

Immigration Policy

Lecture 11/9/2020



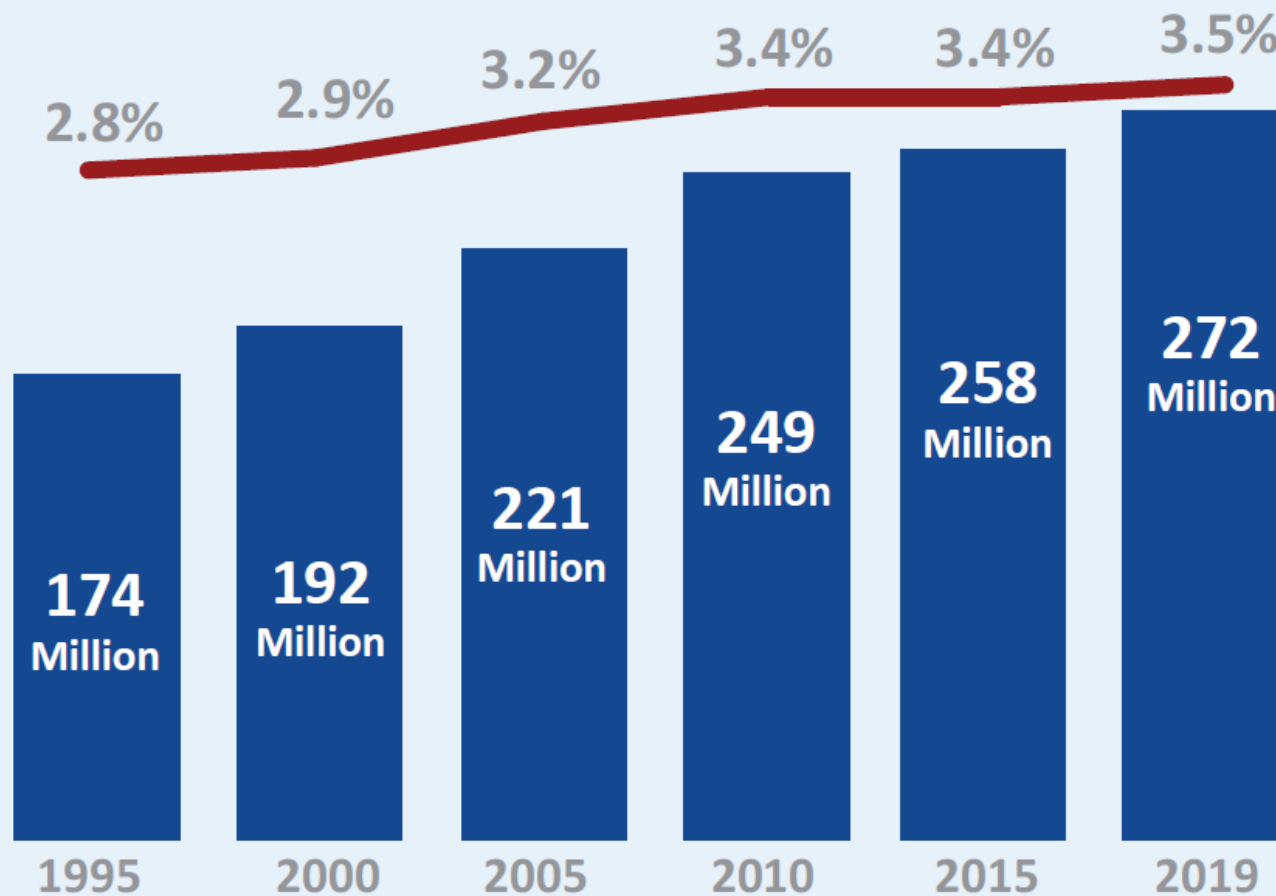
Plan for this Section of the Course

- Today: International comparisons, history of immigration law.
- Wednesday: How immigration works now, changes that Trump has instituted
- Next 2 weeks: Current policy challenges—the undocumented, dreamers, legal immigration reform, immigrant integration.

