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 A White House press release outlines Mr Bush's proposals on "guest workers". US Citizenship and Immigration Services has information on America's immigration policies including the Immigration and Nationality Act. Time magazine reported on America's borders in September 2004. Wikipedia summarises California's Proposition 187 which sought to deny benefits to undocumented aliens. Proposition 200 was passed last year in Arizona. VisaLaw.com, an immigration-law portal, summarises the recent poll in the Washington Post. The Essential Worker Immigration Coalition is a lobby group. See also the Census Bureau, the US Customs and Border Protection department and the Federation for American Immigration Reform.

**American immigration**  
**Dreaming of the other side of the wire**

Mar 10th 2005 | NOGALES, ARIZONA  
 From The Economist print edition

**Tight legal controls have driven Latinos to illegality. Why not try reversing the policy? Politics, that's why**

Hilary Thomas



THE "sign", as the Border Patrol agents call it, is everywhere: narrow tracks left by illegal immigrants as they walk, day after dangerous day, through the brush-filled canyons of the Arizona desert. Some will make it, like the emaciated, sun-scorched man staggering towards the water fountain at the rest area on I-8, a first stop before the Latino smuggling gangs (known as *coyotes*) transport him north to safety. Others will not. But plenty will keep trying. However great the obstacles, America remains the land of opportunity.

Opportunity for whom? "By tradition and conviction, our country is a welcoming society," declared George Bush on January 7th 2004 as he proposed a "guestworker" plan to legalise the presence of several million of America's "undocumented" (illegal) foreign workers. "America is a stronger and better nation because of the hard work and the faith and entrepreneurial spirit of immigrants."

Yet more than a year later, Mr Bush's proposal is no nearer fruition. Instead, conservative talk-radio stations rant against the administration's unwillingness to deport the nation's illegal residents and fix its "broken borders". Republican politicians, with their eyes on next year's mid-term elections, openly defy their president. In February, the Republican-dominated House of Representatives voted decisively, despite protests from state governors and police chiefs, for a "real ID". The fear was that illegal immigrants would get driving licences that could "legalise" them. From April 1st, groups of vigilantes will patrol the Arizona desert "to protect our country from a 40-year-long invasion across our southern border with Mexico." In short, America's welcome to its immigrants comes with qualifications.

Historians will say that this has long been the case: witness the antipathy towards successive waves of immigrants, from the Irish and Germans in the 19th century to the Italians, Poles, Greeks and Jews in the 20th. A difference now is that, since September 11th 2001, the risk of terrorism has raised new concerns about border

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security. For all the scrutiny at the airports, vast tracts of America's frontiers can be crossed at will—though often at risk of death through thirst and exhaustion.

A second difference is that while legal immigrants come from all over the world, clandestine immigration is overwhelmingly Latin American in origin, especially from Mexico. The Immigration and Naturalisation Service (INS), now subsumed into the Department of Homeland Security, reckoned five years ago that nearly 70% of illegal residents were Mexican.

That gives many Americans pause for a culturally xenophobic thought. As Samuel Huntington, the Harvard political scientist who talks of a "clash of civilisations", puts it: "There is no American dream. There is only the American dream created by an Anglo-Protestant society. Mexican-Americans will share in that dream and in that society only if they dream in English." The Huntington thesis is that the greater the number of Latino immigrants, the lower the chance of their assimilation.

Such an assertion raises plenty of hackles. But so does much else in a debate that runs a spectrum from the libertarian advocacy of open borders to the isolationist instinct to fence them off. Common ground, however, is that the present system of legal immigration does not work.

**Broken system, broken borders**

The reason is simple: the supply of visas does not begin to meet the demand for them. The law provides 675,000 visas a year for permanent residence in the United States: of these, 480,000 are available for the family members of American citizens and existing legal residents, and another 140,000 are based on employment. In addition, refugees can be given permanent visas for humanitarian reasons (the ceiling for fiscal year 2004 was 70,000) and there are 50,000 "diversity" visas, available by lottery for citizens of countries that have sent fewer than 50,000 migrants in the previous five years.

