to be the depression of wage scales for certain types of unskilled jobs, rather than displacement of native Americans from them. They do, however, complete directly for certain types of non-agricultural jobs, particularly in factories and in the construction industry; but the degree of competition varies considerably among job categories and aliens are frequently severely handicapped by low skill levels, low levels of formal education, and lack of facility in the English language.

IMPACT AREA	SOURCE	FINDING
Local Economy	U.S. Congress. House. Illegal Aliens Part 3, Hearings before Subcommittee No. 1 92nd Congress, 1st Session, October 22 and 23, 1971; January 21, 1972.	The October 22-23 Chicago hearings concerned the impact that an indeterminate number of illegals would have on the urban labor market, unemployment, and living conditions of Mexican Americans in the Chicago area.
Local Economy	Briggs, Vernon M. Jr. Chicanos and Rural Poverty, Baltimore: The John Hopkins University Press, 1973.	A study on the adverse effects of the Southwest rural economy upon Chicanos, including considerable discussion of the number, characteristics and impact of illegal Mexican aliens.
Local Economy	Portes, Alejandro "Return of the Wet-back" Society, April/May 1974, pp. 40-46.	In the U.S. only the poor pay the price of illegal immigration: U.S. employers benefit from the existence of this pool of abundant cheap labor.
Local Economy	Velie, Lester. "Poverty at the Border: Mexican Labor Brought in by Greedy U.S. Employers.": <u>Readers Digest</u> 97 (August 1970) 92-7.	This article describes the adverse economic problems created for the American farmworker by the influx of green card commuters and border crossers.
Local Economy	Briggs, Vernon M. Jr. "The Mexico - United States Border: Public Policy and Chicano Economic Welfare." Austin: Center for the study of Human Resources, the University of Texas, 1974.	This study describes the history of illegal Mexican immigration to the U.S. and recent attempts to control it through legislation. The author contends that a tight border policy is an essential component to any public effort to improve Chicano economic welfare.
Local Economy	Greene, Sheldon L. "Immigration Law and Rural Poverty -- The Problems of the Illegal Immigrant, <u>Duke Law Review</u> , No. 3 (1969) 475-94.	In 1966 domestic farmworkers wages were under half the average prevailing wage in industrial employment. Efforts to unionize farmworkers failed due to a large influx of inexpensive nonresident Mexican labor.

IMPACT AREA	SOURCE	FINDING
Social Security	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 apprehended illegal aliens who had been employed in the U.S. two weeks or longer, 77% reported they had social security taxes withheld from their pay.
Social Security	U.S. Congress. House. <u>Immigration and Naturalization Service Regional Office Operations</u> , Part 4 Hearing before a Subcommittee of the Committee on Government Operations, 93rd Congress, 1st Session, November 13 and 14, 1973.	Representatives from DHEW testified in these hearings on the extent to which illegals are receiving benefits under social security and other programs administered or supervised by DHEW.
Social Security	U.S. Dept of HEW, Regional Office VI "Regional Memorandum," by Howard D. McMahan, Regional Director. Dallas, Texas, November 1973.	Regional Director of HEW Region VI talked about use of social security card as a device for identifying persons who are entitled to work and also identifying illegal aliens. This measure as a means to combating unemployment created by illegals.
Social Security	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Three-quarters interviewed said their last employer had deducted social security contributions. The pattern was uneven, however. The lowest rate was reported in the 23 counties adjoining the U.S.-Mexico border, where only 27.9% of the respondents reported deductions.

