

If History had a Voice: A Comprehensive Discussion of U.S.-Mexican Immigration Policy

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Political dialogue between the United States and Mexico, and among D.C. bureaucrats and Southern border-state politicians has long been characterized by the hot topic of illegal immigration—an issue subject to much controversy and propositions of reform. Yet, despite these reforms, little progress has been made to effectively curb illegal immigration and address the growing issue of illegal residency. This is, in part, a result of the U.S.'s vested economic and political interests in illegal immigration. Mexico, on the other hand, perceives this outflow of Mexican labor as a symbol of dependence and weakness. In an attempt to rectify this image, Mexico has liberalized their economy to attract foreign investment and create more jobs, and has passed laws against the aiding of illegal immigration (Henderson 2011 and Spener 2005). However, competing state interests of the U.S. and Mexico have rendered effective border policy reform an enigma. In order to remedy these historical failures, economic incentives of illegal immigration must

be stifled, opportunity for legal border entry must be facilitated, and issue of illegal residency must be addressed.

Relevant History

U.S.-Mexican immigration policy has demonstrated that, when channels of legal immigration are restricted and the economic stakes are high, illegal immigration will increase—regardless the amount of border fortification. Consequently, if illegal immigration is going to be effectively addressed, reforms must target the economic incentives that encourage this illicit behavior.

The Economic Incentives

In the early 1880s, illegal immigration along the U.S.-Mexican border began under a number of problematic conditions, the primary being the poor and unstable nature of the Mexican economy (Spener 2005). Though Mexico's economy was under-developed—especially in relation to the U.S.—President Diaz's decision to open the Mexican economy to foreign investment, initiate rapid industrialization, and expand the country's mining industry and "plantation-based agro-export sector," only exacerbated the issue (Spener 2005, 4). The wealth that Mexico subsequently accrued was unequally distributed among class and region, prompting disenfranchised Mexicans to seek economic opportunity elsewhere—specifically in the U.S. This labor movement was further enabled by train lines that were built between the U.S. and Mexico, and by U.S. labor demands. Towards the end of the 19th century, the U.S. began expanding their agricultural and mining industry, which dramatically increased the demand for foreign laborers. Despite the ban on the importation of contract labor, U.S. employers began to illegally recruit Mexican workers. These economic conditions and incentives established the U.S.'s 'pull' for Mexican labor and Mexico's 'push' from lack of economic opportunity—practically guarantying the flow of illicit labor (Spener 2005).

Immigration along the Southern border remained largely unregulated and unrestricted until the U.S. the Immigration Act of 1917 (Spener 2005). In an attempt to limit and control immigration, this act required all immigrants to pass a literacy test and pay an \$8 fee before legal U.S. entry could be granted. Despite these restrictions, the growth of the U.S. economy in the 1920s, in addition to Mexico's precarious economic stability, established conditions that "clearly created strong incentives for U.S. enterprises to continue recruiting Mexican laborers and for Mexican workers to continue crossing the border in search of work" (Spener 2005, 22). In response to this growth in clandestine border crossing, the U.S. created the Border Patrol in 1924; however, illegal immigration remained predominantly unabated and the 1920s was marked by the border's first rise in coyotes (Spener 2005, 22). Essentially, a coyote was an "illegitimate facilitator of bureaucratic procedures" who found ways to circumvent the bureaucratic red tape of border crossings—predominantly characterized by copious time delays, unresponsive policies, and excessive bribery (Spener 2005, 1). These restrictions rendered illegal immigration cheaper and faster than the legal route, and catalyzed the process by which clandestine border crossing became an institutionalized business of political and economic interest, on both the side of the U.S. and Mexico (Spener 2005).