In practice, the 675,000 figure is a floor rather than a ceiling, not least because there is no limit on permanent visas for a legal resident's immediate family. The result is that since 1990 the total number of immigrants granted legal residence has averaged 962,000 a year. Even so, the supply all too plainly fails to meet the demand.

By how much is a matter of conjecture. The Census Bureau last year estimated that America's foreign-born population in 2003 was 33.5m, some 12% of the total population. Of these, 53% had come from Latin America. How many of the 33.5m are illegally resident is a matter of statistical guesswork, or perhaps just prejudice. Most authorities estimate 8m-12m, but some, especially groups that are demanding the repair of those broken borders, put the numbers much higher.

**Lies, damned lies and statistics**

That range of figures reflects similar disagreement over the annual increase in illegal immigration. Last September, *Time* magazine dramatically announced that "the number of illegal aliens flooding into the US this year will total 3m." It reached this figure by reckoning that for every illegal immigrant apprehended, "at least three make it into the country safely." But the immigrants caught by the Border Patrol are often repeat offenders. They are returned to Mexico and then promptly try again. In other words, a million arrests do not equal a million different people.

What would be a more plausible figure for the growth in illegal immigration? The INS once calculated that around 40% of undocumented residents entered America legally, but then overstayed their visas. At the same time, many illegal residents have managed to legalise themselves.

Apart from the official amnesties (some 2.7m took advantage of the blanket amnesty in 1986 and another 3m or so have benefited from six targeted bills passed by Congress between 1994 and 2000), at least 100,000 unauthorised residents become legal every year, either by "adjusting their status" (it helps if you marry an American citizen) or by leaving the country and returning with a visa. The numbers are confused guesswork, but it is perfectly possible to believe that some 1m migrants might enter the country illegally this year.

If their numbers are in doubt, their destinations are not. Many will join the 1m or more undocumented immigrants (out of a total agricultural workforce of 1.6m) who are at back-bending work in the nation's fields, particularly in California. Others will melt into the migrant communities in big cities. According to the 2000 census, Los Angeles now has an immigrant population of at least 1.5m; New York 2.9m; Chicago 629,000 and Houston 516,000. Other cities, too, are magnets. Foreign-born residents have become the majority in six cities with populations of 100,000 or more: Hialeah and Miami in Florida and Glendale, Santa Ana, Daly City and El Monte in California. Indeed, the attraction now goes well beyond the "traditional" destinations: a fifth of the population of Clark County, Idaho, is now foreign-born.

**Vox populi**

In poll after poll Americans, of both parties and of all races, have said over the



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past decade that they want less immigration, legal as well as illegal. Their arguments are the familiar objections to newcomers: they take American jobs; they are a burden on taxpayer-provided services; and they commit crimes (though most illegal immigrants avoid detection by scrupulously adhering to the law, even to the speed limit).

As long ago as 1994, the electorate of California approved Proposition 187 by a 59% vote. This sought to deny health, education and social benefits to undocumented aliens (a judge subsequently declared most of these measures to be unconstitutional). In November 2004, Arizona passed Proposition 200 by 56% of votes. This not only denies illegal immigrants state assistance but requires public officials—on pain of a fine or even prison—to verify the legal status of anyone applying for benefits from the state.

Dig a little deeper, however, and popular opinion becomes less clear-cut. Though Mr Huntington likes to trace America's roots to "settlers" rather than to "immigrants", most Americans instinctively follow the view of Franklin Roosevelt that "all of us are descended from immigrants". The consequence is a kind of general ambivalence. In a *Washington Post* poll carried out in January, 61% of the sample said illegal immigrants should be able to keep their jobs and apply for legal status. On the other hand, few Americans favour greater inflows: Gallup in January found that 7% want more immigration; 39% are happy with the current level; and 52% want less.

