

# The Ephemeral Immigration Reform and Control Act of 1986: Its Formation, Failure and Future Implications

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*The Immigration Reform and Control Act of 1986 (IRCA) was an attempt to create a comprehensive solution to illegal immigration. However, since that time, illegal immigration has risen considerably. What are the reasons for this failure? And what does this suggest for future immigration policy? This paper analyzes IRCA's formation, key features, reasons for failure and possible recommendations for the future.*

Immigrants have been both a source of American success and scapegoats for American failures. They have been treated simultaneously with appreciation and scorn. Consequently, a dual and contradictory attitude toward immigrants has been present throughout American history – but is particularly evident today. Reflecting this ambivalence, American policies have also been contradictory. They promote free-trade and greater global integration – processes which naturally lead to increased migration – but at the same time try to limit immigration through an old fashioned quota system. The simultaneous use of open and closed policies has created confusing results, one of which is the rise of illegal immigration. As the amount of legal immigration channels have decreased, the amount of individuals trying to enter the United States has increased. As a result many have simply switched to entering illegally.

The Immigration Reform and Control Act of 1986 (IRCA) was an attempt to create a comprehensive solution to this perceived problem. At the time, illegal immigration was viewed as a significant concern and policy makers believed it could be stemmed through sanctioning employers who hired illegals. Although the purpose of IRCA was to end illegal immigration, we have seen that it has risen considerably since that time. What are the reasons for this failure? And what does this suggest for future policy options?

This paper will discuss IRCA's impact and effectiveness in relation to legal and illegal immigration. In order to provide context I will first provide a brief history of immigration to the United States until the early 1980s. I will then look at the formation of IRCA, including the role of key political players and the compromises they bartered. Following this, the IRCA will be summarized and its most important provisions highlighted. We will then look at specific reasons for IRCA's failure and consider possible recommendations for future immigration policy.

## HISTORY OF IMMIGRATION IN THE UNITED STATES

American attitudes and policies toward immigration have always been characterized by conflicting desires. Americans enjoy the benefits of immigration especially in the form of low-priced goods, labor and services but are also afraid that immigrants will have negative consequences upon the nation's economy, security and cultural identity. Compounding these conflicting attitudes is the fact that virtually all Americans are a product of immigration. It is also important to recognize that many immigrants and their children are future voters—an understanding of which politicians are well aware. Thus, an ambivalent attitude toward immigrants, a nostalgic view of our own immigrant past and a sense of pragmatism about the future has led to a history of conflicting immigration policies.

Even before the United States declared independence from Britain, anti-immigrant attitudes had sprung up in the American colonies. Settlers worried that newcomers would be a burdensome group that required basic training in survival techniques. Others feared new entrants would be an added source of crime (Vedder, Gallaway & Moore, 2000). It is also likely some worried their jobs would be taken or their cities would become overcrowded.

Once the United States became a nation, the first bill relating to immigration was passed in 1790. This act made citizenship available only to free white persons who had lived in the United States for at least two years. Eight years later, in 1798, the Alien and Sedition Act gave the President power to expel any immigrant he considered a national threat.

Until 1830 most immigrants came from northern European nations, establishing a homogenous American identity. The composition of immigrant flows changed significantly between 1830 and 1850 when the Irish took over as the largest group of newcomers. They dwelled in cities and were regarded as Catholics who threatened to weaken

America’s Protestant legacy. Eventually, Chinese immigrants replaced the Irish as the principal target of scorn, but by 1882 public opinion was so overwhelmingly anti-Chinese that Congress passed the Chinese Exclusion Act, which prohibited all immigration from China.

In the nineteenth century, politicians often made immigration an important element of their party platforms. Sometimes they opposed it and other times they voiced support, depending upon which course of action brought the most political supporters. In 1856 both parties ran on anti-immigrant platforms supporting strict immigration quotas. However, politicians soon switched their positions after it became apparent that immigrants were an important group of future constituents.

The late 1800s and early 1900s witnessed the rise of the “Teutonic” theory, which argued that non Anglo-Saxon immigrants were not suited to American institutions. A contradictory “melting-pot” theory was also formulated highlighting America’s success as a cosmopolitan society with unlimited ability to assimilate new immigrants (Vedder et al., 2000, p. 350).

