

## Why IRCA Failed to Control Illegal Immigration

The Immigration Reform and Control Act of 1986, IRCA, was designed to close the “back door” of illegal immigration by imposing sanctions on employers who hired undocumented workers while concurrently providing a path to legal permanent residence for 3 million immigrants who had already made homes for themselves in the United States. Two major flaws prevented IRCA from successfully controlling the flow of illegal immigration into the U.S.

### 1. Policy makers underestimated the market demand for immigrant workers

Perhaps the biggest flaw of IRCA is that it was based on the assumption that there was no room in the labor force for immigrant workers. This premise has been proven false by the continued steady stream of undocumented workers who have joined the labor force successfully since IRCA—becoming a major force in the service sector and other sectors of the economy.

- The combination of employer sanctions and the near-elimination of visas for workers in the so-called “low-skilled” category (5,000 per year) meant that the only route for migrants seeking to work is to come illegally.
- Some have compared the effect of IRCA to an economic superhighway where the law requires that the speed limit be set at 30 mph. The result is an unenforceable law that is regularly broken. The current debate seeks to set the “speed limit”—the visas available to immigrant workers—at a more reasonable level.

### 2. Employer sanctions were ineffective and insufficient

IRCA made it illegal for employers to hire unauthorized workers. The major mechanism for enforcing these provisions is the I-9 form, which employers keep in their records, but do not file with the government.

- Employer sanctions have not been effective in curtailing the job market for undocumented immigrants. Despite harsh penalties for document fraud, which were expanded again in 1996, many immigrants find employment by using false documents. In other cases, employers bypass the provisions of the law by hiring contract workers who are not technically their employees. This has helped create the situation in which we find ourselves today, with a sizeable undocumented population within the workforce.
- Reforming our immigration system will require a comprehensive approach, including smarter enforcement at the worksite and a new worker visa system that will realistically meet U.S. labor needs.