

U.S./Mexico Border and Illegal Immigration: Policy Analysis

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Introduction

Illegal immigration is near the top of the list of our nation's current problems, and if congress fails to act efficiently, this will not change and we will continue to address this and related topics for the next 20 to 30 years, as sociological theorists believe the trends of migrations will remain constant. When thinking of illegal immigration, often U.S. nationals envision poor, low skilled Mexican nationals trekking across the border to earn money in the United States. This perception is partially true, but does not cover the entire scope of issues involved with the migratory flows along our southern border.

An article, discussing juvenile Mexican nationals attempting to reunite with parents adequately captures and demonstrates the seriousness of illegal immigration. Katrina, 1 year old, has already been deported from the U.S. as she was being brought over, alone, under the custody of a Coyote (a person who illegal immigrants can pay to help them enter the United States undetected). Last year, 40,000 minors were detained while attempting to cross into U.S. territory, of these detainees 25% were entering the U.S. to find family members who reside in the U.S. illegally (El Editor, 2005). This article made clear the dangers of juvenile crossing and because they are young, they are more vulnerable to be taken advantage of by Coyotes and other people who may offer to "aid" them in their quest.

Currently it is estimated that anywhere from 9 to 11 million (it is difficult to pinpoint an exact number when the people in question are "undocumented") illegal immigrants reside within the U.S. and of that 57% are Mexican nationals (Passel, 2004). Social theorists, and even Congress itself, have come to realize that past

implementation of policy is what caused the high numbers of Mexican nationals to decide to stay within the U.S. borders. (Massey, 1998).

Using a model from the field of Social Work, “Social Welfare Policy Analysis,” to analyze the U.S. immigration, the following thesis has been composed in three sections. The first describes previous policies implemented prior to the current administration’s policy, the second section explains the social and economic (together) impacts of current policy, and the last section discusses politics regarding the current policy and proposals for future policies regarding illegal immigration.

The historical section summarizes the progression of U.S. immigration policy, including who supported which programs and what these programs achieved with their implementation. The next section, which keys in on economic issues and the social situation of immigrants, focuses on the elements at play that contribute to immigrants coming into the United States. It also looks at how the U.S. policy makers’ misunderstandings of Mexican immigrants intention to reside in the U.S. has been the cause of the current policy “flop” we see now, as we have record highs of undocumented residing within the United States. Additionally, in the economic and social sections it explains the effects of current policy on immigrants and the situation in the United States. The last section, the political section, addresses the current administrations’ initiatives on immigration policy and explains policies being presented in current politics. Issues addressed include, who is sponsoring these policy proposals, what these proposals propose, and who opposes and supports them. Lastly, the political section offers information on whether or not the proposed policy is actually plausible and realistic in the scheme of politics today.

Traditionally, this type of analysis is done to aid policy-makers in legislating process. Furthermore, this analysis shows the interaction of the various fields which

will aid in the understanding of issues for future policy on illegal immigration. This task requires an interdisciplinary approach to more fully understand the various issues.

Terminology

In order to understand the issues raised in this thesis, I will provide working definitions for some of the vocabulary central to the issue.

- Immigrant – individual entering a country (Mexican Immigrant –resides in the U.S.)
- Migrant – individual leaving one’s own country to enter another (Mexican Migrant – left Mexico to reside in the U.S.)
- Illegal Immigrant – individual who entered another country illegally (refers to Mexicans living within the U.S. undocumented).
- Amnesty – giving a pardon to a large group of individuals (allowing Mexican nationals to remain, indefinitely, in the U.S. and not face judicial punishments for having resided in the U.S. illegally).

Policy History

The evolution of illegal immigration and the American immigration system can be analyzed in to separate sections: pre-September 11, 2001 and post-September 11, 2001. The first section is everything that had occurred before the September 11th attacks (2001) on the world trade buildings and the second would be all policy made after the trade center attack. The reason for the separation is due to the significant shift of policy trends after September 11th. At the end of the Clinton administration, border policies were more lax in contrast with today's policy which is more controlled and strict in response to the terrorist attacks of September 11, 2001.

(Pre-September 11, 2001)

When examining the development of the U.S. immigration system, which has traditionally been noted for being, and still is, one of the most liberal immigration policies in the world, it might be surprising to note that it wasn't until 1891 that the Supreme Court declared the "regulation of immigration a federal responsibility" (CIS, History, 2000). This declaration was made in another era when immigration was of concern in American History. The Civil war had ended in the 1865 and the numbers of people migrating to the U.S. had been steadily increasing through the 1870s, but during the 1880s the numbers of immigrants increased sharply with the advent of steamships that provided more comfort and reduced the time it took to travel to the United States. The influx, of that time, continued to remain at elevated levels and the government saw no signs of a decrease (Kingwood College, 2005).

After the outbreak of WWI, in 1921, immigration from Europe decreased dramatically, but with the war's conclusion, the mass immigration resumed. In response to the destabilizing influx in 1921, congress set a "national-origins quota

system” (CIS, History, 2000). This system limited the number of immigrants allowed into the country based on its representation in the previous censuses. In 1924, the U.S. Border Patrol was established within the Department of Immigration Services (CIS, History, 2000). In 1952, the “Immigration and Nationality Act” (INA) was developed, organizing separate previously written policies into one block policy which could later be amended and adjusted (DHS, 2004). This act makes up the major body of our current policy, but has been amended through the years as other policies have been implemented. In 1965, in an attempt to attract more skilled labor, Congress decided to replace the national origins system with a preference system which would also unite immigrant families. It is this change in policy is one of the major causes of the United States’ shift in demographics from being mostly white Europeans to a more diversely mixed interracial community (CIS, History, 2000). Additionally, as U.S. immigration policy was evolving, other programs were being implemented at the same time. The Bracero Program, which was designed to bring skilled agricultural workers from Mexico to fill needed positions in the U.S. agricultural sector. At the end of this program, which ran from 1942 to 1946, many of those workers were granted amnesty and permitted to stay within the U.S. indefinitely. This was also one of the factors contributing to the 1956 demographic change within the U.S. as the workers recruited were, largely, from Mexico (Wikimedia: Bracero, 2006).

