"When Less is More: Border Enforcement and Undocumented Migration"
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before the

Subcommittee on Immigration, Citizenship, Refugees,
Border Security, and International Law

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Since 1986 the United States has pursued a politics of contradiction with respect to Mexico. On the one hand, we have joined with Mexico and Canada to create an integrated North American market and have made arrangements for relatively free cross-border movements of goods, capital, information, resources, and services. On the other hand, within this otherwise integrated market we have acted unilaterally and with increasing militancy in a vain effort to block the movement of labor. This contradictory policy has not only failed, it has backfired, producing outcomes that are categorically worse than if we had left our immigration and border policies unchanged.

Under pressure from the U.S. Treasury and international lenders, in 1986 Mexico joined

the General Agreement on Tarriffs and Trade and looked northward to join Canada and the United States in a new free trade agreement, which was enacted on January 1, 1994. Since that date, Mexico and the United States have formally been committed to unifying markets within North America, and as shown in Figure 1, total trade between the two countries has skyrocketed, increasing eight times between 1986 and 2000. This rising cross-border movement of goods and services was accompanied by migration by all sorts of people. As shown in the figure, since

1986 the number of exchange visitors from Mexico has tripled, the number of business visitors has quadrupled, and the number of intra-company transferees has grown 5.5 times. As envisioned under NAFTA, the two economies are integrating.

Within this rapidly integrating economy, however, U.S. policy makers have somehow sought to prevent the cross-border movement of workers—in essence seeking to integrate all markets except one—that for labor. To finesse this fundamental contradiction beginning in 1986 we adopted an increasingly restrictive set of immigration and border enforcement policies. First the Immigration Reform and Control Act granted $400 million to expand the size of the Border Patrol. Then the 1990 Immigration Act authorized hiring another 1,000 officers and in 1993 these new personnel were deployed in Operation Blockade as part of an all-out effort to stop unauthorized border crossing in El Paso, a strategy that was extended to San Diego in 1994 through Operation Gatekeeper. Finally, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act provided funds to higher and additional 1,000 Border Patrol officers ***per year*** through 2001.

As shown in Figure 2, from 1986 to 2002 the Border Patrol's budget increased by a factor

of ten, the number of hours spent patrolling the border grew eight times, and the number of border patrol officers tripled. In essence, the United States militarized the border with its closest neighbor, its second largest trading partner, and a nation to which it was committed by treaty to an ongoing process of economic integration. Rather than slowing the flow of immigrants into the United States, however, this policy of promoting integration while insisting on separation yielded an array of unintended and very negative consequences.

The most immediate effect was to transform the geography of border crossing. Whereas undocumented border crossing during the 1980s focused on San Diego and El Paso, the selective hardening of these sectors after 1993 diverted the flows to new and remote locations. As shown in Figure 3, as late as 1989 only one third of undocumented migrants crossed outside of San Diego or El Paso, but by 2002 around two thirds were crossing somewhere else; and once they had been deflected away from traditional crossing points, the migrants kept on going. Before 1993, no more than 20% of all undocumented migrants went to states other than the three traditional destinations—California, Texas, and Illinois—but by 2002 some 55% were proceeding to a new state of destination. Undocumented Mexican migration was thus nationalized.

In addition to transforming the geography of immigration, U.S. border policies had two additional unplanned effects. First, by pushing immigrants into more remote and less hospitable sectors of the border, the border build-up in San Diego and El Paso dramatically increased the number of migrant deaths. As Figure 4 shows, the rate of death during undocumented border crossing tripled from 1992 to 2002. Second, although remote border sectors were more

dangerous, they were also less patrolled and contained fewer enforcement resources. By pushing migrants into desolate sectors of the border, U.S. policies therefore lowered the likelihood that illegal migrants would be apprehended.

As shown in the Figure 5, at first the migrants unwittingly walked into the new wall of enforcement resources erected the most popular border-crossing locations and the probability of apprehension temporarily went up. Quickly, however, the migrants got wise and simply went

around built-up sectors and crossed through empty deserts, sparsely populated ranch land, and wild sections of the Rio Grande. As a result, the probability of apprehension plummeted to reach record low levels. American taxpayers were spending billions more to catch fewer migrants. Thus, greater risks of death and injury were offset by lower rates of apprehension at the new crossing sites.

The financial costs of border-crossing were nonetheless driven upward. As shown in Figure 6, the average cost of hiring a coyote or border smuggler tripled, going from $400 to around $1200 dollars in real terms. Unfortunately, however, Mexicans did not respond to the new costs and risks of border crossing by deciding not to migrate. As the bottom lines in Figure 7 show, the probability that a Mexican male or female would decide to undertake a first undocumented trip to the U.S. changed little from 1980 to the present. For men the probability has fluctuated between 1% and 2% while for females it has never exceeded a fraction of 1%.

Rather than responding to the increased costs and risks of border crossing by staying home, Mexicans without documents instead hunkered down and stayed once they had successfully achieved entry. Rather than returning home possibly to face the gauntlet at the

border once again, they postponed their return to remain longer in the United States and as they did so rates of return migration steadily fell. As indicated by the upper line in Figure 7, the likelihood of returning to Mexico within 12 months of an undocumented entry fell from around 45% in 1982 to just 25% in 2001.

If the rate of in-migration remains constant while the rate of out-migration falls, only one outcome is possible: net undocumented migration will increase, and this is precisely what

happened. Figure 8 draws on U.S. census data to show how the rate of Mexican population growth in the United States accelerated during the 1990s compared with the 1980s and earlier. The ultimate effect of restrictive border policies was to double the net rate of undocumented population growth, making Hispanics the nation's largest minority years before Census Bureau demographers had projected—not because more Mexicans were coming but because fewer were going home.

