



Criminalizing Immigration in the Post 9/11 Era

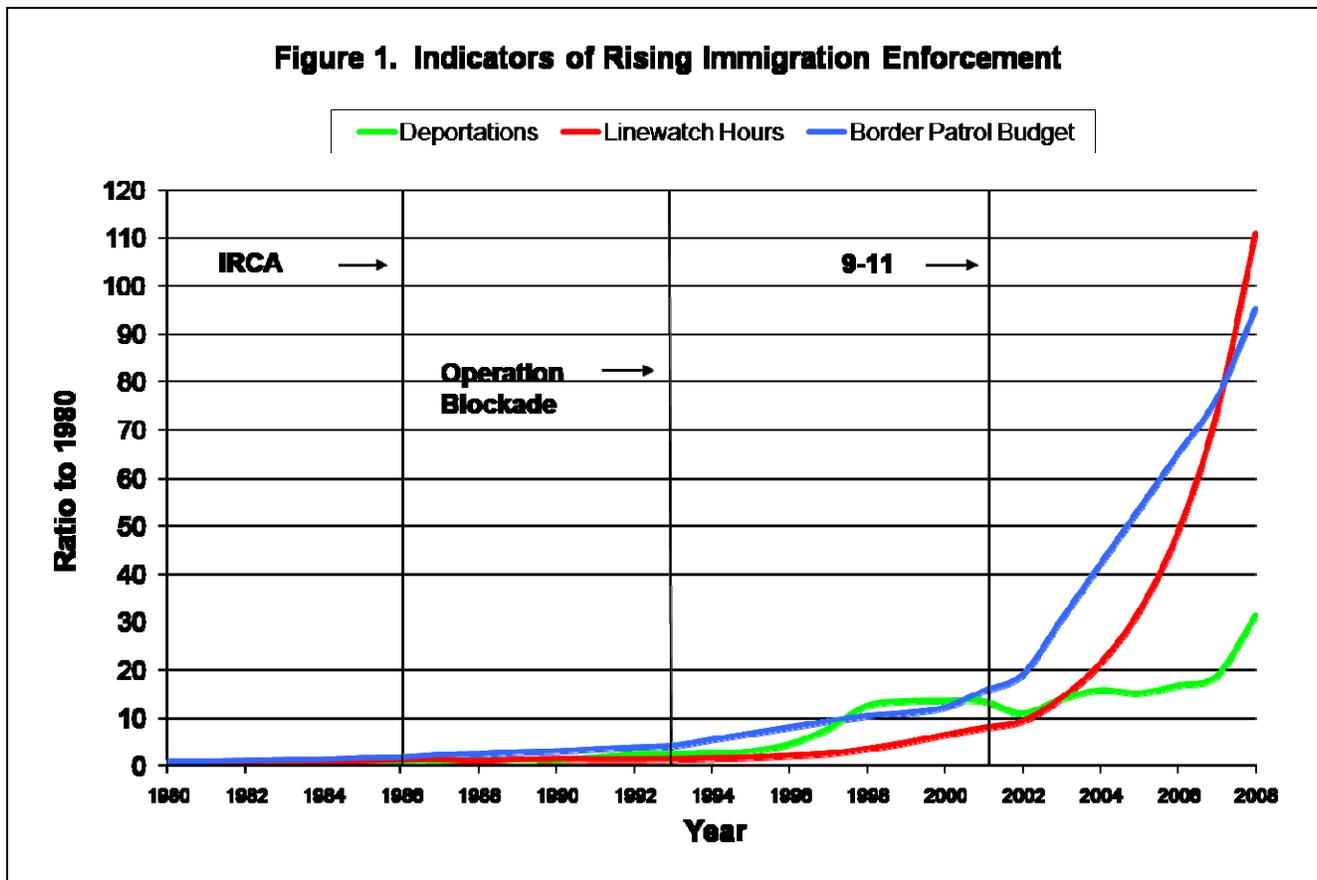
In the 1970s the United States declared a War on Crime; during the 1980s it declared a War on Drugs; and in the 1990s it declared a War on Immigrants. These policies had more to do with domestic politics than with the underlying realities of crime, drugs, or immigration, with negative consequences all around.

As part of increasingly punitive measures against unauthorized immigrants, mostly from Mexico, the 1986 Immigration Reform and Control Act (IRCA) launched what proved to be a two decade-long militarization of the Mexico-U.S. Border; and in 1993 the Border Patrol enacted a new strategy aimed at blocking the border at strategic crossing points. From 1980 to 2000, the

number of Border Patrol Agents increased 3.7 times, line-watch hours rose by a factor of 6.5, the agency's budget increased by a factor of 12 (see Figure 1).

Paradoxically, this militarization occurred as undocumented migration reached its peak and began moving downward. It also unfolded as we were drawing closer to Mexico economically, agreeing by treaty to lower the barriers to cross-border movements of goods, capital, information, services, and certain classes of people. Between 1980 and 2000 total trade increased nine times,

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business visitors 7.4 times, treaty investors ten times, and intra-company transferees 27 times. Somehow it seemed we wished to integrate all factor markets in North America except one—labor—and to build a border that was permeable to all flows except workers. This fundamental contradiction was not sustainable.

Border enforcement accelerated during the late 1990s although the rate of undocumented migration to the United States had been falling for years. The 1990s War on Immigrants was followed by the post-9/11 War on Terror, which was quickly conflated with immigration and identified with the Mexico-U.S. border. It didn't matter that this flew in the face of facts—none of the 911 hijackers entered from Mexico, that country has no Islamic terrorist cells, has no significant Moslem population, and by that point it had a declining rate of undocumented migration. All the same, border enforcement rose exponentially after September 11, 2001 with the Border Patrol Budget increasing 95 times its 1980 level and the number of line-watch hours rising 111 times. After 9/11 deportations also began a marked increase, rising from just 11,000 in 1980 to some 350,000 in 2008, breaking old records last set during the mass deportation era of the 1930s.