U.S. immigration policy in the 1940s through mid-1960s was characterized by the implementation of the Bracero Program—a bilateral, agricultural, guest worker program between the U.S. and Mexico (Spener 2005, 32). In light of the U.S.'s entry into WWII and rising labor demands, this program stood to benefit the U.S. Though the purpose of the Bracero Program was to facilitate legal immigration, this was not to be the case. Not only was there an endemic shortage of available contracts, but the program was rife with bureaucratic hurdles, fees, delays and political corruption and—for most—bracero contracts came to resemble an elusive employment hope, rather than a viable

employment option (Spener 2005, 35). As a result, clandestine border-crossings dramatically increased and, between 1943 and 1953, “the number of Mexican apprehensions by the Border Patrol had risen... more than 100 times” (Spener 2005, 39). Although the program was later terminated in 1964, this failed to end the flow of illegal immigration that the program facilitated. Additionally, when bracero contracts expired, laborers—instead of returning to Mexico—chose to over-stay their visas and continue working in the U.S. Unfortunately, the issue of illegal immigration and residency was further compounded by the 1965 Hart-Celler Act, which capped the number of legally admitted immigrants from the Western Hemisphere at 120,000 (Spener 2005, 44). In 1978, this hemispheric cap was replaced by “an annual world-wide cap of 290,000 immigrant visas, subsequently lowered to 270,000 in 1980” (Spener 2005, 45). These limitations substantially restricted the ability of Mexican immigrants to legally enter the U.S. and, in 1986, the number of border apprehensions swelled to a record 1,767,400 (Spener 2005, 45). Furthermore, reports from the late 1970s and early 1980s indicated that a majority of Mexican immigrants began utilizing coyotes as a resource in their border-crossing endeavors (Spener 2005, 46). This response to regulation demonstrated that visa availability, alone, could not resolve the issue of illegal immigration and residency, prompting the U.S. to switch tactics and begin the militarization of the U.S.-Mexican border.

U.S. Border Militarization

In the 1970s, the U.S. began increasing border security in an attempt to stem the seeming proliferation of clandestine border-crossing. Between 1970 and 1980, the number of border patrol agents grew by a little less than a thousand, an increase that was accompanied by the installation of new technology (such as motion, heat, and sound sensors), militaristic hardware, and steel fences (Spener 2005, 48-49). This escalation of border fortification doubled the budget of the

Immigration and Naturalization Service Agency (INS), and what was once a border soon resembled a warzone (Spener 2005, 49).

This police expansion reached unprecedented levels in the 1990s, which was, in part, due to the passage of the Immigration Reform and Control Act of 1986—a reform that sought to address the concern of illegal immigration by introducing employer sanctions and limiting the legalization program. Though well intentioned, this policy facilitated more illegal behavior. Illegal immigration increased, employer sanctions failed to be properly enforced, business for fraudulent documents boomed, and coyotes adapted their border-crossing techniques to accommodate border militarization and continue legal evasion (Spener 2005). These unintended consequences succeeded in increasing the sophistication, organization, and institutionalization of the border smuggling business, and set the stage for politicians to use illegal immigration as a platform for political gain (Spener 2005).

Politicians began taking very public stances against illegal immigration, creating an image of a border overrun and under siege. The public's ensuing fear of illegal immigration enabled politicians to introduce false nostalgic rhetoric of a border once under control. Political parties, rather than question the validity of this dialogue, folded illegal immigration into their policy platforms, adding gravity and volume to the message of a border wildly out of control—a message that characterizes public's opinion to this day (Andreas 2000). This political backlash to illegal immigration put the U.S. on the offensive in the subsequent creation of border policy. A philosophy of 'prevention by deterrence' was adopted and, between 1993 and 1999, the budget of the INS nearly tripled, and the number of border patrol agents in the Southwest more than doubled. This escalation of force was further exacerbated by the Immigration Reform and Immigration Responsibility Act of 1996, which called for the hiring of "1,000 new Border Patrol agents a year... (and) the construction of new physical barriers"