One final consequence of U.S. efforts at restriction stems from the employer sanctions enacted by the 1986 Immigration Reform and Control Act. The act's criminalization of undocumented hiring did not eliminate the magnet of U.S. jobs so much as provide incentives for employers to shift from direct hiring to labor subcontracting. Rather than hiring immigrant workers directly, employers in sectors such as agriculture, construction, custodial services, and non-durable manufacturing shifted to the use of labor subcontractors, who for a fee absorbed the risk of legal sanction under IRCA. If federal authorities raided a work site and discovered undocumented workers, employers simply blamed the subcontractor and escaped prosecution.

Although this strategy protected employers, it harmed workers because it meant that they

increasingly had to work through a middleman who pocketed a portion of their wages; and subcontracting was imposed on all workers regardless of legal status. It became the routine mechanism for hiring in labor markets where immigrants worked. As a result, the net effect of IRCA's employer sanctions was not to eliminate undocumented hiring, but to depress the wages earned all immigrants, whether legal or illegal. As shown in Figure 9, in the wake of IRCA wages for all workers fell in real terms, at least until the employment boom of the late 1990s; but

the wages of legal resident aliens and, by implication, U.S. citizens, fell even faster than those of undocumented workers.

In sum, the imposition of repressive border and immigration policies in a context of ongoing economic integration with Mexico has backfired. The desire of the United States to have its cake and eat it too—to integrate all North American markets except one—has reduced the odds of border apprehension to a forty-year low, doubled the net rate of undocumented population growth in the United States, and transformed what had been a circular flow of male workers going to three states into a settled population of families scattered over 50 states, while driving down wages and undermining the working conditions for citizens and legal resident aliens. It is hard to imagine a more dysfunctional set of policies or outcomes.

At this point, pouring more money into border enforcement will not help the situation and in my opinion constitutes waste of taxpayer money. The border is not now and never has been out of control—the rate of undocumented in-migration has been virtually constant for more than 20 years. I understand, of course, that tougher border enforcement may be the political price one has to pay for broader immigration reform. But we must realize that the solution to the current

crisis does not lie in further militarizing the border with a friendly trading nation that poses no conceivable threat, but in implementing policies that will achieve four fundamental outcomes:

(1) regularizing the status of the 12 million undocumented migrants currently present in the United States through earned legalization programs;

(2) accommodating future immigration from Mexico by increasing the legal quota for people admitted to permanent residence from that country and establishing a

temporary worker program that protects native workers by guaranteeing labor rights for those with temporary visas;

(3) shifting from border to internal enforcement by creating a secure, machine-readable identification card that workers can present to employers to prove their right to work in the United States; and

(4) devoting more resources to the internal bureaucracy of immigration administration to reduce visa backlogs, increase efficiency, and dramatically improve government oversight of entries and exits;

I believe that, if implemented, these reforms would substantially eliminate undocumented migration as a problematic social and economic while protecting the interests of American citizens, our neighbors in Mexico, and the migrants themselves. In various of my writings I have laid out specific proposals how to achieve these ends. I would be delighted to elaborate on them in greater detail in response to questions from the committee, but for now I would simply like to thank you for the opportunity to share the results of my 30 years of research into the social science of undocumented migration.