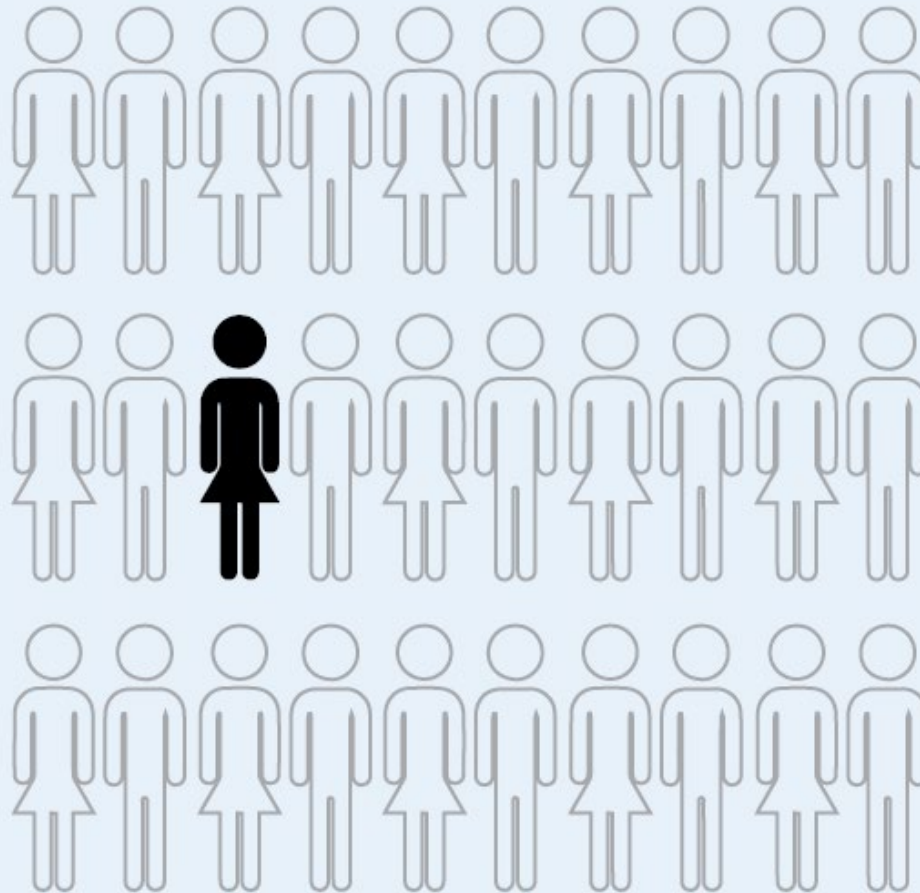
Worldwide Migration

- International migration has grown rapidly since 2000
 - 173 million in 2000
 - 222 million in 2010
 - 272 million in 2020
- 3.5% of the world's population lives outside the country of their birth.
- If they all lived in the same country it would be the fourth largest in world

The international migrant population globally has increased in size but remained relatively stable as a proportion of the world's population



272 million international migrants in 2019 out of a global population of 7.7 billion:
1 in every 30 people



Note: Infographics based on UN DESA, 2019a and UN DESA, 2019c.

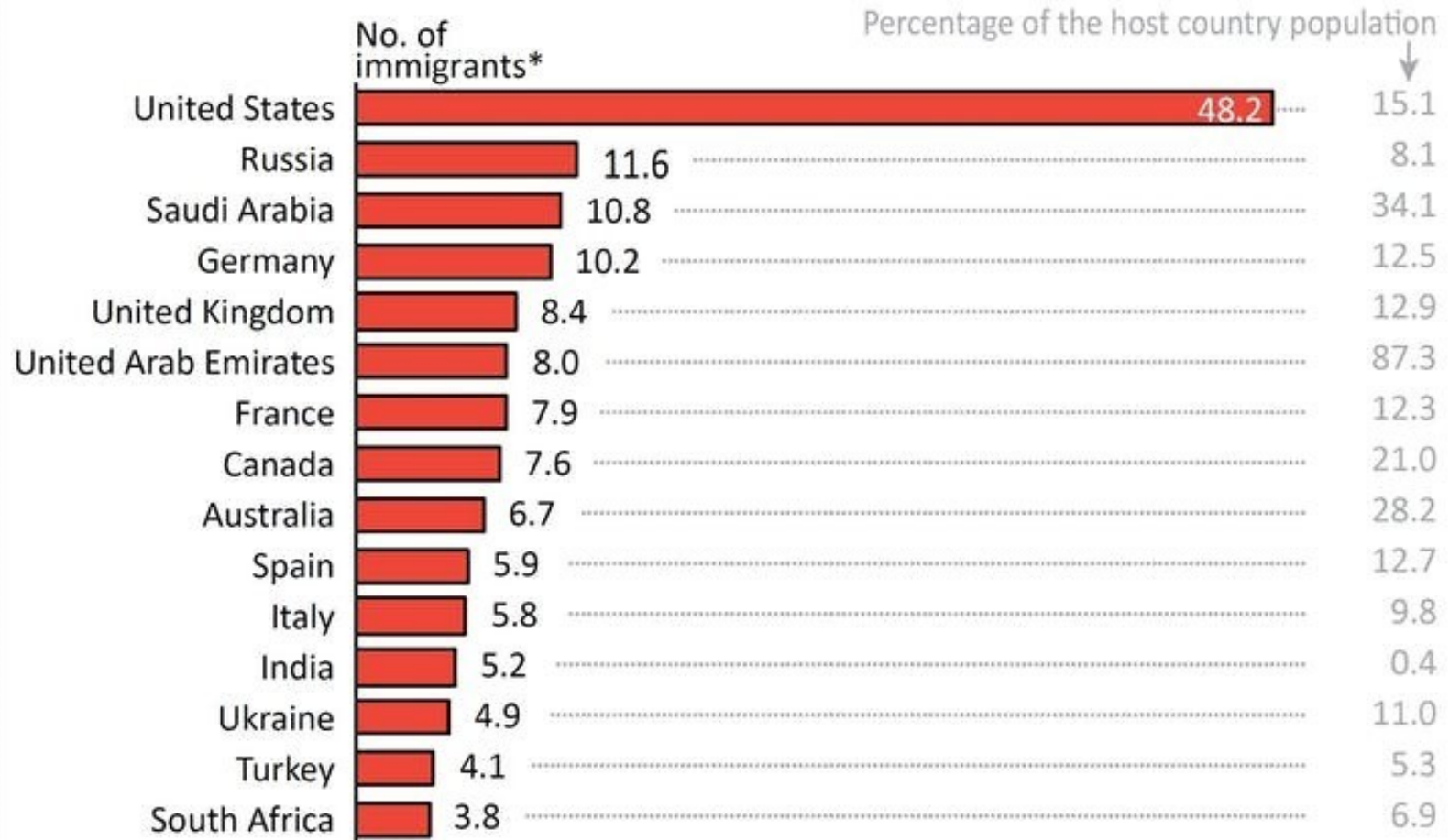
Animated Map

- [animated international migration map](#)

