IMMIGRATION LAW IS FAILING TO CUT FLOW FROM MEXICO

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Body

The 1986 ***immigration law*** is ***failing*** to stem the illegal ***flow*** of Mexicans into the United States and may be creating new problems on both sides of the border by distorting traditional ***immigration*** patterns, Mexican and American researchers say.

Studies by ***immigration*** specialists at the College of the Northern Border in Tijuana and the Center for United States-Mexican Studies at the University of California, San Diego, indicate that the number of Mexicans illegally seeking work in the United States has actually increased in recent months.

The data also show that these illegal immigrants are staying in the United States longer, are increasingly arriving in family groups and are coming in growing numbers from parts of ***Mexico*** that have not sent many migrants in the past.

No Effect on ***Flow*** Seen

"There is no sign the legislation has had any impact on the ***flows***," said Jorge Bustamante, director of the College of the Northern Border, a Mexican research institute that studies ***immigration*** and other social issues. "The basic, underlying pattern has not changed in any significant way."

Wayne Cornelius, director of the Center for United States-Mexican Studies at the University of California, San Diego, offered a similar picture.

"Clearly, we have reached the end of the period of fear, uncertainty and confusion about the 1986 ***law*** among workers still based in ***Mexico***," he said. "Those who delayed migration to the U.S. during 1987 are now coming, having observed that work is still available even for new arrivals lacking papers."

Enforcement Stepped Up

The 1986 ***immigration law*** is intended to discourage illegal ***immigration*** while providing amnesty to undocumented foreign workers able to demonstrate they entered the United States before Jan. 1, 1982, and have lived there continuously since that date. The application period for the amnesty expired May 4, and the United States ***Immigration*** and Naturalization Service is both stepping up enforcement along the border and carrying out a program of sanctions against those who employ illegal immigrants.

The sanctions include fines of $250 to $10,000. Employers who engage in a "pattern and practice" of violations also face a prison sentence of up to six months. In the first phase of enforcement, the authorities familiarized employers

with the ***law*** and issued warnings rather than fines in most cases, but since June 1 ***immigration*** officials have been empowered to seek fines for first offenses under the new ***law***.

That system of employer sanctions was intended to make the ***law*** more effective. But in interviews with 100 California employers, the University of California study found that employers were resorting to a variety of subterfuges, including subcontracting work, accepting documents they know to be forged and hiring workers for fewer than 72 hours, in which case they are exempt from the paperwork the ***law*** requires.

According to statistics compiled by the ***immigration*** service, there were 494,144 apprehensions of illegal immigrants along the border during the first five months of this year. That figure represents a 11.9 percent increase over the comparable period in 1987, when the ***immigration*** legislation was gradually being put into effect. The ***law*** is formally known as the ***Immigration*** Reform and Control Act and popularly known as the Simpson-Rodino bill after its sponsors, Senator Alan K. Simpson, Republican of Wyoming, and Representative Peter W. Rodino, Democrat of New Jersey.

Information gathered by Dr. Bustamante's researchers shows an even larger increase. According to their observations at Canon Zapata, the busiest illegal crossing point on the 1,952-mile border, the ***flow*** of illegal immigrants from ***Mexico*** to the United States is up 15 percent during the last six months and is now approaching the record numbers recorded just before the ***law*** went into effect in November 1986.

Apprehensions Are Down

In a panel discussion in San Diego this month, the I.N.S. Commissioner, Alan C. Nelson, said that though apprehensions were up this year compared with last, "they are still down from before the ***Immigration*** Reform and Control Act, So there has been a net reduction." He said that indicated the ***law*** was, in fact, working as intended.

Research on both the Mexican and American sides of the border suggests, however, that the pressures generated by ***Mexico***'s economic crisis have been stronger than the sanctions of the ***law*** and the new manpower provided to enforce it. Inflation in ***Mexico*** last year hit an all-time high of 160 percent, and although the Government has a new anti-inflation program, unemployment continues to be high and real wages are still declining.

Traditionally, Mexicans reluctant to risk their luck at the border have sought a better future by going to ***Mexico*** City, the country's industrial center. But the research, supplemented by a reporter's interviews with Mexican migrants waiting to cross into the United States here, indicates that the economic crisis has increasingly made internal migration less attractive.