(Andreas 2000, 90-91). In addition, the military began assisting the INS in patrolling the border, and “technologies and equipment originally developed for military use...(was)...adapted for border enforcement purposes” (Andreas 2000, 91). Initially, the U.S.’s deterrence strategy—first tested under Operation Blockade—seemed to work. The number of attempted border entries in tested locations significantly decreased and the operation was touted as a national success. This prompted the INS to develop a comprehensive border strategy that mimicked Operation Blockade. However, tightening border control in highly trafficked cross points simply pushed illegal immigration to more remote locations. As a result, the coyote business grew in size and profit. Immigrants discovered that the services of the coyote were increasingly necessary to transcend the perils of crossing the border in remote locations. According to a 1997 Binational Study on Migration, “75% of all illegal Mexican border crossers” employed the assistance of a coyote (Andreas 2000, 95). As former INS Commissioner Doris Meissner noted, “As we improve our enforcement, we increase the smuggling of aliens that occurs because it is harder to cross and...people turn more and more to smugglers” (Andreas 2000, 96). Rather than tapering illegal immigration, border militarization forced it into hostile terrain. This rendered illegal immigration an increasingly dangerous endeavor (Annerino 1999) and, between 2004 and 2009, “while apprehensions of illegal immigrants along the U.S. southern border declined by more than 50 percent” deaths increased “by nearly 28 percent” (Walser 2011). By adopting a border strategy of deterrence, the U.S. created a slew of unintended consequences and established an escalating, self-perpetuating system of illegal immigration that is not only irrational, but inhumane.

Current Border Policy

The U.S.'s militarized approach to illegal immigration continues to define U.S.-Mexican border policy. This is primarily noted by the ever-increasing budget and defense-related expenditures of the U.S. Customs and Border Patrol (CBP) which, in 2015, stood at \$3,797,821 — not including the cost of transportation, “building fences, employing drug-sniffing dogs, the use of predator drones, and various other incendiaries” (U.S. United 2015 and U.S. Immigration 2011). In fact, between 2000 and 2010 it was estimated that the U.S. spent around “\$90 billion on securing the U.S.-Mexican border” (U.S. Immigration 2011). With this vast amount of money being funneled into the border, one would expect to find a correlation between border militarization and immigration apprehensions. Unfortunately, no such relationship exists. From 1960 to the mid-1970s, the number of U.S. border apprehensions consistently increased (Gonzalez-Barrera 2016); From the mid-1970s to 2003, the number of apprehensions were in a flux and, starting in 2003, apprehensions steadily declined to an all-time low of 188,122 in 2015 (Gonzalez-Barrera 2016). This ebb and flow of illegal immigration, despite the U.S.'s consistent increase in border patrol spending, demonstrates the ineffective nature of the U.S.'s offensive border policy position. This indicates that the driving motive of illegal immigration transcends fortifications. Furthermore, illegal immigration is declining, rendering the U.S.'s strategy of “defense by deterrence” historically ineffective and currently unwarranted.

The U.S.'s strategy to stem illegal migration with force was born out of the unfounded and inflammatory rhetoric of politicians (Andreas 2000). As history has illuminated, the border has always been porous. Illegal immigration is not a new problem, yet it is the nostalgic narrative of a once impenetrable border that continues to fervor border militarization (Andreas 2000). This ritualistic escalation of force paints an image of control at the expense of millions of taxpayer dollars, and

overlooks the state practices and consumer demands that encourage this illegal behavior. By circumventing the source of illegal immigration—economic incentives—the U.S. capitalizes on Mexico’s economic plight and displaces the blame for illegal immigration on its Southern neighbor, all the while politically and economically benefitting from the flow of illegal labor (Andreas 2000). Ultimately, the militarization of the border has been more about crafting an image of control and symbolically reaffirming territorial authority, than deterring illegal immigration (Andreas 2000). Yet, it is this political narrative and misinformation that continues to frame, fashion, and drive U.S. border policy.

Addressing Economic Incentives

A return to history reveals that the primary source of illegal immigration is economic incentives. The U.S.’s strong and vibrant economy is a beacon of opportunity to Mexico’s lower and middle-income classes, rendering U.S. border policy ineffective in its attempt to stem the flow of illegal immigration. Consequently, it is reasonable to contend that reform is needed. To effectively address illegal immigration, the U.S. needs to implement a policy that targets economic incentives and encourages legal immigration.