International Comparisons

- The United States leads the world in the *number* of international migrants residing in the country.
- The United States is relatively low in the *percentage* of the population who are international migrants

The 15 countries with the most immigrants (in millions)

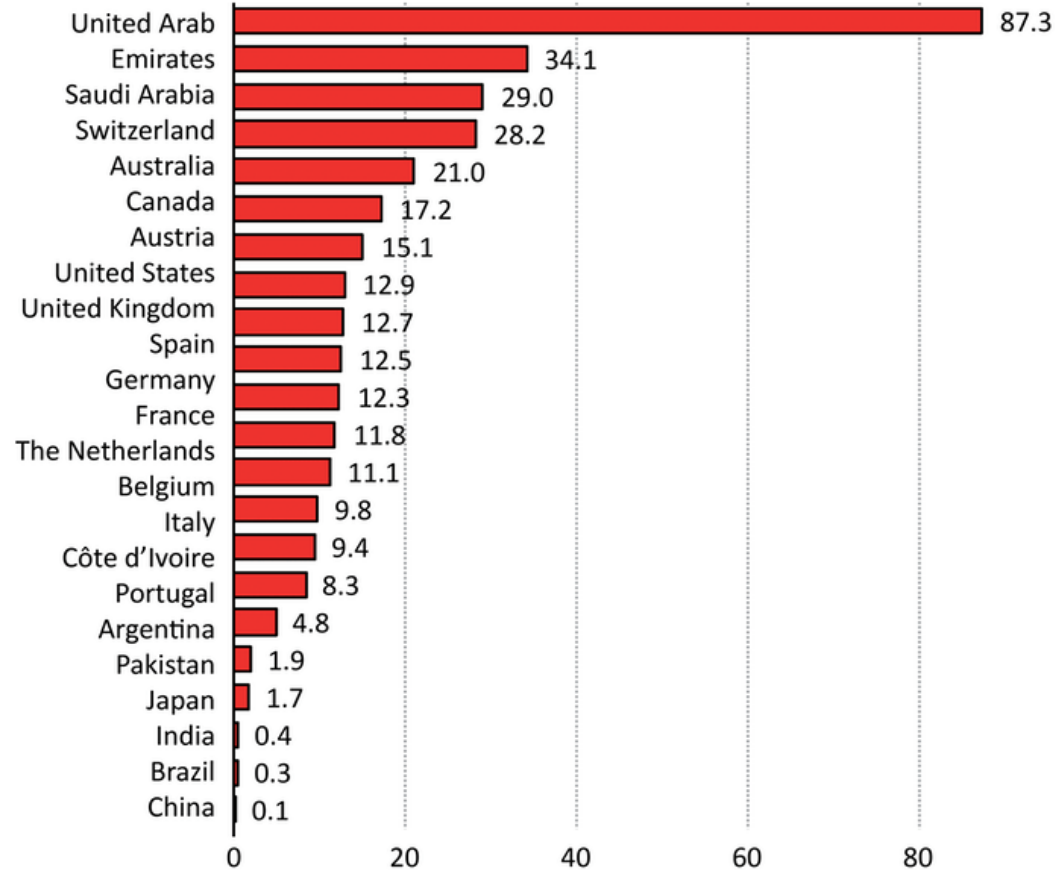


* Foreign-born.

