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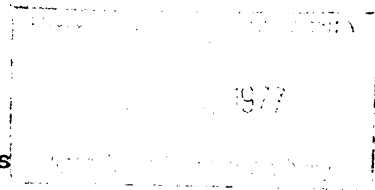
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ILLEGAL ALIENS IN AGRICULTURE: SOME THEORETICAL CONSIDERATIONS*

by

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ILLEGAL ALIENS IN AGRICULTURE: SOME THEORETICAL CONSIDERATIONS

In this decade the illegal alien has been a major newsworthy item; described in terms such as an "invasion of illegal aliens," a "national disaster" and a "burden of \$13 billion for taxpayers" (Bustamante, 1976). It happened before during the Great Depression of the 1930's when active and open opposition to Mexican workers in the United States forced the harsh repatriation and "voluntary" departures of over 400,000 Mexican aliens (Hoffman). The issue over the so-called "wetbacks" came up in the early 1950's when the claim was made by Mexican-American organizations in border towns that illegals adversely effected wages and working conditions (Samora and Bustamante).

Despite the repeated concern over illegal aliens, few policies have been brought to bear on the attendant problems associated with the mass influx from Mexico. One difficulty lies in the inability to devise policies which do not provoke adverse responses from Mexico and domestic interest groups such as Chicanos and growers.

Another problem is that many Mexican aliens go undetected, limiting the type of research and analysis that can be conducted on their composition and impact. A poor data base is reason alone for the shortage of definitive studies and policies on Mexican immigration (Briggs, Jan./Feb. 1976).

Since 1969, however, several monographs, books, and unpublished papers have been written on the topic in addition to numerous congressional hearings and newspaper articles (U.S. Immigration and Naturalization Service, 1975; Violet). Not surprisingly divergent and conflicting opinions exist on

Mexican aliens. This is due in part not only to the problems mentioned above but also to the failure of social scientists to develop appropriate theories for analyzing the phenomenon. While policy initiatives must be based on an understanding of the forces behind the immigration of Mexicans, few studies have illustrated the market mechanism and the causes of alien labor flows into particular job sectors (Briggs, Nov. 1976).

The central purpose of this paper is to provide a synthesis of the emerging theories on illegal immigration. In particular, three theories are developed and discussed in terms of the illegal Mexican alien in agriculture. The theories are derived for their policy implications.

Before discussing these theories I will describe dimensions of the current problem and then summarize the general characteristics of illegal Mexican aliens. The latter is a composite of several recent studies covering interviews with illegal aliens in detention centers and interviews conducted in Mexico (Cornelius; Cardenas, Oct. 1976; North and Houston; Salandini; and Villalpando).

Dimensions of the Problem

In 1954, as the result of an intensive Border Patrol "campaign" to locate and remove illegal aliens from the United States, 1,035,282 Mexicans were apprehended and subject to deportation in Operation Wetback. In 1975 despite the absence of such an intense effort, 781,438 deportable Mexican aliens were located in the U.S. by the Immigration and Naturalization Service (INS); of these, slightly more than half (401,275) were apprehended in California (INS Annual Report, 1975). Corresponding to this figure is the

record of the Border Patrol which shows that of the IMAs who were "voluntarily deported" in 1975, 116,250 were employed in agriculture. The aliens are not merely a border phenomenon; of the total located in 1975, 70,321 were processed through San Francisco and Livermore Immigration and Naturalization Service offices.

The number of both legal and illegal Mexican immigrants are closely related, especially since the origin of the Bracero Program, dating back to 1942. As is apparent from Table 1, illegal entries have numbered in the hundreds of thousands, and overall, with the exception of a few years during the Bracero Program which ended officially on December 31, 1964, illegal immigrants have far exceeded the volume of legal immigration. Although the proportion of IMAs found working in agriculture has declined relative to the total, there has been a steady and absolute increase in their numbers, notably since 1966.

It is difficult to assess the impact of IMAs actually in agriculture. Immigration and Naturalization Service figures are available only for those apprehended and do not take into consideration the problem of double counting repeaters. Nor is the Border Patrol successful in locating reportedly tens of thousands of illegal aliens. Determining the size of the agricultural labor force is also a problem, given the diverse array of agricultural workers to contend with, i.e., farmers and unpaid family members, year-round hired employees, seasonal, casual, and migratory workers. Since the agricultural work force consists of these varied groups, we have no way of determining to what extent IMAs compete with seasonal short term employees,

TABLE 1

Pattern of Legal and Illegal Immigration to the
United States from Mexico, 1942-1975