Figure 1. Indicators of Cross-Border Economic Integration

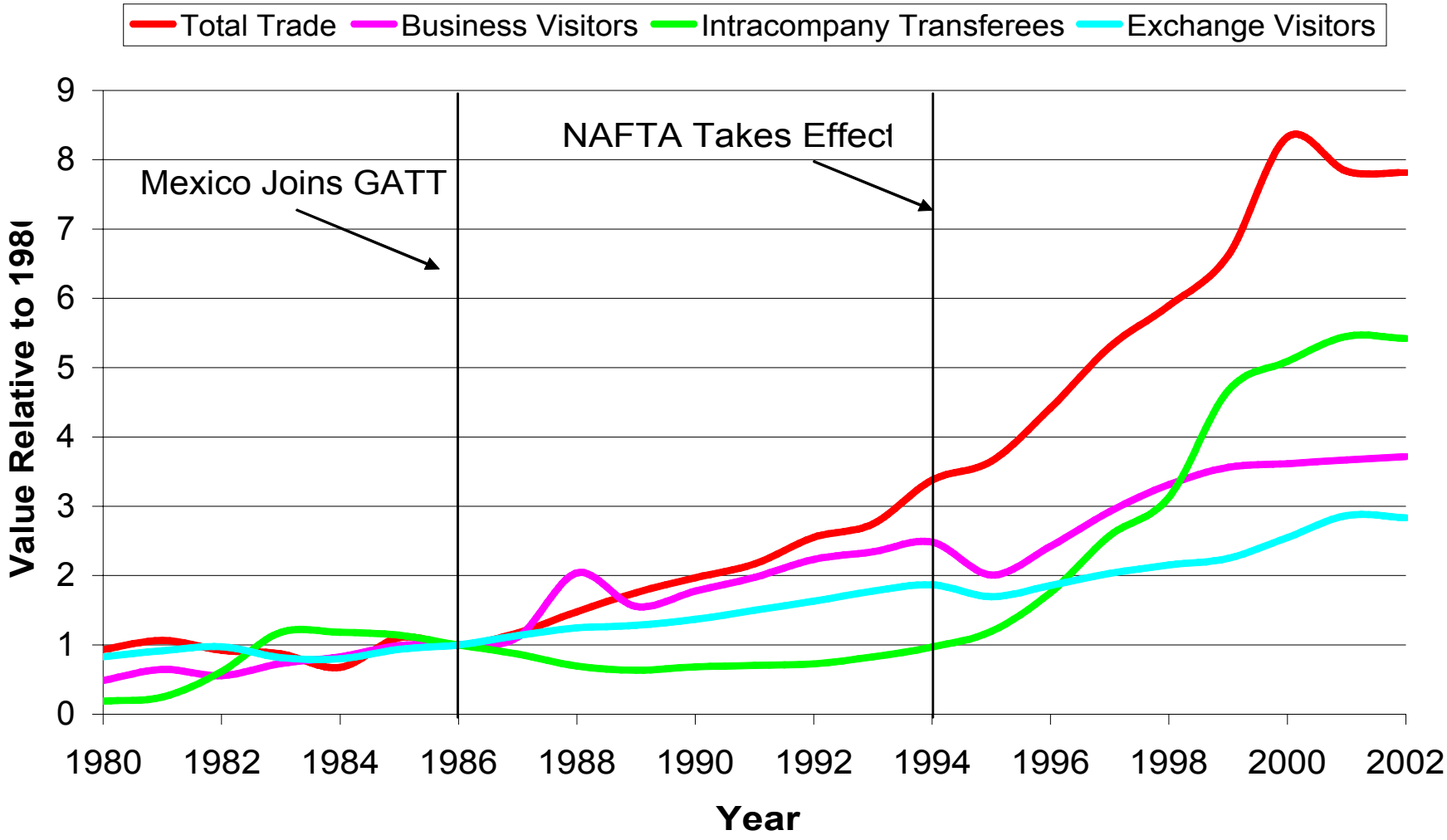

Figure 2. Indicators of Border Enforcement 1980-2002

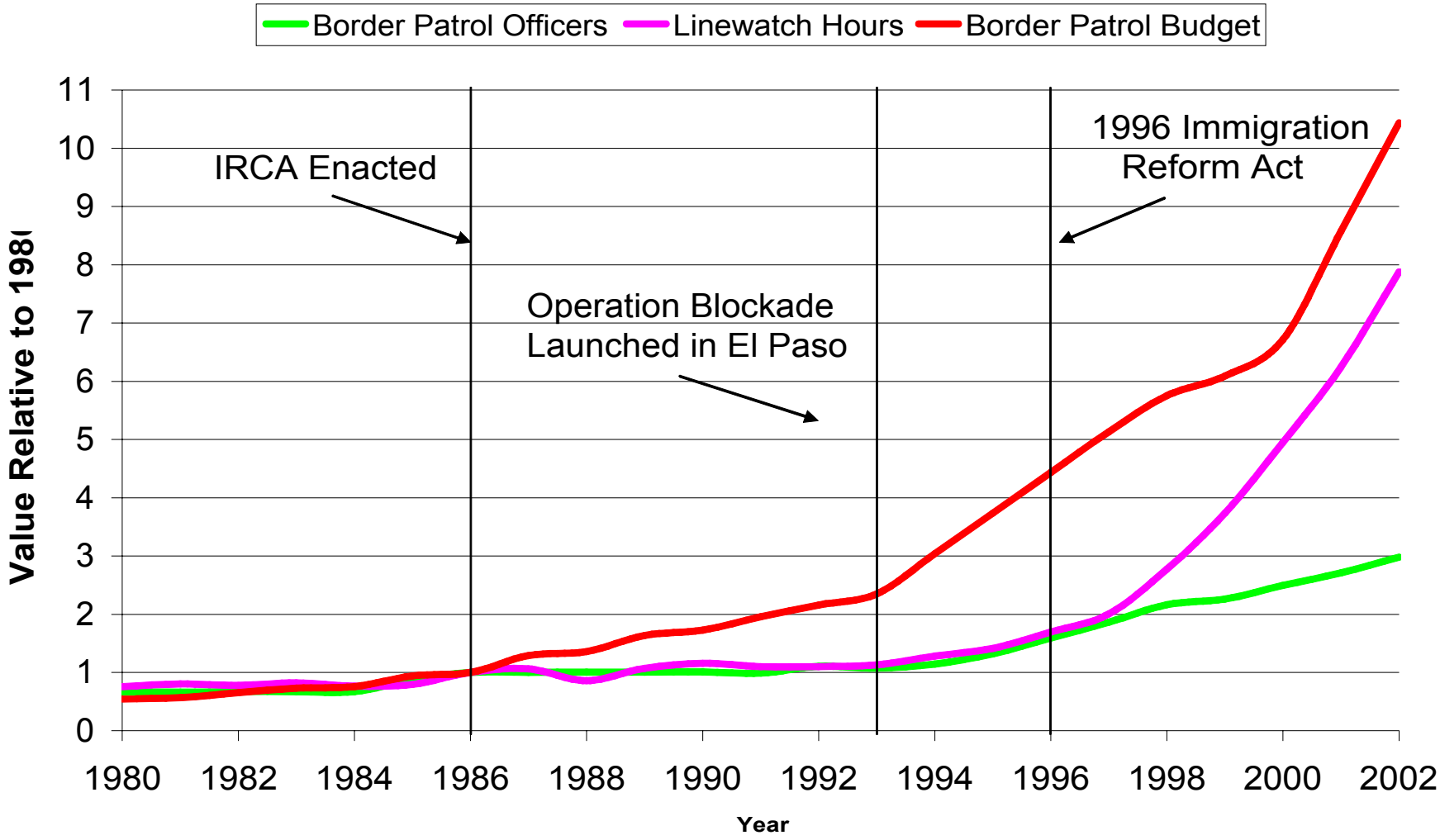

Figure 3. Proportion Going to New Crossing Points (Not San Diego or El Paso) and New Destinations (Not California, Texas or Illinois)