Americano dream	
Survey of Mexican migrants in the US, 2005, %	
<i>How long do you intend to stay in the US?</i>	
1-5 years	20
6-10+ years	8
As long as I can	42
All my life	17
<i>How much English do you speak?</i>	
None/a little	54
Some/a lot	44
	<b>Yes No</b>
<i>Do you have relatives* in the US?</i>	82 13
<i>Would you participate in a...</i>	
...temporary immigration programme?	71 18
...tax-savings programme?	61 28
Source: Pew Hispanic Centre	
*Other than children or spouse	

But is less economically feasible? Whatever the anti-immigrant views of the ordinary Joe on the factory floor, America's bosses are well aware of their dependence on foreign workers. High-tech companies benefit from H-1B visas, created in 1990 to allow the entry of scientists and other skilled professionals for a maximum of six years. In theory there is an annual cap of 65,000 H-1B visas, but during the dotcom boom this was frequently relaxed. Immigration critics say there are now more than 1m H-1B visa holders, plus more than 325,000 holders of L-1 visas, which allow the intra-company transfer of workers from foreign subsidiaries. Doubtless one reason for the influx is that foreigners are cheaper, but the bosses argue that there is also a shortage of qualified Americans.

The same argument applies lower down the employment scale. The Essential Worker Immigration Coalition lobbies Congress and the White House on behalf of ill-paid sectors such as the hotel industry, fast-food, farming, nursing and animal-slaughtering; these could not survive without their immigrant workers, many of them undocumented. The argument is that immigrants take the nation's dirty and dangerous jobs because Americans will not. The counter-argument is that Americans would if they were paid enough. But there is precious little evidence that Joe White, whatever the pay, is willing to toil alongside José Blanco picking fruit in California. Short of a big increase in legal immigration, illegal immigrants will continue to meet America's needs.

### Stemming California's flood

Unless, of course, effective physical barriers are put in their way. In 1994, the Clinton administration, shocked by videos of hordes of Mexicans strolling with impunity along the freeway to San Diego, set up "Operation Gatekeeper" along the Californian border (a similar project, "Operation Hold the Line", had started a year earlier in Texas's El Paso sector). What this meant in California was two high fences running parallel to each other, helicopter surveillance by day and night, night-vision cameras and hidden electronic sensors. Add the Border Patrol agents and the result was that the pre-1994 flood of illegal immigrants across the 66 miles (106km) of California's border dwindled to a trickle.

But to what overall effect? The flood has been diverted to the path of least resistance: the desert wilderness of Arizona, where sometimes the border is just a marker post or a single strand of rusting wire. Last year the Arizona Border Patrol made 580,000 arrests, half the national total, as opposed to just 9% before California's Operation Gatekeeper.

The switch comes at a cost, the worst of which is the loss of life as migrants, attempting to walk for five days in Arizona's baking temperatures, succumb to thirst. As Border Patrol agents point out, it is physically impossible to carry enough water, and the coyotes who guide the groups are all too willing to leave the weak to die. According to the Rev Robin Hoover, whose Humane Borders organisation attempts to stop such deaths by placing water tanks in the desert, at least 221 border-crossers died last year in Arizona.

### Answering a need

So what is the solution to the immigration problem? "Fixing the border" with Operation Gatekeeper-style fortifications from coast to coast is surely a delusion. For a start, it would be too costly (though the administration favours increasing the 11,000-strong Border Patrol by 2,000 agents a year for the next five years, Mr Bush's 2006 budget proposes funding for just 210).

A better answer is to accept economic reality. It is fanciful to imagine that immigration will decrease. After all, an illegal alien working in conditions of near-slavery can still earn enough to support an extended family back home (worker remittances to Mexico last year totalled \$16.6 billion, second only to petroleum in the country's export revenues).