Year	Temporary workers "Braceros"	Legal immigrants	Illegal entrants returned to Mexico	Deportable Mexican aliens located in agriculture ^{*/}
1942	4,203	2,182	10,603	-
1943	52,098	3,985	16,154	-
1944	62,170	6,399	39,449	-
1945	49,454	6,455	80,760	-
1946	32,043	6,805	116,320	-
1947	19,632	7,775	214,543	-
1948	35,345	8,730	193,852	-
1949	107,000	7,977	289,400	-
1950	67,500	6,841	469,581	-
1951	192,000	6,372	510,355	-
1952	197,100	9,600	531,719	-
1953	201,380	18,454	839,149	-
1954	309,033	37,456	1,035,282	349,543
1955	398,650	50,772	165,186	88,833
1956	445,197	65,047	58,792	11,953
1957	436,049	49,154	45,640	7,595
1958	432,857	26,712	45,164	6,310
1959	437,643	23,061	42,732	4,935
1960	315,846	32,684	39,750	4,402
1961	291,420	41,632	39,860	5,162
1962	194,978	55,291	41,200	5,574
1963	186,865	55,253	51,230	9,143
1964	177,736	34,448	41,589	10,689
1965	20,286	40,686	48,948	14,248
1966	8,647	47,217	89,683	24,385
1967	7,703	43,034	107,695	27,830
1968	6,127	44,716	142,520	39,301
1969	0	45,748	189,572	50,881
1970	0	44,821	265,539	53,674
1971	0	50,324	348,178	74,423
1972	0	64,209	430,213	84,084
1973	0	70,411	576,823	101,220
1974	0	71,863	709,959	111,289
1975	0	62,552	680,322	116,250

Sources: U.S. Immigration and Naturalization Service Annual Reports, years ended June 30, 1950-1976, Tables 6, 18, 27B and 30. For the years 1942-1964, first column figures are from J. Samora and J. Bustamante, "Mexican Immigrants and American Labor demands," Hearings before the Subcommittee on Migratory Labor, 91st Congress, April 1970, p. 4807. For the years 1942-1950, see Vernon M. Briggs, Jr., The Mexico-United States Border: Public Policy and Chicano Economic Welfare (Austin, Texas: Center for the Study of Human Resources and the Bureau of Business Research, 1974), p. 9.

^{*/} Breakdown of deportable aliens apprehended not available prior to 1954.

regular workers largely dependent on farm work or casual "weekend" workers. To complicate matters, the number of agricultural workers fluctuates from a low of around 210,000 in March to a high of nearly 400,000 around September during the harvest period. This makes it doubly hard to determine who and how many in the labor force (willing and/or able to participate in seasonal farm activities) are being displaced by the illegal Mexican alien or to what extent labor requirements would not be met without IMAs.

Despite these problems, the State Employment Development Department interpreted INS estimates and concluded that at least 122,000 illegal aliens worked in California farms in 1974. At hearings held before the Agricultural Labor Relations Board in September 1976, the regional chief of the U.S. Border Patrol in Pleasanton stated his belief that about 150,000 California farmworkers were illegal aliens, mainly from Mexico. Further, one INS study said that passage of a bill to prevent employers from hiring illegal aliens could mean 335,000 jobs in agriculture for the U.S. as a whole (Border State Planning Commission, 1976:20). Undoubtedly, most farm jobs would be available in California.

What is startling, according to the Border Patrol, is that the number of border arrests in 1977 jumped from 10 to 34 percent above the monthly totals of 1976, when 490,000 were stopped; giving rise to a situation that is termed "hopelessly out of control (Kendall). How many were "new" immigrants or repeaters and where were they going, are questions we cannot answer. Nor do we know what effect the Mexican peso devaluation (from \$1 = 12.50 pesos to \$1 = 24 pesos) of September 1, 1976 has had on the current flow of IMAs and

apprehensions along the border; although we can safely surmise that the devaluation may have increased the influx.

In general, current concerns are that IMAs: (1) depress wages and working conditions for domestic minorities by increasing the supply of "cheap" labor, (2) create permanent communities of "invisible", exploited poor, (3) add untold social costs to society, and (4) weaken the U.S. balance of payments.

Characteristics of Illegal Mexican Aliens

IMAs who are generally caught fit into either one of two categories: visa abusers, aliens who entered U.S. ports of entry with inspection by the INS or Customs officials; or the EWI's, aliens who avoided U.S. ports of entry and thus "entered without inspection" (e.g., the "wetback," or alambrista). Recent studies indicate that illegal Mexican aliens are:

1. Young adults (approximately 27 years old), mostly males, with nearly three-quarters apprehended as EWIs. Approximately 40 percent are apprehended at entry. The average age upon initial migration to the U.S. for many of the IMAs is 23 years, indicating that most IMA's have around three years of work experience in the U.S.
2. Poorly educated, i.e., less than 10 percent have more than six years of schooling and as many as 30 percent are illiterate. Few are able to converse in English. These observations, however, apply only to apprehended IMA's and not to those who have successfully remained in the United States leaving open the possibility that many IMA's are better educated.