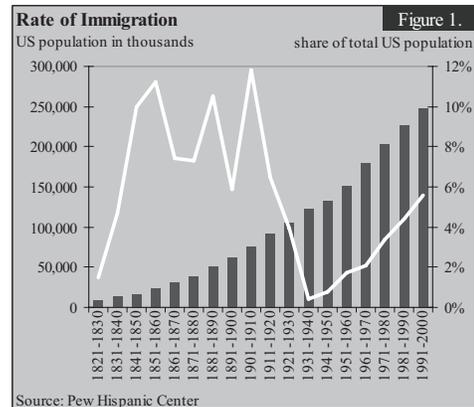
The insecurities of World War I tipped the scales of public opinion against newly arrived immigrants. During this time period, a head tax and literacy test became mandatory for all potential immigrants. This, however, was not the most restrictive legislation of the time period. A national quota was also enacted which aimed to preserve America’s Anglo-Saxon identity by reducing the flow of immigrants from undesirable places (such as Italy). Quotas were assigned independently for each nationality and were heavily weighed in favor of northern Europeans.

Despite anti-immigrant sentiment, border security between the United States and Mexico was non-existent in the nineteenth and early twentieth centuries. Accordingly, individuals were free to move back and forth between countries. The border patrol was created in 1924, the same year that Mexican migration to the United States peaked. Many Mexicans had been engaged in a circular flow of seasonal labor that took them back and forth across the border. When the great depression hit, however, a devastated America deported over 400,000 Mexicans and immigration evaporated in response to a weak American economy. The United States then transitioned into a protectionist stance and immigrants took a portion of the blame for its poor economic performance.

The next change in US immigration policy occurred during World War II. American women were engaged in wartime production and many men served in the armed forces. This left a considerable amount of agricultural jobs unfilled. As a result, the US initiated the Bracero program, which provided a legal route for Mexicans to work in the United States. Illegal immigration decreased dramatically in response to this program because most Mexicans were able to immigrate legally. From this it can be seen that immigration behaves some-

what like a seesaw. When legal routes increase, illegal entry declines and vice versa.

Following World War II, the Civil Rights Movement created further changes in immigration policy. In 1964 the Bracero program was discontinued amid claims of unfair working conditions. One year later Congress eliminated the system of national quotas and created a new quota system that was not based upon nationality. It also established a new, sponsor based, family oriented path for legal immigration that was not subject to numerical limit.



Looking at Figure 1 shows the high share of immigrants present in the United States from the mid 1840s until the 1910s. At one point, immigrants made up 12 percent of the total US population. Then, after an all-time low in the 1930s the share of immigrants has been steadily increasing. Today, they make up nearly 6 percent of the population. By the early 1980s, millions of immigrants, mostly Hispanic, were living in the United States illegally and America’s immigration laws were again considered antiquated and dysfunctional. In response, Congress began anew to reform immigration policy. After several years of debate, they eventually passed the 1986 Immigration Control and Reform Act.

**FORMATION OF THE 1986 IMMIGRATION REFORM**

The early 1980s was a period of rising tensions in the arena of immigration reform. Over several years, the US House of Representatives and Senate had both passed numerous immigration bills, but were unable to reach any compromise over how to deal with illegal immigration. The House supported greater border enforcement, opposed amnesty and refused to consider a guest worker program. The Senate, more pragmatic in its approach, favored internal policing through employer sanctions, legalization for illegal immigrants and a guest worker program. Added to this impasse were signs of ambivalence from the White House, where President Reagan declined to take an active role in the process.

The deadlock began to loosen in the early part of 1985 when Senator Simpson (R-WY) introduced Senate Bill 1200 (S. 1200): the Immigration Reform and Control Act (IRCA).

This legislation promised to stem the flow of illegal immigration with increased employer sanctions. It also proposed legalizing undocumented immigrants already in the country.