G. Pison, *Population & Societies* no 563, 2019.

Proportion of immigrants* in selected countries

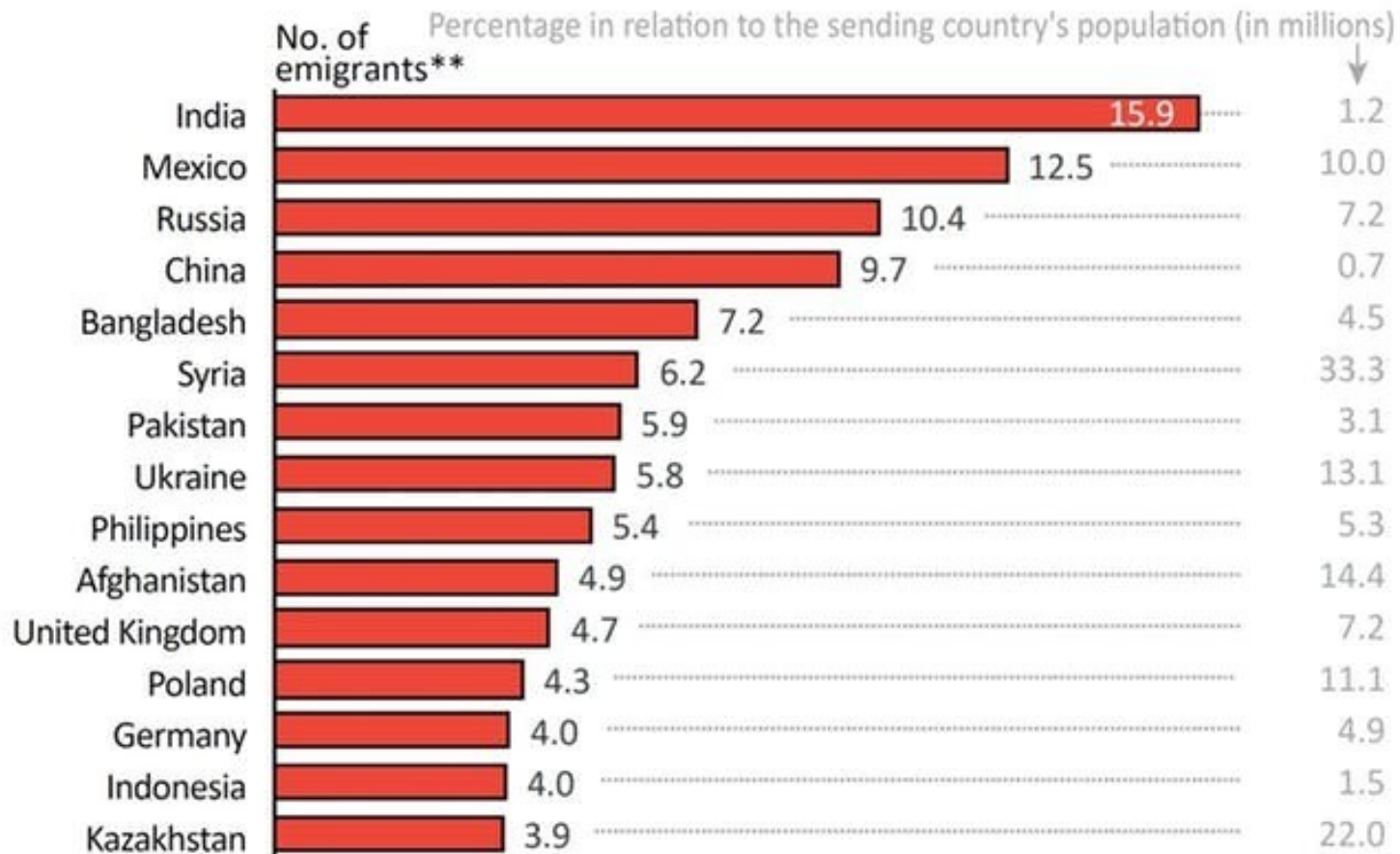
Percentage of the host country population in 2015



* Foreign-born.

G. Pison, *Population & Societies* no 563, 2019.

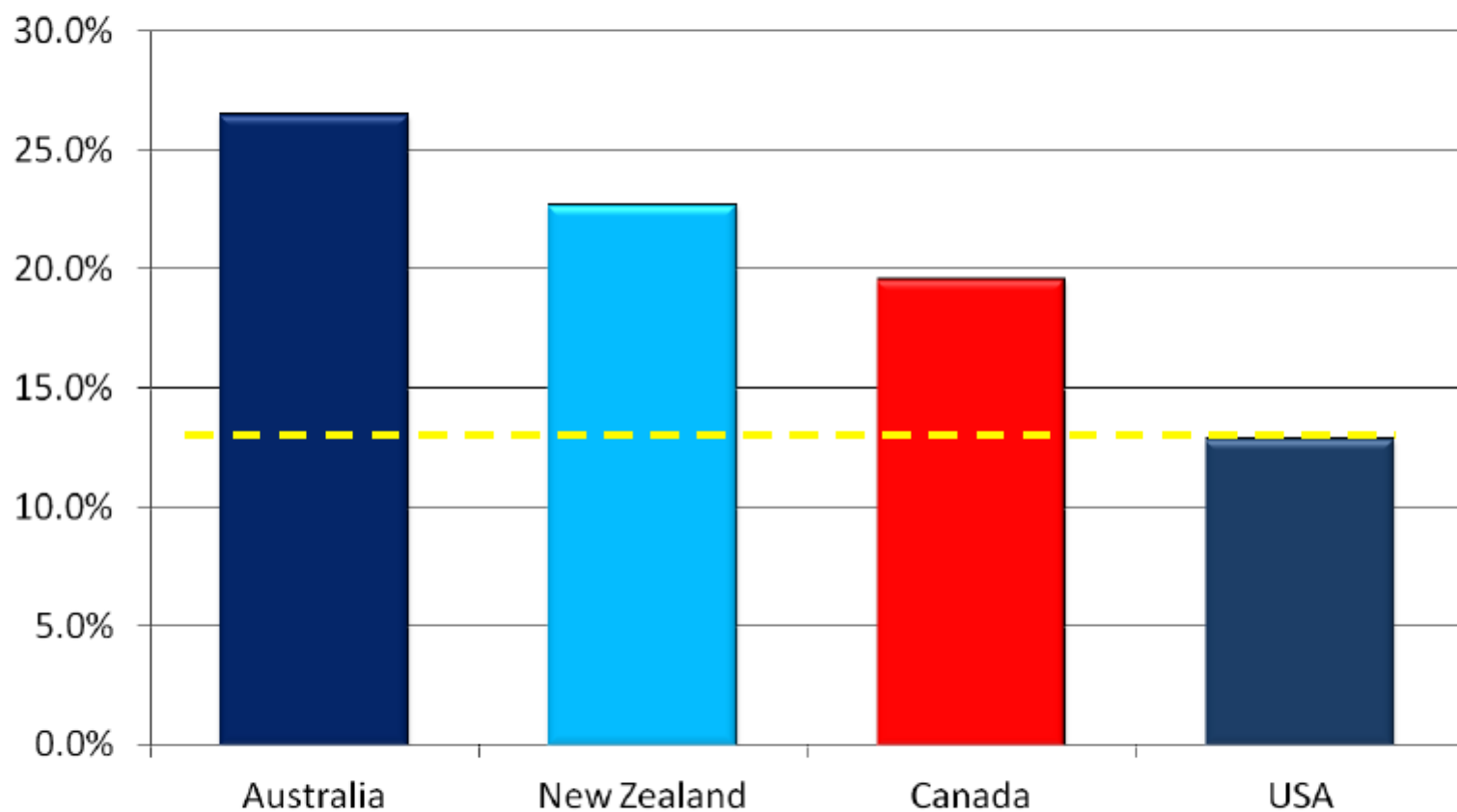
The 15 sending countries that have supplied the highest number of migrants