IMPACT AREA	SOURCE	FINDING																												
Taxes	Migration, Office of the Lieutenant Governor, State of California, 1976, page 30.	San Diego County estimates that \$6,768,000 in total taxes are lost through the illegal aliens employed in the county.																												
Taxes	Migration, Office of the Lieutenant Governor, State of California, 1976, page 31.	<p>Estimates of earnings and taxes paid based on two assumptions of number of illegal aliens working.</p> <table border="1" data-bbox="1252 393 1848 831"> <thead> <tr> <th colspan="2" data-bbox="1252 393 1451 430">Assumption 1</th> <th colspan="2" data-bbox="1669 393 1848 430">Assumption 2</th> </tr> </thead> <tbody> <tr> <td data-bbox="1312 453 1431 491">\$24,840</td> <td data-bbox="1471 453 1570 491">Number</td> <td data-bbox="1729 453 1848 491">\$276,000</td> <td></td> </tr> <tr> <td data-bbox="1252 514 1431 551">123,000,000</td> <td data-bbox="1471 514 1610 551">Earnings</td> <td data-bbox="1650 514 1848 551">1,000,000,000</td> <td></td> </tr> <tr> <td data-bbox="1292 574 1431 612">8,200,000</td> <td data-bbox="1471 574 1610 635">Fed. In- come Tax</td> <td data-bbox="1689 574 1848 612">92,000,000</td> <td></td> </tr> <tr> <td data-bbox="1292 665 1431 703">3,400,000</td> <td data-bbox="1471 665 1610 725">Property Tax</td> <td data-bbox="1689 665 1848 703">38,000,000</td> <td></td> </tr> <tr> <td data-bbox="1292 748 1431 786">1,900,000</td> <td data-bbox="1471 748 1530 786">S&amp;L</td> <td data-bbox="1689 748 1848 786">26,200,000</td> <td></td> </tr> <tr> <td data-bbox="1292 808 1431 846">1,300,000</td> <td data-bbox="1471 808 1610 846">Gasoline</td> <td data-bbox="1689 808 1848 846">15,000,000</td> <td></td> </tr> </tbody> </table>	Assumption 1		Assumption 2		\$24,840	Number	\$276,000		123,000,000	Earnings	1,000,000,000		8,200,000	Fed. In- come Tax	92,000,000		3,400,000	Property Tax	38,000,000		1,900,000	S&L	26,200,000		1,300,000	Gasoline	15,000,000	
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Taxes	Illinois Study on Illegal Aliens, Legislative Investigating Commission, State of Illinois, 1971.	Of the 190 arrested illegal Mexican aliens who were spot-checked, 114 failed to file any State income tax returns.																												
Taxes	Illinois Study on Illegal Aliens, Legislative Investigating Commission, State of Illinois, 1971.	Apprehended illegal Mexican aliens frequently claim up to 10-12 dependents each on their Federal and State income tax withholding forms in order to increase their take-home pay.																												
Taxes	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 apprehended illegal aliens who had been employed in the U.S. for two weeks or longer, 73% reported having income taxes withheld from their pay.																												

IMPACT AREA	SOURCE	FINDING
Taxes	Walsh, Denny. "House Panel estimates U.S. and States lose \$115 million a year in taxes that illegal Aliens Escape." The New York Times, 13 June	House panel estimates U.S. and states lose \$115 million a year in taxes that illegal aliens escape.
Taxes	Karkashian, John E., "The Illegal Alien", unpublished paper for the Senior Seminar in Foreign Policy, Dept. of State, 1976.	25% of employed illegal aliens receive pay in cash and pay no Federal, State, or city taxes.
Taxes	Cornelius, Wayne A., "Mexican Migration to the United States: The View from Rural Sending Communities," a paper presented at the Conference on Mexico and the United States: The Next Ten Years, School of International Service, the American University, Washington, D.C., March 18-19, 1976.	Nearly all paid social security, about half had personal income taxes withheld, some paid property taxes.
Taxes	U.S. Congress. House. <u>Interim Report on Immigration and Naturalization Service Regional Office Operations.</u> House Report No. 93-1623, 93rd Congress 2nd Session, December 18, 1974.	Based on the 1973 series of hearings held by the Subcommittee on Legal and Monetary Affairs and two GAO reports on the INS relays findings on such issues as illegal aliens and unpaid taxes.