3. Able to earn much higher wages in the U.S. for comparable work in Mexico. Yet, many cross the frontier without any definite job location in mind.
4. IMAs are more likely to have come from towns in excess of 10,000 population, but with some farm work experience. Landless agricultural workers and sharecroppers are migration-prone groups from Mexico.
5. Very likely to have relatives who worked in the U.S. during the Bracero Program.
6. Employed at or near the bottom of the U.S. labor market; i.e., in generally low paying jobs slightly below minimum wages and in low status jobs with few skill requirements. Between 25 to 50 percent of those interviewed in detention centers along the U.S.-Mexico border indicated that they were employed in agriculture at the time of their apprehension.
7. Likely to send a significant proportion of their U.S.-earned income to dependents in Mexico and/or to average between two and three visits back to Mexico each year.
8. More likely to pay U.S. taxes than to use public services or receive welfare benefits. For example, the North and Houston study found that 77 percent of the IMAs of their sample have paid Social Security and 73 percent have paid federal income tax. Less than five percent had children in U.S. schools and only one percent had received welfare benefits. Similar conclusions are also found in Villalpando's study covering San Diego County.

9. Differ from Mexicans who have never gone to the U.S. in terms of psychological and attitudinal traits. According to Cornelius's Mexican survey, "the illegals have a somewhat higher propensity to take risks; they are more sensitive to inequalities in the distribution of wealth within their home community; and they have weaker attachments to the Catholic Church and Catholic religious symbols."

Although a fairly good description of IMAs is now available, the lack of a clear articulation on the reasons for Mexican immigration make it hard to talk rationally about IMAs who are employed in agriculture. So to deal with this shortcoming, I have reviewed much of the literature on the topic and have come up with three distinct, interrelated theories to explain the process of illegal immigration from Mexico. It should be noted that only a handful of the theories have been tested empirically. In brief, the theories are: (1) the "push-pull hypothesis," (2) the concept of "institutionalized migration," and (3) the "dual labor market thesis."

I. The Push-Pull Hypothesis

The most widely accepted explanation for illegal immigration is the so-called push-pull hypothesis. Often presented in terms of the disparity between the wealth of the U.S. and the poverty of Mexico, the "push-pull" proponents argue that socio-economic and demographic characteristics of the origin and destination largely explain the reasons behind Mexican emigration. As the name implies, there are two forces at work: "push factors" and "pull factors". The former factors relate to the labor supply conditions in Mexico and the latter to the demand for cheap labor.

A. Push Forces

On the one hand the socio-economic conditions in Mexico leave few alternatives for Mexicans but to migrate; in a way they are "pushed" from Mexico because of a shortage of wage earning opportunities and an inimical economic situation. A few statistics are frequently cited to lend some credence to this point of view. For instance, from 1960-1974 Mexico's annual rate of population growth was at least 3.4 percent compared to slightly slower rate of increase of gross domestic product per capita (3.3 percent) and a steady increase in unemployment especially along the border region (Smith and Newman). Despite increasing industrialization in Mexico and efforts of the government to apply schemes of labor-intensive development, it is argued that there are not enough jobs for tens of thousands of Mexicans seeking employment (Frisbie, Briggs, 1975).

Several studies have shown that Mexican emigration is an uneven process; emanating from the relatively poorer regions and affecting mainly the rural population. For instance, Dagodag's study points out that illegal immigration (1) stems primarily from densely populated west-central Mexico, (2) is related to historical patterns of legal labor recruitment and contemporary smuggling and, (3) is largely a rural phenomenon, although urban areas have become increasingly important points of origin. In addition, Bustamante's study indicates that emigration from some Mexican states follows decreases in their agricultural production, suggesting a loss of jobs in Mexico before mass emigrations occur. Thus, to some scholars of the subject, conditions in Mexico contribute heavily to forcing her workers northward into California

and the rest of the United States. Moreover, according to Briggs, there is apparently little interest on the part of the Mexican government in stopping the U.S. bound emigration of its citizens. "In fact," say Briggs, "the government has much to gain by this outflow" (1975:22).