The next large movement related to immigration occurred in 1986, with the Regan administration’s “Immigration Reform and Control ACT of 1986” which was the first policy set up to address immigration entering across the U.S./Mexican border. This policy was geared at punishing U.S. employers who “knowingly provided jobs” to undocumented individuals. In addition, this act also granted visas to individuals who were not citizens that had been continuously residing in the U.S. since before

1982. (CRSLC, 2005). The INS developed a heavy arsenal to guard the U.S. southern border; this system, however, was inefficient (which can be seen by the high numbers of undocumented entering the country annually). One of the methods that were employed by the Department of Homeland Security (DHS) was a program called “Triple Strike.” This program, which was originally implemented in Arizona by the INS, consisted of the following:

- Setting up of more militarized checkpoints along the border.
- Cracking down on alleged smuggler’s “safe houses,” in areas that have high percentage of undocumented workers.
- The use of racial profiling for passengers traveling through the Phoenix airport, Sky Harbor, and other frequently used entrance points traditionally used by undocumented individuals. (NNIRR, 2003).

As a result of enacting this program, migrants were forced to use other methods to get across the border, and often traveled through dangerous terrain and in extreme conditions. “Operation Triple Strike” was one of several programs that were implemented as an old strategy which continued to heavily concentrate U.S. enforcement resources in urban border areas. The results of this string of operations forced migrants to risk crossing through more dangerous desert and mountainous terrain. In 1994, “Triple Strike” had constant renovations, including the following: October 1994 with “Operation Gatekeeper,” in California; and later in 1999 with “Operation Safeguard” which was located in Arizona (NNIRR, 2003). The “Immigration Reform and the Welfare Reform Acts of 1996” were passed by President Clinton in an effort to stunt the flow of illegal immigrants coming through the southern border. They sought to “reduce the attractiveness of immigration by

restricting the eligibility of Aliens for Federal programs” (CRSLC, 2005). In 2001, as was common with the George H. Bush, the Acts signed by President Clinton added 1,000 more border patrol agents per year as part of “Operation Río Grande” on the Texas border (NNIRR, 2003; CRSLC, 2005). Many of these additions to security at the US border continued to cause immigrants to choose less conventional means to gain entry into United States. Many of them chose to utilize the more dangerous mountain regions as cross over points. Results of the border patrol can be seen even today, as exhibited in a Washington Post article “Arizona Heat Kills 22 Illegal Aliens” (Seper, 2005). They were attempting to make it into the U.S. through the Sonoran Desert (Seper, 2005). Towards the end of 2000, the AFL-CIO, one of the largest pro-union political action committees in the U.S., initiated efforts to support undocumented workers in the U.S. (AFL-CIO, 2005). Some of the things the AFL-CIO demanded included: amnesty for established illegal immigrants, a more flexible immigration policy, and more careful enforcement on protecting workers’ rights. (CRSLC, 2005). The Clinton administration supported many of the requests, and partially reinstated the Immigration and Nationality Act (INA), which permitted many illegal immigrants to pay a small fee to obtain visas and remain in the U.S. (CRSLC, 2005).

Immediately after being elected to office (December 2000 and January 2001), Presidents George W. Bush and Vicente Fox began a series of efforts to address issues related to the US/Mexican border. In February 2001, Presidents Bush and Fox met to discuss U.S./Mexico migration issues and on June 22nd they announced a plan to reduce casualties on the US/Mexico south-western border (CRSLC, 2005). Later in May of 2001, President George W. Bush had contacted President Fox to offer his condolences about the 14 Mexican deaths that had occurred

in the Arizona desert. It was rumored by the press that during this call, amnesty programs were discussed. Bush dismissed such rumors in a press statement and stated “blanket amnesty would not be proposed” (CRSLC, 2005). Most recently, in early September Presidents Bush and Fox met to continue the discussions related to the Border. This meeting ended with the implementation of “‘Partnership for Prosperity,’ a public-private alliance of Mexican and U.S. governmental and business organizations,” which they were hoping would help to promote economic development to aid the failing Mexican economy (CRSLC, 2005). Through these efforts, they hoped the economy and unemployment would improve along the border region and result in a reduction of illegal immigration (CRSLC, 2005).

(Post-September 11, 2001)

After the terrorist attacks of September 11, 2001 the United States became more concerned about its borders than it had been in previous years. The actions taken by the U.S. congress resulted in less movement across the border and more strict regulations for admittance into the U.S.

Post September 11, 2001, President Bush signed into law the “USA Patriot Act of 2001,” and the “Enhanced Border Security and the Visa Entry Reform Act of 2002,” which tightened security along the border and made the process of obtaining Visas more difficult (CRSLC, 2005). In light of terrorist threats and the necessity to increase border control efforts, the Departments of Justice and Defense established a mutual agreement on February, 25, 2002, that permitted the Department of Defense to assist the INS in patrolling the U.S. borders (MPI, 2003). In March of 2002, during a trilateral meeting discussing NAFTA issues, Presidents Bush and Fox also pursued talks regarding the border (CRSLC, 2005). They discussed the following goals follows: (1) new strategies, for both the U.S. and Mexican officials to address border

control issues (i.e. technological enhancement and better equipment to aid border control officers); (2) a plan to aid the failing Mexican economy in areas where there is a high percentage of Mexican migration into the U.S., (3) a mutual agreement geared toward financing and addressing issues regarding the environmental infrastructure along the border to help make it safer for individuals residing there; and lastly, (4) an agreement to continue talks for future achievement of safer, legal, and orderly migration between U.S. and Mexico (CRSLC, 2005).

In November of 2002, President Bush signed a legislation that created the Department of Homeland Security. The Immigration and Naturalization Service, INS, was merged with 22 other federal agencies under the direction of the Department of Homeland Security, DHS (MPI, 2003). He also continued talks with Mexican President Vicente Fox, and both presidents stated they had a continued interest in addressing issues pertaining to the border region (CRSLC, 2005). On March 1, 2003 the responsibility for providing immigration-related services and benefits, such as naturalization and work authorization, were transferred from the INS to three different departments under the department of Homeland Security including, “The Bureau of Citizenship and Immigration Services (BCIS), the Bureau of Immigration and Customs Enforcement (BICE) and the Bureau of Customs and Border Protection (BCBP)” (DHS Press Room, 2003).