**People born in the country and living abroad

G. Pison, *Population & Societies* no 563, 2019.

Traditional Countries of Immigration



Source: OECD 2011 (with 2009 data)

Understanding Immigration Policy Debates

- Immigration Policy vs. Immigration Integration Policy
- Path Dependence and the Role of History
- Politics and Immigration: Racism and Nativism
- Unintended Consequences

Scholars debate: Can we control immigration?

- Douglas Massey: The state can't combat powerful economic globalization forces.
 - Migrants operate by more complex logics and keep coming despite it.
- Aristide Zolberg: What looks like a “failure” to control immigration sometimes reflects a fundamental ambivalence about whether or not the state really wants to control immigration (and arguably the U.S. does not).
- Attempts to control immigration often produce unintended consequences

Political Theory

- Joseph Carens: Citizenship in Western liberal democracies is the modern equivalent of feudal privilege-an inherited status that greatly enhances one's life chances. Like feudal birthright privileges, when one thinks about it closely. restrictive citizenship is hard to justify

Political Theory

- Nozick: libertarian, individual property rights
- Rawls: Liberal, veil of ignorance:
 - Equal liberty to all
 - Inequality permitted as long as fair conditions of equal opportunity and it is to the advantage of the least well off.
- Utilitarian: maximizing the greatest good for the greatest number.
- Opposing view: Walzer: communitarian. People create community, shared values and culture and can exclude.
 - Carens: What about states within a nation? Why privilege nations?

Aristide Zolberg

- Two observations about immigration:
- Cosmopolitans optimists vs. pessimist nationalists
- Countries are part of a global movement regime, when one country acts, it impacts the global flows.
 - i.e. when the US stops taking asylum seekers from Central America, Mexico faces a crisis

Zolberg

- A very important distinction arises also from the choice of unit of reference; this pits “cosmopolitan” liberals such as Charles Beitz (where I also place myself), who espouse the perspective of a global community founded on the unity of the human species, against “communal” liberals, who espouse the perspective of a particular national community (and take the existence of such communities as a desirable state of affairs and even as a necessity for the realization of liberal regimes). Although both are led to make compromises, the “cosmopolitans” in effect place the burden of proof on those who would limit immigration, whereas the “communitarians” place it on candidates for entry and their supporters.