The massive migration of lower income Mexicans represents for the Mexican government a safety valve to reduce the possibility of internal problems arising from unequal distribution of income and the existence of a surplus labor force (1975:20).

No doubt, push factors influence the process of illegal immigration but to what extent it is a poverty induced migration it is difficult to say. The argument fails to take into account the fact that emigration poses an embarrassing situation for the Mexican government, and the feelings held by Mexicans for their language, culture and family ties in their homeland. Other things considered, the push factors themselves do not explain why able-bodied young men, with apparent high propensities to take risks, are the chief migrants to the United States given that they could be expected to compete reasonably well for jobs within Mexico.

B. Pull Forces

On the other hand, disparities between the U.S. and Mexico are large and the demand for low wage Mexican nationals has been relatively strong, especially in the agricultural sector, suggesting that Mexicans are "pulled" into the U.S. because of the promise of new wealth and fortune. To quote Briggs:

The vast economic advantages of life in the United States act as a magnet for both legal and illegal immigrants. For most Mexican immigrants life in the United States represents by any standard a considerable improvement over the life behind (1975:14).

Cornelius also argues that it is not just the lack of jobs in Mexico which fuels emigration, but the prevalence of reasonably well paid jobs in the U.S. In fact, in Cornelius's study the Mexicans he interviewed seemed to know more about job opportunities in the U.S. than in Mexico. Moreover, the econometric studies by Frisbie and Jenkins indicate that the size of the "gap" between Mexican and U.S. wages is the best predictor of the volume of illegal Mexican migration over time.

With regard to the demand for Mexican workers, it is often asked if farmers need illegal labor from Mexico. There are typically three general grower responses to this question. One is that the employers do not notice the difference between employees and prefer to respect individual rights by not asking for identification covering citizenship. Accordingly, they hire those who are eager and willing to work, especially during the critical harvest period. Another response from growers is that they know the difference but prefer to hire IMAs on humanitarian grounds. It is often said that without the jobs they provide, the aliens would be unemployed and perhaps starving in Mexico. The third reason given for hiring IMAs is justified in economic terms. To quote a farmer's illustrative example: "Why shouldn't I hire them? They work hard, cause no trouble, are very dedicated, and work for less."

In the fall of 1976, the author supervised a study which covered informal interviews with 27 IMAs in Yolo County. The study revealed the following information comparing conditions in California and Mexico:

(1) the average wage for farmworkers in the central mesa region of Mexico was \$0.29 an hour (@ U.S. \$1 = 24 pesos) or about \$2.35 a day. In California the wages ranged from \$2.66 to \$3.18 an hour or around \$25 a day, 10 times the daily wages in Mexico. (2) During periods of regular employment, the Mexican workers could save and send home to Mexico about \$50 to \$70 per week. Living expenses in rural California are considered relatively cheap since IMAs receive free living space on farms where they work and they share expenses with friends in the U.S. The only "large" expense incurred by IMAs was their transportation into the United States. This cost varied according to place of departure, destination, degree of difficulty, number of people being smuggled in at one time and the relationship of the laborer with the smuggler ("coyote"). On the average, the amount paid to a smuggler in September 1976 was about \$300, ranging from \$150 to \$450. The lowest prices were charged to those aliens who were smuggled in times before or to those who are friends or relatives of the coyote. According to the IMAs of the study, those who entered the U.S. with coyotes stated that in case they were caught within a week's time, they would not need to pay the coyote for a second try in crossing the border. Some mentioned that false identification cards, like the "alien registration receipt card" (Form I-151, the "greencard"), are available. These cards cost about \$80 a piece in Mexico, according to the

IMAs. Other information from the 27 interviewed indicated that jobs were not hard to find. In fact, many of the "experienced" IMAs could land a job within the first or second day in California. For the newcomers, there was generally a waiting spell of from 10 to 15 days for finding employment.

Despite the favorable economic returns for IMAs employed in agriculture, cases have appeared citing ill-treatment of IMAs and exorbitant prices deducted from their wages by labor contractors or foremen. IMAs have been forced to use rides to and from farms, check cashing services and other "services" charged by their patrons (United Farmworkers). Since IMAs do not wish their presence reported, they could therefore be expected to acquiesce to high payments and/or reduced wages in return for silence.

Overall, with regard to the push-pull hypothesis, much debate centers around the questions of, first, whether or not the current immigration is the result more of push than pull forces and, second, whether it is technically feasible to stop that immigration by either improving employment conditions in Mexico or cutting off the demand for Mexican labor. The first of these issues begs the question and the second depends on how well the push-pull model depicts the real situation. Of late, however, a number of social scientists have questioned the explanatory power of the model. While recognizing that economic factors manifested in the push-pull thesis are important for explaining the population movements, some argue that other dimensions are more critically important in explaining illegal immigration.