Combatting the economic incentives of illegal migration isn’t a nascent policy proposition. In fact, one of the main objectives of the 1986 Immigration Reform and Control Act was to crackdown on illicit business practices through the “enforcement of employer sanctions and workplace standards to deter the hiring of illegal immigrant labor” (Andreas 2000, 100). However, due to a lack of policy enforcement and deficient funding, this facet of the act was decisively ineffective. In fact, it was estimated that INS “workplace investigations represented perhaps 3% of the nation’s employers of unauthorized foreign workers, and most of those investigations did not result in penalties” (Andreas

2000, 101). Furthermore, less than 1/5 of an INS investigator's time was spent addressing workplace enforcement, undercutting the very ability of the INS to properly enforce requirements. By the end of the 1990s, a mere 2% of the INS budget was directed towards workplace enforcement, which was accompanied by a decrease in employer investigations. Between 1992 and 2002, the number of employers investigated plummeted "by more than 70 per cent" and, in 2003, only 4 employers were effectively apprehended and prosecuted for violating immigration law (Cornelius 2004, 785). To further exacerbate business non-compliance, average fines for employers found guilty of violating hiring practices and workplace standards were less than the cost of doing business (Cornelius 2004, 786). Consequently, it was often considered more profitable to illegally hire immigrant workers than to abide by federal law. Additionally, there was an anemic employment of INS agents purposed in workplace enforcement. In 2001, "only 124 immigration agents were assigned to full-time workplace enforcement in the entire country, compared with the 9,500 agents on the border" (Cornelius 2004, 786). The INS's inability enforcement of immigration law and business standards has allowed economic incentives for illegal immigration to persist.

E-Verify

The inseparable nature of illegal immigration and economic incentives was partly realized by the INS in their 1997 launching of E-Verify – an "electronic employment verification system" that worked in conjunction with the Social Security Administration (U.S. Citizenship 2016). Participation in this program, which was completely voluntary, enabled employers to check whether or not a potential worker was eligible for employment. Although the original goal of E-Verify was to apprehend unauthorized workers, the program's objective shifted and started targeting employer hiring practices. Between 2009 and 2012, the Immigration and Customs Enforcement (ICE) "audited more than 8,079

employers, debarred 726 companies and individuals, and imposed more than \$87.9 million in monetary fines for violating employer sanctions laws" (Meissner 2013, 8-9). E-Verify was considered a success and the program grew in popularity. In 2013, "more than 1,500 new employers (were) joining each week," increasing employer participation to 482,692 (DHS Budget 2015, 134). Despite this receptive response, the success of E-Verify was limited. Due to its voluntary nature, "less than 10 percent of the nation's 7 million" employers were enrolled (Meissner 2013, 8). Although the system was implemented with varying degrees of enforcement in 22 states, only 3 states (Alabama, Arizona, and Mississippi) legally mandated employers to use E-Verify (Numbers 2010). Due to a systematic lack of workplace enforcement, economic incentives that blatantly encourage illegal immigration have been allowed to persist; however, E-Verify has the potential to curb these illicit business practices. Considering the popularity and mounting regulatory success of E-Verify, a sweeping federal mandate requiring employers to use this program would allow the benefits of E-Verify to be fully realized.

Budget Reform

However, to effectively remedy the negligent enforcement of workplace standards, budget reform is necessitated. Despite the specialization that the 2002 Homeland Security Act secured by disbanding the INS into three separate agencies—Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS)—historical inefficiencies have persisted (U.S. Our 2016). This was specifically noted with the ICE—the agency charged with the responsibility of workplace enforcement. Between 2013 and 2014, workplace audits decreased from 3,127 to 1,320, reaching a low of "435 in 2015" (Huddleston 2016). Fines mimicked this decline, decreasing from "\$9.5 million in 2013 to \$4.62 million in 2015" (Huddleston 2016). This weak point in immigration

policy allows the economic incentives of illegal immigration to persist. In the 1994 president's report on immigration, it was stated that, "Everyone agrees that the primary incentive for illegal immigration is employment. Workplace enforcement of labor standards and employer sanctions are the instruments for reducing that incentive" (Andreas 2000, 100). Consequently, the U.S. federal government should reallocate funds from the CBP to the ICE. Due to the decreasing need of CBP services and the increasing demand for ICE functions, this redirection of funding would prove immensely beneficial to furthering U.S. immigration policy.