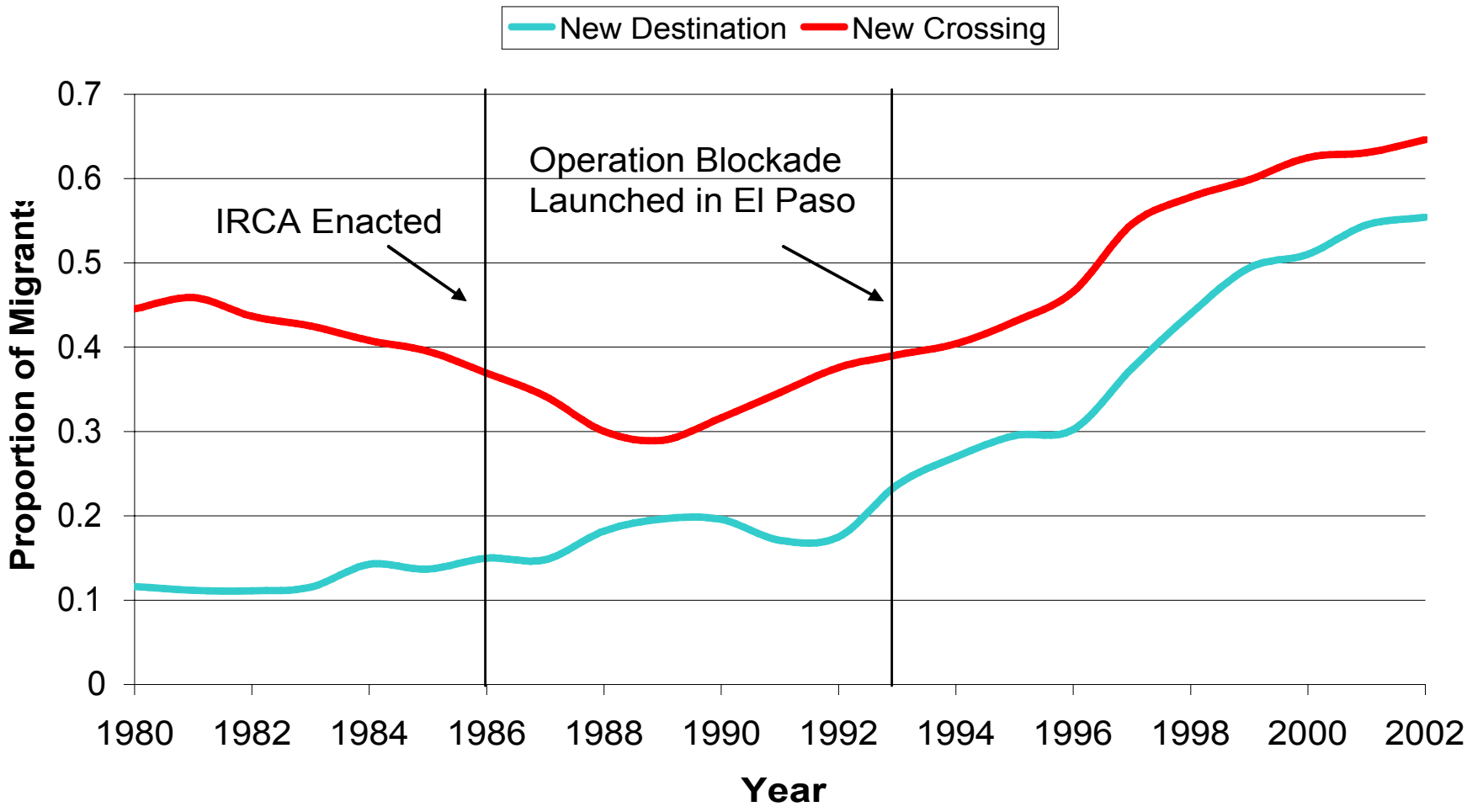

Figure 4. Death rate from suffocation, drowning, heat exhaustion, exposure, and unknown causes along border 1986-98