II. Institutionalized Migration

A second thesis, not completely unrelated to the first, argues that administrative and institutional support encourages and protects the IMA (Stoddard; Bustamante). A key aspect to the argument is that immigration laws have been administered and changed to control the inflow of illegals in tune to the domestic requirements for cheap labor. In short, illegal immigration is basically a demand phenomenon designed by U.S. institutions to fulfill the domestic needs for cheap, unskilled labor. In Cardenas' assessment:

The 'illegal alien' problem is . . . one whose seed has been planted time and again by the United States when it has been in need of Mexican labor. When expediency better serves, . . . , immigration laws have been administered and changed in response to a problem perceived as having been created by illegal aliens, when in fact it is largely of the United States' own making (Cardenas, 1975).

It is also contended that grower and agri-business groups influence the activities of government agents against intensive efforts to apprehend illegals (Samora, Galarza, Hawley). Illustrative of this view is the practice of "drying out" of wetbacks by the Border Patrol during the 1950's which consisted of taking large groups of wetbacks to the border, after their apprehension for their illegal entrance, making them step into Mexico in order to make lawful their readmittance as braceros. Indeed, Hawley points out that under Public Law 78, "the Secretary of Labor [was authorized] to

recruit Mexican farmworkers, bring them to reception centers near the border, assist them in negotiating contracts, and guarantee that the contracts would be carried out by the employers. Wetbacks who had been in the United States five years or longer might also be placed under contract" (p. 169). Today, the situation is different from the time when "drying out" was practiced, but not much different according to proponents of "institutionalized migration." What they cite as evidence is the fact that:

95 percent of those aliens who are apprehended by the Immigration and Naturalization Service are simply returned to Mexico by the most expedient form of transportation. Less than five percent of the illegal Mexican aliens are subjected to formal deportation proceedings that would render any subsequent entry a felony (Briggs, 1975:18).

Since the IMAs face few penalties, they are not discouraged from re-entering the United States. In addition, the fact that farm ranch checks, which can be very productive for locating illegals, occupy relatively little of the Border Patrol's time, gives the impression of influential grower protection.

However, in light of these assertions, the Immigration and Naturalization Service argues it is underfunded and understaffed relative to the problem and concentrates its energies where most IMAs are "easily" found, almost exclusively along the border. The annual report of the INS tends to bear this out; over a decade to 1974 the personnel of the INS grew only by nine percent

to 8,000 persons, while the workload grew by a much larger percentage each year (1975 Annual Report).

A. Labor Contractors

Other institutionalized support of IMAs reportedly comes from labor contractors, acting in concert with smugglers (or "coyotes"), or themselves playing both roles. Licensed by Federal statute, labor contractors provide jobs and assistance in housing and transport for farmworkers in agriculture. The market for jobs through contractors has been particularly strong along the Mexican border and a source of contention of farmworker unions concerned with grower use of Mexican workers as strikebreakers. Long recognized as an important source of labor for California growers, labor contractors have traditionally specialized in particular categories of labor, especially in single ethnic groups like Mexicans.

The actual employment of the IMAs by labor contractors has not been studied and, hence, there is no way to assess their role in supporting IMAs. Nonetheless, the practice of employing IMAs by labor contractors is now subject to recent legislation enacted by the 93rd Congress. On December 7, 1974, PL 93-518 amended the Farm Labor Contractor Registration Act of 1963 to establish criminal penalties, in addition to the existing sanction of registration revocation, for certain farm labor contractors who knowingly engage the services of illegal aliens. The amendments apply to farm labor contractors who are defined broadly "to include any person who, for a fee for himself or another, recruits, solicits, furnishes or transports any migrant worker for agricultural employment, either within a state or across state lines."

The law also affects farm owners who knowingly engage the services of a contractor who does not possess the required certification. Such growers may be subject as well to a penalty for each violation of the Act. The fact that the Act's amendments exist, should encourage growers to question traditional employment practices of labor contractors.

B. The Agricultural Labor Relations Board

Under the current rules and regulations promulgated by the California Agricultural Labor Relations Board (ALRB) of 1975, no proof of citizenship is required to vote in an election. Consequently, the stand taken by agricultural labor unions in California towards IMAs is ambivalent. As long as farmworker unions win representation elections with IMAs, the unions will probably not denounce them. However, given that IMAs may unquestionably participate in elections held by the ALRB, this adds another institutional dimension to the problem.