The difficulty is to reconcile economic reality with political reality. Most economists believe immigration is an economic plus, not least because most immigrants arrive as young and healthy adults. Taking the difference between taxes paid and benefits received by immigrants, the National Research Council reported in 1997 that there was a "significant positive gain" of up to \$10 billion a year to native Americans, noting that while an immigrant with less than high-school education had a negative long-term fiscal impact of \$13,000, a better educated immigrant produced a long-term gain of \$198,000. In 2002 the President's Council of Economic Advisers put the gain at up to \$14 billion a year.

But the devil is in the details: the financial burden of illegal immigration falls mostly at the state and local, not federal, levels. The Federation for American Immigration Reform reckons that California spends \$7.7 billion a year educating illegal immigrants and their children, \$1.4 billion a year on health care, and another \$1.4 billion on illegal immigrants in prison. Moreover, low-paid immigrant workers can result in lower pay for Americans, too.

This translates into populist anti-immigrant pressure that politicians ignore at their peril. One factor in the defeat in last November's election of South Dakota's Tom Daschle, Democratic leader of the Senate, was his history of "pro-immigration" votes; similarly, California's David Dreier, Republican chairman of the House rules committee, saw his majority dwindle sharply after talk-radio allegations that he was "soft" on immigration (he has since hardened up, sponsoring legislation to punish the hiring of illegal aliens).

Hence the uncertain future of Mr Bush's guest-worker proposal. His idea is that illegal workers will receive "temporary worker cards", renewable every three years, that will allow them to travel back and forth to their country of origin without fear of being denied re-entry. Tax-favoured savings accounts, available once they return home, will be an incentive not to stay illegally in America. Any temporary worker wishing to remain permanently in America will have to join the queue; there will be no "unfair advantage" over those who have followed the law.

Mr Bush's plan sounds sensible, but to hardliners it is simply a prelude to an amnesty, and so will encourage still more illegal immigration. Likewise the AgJobs bill, just re-introduced to a hesitant Congress by Larry Craig, a Republican senator from Idaho, and the Massachusetts Democrat, Edward Kennedy. Their bill would give temporary legal status to farmworkers who have worked for at least 100 days since July 2003, and allow them to apply for permanent residency if they work another 360 days over the next six years.

But do the hardliners have a workable alternative? Deporting several million illegal aliens would be a logistical and financial nightmare, and a moral one, too, since American-born children would have the right to stay behind. Similarly, sanctions against employers of illegal aliens look like a non-starter: bosses point out that they cannot be expected to be experts on forged documents, and in any case few politicians want to alarm the very businessmen who finance their election campaigns.

Paradoxically, the best solution might well be to relax, not tighten, the restrictions on immigration. The libertarian-minded Cato Institute argues that when barriers to entry are low, migration becomes a circular process. Under the *bracero* (strong arm or labourer) programme that ran from 1942 to 1964, Mexican workers entered and left the American labour market almost at will (albeit under deplorable working conditions). By contrast, when barriers are high, there is every incentive to come and then stay.

Using as his example Puerto Rico, which like Mexico is poor but which, unlike Mexico, has no immigration barrier to the American mainland, Cato's Daniel Griswold notes that during the 1980s, 46% of the Puerto Ricans who moved to the mainland stayed for less than two years. By the 1990s "out-migration had stopped completely, despite persistently high unemployment." Legalising Mexican migration, says Mr Griswold, would at a stroke "bring a huge underground market into the open" and improve working conditions for millions of the low-skilled.

Maybe so, but do not expect any politician to go that far. Instead, be grateful that Mr Bush has begun the journey. As he said in this year's state-of-the-union address, the present immigration system is "unsuited to the needs of our economy and to the values of our country. We should not be content with laws

that punish hardworking people who want only to provide for their families...It is time for an immigration policy that permits temporary guest-workers to fill jobs Americans will not take...and that closes the border to drug-dealers and terrorists." The assembled senators and congressmen duly applauded. Whether they will ever turn their applause into votes is another matter.

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