In an attempt to compromise with the House, Senator Simpson included a “trigger” provision that set a timeline for legalization (“New Immigration bill introduced in Senate,” 1985). This would have prevented legalization from occurring until employer sanctions had eliminated the flow of illegal immigrants. Although intended as a compromise piece, this provision soon drew criticism from Democrats and the Hispanic Caucus over fears that legalization would never occur if employer sanctions proved unsuccessful. Agricultural businesses also voiced their opinion and called for a “seasonal worker program” that would permit foreign laborers to work temporarily in the United States (“Action Starting on immigration legislation,” 1985).

In August 1985, S. 1200 left the committee process with several important provisions attached. Criminal penalties and hefty fines were proposed for employers caught illegally hiring undocumented workers and funding for employer law enforcement was increased (“Senate Judiciary approves immigration,” 1985). The focus in the Senate soon shifted to the “seasonal worker” provision, which was heavily supported by western growers. Democrats, labor unions and the Hispanic Caucus all voiced their disapproval of a temporary worker program because they believed workers could be exploited. Although unions voiced their concern over this matter they were also concerned that guest workers would threaten union power. Despite this, the bill eventually passed the Senate on September 21, 1985—guest worker program included—with a significant majority (69-30). The passed bill included criminal penalties, fines and jail time for employers; additional funding for enforcement; legal status for most illegal immigrants; and a temporary worker program (“Farm worker program may be problem,” 1985).

In July 1985 the House of Representatives introduced its own version of the Senate’s bill, H.R. 3080, without the controversial “trigger” proposal or a temporary worker program. Then, after the Senate bill was passed, the reform process stood still for nearly a year as H.R. 3080 entered the committee process and House leaders refused to move the bill forward without the President’s participation. After a year of waiting, President Reagan voiced his support for the effort in March 1986 and House members subsequently began moving the process along. The House then became divided over the prospect of a guest worker program and in September the bill died (“Republicans defeat rule,” 1986). Yet no sooner had it died, than reports began circulating about its impending resurrection. A short time later, in what *CQ Weekly* described as a “stunning reversal,” the bill was revived and passed on the same day, 9 October, with a clear majority.

In order to reconcile differences in the separate Senate and House bills, a conference was formed to negotiate a compromise. In this process friction emerged over six issues:

employer sanctions, the legalization of Salvadorans and Nicaraguans, possible discrimination, the timeline for legalization, reimbursement for state expenses and legal services for H-2 visa workers (“Refusal to give up brings dead bill back to life,” 1986). By the middle of October 1986, nearly two years after the legislation was first introduced, both chambers of Congress agreed to a “grand compromise,” and on November 6, 1986 President Reagan signed the bill into law.

#### PROVISIONS OF 1986 LAW

In what was truly a compromise, many key provisions were erased. The Senate gave up their “triggered” timeline to legalization as well as a guest worker program. In return, the House accepted several provisions they initially opposed, including indefinite employer sanctions and a modified H-2 visa program for agricultural workers. Additionally, the House also gave up its request that Salvadorans and Nicaraguans be excluded from legalization.

The reform package promised to stem the flow of illegal immigration through tightened employer sanctions and recognized the existing reality of illegal immigrants already present by granting them legal status. IRCA contained three major elements to be considered in-depth.

#### EMPLOYER SANCTIONS AND ENFORCEMENT

IRCA created civil and criminal punishments for companies (with four or more individuals) who employ unauthorized workers. First, it made it unlawful for employers to knowingly hire unauthorized workers or to continue employing previously hired workers who are known to be illegal. Second, it required employers to verify a workers status using a passport, birth certificate, Social Security card, alien document or “other proof.” Potential workers were also required to attest, in writing and under threat of perjury, that they were authorized to work in the United States.

Employers found violating this law would be subject to fine and imprisonment. For the first offense, employers could be fined from \$250 to \$2,000 per undocumented worker. The second offense raised the fine amount per individual to \$2,000 to \$5,000. On a third offense employers would have to pay between \$3,000 and \$10,000 per undocumented worker and face the possibility of six months’ jail time.

IRCA stipulated that employer sanctions should be phased in over time. The first six months following enactment was an educational period in which employers were not penalized. After this initial period, employers were issued warning citations, but not fined for the following year. After a year-and-a-half of education and warnings, the sanctions and penalties were to be rigorously enforced.

Some lawmakers feared that tightened sanctions would promote discrimination against all Hispanics (regardless of legal status). As a result, IRCA required employer sanctions to expire after three years if evidence of systematic discrimination was discovered.