Zolberg: Decisions to be made

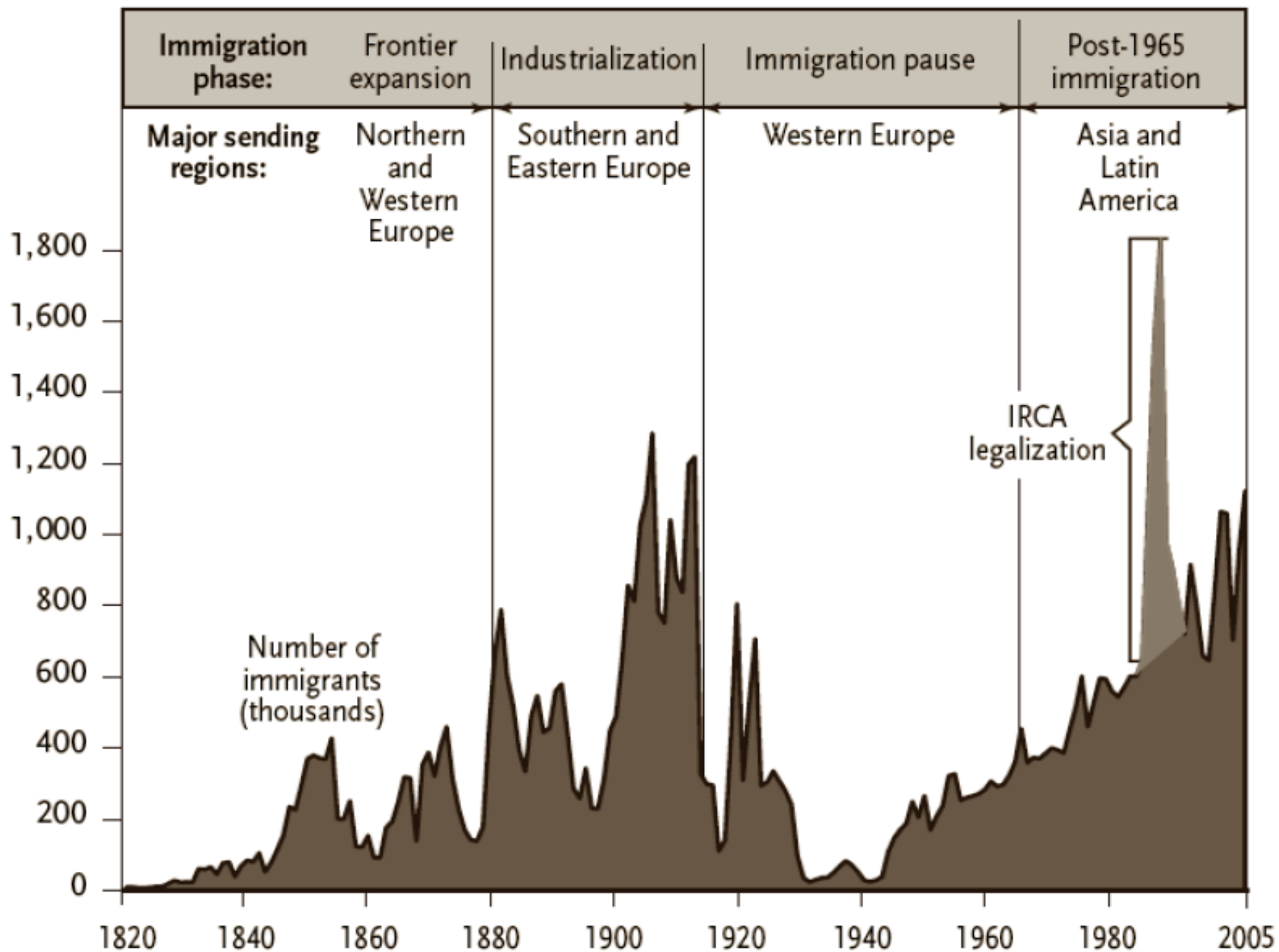
- Level of admission
 - US: .2%
 - Canada 5%
- Allocation of priorities
 - Whose needs and interests, receivers or applicants? (Employment, family, asylum seekers)
- Modalities of incorporation
 - Segregation, guest workers, undocumented residents, assimilation and citizenship

Themes in History of U.S. Immigration

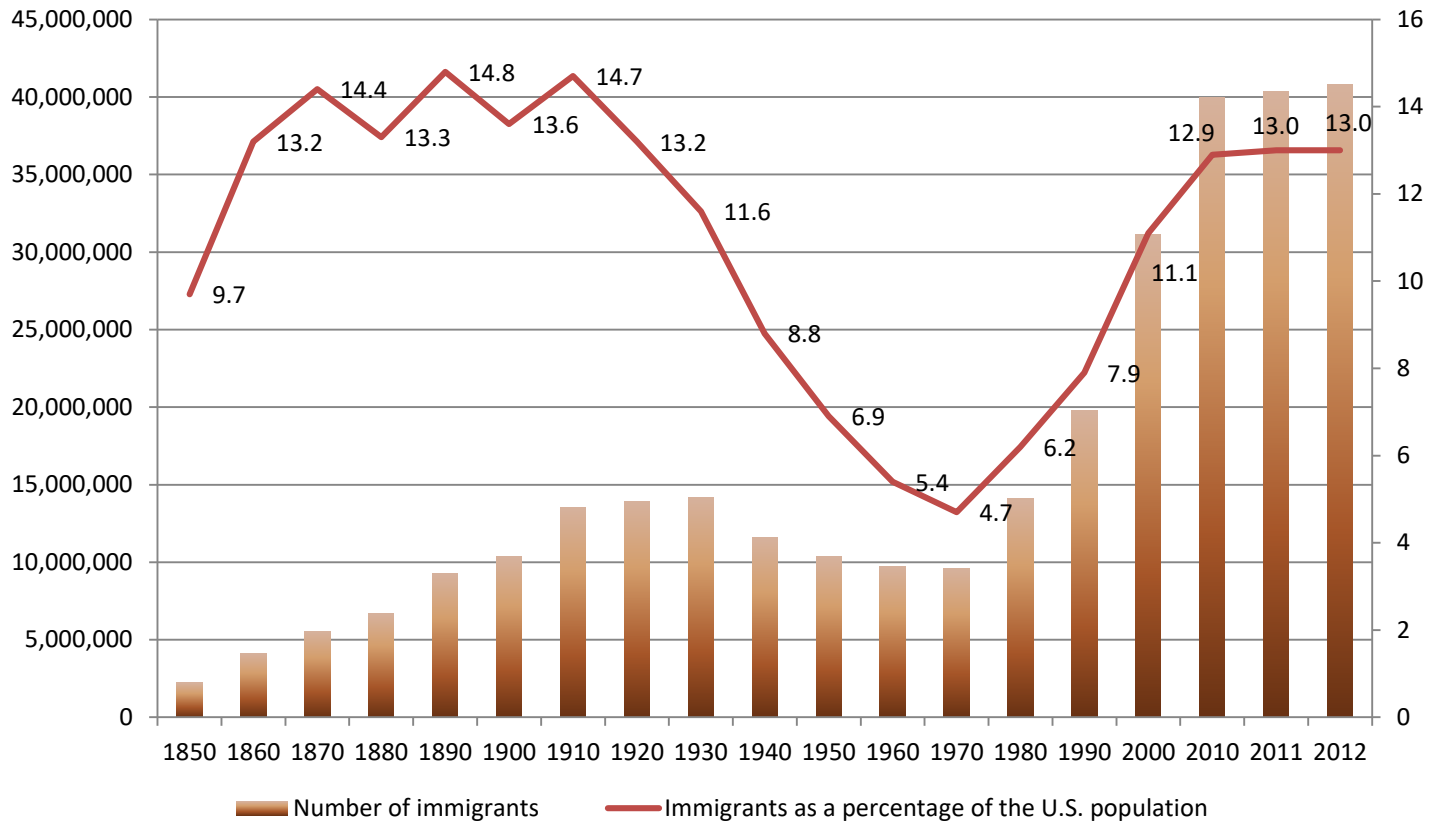
- Economic Considerations
 - Need for labor above all else--recruitment
- Race and Ethnicity used to restrict entry
- Nationalism, Political Loyalty Threats
- Cultural Threats
- Foreign Policy Considerations
- Immigration Policy is about who is let in, not concerned with immigrants beyond naturalization.