C. Community and Service Organizations

Stoddard argues that other institutionalized support comes indirectly from church groups, private welfare agencies and other humanitarian organizations in the form of food and clothing for "migrant" farmworkers. Though this kind of support is aimed generally at migrants, it reaches IMAs anyway and may provide a form of "protection" to those who benefit.

D. Immigration Laws and Border Commuters

Perhaps the most questionable institutional issue concerns the border commuter (Bolen and Tenzer). The so-called "greencarder" is a

commuter from Mexico who has acquired an "alien registration receipt card" (Form I-151) which entitles him to reside and work in the U.S. as a legal resident alien even though Mexicans with this card generally live in Mexico and commute to the U.S. to work. No doubt, the U.S. provides many jobs for Mexicans who enter as "border commuters" since they generally work for low wages (Smith and Newman).

One condition for receipt of a "greencard" (a common term even though the current card is blue) is that a certification must be made by the U.S. Department of Labor that a labor shortage exists in the occupation for which the immigrant seeks employment and that his presence will not adversely affect prevailing wages and working conditions. According to a report on the subject, "The certification, however, has many loopholes, and it is estimated that only one of every 13 workers seeking to become immigrants is subject to the certification process" (Border State Planning Commission, 1976:22).

For California, the number of border commuters is at least 17,000, with as many as 60 percent entering to work in agriculture (Seitz). Institutionalized commuting abets the flow of IMAs for two related reasons: (1) it is a relatively simple matter for Mexicans to purchase false "greencards" and (2) the large influx of commuters makes it easier for IMAs to infiltrate the flow of lawful migration. How many IMAs enter with false identification is unknown but reportedly large.

Other Mexican commuters are known as "whitecarders." They hold Form I-186 ("border crossing card" or "shopping card") that entitles them to stay in the U.S. for up to 72 hours within a radius of 25 miles

of the border. Form I-186 clearly states that the bearer cannot be employed in the United States. However, since current whitecards are not stamped with dates indicating when the bearer crosses the border, whitecard privileges are easily abused. Once in the U.S. a "whitecarder" simply mails the card back to Mexico and proceeds to a job. If apprehended, he simply claims he is an illegal entrant, agrees to a voluntary departure, and is returned to Mexico with no record made of his apprehension. Once in Mexico he picks up his white card and is once again legally entitled to return to the U.S. The INS reports that over 2.2 million whitecards were issued in the Southwest region between 1960 and 1969 (Samora and Bustamante, 1970:4813). But no one knows how many whitecarders have abused their visiting privileges.

In summary, there is some evidence that institutions encourage and critically affect the process of illegal immigration. "Institutional migration" indicates that: (1) the phenomenon of illegal immigration is complicated by numerous government interventions or lack thereof and, (2) numerous institutions can be used to assist the process of Mexican immigration.

Unfortunately there is almost no way to test the relative significance of these factors, i.e., community and service organizations, the Agricultural Labor Relations Board, labor contractors and commuter policy, on the flow of IMAs into agriculture. However, the idea that institutions must be changed to stem the inflow of IMAs is an important concept. How much and in what direction we alter prevailing institutions are questions that are difficult to answer.

III. Dual Labor Market Thesis

Recent research into the operation of urban (ghetto) labor markets has called the neoclassical approach, such as the push-pull competitive paradigm, into question. Rather than viewing the labor market as primarily influenced by competition between homogenous individuals (as measured by objective productivity characteristics) seeking better wages and working conditions, it was found more useful to differentiate jobs according to their opportunities for promotion and to group workers in terms of their worker behavior patterns and ethnic characteristics. According to Wachter:

The model of the dual labor market rests on three general hypotheses. First, the economy contains two sectors, a primary high-wage and a secondary low-wage sector, and the behavior of firms and individuals in the two require different theoretical explanations. Second, the important distinction for economic analysis is that between good and bad jobs rather than between skilled and unskilled workers. Third, workers confined to the secondary sector develop a pattern of job instability, moving frequently among jobs and into and out of unemployment and labor force participation (1974:683).

Most dualists argue that minority workers are much more likely to begin and end their working lifetimes in the secondary sector than are white men. Though the original theory made no mention of the role of foreign workers in the model, it has since been extended by one of the theory's strongest advocates, Michael J. Piore, to include illegal aliens. According to Piore:

The growth of clandestine migration into the United States appears to be a manifestation of a general process through which industrial societies fill the bottom positions in their occupational hierarchy. Industrial societies seem to generate a series of jobs, at the bottom of the social structure, which their own labor force is reluctant to fill (1976:25).