In response to weak identification verification systems, Congress requested further research concerning a possible telephone verification system and ways to reduce the use of counterfeit and fraudulent documents. Congress also directed the Attorney General to establish a complaint mechanism for individuals to report suspected instances of illegal immigration. In addition, IRCA called for the establishment of investigation procedures and judicial review in cases of dispute.

To finance these measures Congress increased funding for the Immigration and Naturalization Service (INS) and the Border Patrol. They were given \$868 million over a two year time period in order to increase enforcement, improve services and engage in community outreach. Congress also created a \$35 million Immigration Emergency Trust Fund to reimburse state and local agencies that incurred costs as a result of the Act.

**LEGALIZATION**

The second part of IRCA recognized the millions of undocumented immigrants already living in the United States by granting many of them legal status and putting them on a track for citizenship. Temporary resident status was given to undocumented aliens who arrived in the US before January 1, 1982 and applied within the first 18 months of the law's enactment. Individuals convicted of a felony or three misdemeanors did not qualify.

After nineteen months of temporary status these individuals were then able to apply for permanent legal status. In addition to the aforementioned requirements they were also obliged to prove at least a minimal understanding of the English language and American history and government. If unable to meet these requirements they were still allowed legal status if they could show active pursuit of those goals. During the first five years of their legal status, immigrants were prohibited from obtaining federal financial assistance, such as Medicaid or food stamps. Unlike earlier immigration laws, this mass legalization was without numerical limit.

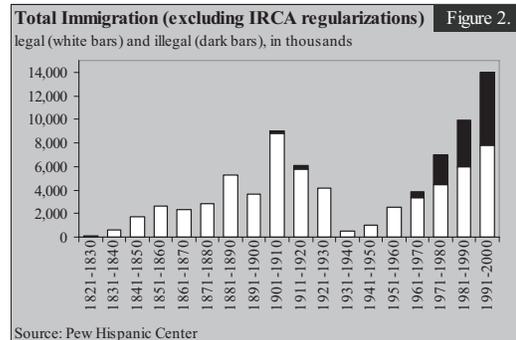
**AGRICULTURAL EXCEPTIONS**

As part of the compromise, IRCA expanded the H-2 visa program instead of creating a separate guest worker program. This allowed for a constant agricultural workforce of up to 350,000 foreign individuals. Many existing agricultural workers were granted legal status, and new workers were allowed to apply for the visa as long as the cap of 350,000 workers was not exceeded.

Once workers had obtained the H-2 visa they could eventually leave agriculture to work in other sectors. In this way, it was expected these individuals would make room for new immigrants wanting to work in agriculture. An H-2 visa required employers to look first for American workers and also to ensure that hiring a foreigner would not negatively affect the wage level of American workers. After this, employers were required to submit a request for workers to the labor secretary.

**WHY IRCA FAILED**

Today, an estimated 12 million undocumented immigrants currently live in the United States and hundreds of thousands enter annually. Thus, it can be said that IRCA has failed in its primary objective to stem the flow of illegal immigration. As Figure 2 shows, the amount of immigrants entering annually has increased dramatically since the 1980s. Mirroring this trend has been an increase in the share of immigrants who are illegal.



Since 1986, funding for employer and border enforcement has increased more than tenfold. Yet, border crossings and immigration have also increased. Prior to 1986, the cost of each border apprehension was approximately \$100, but in 2002 the cost had increased to \$1,700 (Massey, 2005). While the government may be paying more for each additional apprehension, the odds of being apprehended have decreased substantially. In the 1970s and 1980s the probability of apprehension at the border was near 30 percent, but in 2002 that probability had decreased to just 5 percent (Massey, 2005). There are a variety of reasons for these failures.