In early 2003, Mexico made efforts to secure the access points into the U.S. within Mexican borders. They committed 18,000 soldiers to secure access points to the U.S., including airports and border posts (CRSLC, 2005). Newly appointed Mexican Foreign Minister, Luis Ernesto Derbez, had announced in his speech on May 7, 2003, that security was the number one priority for Mexico and that the government would pursue all possible options to guarantee safety at the border (CRSLC, 2005). In

that same month 2003, a motion for a possible “migration accord” between U.S. and Mexico was proposed by House Representatives Menendez, Ballenger, and Gallegly. This arrangement would address key issues of migration between U.S. and Mexico, make the Mexican petroleum company (PEMEX) available for investment by U.S. oil companies, and address deportation and law enforcement issues (CRSLC, 2005). The Mexican response to this proposal was the acknowledgement of needed cooperation on topics of Mexican migration; however, the issue pertaining to Mexican oil and U.S. investment was “wholly unacceptable” (CRSLC, 2005).

Throughout the summer of 2003, efforts on both sides were sought to reduce the number of individuals trafficked across the border as a response to casualties at the border (CRSLC, 2005). In July of 2003, Mexican Secretary of Government, Santiago Creel, called for another meeting between U.S. and Mexican officials where he made suggestions that would enhance U.S. security on both sides of the border. Additionally, he felt that by giving legal status to the current undocumented Mexican migrants living in the United States, they would now be able to identify said individuals. This identification now would make persons that were previously unknown possible treats to fully identifiable persons living in the U.S. (CRSLC, 2005). Creel’s request went unanswered and will later be brought up again later within politics.

In January of 2004, President Bush, in an attempt to revive immigration talks, proposed an overhaul of the U.S. immigration system that would offer the opportunity for U.S. employers to hire Mexican labor if there were no U.S. citizens willing to perform the job at hand (CRSLC, 2005). This included incentives for undocumented immigrants to register for the program which would aid them in

returning to their respective countries after having earned money towards their retirement (CRSLC, 2005).

In December of 2004, Mexico's Foreign Ministry published "The Guide for the Mexican Migrant" (Guia del Migrante Mexicano). It is an instructional guide of how to navigate the U.S./Mexican border safely (AZCentral.com, 2005). The Mexican Government responded to U.S. criticisms, of encouraging people to migrate into the U.S. rather than to find work within Mexico, stating they posted it not to encourage Mexicans to migrate, but to attempt to reduce the lives that were being lost due to individuals crossing without adequate knowledge of how to prepare for their crossing (CRSLC, 2005).

Over the summer of 2005, there were several changes in how things are run on the border. A group of individuals called "minute men," had been formed to aid in watching the Arizona-Sonora border. The confrontations between Mexican migrants and the Minutemen have occurred gaining much criticism from the Mexican government (CRSLC, 2005). The U.S. government modernized the crossing points by adding more lanes with improved technology for scanning individuals traveling through the border regions. Also, in late May, Santiago Creel met with Secretary of Homeland Security Michael Chertoff to discuss ongoing efforts to modernize the border. Creel raised Mexico's concerns related to the implementation of the REAL ID Act which, if passed, will require all people operating in the US to have a federally issued and verified ID (CRSLC, 2005; McCullagh, 2005).

For the most part, the post 9-11 movements have been focused on talks between Presidents Fox and Bush "to do something" about the unauthorized Mexican migration issue. However, both governments have been unable agree on what needs to

be addressed. Attempts to bring about economic change have been unsuccessful and current movements in policy seem to have been tabled for the time being.

Social and Economic Analysis

Pat Buchanan, strongly anti-immigrant, holds radical views on how the U.S. should curtail the migratory flows of Mexican nationals to the U.S. Many of his views are becoming more popular among conservatives as they agree to support stronger borders, harder punishments for employers hiring undocumented workers, and raids against employers. His views and views of people with similar sentiments can be summed up by a speech he made in 2000.

“There are advantages [to Immigration]. Businesses can hire new immigrants at lower pay; and consumers gain because reduced labor costs produce cheaper goods and services. But, generally speaking, the gains from high immigration go to those who use the services provided by new immigrants. If you are likely to employ a gardener or housekeeper, you may be financially better off. If you work as a gardener or housekeeper, or at a factory job in which unskilled immigrants are rapidly joining the labor force, you lose. The last twenty years of immigration have thus brought about a redistribution of wealth in America, from less-skilled workers and toward employers” (Buchanan, 2000).

This sentiment and concern for the United State’s job market can be seen in people’s behavior across the United States. Many U.S, nationals perceive illegal immigration as a threat and this fear has given birth to new era of anti-immigrant organizations. The rising concern over illegal immigration has returned the debate to the table and the pressure is on for congress to approach one of our nation’s ongoing problems.

Acknowledging illegal immigration as a problem is only the first step in addressing the issues. In regards to the social implications of illegal immigration, one

can not separate the theme of economics. The two themes have been interlocked throughout time, Karl Marx, explained that there are divisions of power that arise within a Capitalist society; his conflict theory outlines the outcomes of a power imbalanced society. His impact on social theory has paved the path for sociologists and how they view relationships between the workforce and employers. His description of the faults within capitalist society and the imbalances inherent in the system are largely portrayed in the context of Mexican illegal immigrants and the U.S.

Additionally, other social theorists (Auguste Comte, Herbert Spencer, and later Robert Merton) set the path for another social theory that is reflected in views on illegal immigration and society. The functionalist perspective describes how each part of society (legal or illegal – for my purpose) performs a specific function for the operation of the said society. Without each part's active participation, the society would become sick and eventually would fail in its overall operation; it would then be out of equilibrium (Henslin, 2004). The understanding of both concepts is important. The hierarchy of the workforce where employers strive for profits and if this group of individuals is willing to work for less: so be it. At the same time, without workers willing to do the work, a society will fall apart at the base. You can not have a society full of “bosses” and have no workers, it simply won't work.

