

Reflections on Twentieth-Century U.S. Immigration Policy¹

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It is well known that the United States is one of the world's most generous nations in receiving immigrants, and we are continually reminded of the fact that today it is the nation it is thanks to the strong backs and intellects of immigrant men, women and children who risked their lives to achieve the mythical American Dream. During the twentieth century, it welcomed an important number of immigrants from different regions of the world, not exclusively from Western Europe as had been the tradition in for-

mer centuries. In this way, a society was forged in which a great diversity of races, ethnic groups and cultures converged and interacted, a society which became increasingly multicultural and multiethnic.

It would be difficult, or almost impossible, to deny that the United States has been enriched with the important legacy of almost 70 million immigrants over the last two centuries. However, while the economic costs of immigrants has been much debated and questioned, very seldom have the benefits they brought been recognized. These debates and discussions—carried out at different times in the history of the last century, in differ-

ent tones and with different biases—have had an impact on the decisions of policy makers both in the U.S. Congress and the executive, who have decided on their courses of action in response to the demands of their constituents or following the party or philosophical orientation they represented.

This has undoubtedly caused the creation and continual reformulation of immigration policy through the enactment of new laws and the amendment of existing ones. We could define immigration policy, then, as the fundamental right of a sovereign state to control its own borders, setting certain rules to be

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applied to foreign individuals who wish to enter the country for a myriad of reasons. This selective policy is inherently discriminatory, since the state chooses among different foreign individuals and later accepts those to be allowed to legally enter the country.² It rejects those who do not fulfill the prerequisites that it has established precisely because it is a sovereign state.

Undocumented or non-authorized immigration would not exist if no migratory policy had been created to restrict the entrance of certain individuals. Any foreigner is considered an illegal immigrant and subject to deportation if he/she violates U.S. immigration law. During the twentieth century, more and more unauthorized foreigners have entered the country both by land and by sea.³ Given this, great energy and resources have been used to control and fight undocumented immigration, mainly on the border with Mexico, and this has had an impact on the national debate, exacerbating xenophobic feelings.

SETTING LIMITS

Limits, both formal and informal, on the entrance of certain races and/or ethnic groups were established in accordance with U.S. preferences for certain kinds of foreigners. This trend has been a constant in U.S. immigration policy.

At the end of the nineteenth century, large numbers of immigrants from Southern and Eastern Europe began arriving to U.S. shores, most of them poorer and less skilled than their predecessors. Approximately 26 million immigrants arrived between 1880 and 1924, significantly more than the nearly 10 million

who had entered between 1820 and 1880. They brought new cultures, religious beliefs and languages that little by little differentiated them from the rest of the population, bolstering prejudices and discrimination toward them.

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view and demand new restrictions on immigration. Quotas were fixed to limit the number of foreigners, closing the door to the unfettered immigration that had existed until then. Congress voted the Chinese Exclusion Act in 1882 and years later it established more restrictions on immigration from some Asian countries, as well as on illiterates, psychopaths and alcoholics, not to mention indigents and the unemployed.⁴ The 1921 Immigration Act or Emergency Quota Act was amended by other, very restrictive, bills passed in 1924—the Johnson Reed Act—and 1929, establishing quotas using a very complex, artful mechanism that actually aimed at

maintaining a flow of immigrants from Northern Europe.

After the Depression began in 1929, not only did the flow of immigrants drop significantly, but many of them were actually repatriated or they returned voluntarily to their places of origin. This trend continued during the entire 1930s until the outbreak of World War II. The Border Patrol was created in 1924 to watch and manage the borders and coastlines, but particularly to stop the illegal entry of immigrants. It was not until 1929, however, that entry into the United States without a visa was made illegal, thus beginning the tragic history of uncounted apprehensions and deportations.

Discontent mounted during the 1950s and 1960s and many groups were organized in different communities to react to nativist and racist attitudes and other oppressive social conditions. Particularly important were the protests organized by Afroamericans and Latinos. The most important result of the 1960s civil rights movement was increased institutional participation of the Afroamerican minority in U.S. society.