**UNFORTUNATE MYTHS**

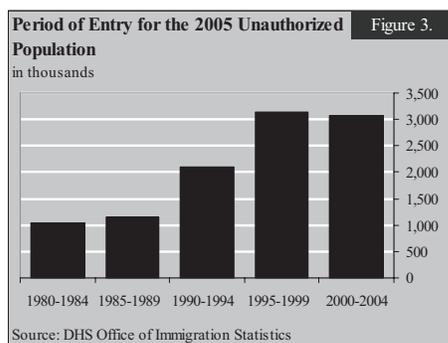
Beneath the debate surrounding legal and illegal immigration are a number of myths. Some believe that immigrants increase unemployment, lower American wages, increase crime and bankrupt the nation's social programs. A group of 500 economists wrote an open letter to Congress and the President in the summer of 2006 dispelling many of these common myths. The signatories come from varied backgrounds, diverse countries and opposing political parties. In the letter they emphasize that "immigrants do not take American jobs" and "the American economy can create as many jobs as there are workers willing to work" (Independent Institute, 2006). They also pointed out that immigrants, over time, always add more to America than they initially "took."

Immigration is an indicator of a powerful American economy – not a sign of weakness. Unfortunately, few realize this significant truth in a debate that has been dominated by emotion, protectionist attitudes and xenophobic fear. Illegal immigration may be a problem, but not because immigrants are adversely affecting our country. Having an underground, illegal subclass is certainly problematic, not only for

American citizens, but also for illegals themselves. Unfair working conditions, intimidation and discrimination are commonplace at illegal worksites. Yet, the solution to such a problem is not to restrict immigration. If anything, this course of action pushes immigrants toward clandestine entry and unfair working conditions. Thus, IRCA attacked the wrong problem by assuming that immigration is harmful. The marketplace, not politicians, is the best regulator of immigration.

#### UNCONTROLLABILITY OF IMMIGRATION

Another false assumption is the belief that illegal immigration can actually be controlled. In 2006, Jagdish Bhagwati, a prominent economist from Columbia University, argued that illegal immigration will always exist, regardless of lawmaker actions (Bhagwati, 2006). The uncontrollability of immigration can be seen in Figure 3, which shows when current illegal immigrants entered the country. After IRCA's passage in 1986, illegal immigration has continued to increase. As long as the American economy is relatively strong, the impetus for immigrants to work in the US will be greater than our resolve or ability to hinder them. It is highly unlikely any wall, at any height or depth, can ever eliminate the flow of illegal immigration. A weak economy is the only sure way to end illegal entry.



#### FAILURE TO ADDRESS THE DETERMINANTS OF IMMIGRATION

Understanding the causes of immigration is essential to any effective policy reform. Carlos Gutierrez, Secretary of the US Commerce Department, has argued one reason for IRCA's demise was its failure to address the "push" and "pull" factors that actually determine the phenomenon (Gutierrez, 2006). Immigration is a function of many elements – relative US wage levels, labor market flexibility, probability and cost of crossing the border, ability to find work, demographic changes, political turmoil, demand for labor in growing sectors, existing immigrant networks and family relationships – to name just a few (Council of Economic Advisors, 2005 & 2006; Wasem, 2006). IRCA failed because it naively believed that brute force was a more powerful deterrent than all these factors combined. It also failed because it didn't really consider these factors in the first place.

#### TEMPORARY GUEST WORKER PROGRAM

IRCA was also unsuccessful because it failed to satisfy the marketplace. Instead of creating a temporary guest worker program, as the Senate initially proposed, lawmakers settled for an expanded H-2 visa program which grossly underestimated labor market needs. The program only allowed for a fixed quota of 350,000 H-2 visa-holders in the country at any given time.

As a result, labor shortages occurred in some sectors. In fact, in the summer of 2006 it was reported that nearly six million boxes of Floridian oranges would go un-harvested as the result of labor shortages ("Labor shortage shorts orange harvest," 2006). In response to high labor demand, hundreds of thousands of immigrants continue to be drawn to the United States each year. Many come illegally because the government has limited their ability to enter legally. This situation has created a gap between what is legally allowed and what is economically required. Making it tougher to enter the country legally has spurred illegal immigration.

#### NO ENFORCEMENT

Tightened employer sanctions have been little enforced since IRCA's early years (Wasem, 2006). It seems the executive branch has been reluctant to enforce laws that harm American businesses – who are generally major contributors to political campaigns. Another problem was that IRCA requires employers to "validate" their workers legal status by inspecting their identification documents and ascertaining their authenticity. This is extremely problematic because most employers are not trained as anti-fraud agents. Business owners are not policemen or investigators and requiring them to examine documents for fraud or forgery is a setup for failure. Commerce Secretary Gutierrez argued that employers should not be placed in this weak position in the first place. Instead, they should be free to hire anyone at will, without having to act as policemen. They should never, in his view, have to choose between staying profitable or breaking the law.