Sociological and Economic Theory

In 1848, Karl Marx and Friedrich Engels wrote about “class struggle,” in these writings they described the struggles between the social classes, not only within their society, but in relation to the world and its countries as well. The struggles were geared between the workers and those who provide jobs (Lemert, 2004). Fifteen

percent of the Mexican workforce resides in the United States (U.S.-Mexico Binational Council, 2004). Marx stated that the “semi-barbarian countries” would be dependent on the “civilized” ones... there will be “nations of peasants and nations of bourgeois” (Lemert, 2004, pp. 39). For our purposes, the nation of peasants is Mexico and the nation of bourgeois is the United States. The United States has the equity and promise for jobs that Mexico is lacking. The United States sets up investments within Mexico “supplying jobs,” to aid the failing Mexican economy, however their efforts are actually just exploiting the workers. This exploitation doesn’t only take place within Mexico’s borders, but when the individuals decide to cross into U.S. territory, often times through illegal routes, they are exploited even more than they were in Mexico (Vila, 2003). This exploitation takes form of the Coyotes that take their money in order to aid them in their trips across the border; business or agricultural institutions that lure them to the U.S. and hire them illegally, often times only paying the undocumented workers low wages; and lastly, the U.S. in general through their policies with the Mexican government and the North American Free Trade Agreement (NAFTA).

Economics and the Social state of individuals within a society are hard to separate because one seems to cause the other. The economic situation in the U.S. and Mexico causes the Mexican nationals to head to areas of higher industry and opportunity. At the same time the lower economic position of Mexico entices U.S. industries to see less expensive labor and they have done so by setting up establishments and factories just south of the border. This movement south of the border was further enabled with the implementation of NAFTA.

Misconceptions of Mexican Migration (Immigration)

Understanding that the economics surrounding a situation is often the cause of what is occurring in that society amongst the various strata of individuals and that each part of society has a purpose is, in my opinion, an important key in how people look at social policy. According to Massey, a sociologist from Princeton University who is one of the top researchers of Mexican immigration, the movement of illegal immigrants within the United States is circular rather than a one way flow. There are several myths to Mexican migration that has caused the backlash to immigration policy. Migrants do not come from the world's poorest nations, but rather they are from areas of development and industrial up rise seeking social and economical investments (Massey, 2006). Many believe that migrants come from countries with rapid population growth with high economic competition; however the Mexican fertility rate is only about 2.3. This number is only slightly higher than the U.S. fertility rate and is just over the Mexican birth replacement rate (Massey, 2006). Migrants move to the U.S. because of the huge 10 to 1 wage gap. In actuality, Mexican migration is mostly due to the deficiency in the Mexican mortgage banking industry. Much of the money sent back to Mexico ends up as investments such as housing and land purchases (Massey, 2006). The statement many make concerning Mexican migrants draining the social service programs and public funding is not so much an issue. Of all migrant workers about 66% say they have had social security taxes withheld and 62% report that they have had income taxes withheld, but only 10% say they have sent a child to public schools, 7% have received SSI, and 5% have utilized other services such as unemployment and food stamps (Massey, 2006). These are low numbers in comparison to all the money that is utilized by social service programs within the United States. Since Mexican migration is circular, they tend not

to stay long enough to abuse US social service provisions, they are not from the poorest of society, and they do not come from overpopulated-underemployed societies. In general, all these statements, which some use to justify setting stricter policies, are false.

There are various hypotheses as to why Mexicans continue to come into the U.S., but the thing most social scientists agree on is that the flow is economically motivated. The studies differ; however, one suggests that the motivation is because of the 10 to 1 ratio in wage difference, another suggests that capital investments and social capital are the reasons for migration and that the wage difference is only a “first trip” incentive (Alba, 2002; Massey, 1998). Sociological studies done by Massey and his colleagues have described statistics about the type of citizens who leave Mexico and enter the U.S. to work. They explain that the average Mexican residing illegally in the U.S. is not from the poorest parts of society, but rather from industrialized areas experiencing rapid development (Massey, 1998). The study also found that the Mexico-U.S. wage gap only influenced first trips (since they see migration flows as being circular), and that common theories of welfare, educational motivations, and health care only held weak, if not negative, associations in relationship to the migration patterns (Massey, 1998). Most migrants are after a social capital investment, so they can work in the U.S., and then return to Mexico where they can better invest their earnings (Massey, 1998). In other words, middle class Mexican citizens from areas in Mexico that are experiencing an industrial “boom,” have contacts within the U.S., and wish to make an investment in the Mexican economy are coming to work in the U.S. on a temporary basis. The Mexican market and interest rates are favorable for investments and the U.S. economy provides an easy route to fast cash in comparison to the Mexican economy (Massey, 2005).

Policy Backfire

The common beliefs of causes of illegal immigration and, specifically, why Mexican nationals chose to come to the U.S. in search of jobs misguided. Policy makers acted on common wisdom and in their attempts to reduce the number of undocumented entering and staying within the U.S., they failed. They developed programs designed to target the migratory flows of a group consisting of an uneducated populace looking for permanent residence within the U.S. The assumption that adding more power to monitor and control the border would reduce the numbers entering the U.S. was false as well. Massey, along with co-workers, put together an empirical study on the probability of Mexican migrants returning to their home country. In this study, The Mexican Migration Project, they discovered that after U.S. implemented “Operation Blockade” and several other border control “wall” type policies, the numbers residing in the U.S. escalated (Massey, 1998). They also discovered that the number of illegal immigrants that normally would have gone back to their native country decreased. Normally, immigrants would stay in the U.S. for a cycle of about eight years then about 56% of the migrants would then return home (Massey, 1998). Now, since the policy has been implemented and the walls have been built, it has made it harder to get in and out of the country. As a result, migrant workers tend to make longer stays in the U.S. and return to Mexico less frequently (Massey, 1998).