One answer to the discontent and a result of the civil rights movement was the 1965 amendment to the 1952 Immigration and Nationality Act, also known as the McCarran-Walter Act. This legislation—previously amended in 1924—had changed the distribution of visas to foster the entry of more highly skilled immigrants and, thus, those from Western Europe.

The 1965 Immigration and Nationality Act Amendments restructured the legal framework for admitting immigrants. For the first time it abolished the system of restrictive quotas based on national origin and increased and encouraged a global

number of visas: 170,000 visas for people from non-Western Hemisphere countries, limited to 20,000 per country.

At the same time a system of preferences was established in accordance with which the immigrant's closest relatives would also be admitted.

This law had important implications because it allowed access to thousands of people from Asia and Latin America. Some conservative ideologues think this part of the legislation was disastrous because it did not take into account nationality in its prerequisites for acceptance. They think that this is responsible for the nationalist, racist feelings of the 1990s, given that immigrants have difficulty in assimilating or are even rejected by their communities.

TOWARD A MULTICULTURAL SOCIETY

The 1965 legislation is a watershed in U.S. immigration policy because it marked a change in migrant's origins. The generous formulators of this legislation showed their concern for humanitarian issues involved in immigration like family reunification, which could be considered an excellent form of integration into any society.

Evidently, the legislation was approved with the idea that it would lead to a more open, plural society. It meant the explicit and implicit willingness to become an increasingly multiracial and multiethnic society. It could be called an antiracist gesture since until 1965, immigration legislation was explicitly designed to keep the majority of the U.S. population fundamentally white.

Conservatives think that the diversity promoted in 1965 and thought of as

attractive is now catastrophic given the perspectives implicit in the composition of the population, which has changed significantly since then. Projections derived from the last census indicate that the white population will be a minority in the mid-twenty-first century, something unthinkable in 1965.



Migrant workers wait to be hired for temporary jobs, Broadway, downtown Los Angeles, 1997.

This significant metamorphosis in the make-up of the U.S. population has changed the face of the nation. For some nativists, this is dramatic: while in the 1950s, about 75 percent of immigrants came from Europe and only 25 percent from Latin America, half a century later, only 10 percent come from Europe and the rest from Asia and Latin America.

During the 1970s, immigrants from other ethnic groups, different from the traditional ones, began arriving in greater numbers, easy prey to discrimination, and with that, prejudice emerged and racial polarization grew. By the 1980s, the atmosphere of domestic crisis—at that time, both inflation and unemployment

were high—plus the many guerrilla movements and unrest abroad (revolution in Iran, Haiti, Cambodia, Vietnam, among others) prompted President James Carter to sign the 1980 Refugee Act providing for residency and generous government benefits.

Despite the fact that liberals and conservatives did not seriously disagree over

the entry of refugees, a significant debate did arise over the lax controls of the increasing flow of undocumented immigrants given the international political and economic crises. While the number of detentions at the border cannot be taken as valid indicators, they did increase substantially, bringing with them an increase in sensitivity and hostility among the public.

The role that Congressman Peter Rodino played in the House was also central for the discussion and passage of restrictive bills to solve some migratory problems. He had already presented a bill in 1971 that aimed to impose sanctions on employers of undocumented

workers. Others presented variations of this bill, the most noteworthy of which was the Simpson-Mazolli Bill which almost passed. However, the basis was established for what would later be one of the most important laws, the Immigration Reform and Control Act of 1986 (IRCA), better known as the Simpson-Rodino Act after

every 10 immigrants entered the United States sponsored by either a U.S. citizen or resident.⁶

By the end of the 1980s, the issue of international competitiveness had taken on great importance in the debate in the framework of globalization. At the same time that the economic role that immi-

For these reasons, the 1990 Immigration Act was passed, which aimed at propitiating a better educated, more skilled immigration flow. Limits were placed on the categories of family reunification using complex formulas, putting a priority on the most immediate family. The proportion of visas based on job offers increased 70 percent, from 54,000 to 140,000, and the new law specified that all visas not used for family reunification would accrue to this category.



Mexican farm workers in California.