IMPACT AREA	SOURCE	FINDING
Welfare	North, David S., "Interactions Between Illegal Alien Respondents and the Social Security Tax Collection System: Some Preliminary Findings," a paper prepared for the Social Security Administration, July 1976.	Of 793 apprehended illegal aliens who had been employed in the U.S. for two weeks or longer, 4% collected one or more weeks of unemployment insurance, 1% participated in U.S. funded job training programs, 1% secured food stamps, and 0.5% secured welfare payments.
Welfare	Washington. Inter-Agency Task Force for Agricultural Workers. "Investigative Study of the Impact of Illegal Aliens on Farmworkers in the State of Washington." Preliminary Report, December 1974.	There is no indication that the presence of illegal aliens has caused an increase in demand for public welfare services except in food stamps and medical services.
Welfare	Cornelius, Wayne A., "Mexican Migration to the United States: The View from Rural Sending Communities," a paper presented at the Conference on Mexico and the United States: The Next Ten Years, School of International Service, The American University, Washington, D.C., March 18-19, 1976.	3 of 30 collected unemployment insurance; none ever received free medical care, food stamps, or welfare benefits.
Welfare	New York Times, June 14, 1976, page 35.	NYC Human Resources uncovered "marriages of convenience;" removal of 736 persons, including 103 aliens; monthly savings of \$76,500.
Welfare	Quality Control Study on AFDC by Social Rehabilitation Service.	In a 1975 study by SRS, .036% of a representative sample of AFDC recipients were found to be illegal aliens. Total cost of illegal aliens on welfare projected to be \$3.8 million per year.

APPENDIX B

TASK FORCE MEMBERS

Immigration Law and Policy task force

Chair: Leonard F. Chapman, INS  
Members: Craig A. Barrington, DOL  
William W. Fee, OMB  
Cornelius D. Scully, DOS

Law Enforcement task force

Chair: James F. Greene, INS  
Members: Malcolm E. Arnold, OMB  
Mrs. Dorothy Come, DOL  
Walter J. Gorman, DOT/IRS  
Vernon B. Hann, DOT/CS  
Gilbert G. Pompa, DOJ/CRS  
Thomas C. Parrott, HEW/SSA  
Ernest B. Dane, DOS

Social and Community Impact task force

Chair: Victor H. Vazquez, HEW  
Members: Meyer Zitter, Daniel Levine, CENSUS  
Orval Kerchner, DOA  
Phil Hanna, OMB  
Gil Pompa, DOJ/CRS

Economic and Labor Market Impact task force

Chair: Abraham Weiss, DOL  
Members: David T. Hulett, OMB  
William C. Motes, DOA  
Leslie W. Small, DOC  
Ross Sommers, DOT/IRS

Foreign Relations task force\*

Chair: William H. Luers, DOS  
Members: James B. Clawson, DOT  
William C. Motes, DOA  
James M. Ravlin, DOC

\* Also known as the Inter Agency Committee on Mexican Migration to the U.S. which had been previously constituted pursuant to meetings between President Ford and President Echeverria of Mexico in 1974. The scope of its activities as originally defined has been broadened for purposes of the Domestic Council Committee work.

Herbert N. Blackman, DOL  
Victor Vazquez, HEW  
James F. Greene, INS  
Mary Brownell, NSC  
Richard D. Parsons, DC  
Loren E. Lawrence, DOS  
John T. Dreyfuss, DOS

Abbreviations

CRS - Community Relations Service  
CS - Customs Service  
DC - Domestic Council  
DOA - Department of Agriculture  
DOC - Department of Commerce  
DOJ - Department of Justice  
DOL - Department of Labor  
DOS - Department of State  
DOT - Department of Treasury  
HEW - Department of Health, Education and Welfare  
INS - Immigration and Naturalization Service  
IRS - Internal Revenue Service  
NSC - National Security Council  
OMB - Office of Management and Budget  
SSA - Social Security Administration

*Illegal Aliens*

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

CO 1326-P

OFFICE OF THE COMMISSIONER

DEC 29 1976

AND REFER TO THIS FILE NO.