In 1994, the United States established the North American Free Trade Agreement (NAFTA) with Mexico and Canada to compete with the European Union, but unlike Europe, the United States was not willing to offer all the benefits that the Europeans permitted in their union. The United States expected to be able to have a flow of trade goods stream across the borders, but not have a flow of workers at the

same time. Economists and Sociologists warned that “the consolidation of the North American market will promote, not preclude, emigration from Mexico,” but policy makers did not heed their warnings (Massey, 1998). By opening up the trade supply and enhancing the day to day contact that U.S. and Mexico engaged in, they increased the number of personal contacts within both countries. This daily contact leads to more business contacts, educational ties, and tourism which in the end makes migrating to the U.S. more accessible (Massey, 1998). The North American Free Trade Agreement (NAFTA) was not the only cause of increased migration to Mexico. Past policies, such as the “Bracero Program,” are originally what initiated the flow of Mexican workers into the U.S. labor force. It is estimated that during the “Bracero Program,” Mexico provided about 4.5 million workers to aid the United States economy. At the conclusion of this program migratory flows continued and, later, in the mid-1980’s, 1.7 million migrants were apprehended trying to cross the border each year (Alba, 2002).

Implications of Policy

Since the conclusion of the “Bracero Program” and the new implementation of the North American Free Trade agreement, the U.S. has seen a huge influx of individuals entering the United States. A contributor to the tendency of individuals making the decision to enter the U.S. is their social contacts they have prior to arriving. In Massey’s studies he describes how social contacts also contribute to the probability of a Mexican immigrating to the United States. In the study, they developed data that supports information stating that when a person has had no contact with the U.S., their probability of migrating is only about 4%. Additionally, after having made trips this percentage increased. With the implementation of

NAFTA, which forced increased social contacts between the two countries, the flow of immigrants between the two countries has also increased. The North American Free Trade Agreement was almost like an invitation to Mexican nationals.

Additionally, since the circulatory flows have been initiated throughout history, it is hard to bring them to an end.

The misunderstanding of Mexican immigration is the cause of the current numbers of individuals residing in the United States. The change in policy now forces individuals to cross at less traditional areas and as stated before. In the summer of 2005, 260 of the 464 lives that were lost were due to heat in the Arizona desert (MPI, Dec. 2005). This number represents a 41% increase from the previous year's death toll (MPI, Dec. 2005). This added difficulty of crossing the border has changed the flow in that people tend to stay longer in the U.S. and take fewer trips across the border. Now, people who would have returned, decide stay for longer periods inside the U.S. (Massey, 1998). Policy implementations such as, "Operation Hold the Line," did little to stunt the flow of would be migrants; instead, it rerouted the natural flow to more dangerous terrain. The people, who it disrupted, however, were those living near the area of question. These people held regular jobs that took them back and forth across the border on a daily basis. They were people with no intentions on abusing the U.S. social system (i.e. welfare, school systems, healthcare, and other various services offered to low income individuals). They had to face the decision of being apprehended or to stay, as undocumented, within the United States. The risk of being apprehended at the border increased the probability that Mexicans would migrate and at the same time it decreased their likelihood of returning to Mexico (Massey, 1998). The motivation to migrate was also increased with the thought of more pressure at the border and it becoming harder to cross later (Bean et al., 2005). Additionally, these

policies and policies following influenced the decision for a lot of Mexican immigrants to naturalize and to become legal, in doing so they can now take advantage of the services offered for education, jobs, and other social services (Massey, 1998).

These policies have also had an impact on families that are reluctant to go back across the border to retrieve children. They are faced with the decision to either leave their children to be taken care of by strangers or to hire coyotes to smuggle their children across (Thompson, 2004). Implications to the welfare of the children need to be taken into consideration as well; coyotes are not interested in “reuniting” families more than they are the money they will receive. The business of trafficking people across the border has become more profitable in the last 10 years... what used to cost 400, now costs migrants upwards of 5,000 per trip per individual (Thompson, 2004). The frequency of parents sending children, alone, across the border is astounding; in 2004, 9,800 Mexican minors (ages 17 and younger) were apprehended trying to cross into the U.S. unaccompanied by parents or relatives (Thompson, 2004).

As of 2002, it was thought that the number of undocumented Mexican immigrants living in the United States was about 5.3 million individuals, which is 57% of the total number, estimated at 9.3 million, of illegal immigrants residing in the U.S. (Passel, 2004). It is estimated that flows will continue to range at about 3 to 3.5 million people across the Mexican border per decade until at least 2030. This flow is expected to double the Mexican population in the U.S. by 2030 (Simcox, 2002).

Not only has the number of immigrants increased, but the cost for migrants has increased as well. The number and probability of apprehensions on the border meanwhile has decreased. The number of border patrol officers from 1986 to 2002 had tripled and the amount spent on border control skyrocketed from \$474 million in

1968 to \$1.6 billion in 2002 (Massey, 2005). Despite the increase in funding and technology, the probability of apprehension was greatly reduced from an already low 33% in the 1970's to an even lower 20-30% in the 1980s then in 1994, it hit its lowest ever with only 5% probability of apprehensions (Massey, 2005). Prior to the "buff-up" in U.S. policy only 29% of Mexican illegal immigrants tended to cross at non-traditional routes, however after the implementation of policy 64% crossed through dangerous terrain in (1988-2002) (Massey, 2005) This policy also had repercussions on the death rate at the border, since the blockade operations the death rate along the border has tripled. Having said that, the cost for the U.S. in apprehensions rose from \$300 in 1992 to \$1,700 in 2002, which was an increase of 467%. Not only was the increase seen on the part of U.S. policy makers, but it had increased the cost of coyotes for Mexican migrants wishing to cross into the U.S. In 1980 the average cost of for hiring a coyote was around 400 dollars; by the end of 1999 it had skyrocketed to 1,200 dollars (Massey, 2005). This increase in cost per trip, the aggravation and danger of crossing regularly, and harsh implementation of U.S. immigration policy, reduced the probability of Mexican migrants returning to Mexico. In addition to that, Massey states that the number of Mexicans being naturalized in the U.S. increased by a factor of nine (Massey, 2005). Instead of traveling across the border and taking the risk of being caught, Mexicans are opting to remain within the U.S.

