

## 1986 AMNESTY LAW IS SEEN AS FAILING TO SLOW ALIEN TIDE

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### **Body**

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The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

Two years after it began to take effect, experts around the country are starting to draw conclusions about the law's effect. As thousands of people continue to enter the country illegally every day, the first arguments are being entered in a debate over whether the legislation has achieved its goals, and whether it ever will.

Some in Congress seek more effective enforcement of the law; others want to focus on the poverty and turmoil in the third world that force people out of their homelands. Meanwhile, the Immigration and Naturalization Service has proclaimed the law a clear success, and the Bush Administration has yet to put its own stamp on immigration policy.

"We have found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants," said Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California at San Diego.

#### A Decade of Study

The Immigration Reform and Control Act of 1986, whose measures began to take effect in May 1987, was the first nationwide response to a wave of illegal immigration that began in the mid-1960's and created a resident population of illegal aliens variously estimated between 6 million and 12 million people.

After a decade of study and argument in Washington, the 1986 law emerged as a mixture of humanitarian and restrictive measures. Unlike the two previous efforts to counter similar waves of illegal immigration in the 1930's and 1950's, there was no resort to mass deportations. The law offered legal status to illegal aliens who had lived in the United States continuously since Jan. 1, 1982, and it imposed penalties on employers who knowingly hired illegal aliens. It also allowed migrant workers to enter the United States during harvest season.

"The legislation bought time for everyone and made the problem more manageable for a while," said Leonel J. Castillo, who was Commissioner of Immigration and Naturalization during the Carter Administration and is now president of Houston International University. "It seems, however, that time has passed more quickly than expected, and so it is important to see where we stand, because I think we will be dealing with the issue again soon."

#### Torrents of People

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According to indicators used by the immigration service to estimate traffic across the southern border, this year there will be 1.7 million to 2.5 million crossings. The most recent statistics signal that the flow may have increased in April and May.

Separate surveys of illegal aliens conducted by researchers based in Mexico, Texas and California all found that immigration by first-time travelers, as against those who had previously been to the United States, has been on the rise for at least a year. Experts also agree that the flow had dropped off through most of 1987. As a result, immigration experts say they have identified a "wait and see" response to the law among potential immigrants that may be producing a new wave of illegal immigration.

Doris Meissner, an expert on immigration for the Carnegie Endowment, a Washington research organization, said, "There is evidence that many potential immigrants waited for a while to see how the law worked and have since begun moving again. If so, we should see the flow across the border accelerating any day."

## A Magnet of Sorts

The 1986 law allowed 3.1 million previously illegal aliens to obtain legal status here. Recent studies show that many thousands of people crossed the border surreptitiously to take advantage of the program, some of them with falsified documents and personal histories. The mass of newly legalized immigrants is also acting as a magnet for illegal aliens who want to come to the United States to join friends and relatives.

A plan to strengthen the Border Patrol was never fully carried out, and experts reach widely differing verdicts on the effectiveness of the sanctions against employers who hire illegal aliens.

Representative Charles E. Schumer, the New York Democrat who was instrumental in shaping the law's final compromises, said, "The legislation has had some effect but not close to what it should have been." He complained that the Reagan Administration favored passage of the law but never gave the immigration service the resources to enforce it. "So far, the law really has not been given a fair test," he said.

The current debate over immigration policy is likely to affect not only future law but also foreign policy. After hearings last month on the law's effect, Representative Bruce A. Morrison, a Connecticut Democrat who is chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law, said, "Looking at what's happened the past few years it is increasingly obvious that most of the reasons for illegal immigration are in the countries people are leaving, and that unless those conditions change we may be able to reduce the flow somewhat, but no enforcement scheme will stop the tide."

## A Lonely Assertion

At those hearings Alan C. Nelson, Commissioner of the I.N.S., argued that a steady decline in the number of people apprehended trying to cross the border "continues to demonstrate that the law is working and employer sanctions are having the intended effect of reducing illegal immigration."