Dear Mr. Parsons:

As part of the major Illegal Alien Study effort, I&NS has recently completed the Fraudulent Entrants Study which was designed to determine the flow of illegal aliens entering through the ports of entry with counterfeit or altered alien or citizen documents, borrowed or stolen valid documents, false verbal claims to United States citizenship, or valid documents the terms of which the bearer intended to violate.

The study, which was undertaken between September 1975 and February 1976, was conducted along a statistically defensible design by two teams of four Immigration Inspectors each at the ten largest international airports and the twelve largest Southwest border land ports of entry. Major findings of the study include:

*FRAUDULENT DOCUMENTS INTERCEPTED*

(This category includes aliens with counterfeit or altered alien documents or who were impostors presenting valid cards along the Southwest border).

- The results of the Fraudulent Entrants Study indicate that at least 14 times the routinely detected number of aliens with fraudulent documents successfully enter through Southwest border ports of entry.
- An estimated 145,000 aliens with fraudulent documents are successfully entering the United States through Southwest border ports each year.



*FALSE CLAIMS TO U.S. CITIZENSHIP*

- The results of the Fraudulent Entrants Study indicate that at least 10 times the routinely detected number of aliens falsely claiming U.S. citizenship are entering at Southwest border ports of entry.

- An estimated 103,000 aliens falsely claiming to be U.S. citizens are successfully entering the United States through Southwest border ports each year.

*ALIENS VIOLATING THE TERMS OF THEIR ADMISSION WITH BORDER CROSSING CARDS*

- The results of the Fraudulent Entrants Study indicate that at least 13 times the routinely detected number of aliens entering with border crossing cards and subsequently becoming illegal once they are in the United States are being admitted at Southwest border ports of entry.
- An estimated 205,000 aliens are successfully entering the United States each year through Southwest border ports by entering with a valid border crossing card and subsequently working or otherwise violating the terms of their temporary admission.
- The results of the Fraudulent Entrants Study indicate that at least 14 times the routinely detected number of inadmissible aliens are successfully entering the United States through major airports.
- An estimated 50,000 aliens for whom it can be determined at entry intend to work or become illegal through other means after entry with a valid visitor or student visa, or who have fraudulent documents, or who make false claims to U.S. citizenship are successfully entering the United States through the major airports each year. This figure does not include the thousands of visitors and students who enter legally and subsequently decide to remain illegally in the United States.

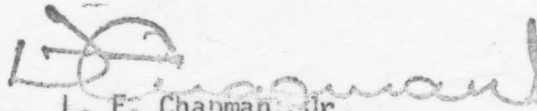
Based on these data, there are more than one-half million illegal entries into the United States each year through ports of entry. This number compares with the 44,328 aliens who were denied admission during 1975 because they were attempting entry with counterfeit or altered alien or citizen documents as impostors, by false verbal claims to U.S. citizenship, or valid documents the terms of which the bearer intended to violate. An additional 750,000 aliens who were determined to be inadmissible for other reasons were also denied entry during FY 1975. Aliens in these other categories were not included in the Fraudulent Entrants Study, however.



The Fraudulent Entrants Study indicates, for international airports and Southern land border ports, the dimensions of the illegal alien influx. To achieve a denial rate that is far closer to the total number of illegal aliens entering through the ports, I have made prevention, both at the ports of entry and between them, the Service's top priority.

I am enclosing for your interest a copy of this first completed part of the Illegal Alien Study. As the other parts of this major effort become available, they will also be forwarded to you. Please call me if you would like additional copies of the Fraudulent Entrants Study or if I can answer any questions you may have about the Study.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. F. Chapman, Jr.", written in dark ink over a light background.

L. F. Chapman, Jr.  
Commissioner

Honorable Richard D. Parsons  
Assistant Director and Counsel  
Domestic Council  
The White House  
Washington, D.C. 20500