Conflict of Thought

As with all important issues there are conflicting views, with regards to illegal immigration some argue that it is an important part of the U.S. economy. It is part of our society and performs a function that is needed for the whole to thrive. Without Mexican migrants working, costs for food, clothing, gas, and other things would

increase since the cost of production would go up. Senator John McCain of Arizona, one of the states with a high percentage of Mexican migrants, stated that Mexican immigrants are “vital to the economy and their communities” (Wall Street Journal, 2005). The makeup of current immigrants in the U.S. is that of a younger workforce in comparison to natives within the U.S. This age group of workers tends to put more into the nation’s resources than it does draw from it (CATO Institute, 2006).

However, a study done by George Borjas, Professor at Harvard University, stated that it was possible that illegal immigrants could lower the standard income for unskilled natives by about .1% per year that is 1/10 of 1 percent. Additionally, he found that immigrant labor only produces a net benefit of about \$10 billion annually (Borjas, 1999). Furthermore, when all said and done, yes immigrants produce a positive benefit to the national economy, but who benefits? Lower skilled native workers (like Buchanan stated) lose, and those who utilize migrant labor win. The money produced lies in the laps of the individuals who utilize the migrant labor (Borjas, 1999).

It is clear that there are Push and Pull effects occurring with regards to illegal immigration. The pull of the job market or the push of an unstable economy, it is the lingering debate of political and social scientists of today. Our society supports an underclass of undocumented workers within the U.S. and the economic ties to their social situation is apparent. Economics beckon migrants from Mexico and other countries to seek jobs in a thriving economy to enhance their live style and provide economic security for their families’ future. Furthermore, U.S. foreign trade policy that is one sided poses a problem as it sets up international contacts within the labor forces and sets the stage for immigrants to utilize these contacts. When little is being done to hinder those who seek to take advantage of the undocumented entering the U.S. the strata in society are formed, pitting the wealthy against not only the

undocumented entering the U.S., but the lower skilled native workers as well, as they are the ones that will lose out in the long run.

Immigration and Current Politics

The development of a functional immigration policy has long been needed in the United States. The U.S. should be able to document all individuals coming into and out of the country and have sufficient control of its borders. There are different political viewpoints on how we should address the immigration system and the high numbers of undocumented individuals remaining in the United States. Before September 11, 2002, the United States and Mexico were engaged in bi-national talks on how to reduce the number of Mexican nationals immigrating to the U.S.; however after the events of September 11th, the United States' agenda and the war on terrorism talks were suspended between Presidents Bush and Fox.

President G. W. Bush's Immigration Proposal

In January of 2004, Bush made public his proposal for immigration reform. In his proposal, Bush revealed a plan for a temporary worker program that he has stated would address much of the problem (King et al., 2004). His proposal allows for temporary workers to fill positions in the U.S. workforce after the job has been posted in the U.S. job bank for 14 days and no U.S. citizen has filled the position. Only then would the position be offered to Mexican citizens who would be permitted to work within the U.S. for a fixed time period of 3 years, after which, they would have to return home (Bush, 2006). Other reform measures taken include further "strengthening the border" by increasing the border control budget thus allowing for the purchase of more technology, additional enforcement officers, and strengthening

in detainment policies (to hold migrants until their court date instead of forcing them to return home, after having apprehended them crossing into the United States).

Political Responses to Bush's Policy

In response to Bush's immigration reform proposal, there were mixed feelings amongst political groups. CNN's senior political analyst, Bill Schneider, stated that many conservatives do not like the proposal as they feel that Bush has already spent way too much of the national budget on immigration and that he is rewarding people who have broken the law. Schneider argues that Bush is trying to implement a policy which seems to grant amnesty to the, 11 million, illegal migrant workers currently in the U.S. (CNN.com [Schneider], 2004). Bush has stated that his policy is not a form of amnesty, but political analyst, Bill Schneider, disagrees stating that no its not a "blanket amnesty," meaning that Bush is not just granting all workers a permit to work in the U.S. legally. However, he is still allowing them to prove that they have a job and an employer that will sponsor them which, to many conservatives, constitutes a form of amnesty. Once sponsorship can be proved, immigrants would be granted permission to reside in the U.S. for a limited time and then return back to Mexico (CNN.com [Schneider], 2004). Schneider raises concerns about this policy stating that this shifts power into the hands of the employer as to weather or not they will vouch for workers, or will they take advantage of the situation (CNN.com [Schneider], 2004).

In contrast to conservatives, Democrats welcomed the talks on immigration, and acknowledged that the reform is needed. This acknowledgement was shaded as they feel that the Bush plan is an attempt to "best" them in an election year

(CNN.com [Schneider], 2004). Democrats generally feel that the Bush plan was an attempt at rallying the Latino vote during an election year.

Not only were the voices of the Republicans and Democrats heard after Bush's proposal was given, but the voices of Latino Leaders also sounded their disagreement with Bush's plan. Raul Yzaguirre, President of the National Council of La Raza, a Hispanic/Latino advocacy group, expressed his disappointment over Bush's proposal (CNN.com [Yzaguirre], 2004). Yzaguirre and other Latinos were excited to hear the president's sentiments to immigrant labor, but after examining his proposal they realized it was similar to the "Bracero" program (CNN.com [Yzaguirre], 2004). Furthermore, Yzaguirre stated that he feels the proposed policy will fail unless it includes benefits for the immigrants. Asking the illegal immigrants to risk exposing themselves where, in time when their temporary visa runs out, they will be deported. Furthermore, Bush's plan gives no true pathway to legalization and holds little to no incentive for current illegal immigrants to step forward (CNN.com [Yzaguirre], 2004). Immigrants will not be willing to step forward and pay the fines to become documented when they risk deportation. In short, the policy will not address all the problems of illegal immigration and is likely to fail as many undocumented immigrants will not step forward and take the risk of possibly being deported and losing their jobs.