IRCA misunderstood human nature because it assumed that employer sanctions would discourage employers from hiring illegals. Instead, businesses have merely added possible sanctions as a cost of doing business (Griswold, 2002). In some instances employers even pass the cost of fines and sanctions onto the immigrants themselves, depressing their wages even lower. The IRCA did not adequately enforce employer sanctions and consequently sent mixed signals to American businesses. Enforcing IRCA proved politically unfeasible and economically unwise.

#### IMMIGRATION VS. ECONOMIC INTEGRATION

As the United States pursues a course of economic integration with Latin America, the IRCA sends unclear messages to its southern neighbors and stands in opposition to various free-trade agreements. Curbing immigration is antithetical to economic integration (Griswold, 2002; Massey, 2005).

Globalization and economic integration have changed the United States' relationship with neighboring countries. Improved transportation networks have facilitated increased trade and shortened the time it takes to travel. Improved capital access, primarily through NAFTA, has fostered foreign direct investment and an integrated regional economy. Culturally, diaspora communities exist as semi-integrated islands within the United States because of improved communication and trade, these communities are able to maintain linkages between their new homes and national origins. These conditions not only promote economic integration, they also promote immigration.

IRCA weakens other American policies because it seeks to reconcile two antithetical goals. The friction between anti-integration policies, such as IRCA, and pro-integration policies, such as NAFTA, has rendered both less effective.

#### SHIFTING THE CROSSINGS

Rather than stemming the flow of immigration, increased border enforcement has shifted the flow to new areas along the border. For example, after increasing border security at the traditional crossing spots at El Paso, Texas and San Diego, California, immigrants just shifted their point-of-entry to rural locations (Massey, 2005).

When the majority of immigrants were entering the border at well-known crossing points it was easy to monitor the size and flow of immigrants, even though only 30% were apprehended. Now, with many immigrants using the full 2,000 mile border, apprehension efforts have been rendered significantly less effective. There have also been adverse effects for the immigrants themselves. Crossing in rural, desert areas has decreased the chance of survival and increased the cost of attempting to enter.

Rather than stemming the flow of immigration, IRCA has decreased the probability an illegal immigrant will be caught, shifted immigration to areas that are more difficult to enforce and bolstered a burgeoning black market of human smugglers.

#### VARIETY OF ENTRY METHODS

While attempting to limit illegal crossings at the border, IRCA did not consider other forms of entry. Nearly half of all undocumented immigrants currently in the United States initially entered legally (Pew Hispanic Center, 2006). Thus, in addition to shifting border crossings to new areas, it is also probable IRCA increased the number of immigrants overstaying their legal visas. These individuals enter the country legally – through border checkpoints, airports, or seaports – and remain in the United States after their visas have expired. IRCA did not address the issue of visa-overstayers, except through employer sanctions.

#### CIRCULAR NO MORE

Before IRCA a circular pattern of migration existed between the US and Latin America. Previous to IRCA, between 40-

50% of immigrants came to the US for short periods of time in order to work and then return home. In response to IRCA and tightened border security, fewer immigrants are now choosing to return to their homes because they are afraid they will be unable to re-enter the United States (Massey, 2005). By decreasing the rate of emigration, IRCA has increased the amount of illegal immigrants choosing to stay within the United States.

Experts have placed the historical rate of annual emigration at 25% the rate of immigration. This means the amount of individuals leaving the country annually is 25% of the amount entering (Board of Trustees, 2006). Tighter border security increases net in-migration because it discourages individuals from leaving, but does little to prevent anyone from coming.

#### ENFORCING THE UNENFORCEABLE

Studies have shown that IRCA has had no discernable success in accomplishing its goal (Orrenius & Zavadny, 2003; Massey & Phillips, 1999). At the border, immigrants continue to enter the country in large numbers and within the interior of the United States enforcement agencies have been unwilling to penalize employers. Overall, IRCA has produced numerous unintended consequences, but has done nothing to achieve its aims.