Major Eras in Immigration History

1. Pre- Restriction Era (up to 1875)
2. Classical Restriction Era (1875-1930)
3. Immigration Hiatus from Europe, ongoing from Mexico and Caribbean (1931-1964)
4. Post 1965 Expansion (1965-1996)
5. High Legal and Illegal Flows (1996-2008)
6. High Legal and Flat Illegal (2008-2018)
7. Drastically Restricted Immigration (2019-2020)



Demographic Change in Context



COMMITTEE ON POPULATION

The National Academies of
SCIENCES • ENGINEERING • MEDICINE

History Immigration Law

- Pre-Restriction Era 1789-1874
 - Laws were about citizenship. Labor recruitment ongoing.
- First Restriction Era 1875-1920
 - Laws barring “undesirables” —convicts, prostitutes, lunatics, persons likely to become public charges. Eventually restricts admissions to literate people.

Naturalization is the only part of immigration in the Constitution

- 1790 Required 2 years residence
- 1795 5 years residence
- 1798 raised it to 14 years Alien and Sedition Act
 - Empowered the president to deport aliens considered dangerous to the US
- 1802 restored the 1795 act Now 5 years after you get a green card.

Challenges to the Nation

- Ben Franklin on the Germans:

Why should the Palentine Boors be suffered to swarm into our settlements and by herding together, establish their language and manners to the exclusion of ours? Why should Pennsylvania, founded by the English, become a colony of aliens, who will shortly be so numerous as to Germanize us, instead of us Anglifying them?

Pre Restriction Era

1789-1874

- Constitution is silent on immigration. Limits only the presidency to native born people.
- Gives citizenship and the right to become a citizen to free white males.
- 14th amendment (1868) gives citizenship to people of African ancestry.
- So people who are not white, and not black are not specifically authorized to naturalize.

19th Century Immigration

- Active recruitment of labor by business
- Prepaid steamer tickets
- No restrictions. Minimal attention to immigrants.
- 1855 Castle Garden opened in New York. Concern with health of immigrants.

19th Century Immigration

Why did people move?

- Drastic population increases
- Displacement of agricultural workers and traditional handicraft workers by industrial revolution.
- Religious persecution, war, revolutions and political upheavals.
- Famine (1842-1854) 1.2 million Irish

19th Century Immigration

- Between 1820 and 1860 more than 5 million immigrants would arrive in the US.
- That is more than half the population in 1820, and more than the entire population in 1790.
- Irish were 44% of all immigrants in the 1830s, and 50% of all immigrants in the 1840s.
- They were 7% of the population of the US by the end of the Civil War

Peaks of Immigration

- 1840's Germans and Irish
 - Germans fleeing failure of 1848 liberal revolution.
- Pre 1880
 - Northern and Western Europe
 - Great Britain, France, Germany, Netherlands, Scandinavian Countries.
- 1880-1920
 - Southern and Eastern Europe

MULDON'S JOKES



ST. PATRICK'S DAY 1867.



RUM.

BRUTAL ATTACK ON THE POLICE.