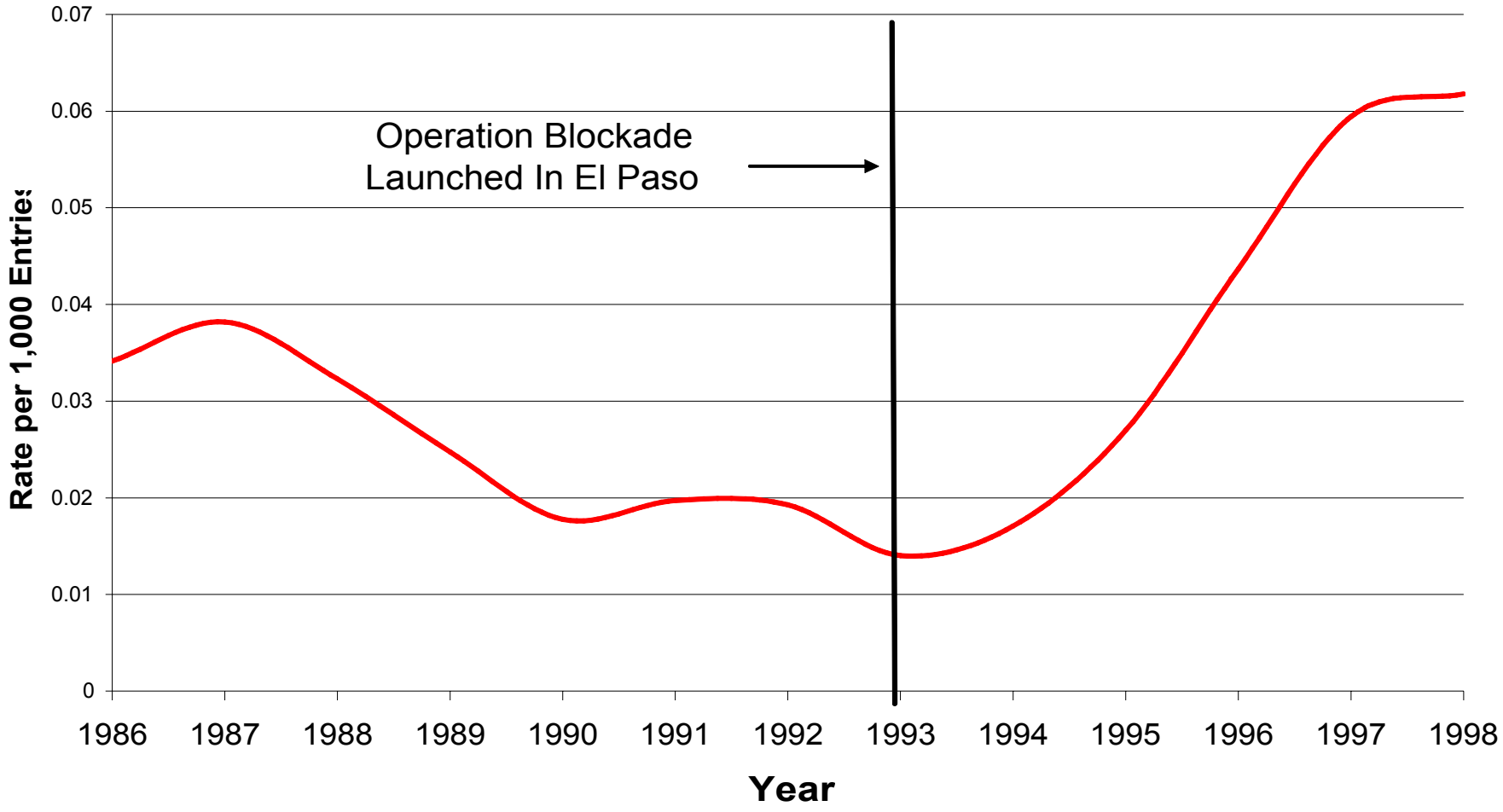

Figure 5. Probability of Apprehension 1980-2001

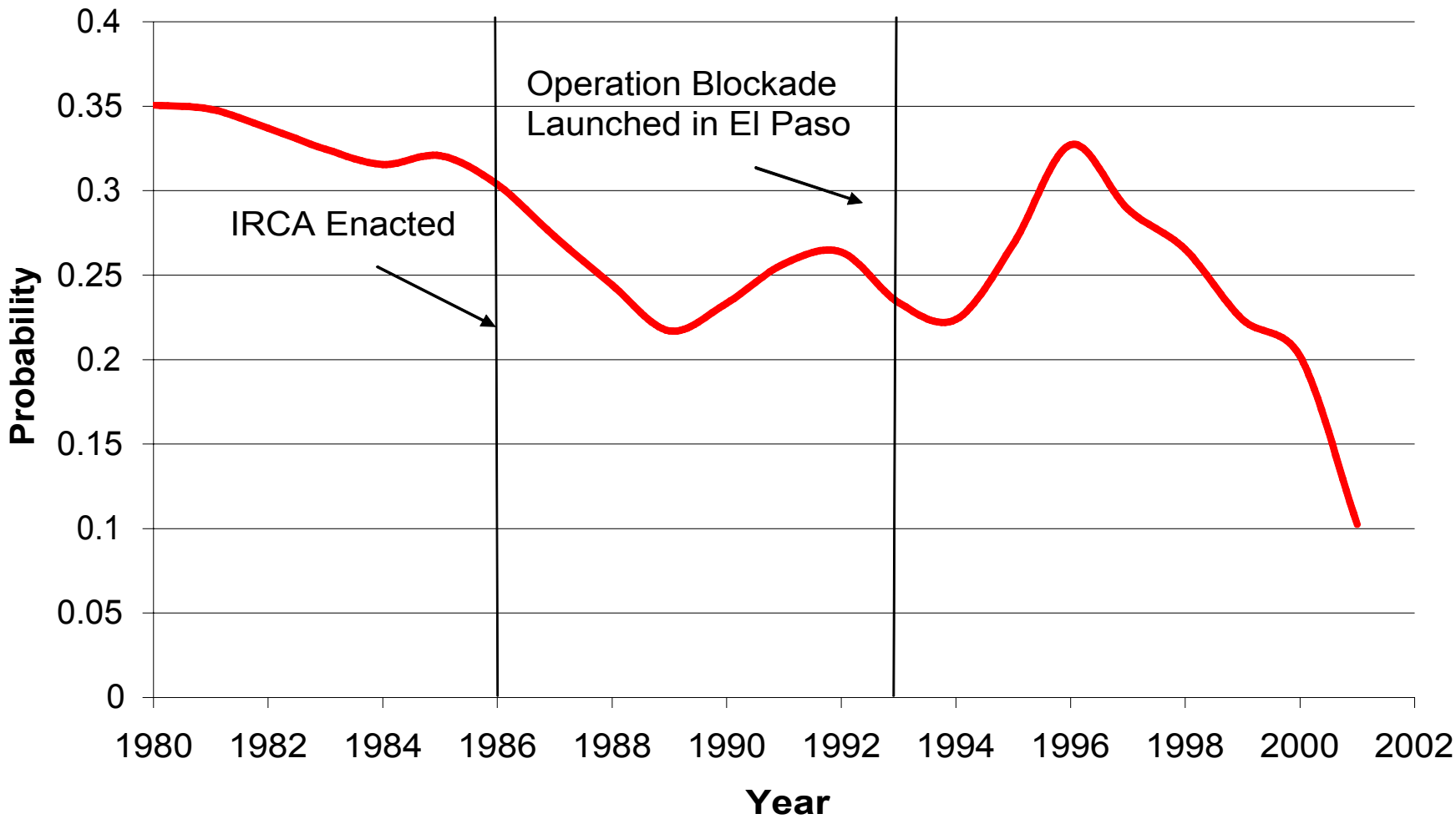