Piore maintains that a "labor vacuum" plays an important role in encouraging aliens to enter the U.S. against the law and that the reason for the mass influx of the seventies is that the large pools of domestic workers willing to work in secondary sector jobs is exhausted. It is argued that "a combination of events--such as the civil rights movement, the war on poverty, the beginning of federal aid to education, and the liberalization of welfare and food stamp programs--contributed to the decline in the availability of domestic workers in the low wage market" (1976:10). Since welfare benefits and unemployment compensation are better alternatives for local natives than agricultural work, the domestic workers tend regularly to reject secondary jobs because of low status, instability and lack of career opportunity which they offer.

A corollary to this thesis is that domestic employers prefer the hard working illegal entrant, since, in essence, U.S. agriculture generates the need for low wage workers.

Under the prevailing status of the law, there are few penalties on the employment of illegal aliens. Besides the Labor Contractor Registration

Act, it is technically difficult to fine an employer who employs an illegal alien. Vernon Briggs points out that although the Immigration and Nationality Act of 1952 made the importation and harboring of illegal aliens a felony:

As a concession to Texas agricultural interests, however, the act contains the famous "Texas proviso". This section states that employment and the related services provided by employers to employees (i.e., transportation, housing, or feeding) do not constitute an illegal act of harboring. The effect of the "proviso" is to make employers largely immune from prosecution if they hire such workers (Briggs, 1975:16-17).

Even though California passed the Dixon-Arnett Bill in 1975, (Labor Code § 2805) becoming the first state to enact a law prohibiting the employment of an alien who is not entitled to lawful residence in the United States, the law has been relatively ineffective. Its principal weakness lies in the problems of proving that illegal aliens depress local wages. As a result, illegal aliens are still employed in the agricultural sector.

There are three additional points to dual labor market thesis. First, it is argued that the process of illegal immigration is inevitable, essentially for the reasons given in the first and second theses. Second, any reforms in the immigration law (e.g., penalize the employer for hiring aliens or the DTA), would tend to drive more illegals underground, creating living

conditions without any social protections. In line with this argument is the evidence provided by the report of the Domestic Council Committee that IMAs are becoming more of a hidden subculture in our society. According to the report, illegal aliens, concentrated in large cities, are susceptible to economic exploitation and other forms of abuse and often live in an invisible subculture outside the boundaries of law and legitimate institutions (U.S. Dept. of Justice, Dec. 1976). Cardenas also observes that "They tend to group among themselves and to have few contacts with outsiders. There is a fairly well established communication network. First generation illegals tend to avoid any contacts with authority and generally live in fear of being caught" (1976:17-18). Third, if an underground labor market is forced into existence, then the process will become irreversible and more difficult to solve than before. It will lead to a situation in which, according to Piore:

We will be tempted by new patterns of life offered at the bargain prices which an underground market permits. Once we become accustomed to this pattern, it is they [illegals] which will determine the floor on the secondary sector (1974:357).

Under these circumstances, Piore argues that the heavy emphasis in public policy discussions upon the competition between native and foreign workers is misplaced since foreign workers are coming essentially to fill a "labor vacuum". Hence, Piore supports greater enforcement of social legislation covering, for instance, minimum wages, social security payments,

health and safety protections, collective bargaining, etc., to upgrade the conditions of secondary sector jobs and perhaps, in the process, entice more domestic workers into these positions.

In contrast to Piore's thesis, other economists claim that in many cases the availability of unprotected alien workers amounts to a self-fulfilling prophecy. David North observes that "Where illegals are a major factor, there's a lowering of labor standards and the way work is structured. You create a great number of jobs that Americans won't take. They are jobs that violate federal legislation" (Oct. 1976). Besides argues Marshall:

If workers are not available, wages will be raised, machines will replace men, or certain activities will simply cease. Entry of illegals to fill short-term needs will forestall these long-run developments. . . . Large producers who want to stabilize their work forces and to avoid the reputation of exploiters, are most likely to seek an end to the use of illegals; this would give them a competitive advantage because of their greater resources and marketing power. But they have had little success in changing employment patterns in the usually competitive industries utilizing large numbers of illegals (Oct. 1976:11).

Policy Implications

Up to now we have covered three theses of causation. None of them is definitive in an academic sense, given the limitations of the data.

The hypothesis, however, permit us to infer on the likely effectiveness of public policies on illegal immigration.

First, they serve to highlight the complexity of the problem. In tandem, the theses point out that we are on the horns of a dilemma, since few of the policy options related to IMAs are without negative consequences.

Second, the theses indicate that little can be done in the short run to effectively check the inflow of illegal immigration; evidently well planned, long-term solutions are needed between Mexico and the United States.