Reprinted courtesy of Migrant Education San Diego, Paulina Bouris/Celia Ramirez

its promoters. Sanctions to employers, increased border surveillance and the important amnesty program thanks to which around two million undocumented workers legalized their status in different ways were the main aspects of this law.⁵

The end of the Cold War brought new flows of immigrants and refugees. It was then that Congress debated the possibility of increasing the annual admissions quota, changing the parameters of the preference system, particularly with regard to family members (brothers and sisters) and establishing new controls like knowledge of the English language, in order to ensure more skilled, better prepared immigrants since some studies showed that nine out of

grants played in an increasingly technological, competitive economy was being discussed, some studies predicted the possibility of a scarcity of labor which, together with the low U.S. birth rate, would lead to the need to admit new flows of migrants to balance the slow population growth and the increasing demand for labor in some sectors of the economy. However, concern about the quality of the immigrant—in educational terms—was a determining factor in proposing the admission of more qualified immigrants. By the early 1990s, only 10 percent of immigrants came from Europe, while 50 percent came from Asia and 40 percent from Latin American and other countries.

THE NEW NATIVIST ERA

The decade of the 1990s could be characterized by important changes in terms of immigration policy. The Republican victory in the 1994 elections was a determining factor since, for the first time in 40 years, the GOP gained control of both houses of Congress. Its new strength created a new equilibrium between conservative and liberal political thinking. The conservatives were able to capitalize on the discontent caused by the economic crisis of the early 1990s. Its spokespersons embraced nativist ideologies and even presented paranoid visions directly related with racial nationalism based, once again, on white supremacy.

Since then the conservatives have promoted a highly anti-immigrant debate (given their growing ranks and greater visibility), making immigrants the scapegoats for all the country's problems.⁷ This debate has centered its attention on the negative aspects of immigrants and their effects on the economy. As a result, proposals, bills and amendments to laws have been presented that affect immigrants' interests and safety. One example

is California's unconstitutional Proposition 187, which attempted to deny undocumented immigrants access to public education and free medical attention except in case of emergency. While this was being debated, California became the battlefield where extremely sensitive issues were hotly and irresponsibly debated and proposals were approved that fostered discrimination and segregation.

This situation has created a landscape of great hostility for minorities and had an important impact in Washington on the intolerant discussion about the new immigration bills, even more restrictive than in the past, which resulted in the passage of one of the harshest and most rigid bills of the twentieth century, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the principle aim of which is to control illegal immigration and reduce access to social welfare programs even to legal immigrants. Among the most polemical clauses in the law are: the strengthening of controls to monitor the border; increased penalties for immigrant trafficking and document forgery; the inspection, apprehension, arrest and deportation of inadmissible foreigners; and new restrictions for employers.⁸ The IIRIRA is definitely more rigid than IRCA, particularly in its harsher dealing with undocumented immigration.

It is a fact that Republican positions in Congress regarding immigration policy became significantly more hard line during the 1990s. They see the government as the last body that should be looked to for aid to immigrants, given that they think the government's main obligation is to its own citizens. That is, today their radical position about the government having a very low profile in the protection of immigrant

welfare is clearer than ever. They think immigrants must understand their situation as their own personal responsibility or, if they are without the necessary economic resources, they should seek a sponsor, thus propitiating greater participation of the private sector in the protection of their welfare.

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PROSPECTS FOR THE TWENTY-FIRST CENTURY

The immigration issue has always divided public opinion along partisan, ideological and socio-economic lines. Generally speaking, the main factors that have fed the controversy have been the constant fear of a possible loss of security and economic well being, fears that become sharper in times of recession such as the one in the early 1990s, as well as when migratory flows increase, whether legal or undocumented.

There is no doubt that the 1996 immigration and welfare laws had serious consequences not only for undocumented but also for legal immigrants.

However, it must be recognized that although the antiimmigrant ethos generated over the last decade has stimulated the creation of powerful forces and networks that continue to struggle to restrict growing migration, it has also sparked the creation of important organizations that seek to reestablish what has been lost and have come out in favor of offering certain social benefits to immigrants. They have even sought to lobby Congress to do this. Some unions and legislators have put forward the utopian possibility of offering amnesty for a very large number of undocumented immigrants who continue to work in the United States and to establish some kind of program for guest workers.