The Bush proposal was criticized from all angles and gained little support from conservatives, democrats, and Latinos around the country. In current politics, there are two bills in congress establishing a new immigration system for temporary work visas and possible legalization of residency for migrant workers. The two main bills are the Secure America and Orderly Immigration Act (S. 1033/H.R. 2330), sponsored by Senators McCain (R-AZ) and Kennedy (D-MA) as well as

Representatives Kolbe (R-AZ), Flake (R-AZ), and Gutierrez (D-IL), and the Comprehensive Enforcement and Immigration Reform Act (S. 1438), sponsored by Senator Cornyn (R-TX) and Representative Kyl (R-AZ).

Immigration Reform Bills

Both the Secure America and Orderly Immigration Act (S. 1033/H.R. 2330) and the Comprehensive Enforcement and Immigration Reform Act (S. 1438) seek to implement new temporary work visas for immigrant workers; however the Secure America and Orderly Immigration Act (S. 1033/H.R. 2330) seems to be more immigrant/family friendly than the Comprehensive Enforcement and Immigration Reform Act (S. 1438). At the same time, the Secure America and Orderly Immigration Act (S. 1033/H.R. 2330) rewards undocumented immigrant's illegal entry into the U.S. and has conservatives concerned that it will not promote orderly immigration (FAIR, 2005).

Initially looking at the two bills, they seem similar as they both offer to give visas to the undocumented, but they differ in their outcomes. The Secure America and Orderly Immigration Act (S. 1033/H.R. 2330) is geared to helping immigrants become permanent residents, where as the Comprehensive Enforcement and Immigration Reform Act (S. 1438) is focused on returning them to their countries of origin. Additionally, to be applicable for the visa offered by the Comprehensive Enforcement and Immigration Reform Act (S. 1438), the immigrant's home country must enter into an agreement with the U.S. accepting its citizens back when their visas have expired and to take on responsibilities of their migrants' health insurance coverage (Massey, 2005 [part 2]). Both bills require heavy background check and that the applicants have an offer of employment within the U.S. That offer needs to be

approved and the applicants undergo a security and background check as well as a medical exam upon entry (Massey, 2005 [part 2]).

U.S. Visas

For foreign nationals to reside within the United States, they must acquire a visa documenting their type of stay. The Secure America and Orderly Immigration Act and the Comprehensive Enforcement and Immigration Reform Act offer to propose implementations of new visas. Background knowledge in current visas can help to understand what is being proposed with these new visas and how they will impact politics by permitting variant numbers individuals for longer or shorter time frames within the U.S. Currently, there are about 28 different types of visas offered to non-U.S. citizens wanting to reside in the U.S. for any specific amount of time. They range from Ambassadors and Students to people who want to come to the U.S. for work purposes (Keane, 2006).

The H visa is the type that is being impacted by America and Orderly Immigration Act and the Comprehensive Enforcement and Immigration Reform Act as they seek to either eliminate or add to this Visa. The H-1b visa is for professionals who occupy positions such as “accountants, computer analysts, programmers, database administrators, web designers, engineers, financial analysts, doctors, nurses, scientists, architects and lawyers (U.S. Immigration Services, 2006). The H-1 visa should remain unchanged by the two immigration reform bills. The H-2 Visas for temporary workers who are in the agricultural sector or skilled and unskilled temporary workers, however, are being highly criticized and looked at for reform (U.S. Immigration Services, 2006). As of now, if a family member of the immigrant holding an H visa wants to reside within the U.S., he/she must apply for an H-4 visa,

which allows him/her to reside with their spouse/parent, but does not permit them to work while residing in the U.S. (U.S. Immigration Services, 2006).

The Secure America and Orderly Immigration Act (S. 1033/H.R. 2330)

The Secure America and Orderly Immigration Act (S. 1033/H.R. 2330) is much more family and migrant friendly than the Comprehensive Enforcement and Immigration Reform Act (S. 1438). The act focuses on reuniting families and addresses the national concern about undocumented individuals by offering current undocumented workers the chance to become documented with the hopes of later becoming a permanent resident within the U.S. (Massey, 2005 [part 2]). This bill creates the H-5 (A & B) visas; it then allows workers who can prove they have resided in the U.S. since 5/12/05 and currently are employed to apply for the visa. These visas would permit immigrants to stay within the U.S. for three years and can be renewed one time for a total of 6 years (Massey, 2005 [part 2]).

This visa is condemned by conservatives who state implementing amnesty, in any of its forms, will not reduce the numbers of people coming into the country, but will entice more people to come as they will be rewarded for breaking U.S. immigration laws. Conservatives feel, in contrast to what Kennedy and McCain state, that the Secure America and Orderly Immigration Act is a form of amnesty as it offers legalized residency to current undocumented within the United States. Conservatives stress that the Kenedy-McCain bill will cause economic problems throughout the nation as the cost for documenting the U.S.'s 9 to 11 million (the figure changes as it is an estimate that ranges anywhere from 9 to 11 million) undocumented residents (FAIR, 2005).

The H-5 visa requires that the applicant pay a \$1,000 dollar fine for being in the U.S. illegally and does not impose penalties on employers who have illegally employed immigrants; rather it encourages them to have workers documented (Massey, 2005 [part 2]). This bill establishes protections for immigrants by requiring that H-5A visa workers receive the same wages, benefits, and working conditions as U.S. citizen employees in the same position. It also ensures that the visa holders receive the same rights as U.S. citizens and holds that the immigrant worker can not be asked to waive those rights (as is required in the Comprehensive Enforcement and Immigration Reform Act). Additionally, it prohibits employers from using H-5A visa workers as contract workers or from using these individuals to replace workers during a union strike or lockout. It protects workers and permits them to make complaints against employers to enhance workers rights and the working conditions (Massey, 2005 [part 2]).

The Secure America and Orderly Immigration Act takes the fees acquired from the H-5A visa and uses them to pay for services provided to the qualifying immigrants. This bill seeks to provide means for current immigrants to potentially apply for resident status; in order to do that, it allocates 3% of the immigrants' fees to provide English language and civics training to potential permanent residents (Massey, 2005 [part 2]). Another 2% would be allocated to reimbursing the U.S. healthcare system to provide emergency care given to H-5 and undocumented immigrants. This bill also encourages working with the Mexican government to help provide medical aid to immigrants so that the US is not unfairly burdened with the costs of providing healthcare to Mexican citizens (Massey, 2005 [part 2]). Lastly, this bill moves to allocate 15% of the fees received from applicants to fortify the

Department of Labor audit and investigatory resources for better labor enforcement purposes (Massey, 2005 [part 2]).