Third, while tighter border controls and other restrictive measures are needed, they may give rise to deeply entrenched, underground and deprived communities of illegal aliens as well as depressed economic conditions along the border region. Such controls may also discourage Mexican illegals already in the U.S. from visiting home, making otherwise temporary stays more permanent. Hence, worker exploitation may increase as IMAs are forced further into hiding and acquiesce to lower wages in return for silence.

Fourth, certain institutions warrant more attention. In particular, correcting the means of IMA support from the labor contractor system and immigration laws on the border commuter could stem the flow of thousands of illegal aliens. However, enforcing stricter laws without damaging relations with Mexico or causing undue burdens on employers and legitimate contractors and commuters will be difficult to accomplish.

Fifth, after all is said and done, the relative disparities between Mexico and the U.S. will always stimulate some sort of migration, unless the costs of that migration (via penalties, fines, etc.) increase enough, or the rewards decrease (for lack of money saving employment), to offset the gains Mexicans receive from U.S. employment. Although the IMA problem cannot be solved as long as income disparities exist, it can probably be reduced to manageable proportions.

Concluding Comment on Proposed Legislation

Under consideration in the Carter Administration at this time is a serious reappraisal of U.S. immigration policy with special attention on how to handle the illegal alien (Bernstein; Reston). The new elements include, first and foremost, a law to make it illegal for employers to knowingly hire illegal aliens; second, some kind of counterfeit-proof Social Security cards for use by all workers when they are getting jobs and to aid employers in hiring legitimate workers; third, a form of amnesty for certain illegal aliens in the U.S., possibly those with a history of residence and productive, noncriminal records; and fourth, a redefinition of immigration quotas with more emphasis on applicants who can contribute to special needs of the economy. An objective of this policy would be to stabilize the situation of illegal entry and then establish a fair system of control. U.S. government discussions with Mexican officials have been made to assure them that the illegals would receive humane treatment.

The above theories indicate that there are negative and positive features to be considered in such a package. For instance, a law enforced

on employers would create many problems and may ultimately result in employers discriminating against Mexican-Americans if it is believed there is a chance that they might be illegal. However, it is apparent that enforced fines against employers for employing illegals would raise the real costs of production and lower the incentives for employing IMAs.

A so-called counterfeit-proof identity card may be a way to restrict illegal border crossing and serve as a partial solution for the employer who checks worker identification. But the reliability of the card itself may only be temporary. It does not appear to be a practical (or inexpensive) long-range solution given the possibility that (1) it may be falsified and (2) employers may not have the necessary means to check the legitimacy of the card. In addition, requiring that the new cards be used nationally may create a situation in the U.S. society that is more costly in terms of reduced civil liberties than the negative impacts of the IMAs in this country.

A refreshing part of the proposed immigration policy is the possibility of amnesty for certain IMAs. This measure, according to news reports, would not be an across-the-board amnesty but a means to allow thousands of illegal aliens to normalize their status through existing procedures. Undoubtedly, several technicalities and logistical problems will be encountered, as in the situation of Canada in 1973 which granted amnesty opportunities for certain aliens. "As it turned out, the number who applied was less than half than expected. Canadian officials feel that illegal aliens did not trust the government and that exploiting institutions contributed to this mistrust" (National Council on Employment Policy, 1976:15).

However, if overcome, a prescription of general amnesty would serve to reduce the tensions of those living in the underground system of secondary workers hypothesized by Piore. An amnesty would certainly legitimize welfare and educational programs for many "ex-illegals". Concomitantly, the process of providing for amnesty would buy time to develop an effective system of controls against future influxes of illegal aliens as well as establish new immigration quotas to deal with special manpower requirements of the economy. However, two critical questions remain (1) who and how many will benefit by the measure and (2) if done once, is it likely that the prospect of a future amnesty will encourage even greater flows of illegal aliens?

With regard to the possibility of new immigration quotas, there is talk of instituting a system of temporary worker migration visas. Unlike the Bracero Program, no geographical constraint would be imposed upon the movements of the visa holder and there would be no prearranged contract between the visa holder and a particular U.S. employer. With this type of visa program in effect, thousands of Mexicans dependent upon U.S. seasonal employment would have an assured market for work and possibly better incomes for their families at home. Employers with peak harvest needs would have a larger pool of labor to draw from without fear of penalty. The drawbacks of such a program are: (1) it can be abused by encouraging more false I.D.'s, and hence, illegal migrations, (2) it would take pressure away from Mexican officials to do something about the problem of emigration and (3) it may not be favored by organized labor trying to unionize and to engage in collective bargaining.

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