This massive increase in enforcement came in the wake of the implementation of the North American Free Trade Agreement (NAFTA)—a treaty promoting continental economic integration—and falling rates of undocumented migration. Although the probability of initial undocumented migration fell after 1990 and that of taking an additional undocumented trip fell after 2000, even more pronounced was the sharp decline in the rate of return migration. Between 1980 and 2005 the likelihood of returning to Mexico within 12 months of an undocumented entry fell by more than half.

This shift in behavior occurred because our militarization of the border increased the costs of crossing from \$600 to \$2,200 in constant dollars while also augmenting the risk of death in transit for

many. On the other hand, militarization had no effect on the probability of apprehension. Given the higher costs and risks of border crossing, fewer migrants left; but those who did leave still got across because the odds of apprehension did not rise. Once inside the U.S. immigrants hunkered down and stayed longer and in larger numbers to avoid experiencing rising costs and risks again. Paradoxically, it was because of a decline in return migration and not an increase in entry from Mexico that the undocumented population ballooned during the 1990s and made Hispanics the nation's largest minority a decade before demographers had predicted. If return migration to Mexico had remained at its pre-1986 levels, we would have had nearly 2 million fewer unauthorized Mexicans settling in the U.S. between 1980 and 2005.

In the past three years, estimates suggest the undocumented population has peaked and begun to trend downward. This development is no doubt partly because of the remarkable acceleration in border enforcement in the wake of 9/11 and the rise of mass internal deportations; but it also reflects the reduction of labor demand. Nonetheless, rising enforcement and growing joblessness have not prompted a significant return of already settled migrants. Indeed, rates of departure have fallen to record low levels. At the same time, a quiet but massive increase in the availability of guest worker visas has provided a legal alternative to undocumented entry. According to official data, the number of temporary legal workers entering from Mexico rose from 3,300 in 1980 to 361,000 in 2008, rivaling numbers last seen during the Bracero Program of the late 1960s.

These data clearly indicate that Mexican immigration is not and has never been out of control. It rises and falls with labor demand and if legitimate avenues for entry are available, migrants enter legally. The massive militarization of the border and resumption of mass deportations occurred despite the fact that rates of undocumented migration were falling and the perverse consequence was that these actions lowered the rate of return migration among those already here.





To solve our serious immigration problems, we need to undertake a program of legalization for those already residing in the country, and especially for the more than three million people who entered the country as minors and are guilty of no sin except obeying their parents. We also need to provide for the legal entry of Mexicans by increasing the number of permanent resident visas and guest worker permits to levels consistent with the needs of an integrated North American economy. Unfortunately the current immigration crisis is very much one of our own making, reflecting bad policy choices in the past; but fortunately this means that with better policy choices we have the power resolve the dilemma moving forward.

- This article is a modified version of a testimony presented by the author before the U.S. Senate Judiciary Committee on May 20, 2009.

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Center for Migration and Development Fall 2009 Colloquium Series

- ❖ Thursday, October 8 -- 165 Wallace Hall – Noon
“Backlash 9/11: Middle Eastern and Muslim Americans Respond”
Anny Bakalian and Mehdi Bozorgmehr, City University of New York, Graduate Center
- ❖ Thursday, October 15 -- 165 Wallace Hall – Noon
“The Latino Threat: Constructing Mexicans and Other Latinos as a Threat to National Identity and National Security”
Leo R. Chavez, University of California, Irvine
- ❖ Thursday, November 19 – 165 Wallace Hall – Noon
“Legacies of Empire: States and Nations in the Metropole”
Elaine Enriquez and Miguel A. Centeno, Princeton University
- ❖ Thursday, December 3 – 165 Wallace Hall – Noon
“The Illusion of Civil Society in Latin America”
Jon Shefner, University of Tennessee, Knoxville
- ❖ Thursday, December 10 – 290 Wallace Hall – Noon
“Bilingual Education and Latino Immigrant Children”
Chizuru Ushida, Nanzan University

IMMIGRATION AND HEALTH CONFERENCE HELD AT PRINCETON

In collaboration with the Princeton Program in Latin American Studies, the University Center for Human Values, and the Princeton Institute for International and Regional Studies, the CMD hosted a two-day conference entitled *WHAT IS AILING U.S.? HEALTH CARE AND IMMIGRATION—ACCESS AND BARRIERS* on May 14-16, 2009. *The event was the culmination of a two-year long research project sponsored by the Robert Wood Johnson Foundation, and spearheaded by Alejandro Portes. The conference brought together top administrators, physicians, nurses, community activists, elected officials, and academics—many of whom were originally interviewed for the study—in a dialogue about key problems, solutions, and policy recommendations regarding health care provision to underserved populations, including immigrants. The conference was supported by a grant from the MacArthur Foundation.*

Of special interest was the inclusion of successful initiatives, which can be used as models to extend health care services to underserved populations, as efforts in that direction are undertaken by President Barack Obama’s administration. Ten of the finest health care providers in the South Florida, San Diego, and Greater Trenton areas were represented in the program. Thanks to the mediation of Alan Goldsmith, president of the Jewish Renaissance Medical Center and Foundation, and member of the conference planning committee, a 38-ft mobile unit with medical and dental equipment was on display at the event.