Overall, the Secure America and Orderly Immigration Act is geared at aiding integration of illegal immigrants to the United States. The next bill, however, is geared at identifying illegal immigrants, permitting them to gain economic security, and then returning to their country of origin. The Comprehensive Enforcement and Immigration Reform Act does not support immigrants applying for legal status within the U.S. In addition, it requires that migrants maintain a residence in their countries of origin to be eligible for the Visa status (Massey, 2005 [part 2]).

The Comprehensive Enforcement and Immigration Reform Act

The Comprehensive Enforcement and Immigration Reform Act eliminates the old H-2B visa (temporary worker, skilled or unskilled) and creates a new “W” visa. This visa requires that visa applicants must plead guilty to having been in the U.S. illegally. Additionally, they must, in writing, waive their rights to administrative and judicial review or appeal of a decision on their case, waive rights to contest any removal action, and authorize the release of any information contained in his application for law enforcement purposes (Massey, 2005 [part 2]). Upon application, illegal immigrants must turn in any illegal documentation, including forged social security numbers and identification as its authors want to promote respect for current U.S. laws (FAIR, 2005). This bill carries no weight for reuniting families and states that children and spouses must apply on their own to be considered for visas. An emphasis is put on the immigrant worker returning home between renewals of the visa to encourage them to make the migration cycle that use to characterize Mexican migration to the U.S. (FAIR, 2005). Once an applicant is awarded this visa, they can

work in the U.S. for two years, then they must return to their country of origin for at least 1 year and they have the opportunity to renew the visa up to two times for a total of 6 years worth of work inside the U.S. (Massey, 2005 [part 2]). The selection for jobs with this type of visa will be very limited; immigrants will only be able to seek work from employers approved for W visa holders. Employers wishing to employ W visa holders must demonstrate that they can not find an American applicant and that the job is “for temporary full-time employment” (Siskind, 2005). This bill does not provide much in the way of protection for workers with this type of visa; it requires that the country of origin pay for healthcare expenses. Lastly, it increases employer sanctions and dramatically expands the number of agents dedicated to worksite enforcement and fraud detection (Massey, 2005 [part 2]).

In short, The Secure America and Orderly Immigration Act permits a transition for migrants to become legalized residents. It also supports families as it outlines provisions to reunite illegal immigrants with their families. The latter, Comprehensive Enforcement and Immigration Reform Act, seeks to encourage undocumented workers to apply for visas and eventually will facilitate their return to their country of origin. In addition it strengthens the sentiment of immigrants coming to the U.S. through legal routes opposed to the continued flow of illegal immigrants. Understanding that many Americans want to see fewer immigrants coming into the U.S., they may favor the Comprehensive Enforcement and Immigration Reform Act. Thinking logically, however, it is doubtful that illegal immigrants will come forward when they know the end result will find them being sent back to their country of origin without the possibility of applying for legal residency within the United States. Additionally, the fact that immigrants have been a “hunted” group, many of them may not trust this administration nor others in the near future to volunteer their

whereabouts and become documented. This concern was brought up before by Raul Yzaguirre, President of the National Council of La Raza, when addressing President Bush's proposal on a "Bracero" type program he wishes to implement.

Out of the three options discussed in American politics, the Secure America and Orderly Immigration Act seems to be the most immigrant friendly option. The other two options described by Bush and Senator Cornwyn seem to have something lacking in regards to planning. Illegal immigrants, with jobs in the U.S., are not simply going to give themselves up and expose themselves and their employers to fines and risk of deportation. Understanding these programs and being able to see them side by side is important as politicians need to have a comprehensive understanding of all proposals in action. For the national discussion, it is important for people to understand what exactly is proposed by persons in congress so an educated decision is made after having looked at all and not just having been flattered by one.

I am more inclined for a policy that permits illegal immigrants to become legalized, with requirements that they pay into the system. I do not believe that our past efforts in policy have really reflected a learning process from previous failed attempts. Some of what is being currently proposed seems to be a repeat of past policy which helped create some of the problems that we have today. At the same time, politicians have created another problem with blocking off parts of the border and not blocking other parts. Current policies have left the dangerous areas along the border unprotected and immigrants still try to enter through those points leaving two problems. The first being that the U.S. can not patrol these regions because they are too dangerous and the second being that immigrants are so strongly compelled to come to the U.S. they will risk, as many do, their lives to achieve it. Lastly, the fact that many democrats and republicans are so much opposed to each other that

they avoid compromises and, in general, do not work well with one another, proposal after proposal are turned down. The problem does not get solved and the debate has continued longer than it ever should have. The bureaucracy of U.S. politics gets in the way of being able to efficiently solve problems, which as we can see has provided for a less efficient, more costly (in lives and dollars) policy that has not met the needs of the American Public nor has it protected the lives of the illegal immigrants attempting to cross into the U.S.

Conclusion

After all is said and done, politicians and their advisors must understand the entire scope of what is occurring in any given issue they want to address. They must formulate a policy that is acceptable in the eyes of their constituents and that will address all aspects of the issue. Not having access to the historical knowledge, one risks repeating the mistakes made by their predecessors. In order to efficiently address illegal immigration, one must have a full knowledge of past and present policy. Furthermore, the knowledge of other policies and their desired purpose is important to understand the strengths and of various proposals to find a solution that is the best possible policy for the nation.

Politicians, and the American public, rely on policy analyses by professionals in the field to compile and present data with maximum benefit to the American Public. In future work, this analysis can be used as a basis for structuring policy. Using the perspective of different political groups, historical precedent, and an understanding of illegal immigration in today's society, one then makes educated and beneficial adjustments to social policy.

In order to further this political analysis, more in-depth background information on Mexican policy, and establish contacts within Mexico in order to produce a bi-national policy geared towards prevention and current illegal immigrants. This thesis is the beginning of a larger scale project which can be expanded upon as our nation wrestles with this complex and timely issue.

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