Recent declarations by both Federal Reserve President Alan Greenspan and John Sweeney, head of the most powerful union organization in the United States, are undoubtedly unprecedented in that they propose freeing up the borders to allow foreign workers to enter. They argued that regulated immigration is better than illegal, non-regulated immigration and classified the employers' need to hire as legitimate, even if the workers come from abroad.⁹ This position may stem from the current low unemployment rate, down to 4 percent in some states, which is obviously what frightens someone like Greenspan: since his main responsibility is to control inflation, he is concerned by the significant increase in wages and prices that would accompany any scarcity of labor. This should be taken into consideration in Mexico, not only so it can be discussed and openly included on the bilateral agenda, but also to evaluate the creation of a new ad hoc guest workers program.

Lastly, it is difficult to predict what

attitudes the people of the United States will adopt about immigrants in the near future, but probably the debates on immigration policy will continue to be the center of attention of increasing numbers of organizations and individuals in the first decades of the twenty-first century given that, for many, the debate has not concluded. It is also possible that official policy will continue to be restrictive, and that new nativist positions will emerge, particularly during periods of economic crisis, giving rise unfortunately to an increasingly segregated and divided society. ■■■

NOTES

¹ This article is an abbreviated version of a paper presented at the First International Congress of Latin

American Specialists on U.S. and Canada Studies, CISAN-FLACSO, held in Mexico City, November 25 and 26, 1999.

² James P. Gimpel and James R. Edwards, Jr., *The Congressional Politics of Immigration Reform* (Needham, Maryland: Allyn and Bacon, 1999), p. 5.

³ The term “undocumented” is also applied to “visa abusers,” those who entered the country with a valid visa but who remained after its validity runs out. See Mónica Vereá Campos, *Entre México y Estados Unidos: los indocumentados* (Mexico City: El Caballito, 1983), p. 45.

⁴ It should be pointed out that the Department of Labor used a loophole in this law to allow the temporary entry of thousands of Mexicans and Canadians and their families, a flow which has been dubbed the “first bracero program,” but was actually quite distinct from the Bracero Convention signed with Mexico in 1942.

⁵ Mónica Vereá C., “Contradicciones de la Ley Simpson-Rodino,” Manuel García y Griego and Mónica Vereá, *México y Estados Unidos frente a la migración de los indocumentados*, Social Sciences Collection (Mexico City: Coordinación de

Humanidades-UNAM/Miguel Angel Porrúa Eds., 1988), p. 13.

⁶ Demetrius G. Papademetriou and Kimberly A. Hamilton, “Managing Uncertainty: Regulating Immigration Flows in Advanced Industrial Countries” (International Migration Policy Program and Carnegie Endowment for International Peace, Washington, D.C., 1995, mimeographed), p. 19.

⁷ For more information, see Mónica Vereá, “Las nuevas tendencias conservadoras en las políticas migratorias de Estados Unidos,” Mónica Vereá Campos and Silvia Núñez, eds., *Estados Unidos y Canadá ¿Signos conservadores hacia el siglo XXI?* (Mexico City: CISAN-UNAM, 1999).

⁸ Mónica Vereá and Manuel García y Griego, “Colaboración sin concordancia: La migración en la Nueva Agenda Bilateral México-Estados Unidos,” Mónica Vereá, Rafael Fernández de Castro and Sidney Weintraub, comps., *Nueva Agenda Bilateral en la relación México-Estados Unidos* (Mexico City: CISAN-UNAM/ITAM/FCE, 1998), pp. 107-134.

⁹ “Piden aumentar en Estados Unidos empleo para migrantes,” *Reforma* (Mexico City), 18 February 2000, p. 1A.

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Este libro siembra palabras seminales para la cosecha de una pedagogía ambiental; abre un diálogo de saberes y fertiliza los procesos de aprendizaje en el campo social donde se configuran los sentidos de la complejidad ambiental. Los textos decantan reflexiones y prácticas de la educación ambiental; son signos que señalan nuevos destinos, que delimitan nuevos horizontes en un itinerario que se abre, camino a través del pensamiento y de la acción, de enseñanzas y aprendizajes. La pedagogía ambiental que aquí se inicia es el crisol donde se forja un nuevo saber de la complejidad y se construye una nueva racionalidad ambiental.






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