The Immigration Reform and Control Act was an attempt to control the uncontrollable. Its aims denied the basic realities that determine immigration and were based more upon myth than fact. In addition, IRCA's ambitions were antithetical to our nation's free-market policies. In most instances IRCA backfired, placing employers in an untenable position, shifting entry points for illegal immigration, placing undocumented workers in difficult conditions and reducing the rate of emigration. It has also increased the cost of enforcing border controls and amplified the risks associated with crossing – raising the stakes on all sides. But the main way in which IRCA has failed is that illegal immigrants continue to enter the country at progressively higher rates.

#### POLICY IMPLICATIONS FOR FUTURE IMMIGRATION LAW

There is no panacea for the current immigration dilemma, but there are many lessons to be learned from IRCA's failure.

First, immigration is not a problem, but having undocumented workers may be. An underground economy is problematic because it subjects workers to unfair conditions and reduces their bargaining power. It is also challenging for employers who must face the difficult trade-off between hiring an illegal and hiring no one. Yet, the solution to the problem of illegality is not restriction. As IRCA has shown, attempting to restrict this phenomenon has the tendency of accentuating it. Instead, creating more legal paths to immigrate legally would decrease illegal immigration and ensure that employers and employees are competing on a level playing field.

Second, immigration may be managed, but it cannot be

controlled. Once policy makers face this reality an effective reform policy will be easier to find. Managing immigration would mean eliminating quotas and allowing the market a larger role in determining the flow of immigration. This would decrease illegal entry because enough legal options would be available to satisfy demand. There should also be guidelines to ensure that immigrants enter in an orderly manner, are properly registered, receive identification and continue working.

Third, increased border security will not decrease illegal immigration. The title of a recent article in the *International Herald Tribune* illustrates this point well: "The Higher the Wall, The Less It Works (Massey, 2006)." Tightened border security has done little to reduce illegal immigration, but has instead unleashed a storm of unintended consequences. Future reform should recognize that more walls and more patrol agents will not work.

Fourth, employers are not enforcement officers. Current regulations requiring employers to verify the authenticity of their workers is a setup for failure. Instead, employers should be relatively free to hire without having to worry about issues of legality. Another lesson to be learned is that politicians lack the long-term stomach to conduct a campaign against American businesses.

Fifth, the market must be satisfied. This must be the most central part of any would-be reform policy. Previous experiences with IRCA have shown that attempts to regulate the labor market through restrictive immigration quotas are futile. Very few discernable benefits derive from such a course of action and numerous problems inevitably arise. Any effective reform must allow the market to determine the flow and composition of immigrants. The government's role should be to facilitate immigration and not to restrict it.

Sixth, the reality of an increasingly global market place must be accepted. Not only do Americans compete with themselves for jobs, they also compete with individuals around the world. This is not something to be feared.

Seventh, all immigrants should be given a path to citizenship. Although a temporary worker plan may be beneficial for the market, it must also provide immigrants access to the American dream.

## CONCLUSION

Immigrants have a long and varied history in the American experience – as evidenced by conflicting attitudes and policies – and forming a sustainable and comprehensive immigration policy is not an easy task. However, doing so is absolutely essential for immigrants themselves and for the collective future of the United States as a nation.

Unfortunately, immigration reform has taken a turn in the wrong direction by focusing upon restrictive measures. The Immigration Reform and Control Act of 1986 backfired and resulted in unintended consequences. Today, American

lawmakers stand at a crossroads similar to their predecessors in 1985. The solutions proposed today are nearly identical to those before. Congress and the President should recognize that restrictionary measures have proven unsuccessful in the past and are not likely to work in the future. Instead, they should work through markets rather than against them.

In order to proceed they must first break through the web of myths that surround immigration, understand the factors that influence migration and accept the fact that immigration is a permanent occurrence in the global marketplace for labor. A policy may then be crafted which satisfies the market's demand for labor, places the government into a facilitative role and affords each immigrant a path to citizenship. The issue of illegality is certainly an important consideration, but this can only be solved when enough legal channels are available to meet demand. Instead of restricting immigration, the United States should open more paths for immigrants to enter legally.

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