But the immigration service is now virtually alone in asserting that the sanctions have substantially cut the flow of illegal immigrants. Mr. Nelson has said repeatedly that the number of people apprehended on the border has dropped at a rate of 40 percent a year since the law went into effect. But many scholars dispute Mr. Nelson's statistics. Some researchers believe sanctions on employers have cut the flow, but not by 40 percent, and other experts argue the sanctions have had no effect at all.

The effects of the law are illustrated in the experiences of two recent illegal immigrants.

A 30-year-old woman from El Salvador said that in February 1988 she left home to live illegally in Texas in part because "my cousin got papers under the amnesty, and so she was able to help me with money and a place to stay and generally in getting around." But as a result of the law, she said, "there is no way to get a good job, because they always ask for your papers."

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The woman, a secretary in El Salvador, cleans houses in Houston, and although she would like better work here, she said she had no desire to return to the poverty and political violence of her homeland. "Yes," she said, "it is more difficult to get here and earn money now, but people still do it." Like other illegal aliens interviewed, she asked not to be identified.

## A Family Asunder

In the case of another woman from El Salvador, the law had contradictory effects. She arrived here in 1981, qualifying for the amnesty, but her five children, now 10 to 18 years old, arrived too late to be legalized. "It is a great worry for me," she said, "because my two oldest have graduated from American high school. Their home is with me here, but they cannot get real jobs. What is their future?" According to the immigration service, 3.5 million to 4 million illegal aliens live in the United States on an established basis, as against 6.5 million to 7 million before passage of the 1986 law.

The drop is accounted for by the number of applicants for the amnesty programs. In effect, the amnesty divided illegal immigrants into those who were suddenly legalized and those who were not, but it did not physically separate these people.

The immigration service expects that a vast majority of amnesty applicants will receive permanent status as legal residents. If they then become citizens after a five-year waiting period, they will be able to get legal status for their spouses and children.

## The Men Were First

In the meantime, however, the law has created a new and growing category of illegal alien: the relatives of amnesty applicants. Noting that nearly 70 percent of the amnesty applicants are men, Nestor Rodriguez, a sociologist at the University of Houston, said: "Usually, the men were the first to migrate, and so more of them qualified for the amnesty. Many woman and children who followed along later did not qualify, and certainly the men who were here alone and got papers are now bringing in their families illegally."

The effect of the amnesty on illegal immigration goes beyond relatives, however. "Illegal immigrants have a long history of following well-established routes," said Mr. Castillo, "and the amnesty program gave those routes a little more solidity. Now, instead of relying on other illegals, a new arrival is likely to know people here who are legal and can offer help with all kinds of things. It's my guess that it will take a generation to break those ties."

Mr. Cornelius of the University of California at San Diego conducted extensive surveys of three rural Mexican communities and has concluded, "There has been no significant return flow of illegals who suddenly found themselves jobless in the United States." In the short term at least, he said, the 1986 law "may have kept more Mexicans in the United States than it has kept out" because it granted some kind of amnesty to about 3.1 million people.

Although immigration experts agree that the prohibition on hiring undocumented workers has made it more difficult for illegal aliens to find work here, they differ widely on how much the sanctions on employers have reduced the flow across the border.

## Arrest Rates Are Debated

Much of the debate over the rate of illegal immigration centers on statistics for the apprehension of aliens along the Southern border because the immigration service uses these figures to support its assertion that the sanctions have been effective.

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Almost all experts dismiss the immigration service view that proof of decreased flow lies in the 40 percent drop in apprehensions each year since **1986**. The agency's critics say the number of Border Patrol agents assigned to watch the border also decreased markedly in that time, and so fewer apprehensions were inevitable.

Also, it is argued that since **1986** the agents remaining on the border have spent more time tracking down drug smugglers, another reason why a decline in apprehension would not necessarily mean there was a drop in the flow of illegal **aliens**. Yet other researchers insist that a substantial part of the decline in apprehensions is explained by the fact that most of the 3.1 million **amnesty** applicants can move across the border as they have for years but do it legally.

## Graphic

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Chart of breakdown of legalization applicants and agricultural workers by gender, type of work, age, and state they applied in (Source: Immigration and Naturalization Service) (pg. 24)

## Classification

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