Agency	2006	2016
U.S. Customs and Border Protection	6.7 million	13.6 million
U.S. Immigration and Customs Enforcement	3.9 million	6.3 million
U.S. Citizen and Immigration Services	1.9 million	4 million

Note: Numbers are rounded to nearest approximation

Source: Data collected from *Budget-in-Brief, Fiscal Year 2006 and 2015*, available at: www.dhs.gov

Since illegal immigration between the U.S. and Mexico has been decreasing since 2006, the budget increases for the CBP are unwarranted (Gonzalez-Barrera 2016). In 2015 alone, the CBP apprehended only 188,122 Mexican immigrants, "an 18% decline from the previous year- and the lowest number of apprehensions on record since 1969" (Gonzalez-Barrera 2016). Yet, in 2015, after 9 years of a trending decrease in Mexican immigration, the CBP requested and received an inflated budget (DHS Budget 2016). Conversely, the ICE, needs more funding in order to expand E-Verify, conduct employer audits, enforce

workplace standards, and fine potential violators. The demands of the status quo fall under the purview of the ICE and the U.S. budget should reflect this reality (Cornelius 2000, 2004).

Opponents to decreasing the budget of the CBP cite the threat of terrorism as a reason for maintaining current funding levels (Steinmetz 2011). It is argued that, “along the U.S./Mexico border, drug cartels, human smugglers, kidnapping rings, thieves, and gangs contribute to an increasingly dangerous environment for citizens and law enforcement of both countries” (Steinmetz 2011, 31). Despite the validity of this concern, returning the CBP’s funding to 2006 levels would not increase the U.S.’s vulnerability to terrorism or other illegal activity; rather, it would reflect current border policy needs. Additionally, history has demonstrated that increasing the budget, size, and sophistication of the U.S. border patrol does not necessarily lead to a decrease in illegal enterprise. Historical precedence has proven the inefficient and ineffective nature of the U.S.’s offensive stance along the border. The services provided by the CBP are decreasing in demand, rendering the inflated expenditures of this agency increasingly unwarranted. Conversely, the services of the ICE and CIS remain crucial for effective U.S. border policy. By returning the CBP budget to 2006 levels, 6.9 million in funding could be reallocated to the ICE—a historically under-funded agency. This budget reform would enable the ICE to service the demands and address the deficiencies of U.S. immigration policy.

Past policy initiatives mandating that employers document their employees and verify their legal working status have been largely unsuccessful. This was demonstrated with the 1986 passage of the Immigration Reform and Control Act (IRCA), which declared the knowledgeable employment of undocumented workers illegal, and required potential employees to present identification and employment eligibility paperwork (Spener 2005, 68). In theory, these stipulations

would reduce the employment of illegal labor. However, these provisions failed from inadequate staffing, insufficient funding, and lack of an employee verification system. As a result, the black market for eligibility documents grew and an increasing number of U.S. firms began contracting smaller Mexican firms to verify the eligibility of the employees they were hiring (Spener 2005, 68-69). To ensure that these historical failures aren't repeated, it is imperative that the ICE is properly funded. With the necessary funding and manpower to enforce workplace standards, endemic immigration policy issues can be effectively addressed.

This budget reform would result in many benefits. By reallocating CBP funds to the ICE, the ICE would be able to properly enforce workplace standards and apprehend business activity that enables and encourages illegal immigration. The inhibited ability of U.S. employers to offer employment opportunities to undocumented immigrants would taper the pull of economic opportunities. By addressing the source of illegal immigration, this reform policy has the potential to resolve the issue of clandestine border crossing. Until the U.S. implements reforms aimed at economic incentives, future border policy will continue to be rendered inconsequential.

Enabling Legal Immigration

A comprehensive reform of U.S. immigration policy, however, cannot be acquired by simply reducing the economic incentives of illegal immigration. A multi-faceted problem necessitates a multi-pronged solution. Though it is important to reduce the economic pull of illegal Mexican laborers, it is equally important to further enable legal immigration.