Figure 6. Average Cost of Hiring a Coyote

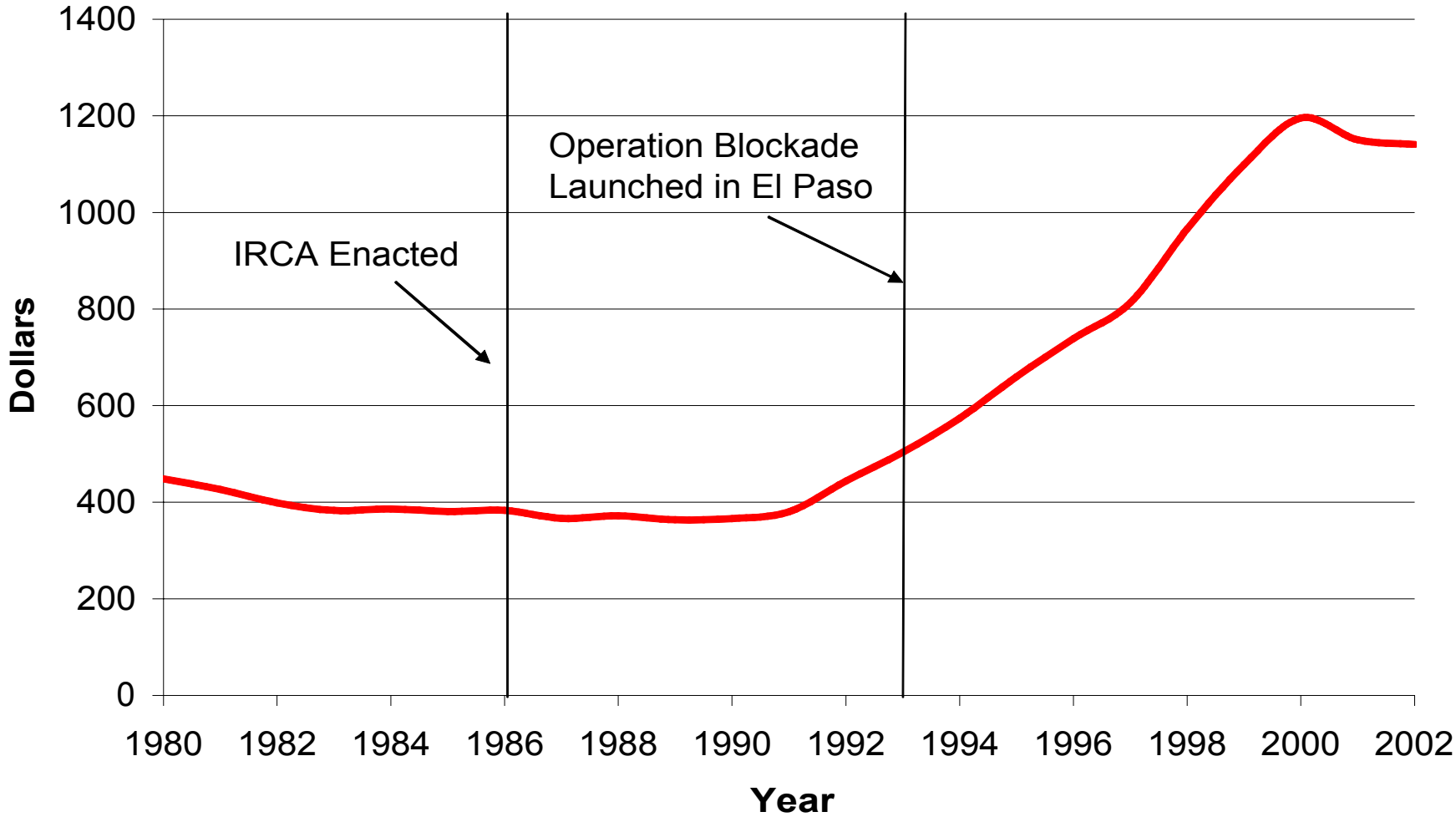

Figure 7. Probability of First Undocumented Migration