"There's thousands and thousands of people in ***Mexico*** City looking for jobs that just don't exist," said Emiliano Benitez, a 37-year-old farm worker from the state of Morelos, just south of ***Mexico*** City, who was traveling with his 16-year-old son, Esteban. "With the dollar worth 2,300 pesos and jobs available for the asking, look how much you can earn in the United States."

Facundo Roldan, a 37-year-old farm worker who said he was crossing the border for the first time, said: "Even when there is work available back home, you're only making $2.25 for nine hours of work. You're working six days a week just to buy a pair of shoes. Compare that to the stupendous money you can make working in the United States, and you'll know why I am here."

More From Urban Areas

In fact, more than 20 percent of the newly arrived immigrants interviewed in the University of California survey were from ***Mexico*** City or its neighboring states, areas that in the past have not sent large numbers of workers to the United States. Dr. Bustamante, broadening the focus, said migration from large cities across ***Mexico*** was increasing in general.

"We're seeing less people coming from the countryside and more from urban areas," he said. "That pattern is related to inflation, the rate of devaluation of the peso versus the dollar, and the fact that ***Mexico***'s economic crisis has made it too expensive for the very poor to consider outmigration."

The Mexican research group obtains some of its data from photographs taken three times a day at the staging field at Canon Zapata. Other information comes from the 75 interviews it has conducted every weekend here since April 1987 and from weekly interviews with Mexican migrants at five other points on the border.

The University of California survey is based on 670 detailed interviews with Mexican workers and American employers in Southern California during the last year. The institute also draws on field research being conducted in three towns in the Mexican states of Jalisco, Michoacan and Zacatecas.

Dr. Cornelius said that in another striking departure from the norm, nearly two-thirds of the illegal immigrants his institution had interviewed in California over the last year were in the United States for the first time. Workers who whiled away their time jeering the Border Patrol as they waited for darkness to fall at Canon Zapata said that trend, too, was a consequence of ***Mexico***'s worsening economic situation.

Joined by Eight Friends

Efrain Garcia, a 22-year-old from Acapulco, said that when he announced a few weeks ago that he was heading north to pick cherries and apples in Washington State, eight friends who had never before crossed the border suddenly asked to join him. All eight men, who ranged in age from 19 to 24, said they had decided to seek their fortunes in the United States after being unable to find jobs at home. "You fill out applications, and nothing happens," one said.

"We all recognize the ***immigration*** push-and-pull factors at work here," Mr. Nelson said when asked to account for the increase in apprehensions along the border. "If ***Mexico***'s economic problems increase, then the push factor grows."

While the Simpson-Rodino ***law*** does not seem to have deterred ***immigration*** from ***Mexico***, it does appear to have encouraged those Mexicans already in the United States illegally to relinquish their habit of spending part of the year at home. That is partly a result of the "grandfather clause" that allows migrants without papers to keep jobs they held before November 1986 and also of their fears that it will be too difficult and costly to come back and find regular employment.

As a result, men who in the past came up north alone in the spring and returned to ***Mexico*** for the Christmas and New Year holidays now appear to be sending for their wives and children. Dr. Cornelius said his researchers had observed that "housing densities in California neighborhoods where undocumented migrants live are increasing" at the same time that some sending areas in ***Mexico*** "are being turned into ghost towns." #47 Percent of Houses Closed "In one village in Michoacan I recently visited, 47 percent of the houses were closed, some locked up with chains, because everybody in the household is in the United States," he said. "The neighbors who have stayed behind told us that more wives and children have gone up this year than ever before."

Mr. Benitez said that in the past he had shuttled back and forth between ***Mexico*** and California. But this time, he said, "if I get across, I plan to stay at least three or four years."

Mr. Benitez and other would-be immigrants interviewed at Canon Zapata said that they were well aware of the provisions of the ***law***, but that it was possible to get around it by buying fake qualifying documents in the United States. They also acknowledged that the American enforcement effort had become more visible in the last year, but argued that their own persistence and need made the ***law*** meaningless.

"It's harder to cross, but we do get across, if not on the first try, then on the second, third or fourth," said Manuel Mendez Roldan, a 40-year-old who has been coming to work in the United States every summer since 1970. "They can't close the border to us, no matter how hard they try."

Graphic

Photos of Canon Zapata, an illegal crossing point (NYT/Larry Rohter); ***immigration*** officials (NYT/Larry Rohter) (pg. A6)

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