Historically, the U.S. has maintained a visa deficit for immigrant workers, thereby hindering the ability of immigrants to cross the border legally. This is specifically seen with H1-B visas, which allow the 6-year

employment of "foreign workers in specialty occupations that require the theoretical or practical application of a body of highly specialized knowledge" (Department 2016). Since 2003, the number of available H1-B visas has been capped at 85,000, with 65,000 available for those holding a Bachelor's degree, and 20,000 visas set-aside for individuals holding a Master's degree (H1Base 2016 and Department 2016). This deficient provision of H1-B visas is incongruent with U.S. labor demands. Within a few days of opening H1-B visa applications, the quota becomes exhausted and, in a matter of weeks, the CIS stops accepting visa applications (Collins 2014). By providing an insufficient number of temporary worker visas, businesses are constrained in their ability to legally hire immigrants and Mexican workers are forced to pursue illegal methods of border entry (Collins 2014). If labor market demands are to be reflected in U.S. immigration policy, visa reform is necessitated.

The magnitude of this problem has been recognized, and visa reform has been attempted. In 2013, the Border Security, Economic Opportunity, and Immigration Modernization Act—a bi-partisan bill—planned to increase "number of visas available to 115,000-180,000, with 25,000 more visas available for applicants with advanced degrees" (Collins 2014). Despite passing in the Senate, the bill failed to be heard in the House—inaction largely attributed to House Republicans' focused efforts on creating "piecemeal" immigration reform, with "individual reform bills aimed at different aspects of the immigration system" (Chishti 2014). This lack of effective communication along party lines, in addition to the rise of pressing issues—such as the debt ceiling and subsequent government shutdown—has rendered recent attempts at immigration reform ineffectual (Chishti 2014). This political backlog has been further compounded by the public's fear of a chaotic Southern border. One of the commonly voiced concerns surrounding immigration reform is that illegal immigrants are poor, uneducated, and pose a

threat to economic growth. However, data indicates that a majority of undocumented U.S. workers are women who are “educated (and) almost certainly literate” (Riley 2008, 121). Concerns of stifled economic growth are also largely unfounded. In fact, the U.S. greatly benefits from the flow of Mexican labor and, according to the U.S. Census Bureau, the “demographic patterns of the United States indicate that we are entering an era of growing labor scarcity” (Riley 2008, 120). Thus, facilitating legal immigrant labor would not only curb the demand for illegal labor, but would benefit the U.S. economy. However, concern has been expressed that increasing visa availability would limit employment opportunities for U.S. citizens. In 2006, Republican Representative Steve King said, “nothing good will come of an amnesty bill...it will continue to force legal American workers out of their jobs and further deplete the middle class” (Riley 2008, 52). This argument—amplified by the voice of the media—has evolved into one of the most “contentious elements of the immigration debate,” leading to the general populace to assume that jobs held by immigrant workers are jobs that would otherwise be filled by American workers (Riley 2008, 53). However, a study conducted by the American Enterprise Institute (AEI) reported that “a mere 10% increase in the number of H-1B workers would result in a 0.11 percent increase in the native employment rate. From 2001-10, this would have meant an extra 183 jobs for U.S. workers for every 100 H-1B jobs” (Collins 2014). Additionally, by increasing “the number of visas available to 115,000-180,000, with 25,000 more visas available for applicants with advanced degrees,” an estimated 227,000 jobs would be created within the first year, and GDP would increase by \$22 billion (Collins 2014). Consequently, it would behoove the U.S. government to end the artificial restriction of temporary worker visas and allow visa availability to increase and more accurately reflect the market’s labor demands.

The failures of past policy reforms speak to the importance of meeting labor demands. Take, for example, the Bracero Program, which unintentionally encouraged clandestine border crossing by failing to satisfy U.S. labor demands (Spener 2005). It was noted “from the outset of the program the number of contracts offered was never sufficient to meet demand for contracts by Mexican workers” (Spener 2005, 35). Increasing visa quotas would help alleviate the historical incongruences between the labor market and worker visa caps. This reform would increase opportunity for legal immigration and decrease the necessity of Mexican laborers to illegally cross the border. If illegal immigration is to be properly stemmed, the U.S. needs to provide accessible pathways for legal entry.