and Return 1980-2001

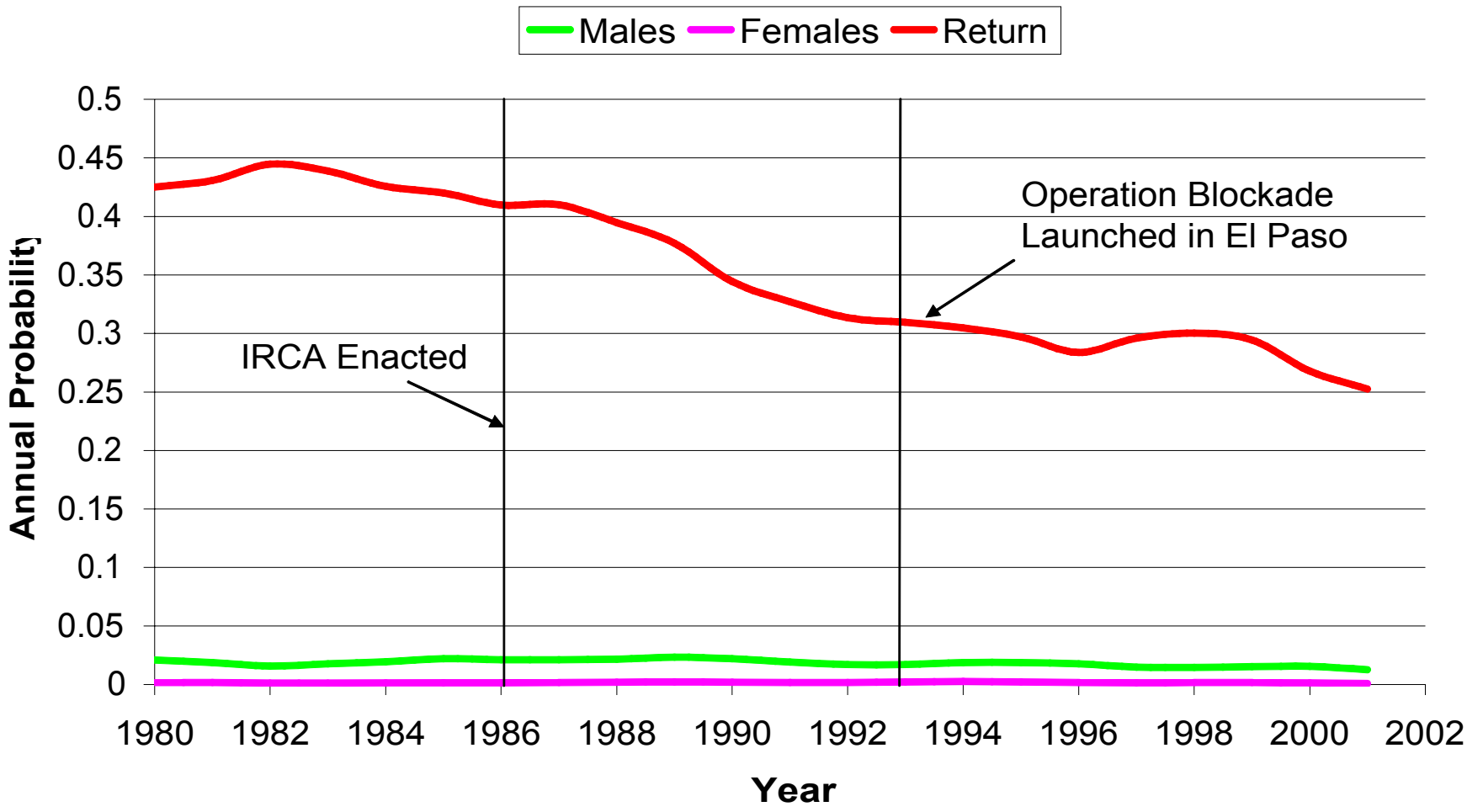

Figure 8. Number of Mexicans in the United States 1980-2002

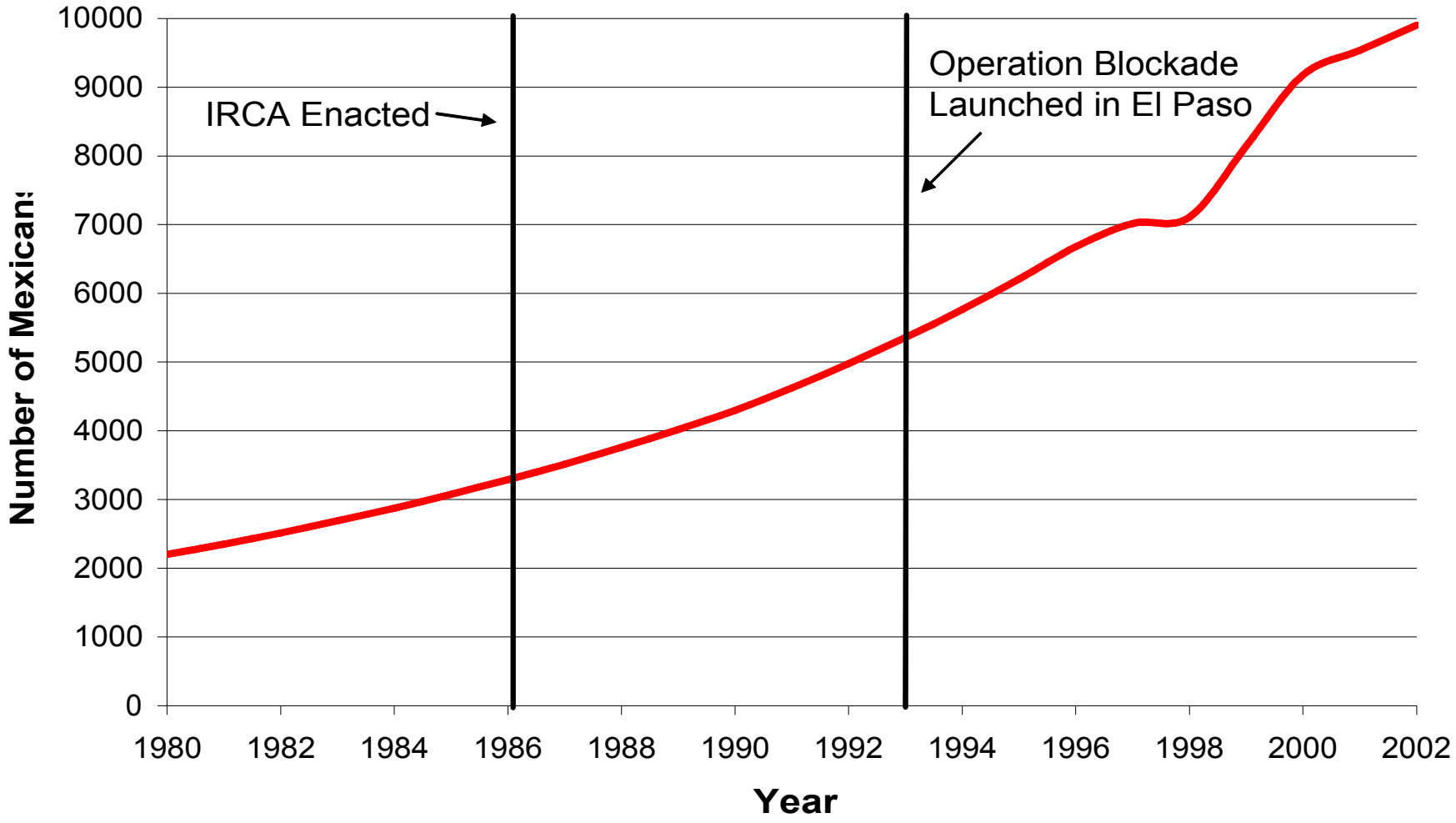
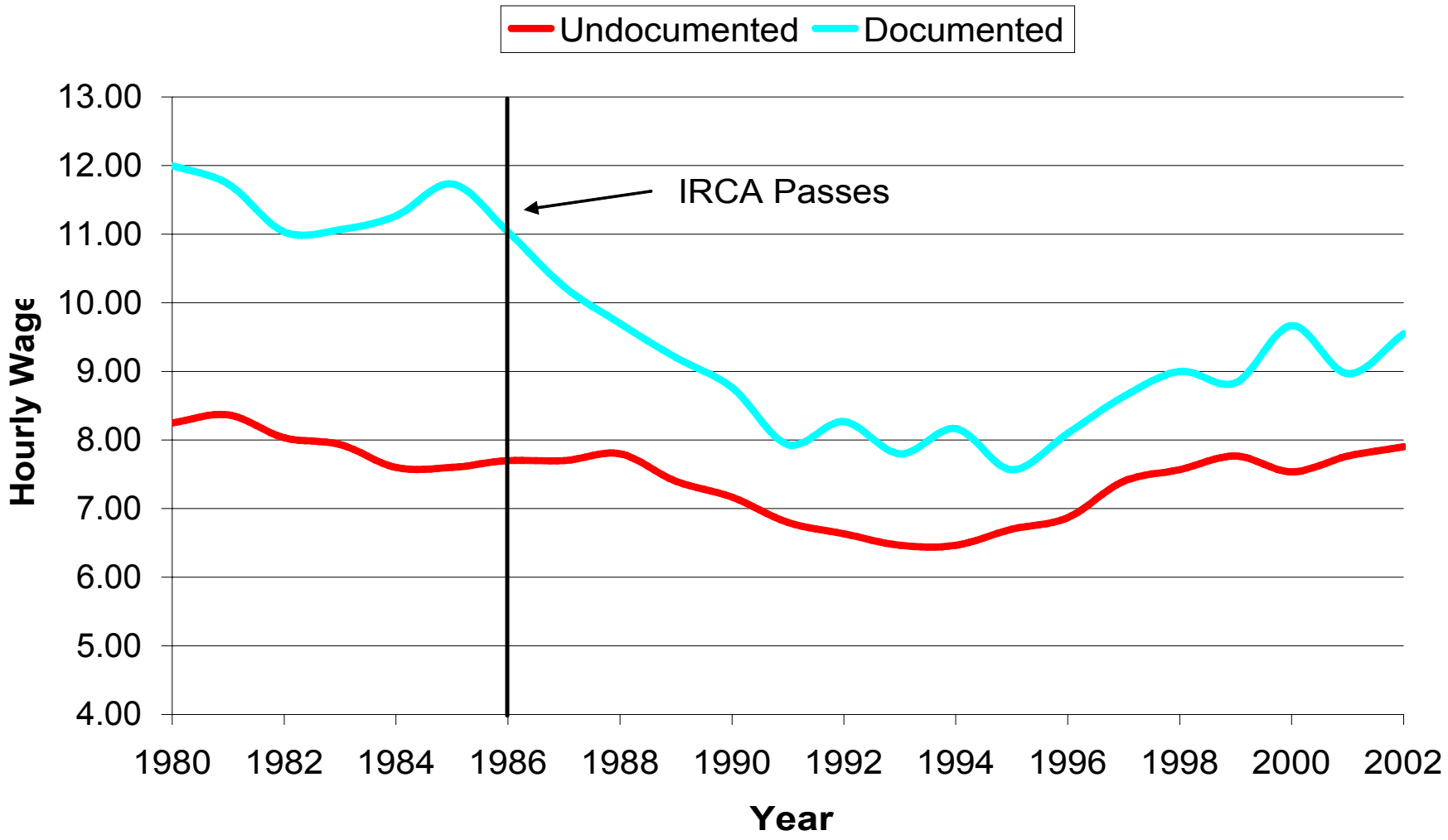
Figure 9. Average Wages Earned by Mexican Migrants to US