Resolving Illegal Residency

One of the consequences of illegal immigration is the growing population of undocumented U.S. residents. As of 2014, around 11 million U.S. residents were undocumented Mexicans (Krogstad 2016). Though the traffic of illegal immigration on the U.S.-Mexican border has remained steady since 2009, there is a growing “trend toward more permanent settlement in the United States” (Krogstad 2016 and Cornelius 2000, 7). In 2014, “only 7% of Mexican unauthorized immigrants had been in the U.S. for less than five years,” indicating the increasing permanence of illegal immigration (Krogstad 2016). This reality is reflected in the immigration data from both sides of the border, and qualifies the provision of a path to citizenship for undocumented residents a reasonable and beneficial policy recommendation (Cornelius 2000, 9).

President Obama attempted to resolve the pressing issue of undocumented residency through his immigration policy reform plan (Office 2013). Although this plan failed to reach actualization—a result of irresolvable conflicts along party lines—it did aim to supply

undocumented immigrants with a path to U.S. citizenship. This was outlined through five provisions: 1) construct a provisional legal status for undocumented workers 2) create strict requirements to qualify for permanent residency 3) establish earned citizenship for DREAMers 4) create administrative and judicial review, and 5) allocate additional resources to combat fraud (Office 2013). This policy reform would set the U.S. on a course towards fixing the issue of undocumented residency. It would also protect U.S. interests by requiring undocumented immigrants to pass background checks before receiving eligibility for a provisional legal status, while simultaneously decreasing the size of the U.S.'s undocumented population by enabling individuals to apply for permanent, lawful residency without fear of deportation.

Aside from facilitating legal residency, this policy reform would fiscally enable this problematic population and benefit the American economy. According to the Center for Immigration Studies, illegal Mexican immigrants represent some of the poorest in America's population, with an estimated 57% living in or near poverty (Camarota 2012). Furthermore, illegal Mexican immigrants earn around \$15,207 per year, while legal Mexican immigrants earn approximately \$21,194—an income increase accompanied by lower poverty rates (Camarota 2001). Additionally, since legal immigrants are typically wealthier than illegal immigrants—a result likely attributed to the increased accessibility of economic opportunities that can be pursued—granting illegal immigrants a pathway to a legal status would fiscally benefit Mexican immigrant families. These economic gains are increasingly relevant considering “a growing share of the children of unauthorized immigrant parents—73%—were born in this country and are U.S. citizens” (Passel 2009). By creating a pathway for undocumented residents to obtain a legal status, immigrant households would be further enabled to participate and contribute to the U.S. economy.

Conclusion

Historically, the U.S. has primarily addressed illegal Mexican immigration by creating unenforced regulatory policies and increasing border militarization. Unfortunately, these initiatives have proven counter-productive—a consequence of U.S. immigration policy circumventing the source of illegal immigration: economic incentives. The Mexican labor force is attracted to employment opportunity and U.S. businesses are attracted to cheap, disposable, and readily accessible labor. These “push” and “pull” factors incentivize illegal immigration and act unabated by current U.S. border policy.

An examination of historic and current immigration policy has made a number of issues clear. First, millions upon millions of taxpayer dollars are being funneled into an ineffective border policy that seeks to circumvent the true source of illegal immigration, pad the pockets of businessmen, and seat aspiring politicians—despite giving off the perception of effectively addressing illegal immigration. Consequently, illegal immigration is a problem that, if not properly addressed, will continue to entrench in political and economic corruption, augment the issue of undocumented residency, and form a critical mass of youth destined for a life in poverty.

The need for reform to a historically misguided immigration policy is ever relevant. First, by increasing the budget of the CIS, and returning the CBP budget to its 2006 levels, the U.S. could crackdown on the illegal hiring practices of employers and implement E-Verify. Next, by increasing the availability of H-1B visas, the U.S. could facilitate legal immigration, while simultaneously encouraging domestic economic growth. Lastly, by creating a path to legal residency, the U.S. could address undocumented residency by enabling this population to pursue economic opportunities that would otherwise evade them. Ultimately, this comprehensive policy approach provides a solution to illegal immigration that accounts for historical deficiencies. Until the

U.S. acknowledges past policy failures, a viable, practical, and effective policy solution to illegal immigration will continue to evade U.S. policy makers. May history have a voice.

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