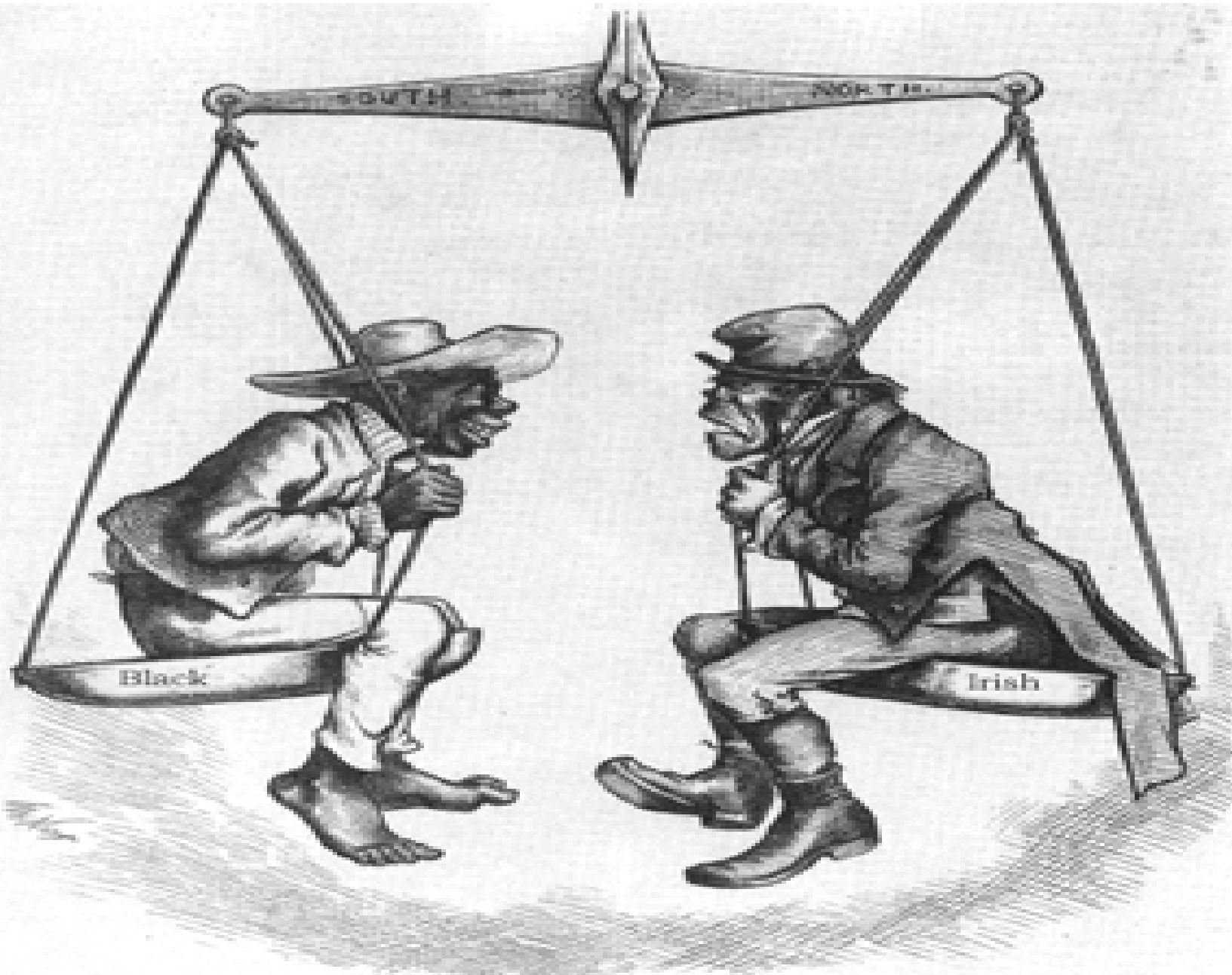
"THE DAY WE CELEBRATE."

IRISH RIOT.

Th. Nast.

BLOOD.





THE SOUTHERN SCALE—SOUTH AND IRISH.

Nativism

- The term first appears in 1850s in reference to Know Nothings.
- John Higham, historian *Strangers in the Land*, published 1955.
- “intense opposition to an internal minority on the ground of its foreign (i.e. unAmerican) connections. p. 4

Religious Nativism

- United States as a Protestant Nation
 - Fears of Catholics and Jews
 - Anti-Semitism
 - Jews seen as unassimilable
 - Fear that the Pope would control Catholics
 - John F. Kennedy in 1960 had to address this to be elected.
 - The KKK in the South targeted Jews and Catholics as well as blacks

Nativist Reactions

Anti Catholicism

- Rise of Know Nothing Party in the 1850s
- 1854 elections, Massachusetts
- Elected mayor of San Francisco, Chicago, governor of California.
- 1856 Presidential Election Millard Fillmore (who had been President (1850-1852) got 900,000 votes out of 4 million cast.

- Platform

- Severe limits on immigration, especially from Catholic countries
- Restricting political office to native born
- Mandating 21 year wait until naturalization
- Restricting public school teachers to Protestants
- Mandating reading from Protestant bible in public schools.

Asian Immigration

- Chinese first came during the gold rush, 1849.
- Faced bitter discrimination from beginning
- 1850-1882 225,000 Chinese immigrants.
Sojourners.

- 1842 Encyclopedia Britannica
 - A Chinaman is cold, cunning and distrustful; always ready to take advantage of those he has to deal with; extremely covetous and deceitful; quarrelsome, vindictive, but timid and dastardly. All ranks and conditions have a total disregard for truth.

Recruited for Manual Labor

Railroads, mining

- Leland Stanford, president of Central Pacific Railroad
 - Quiet, peaceful, industrious, economical
- They were paid the same as whites, but fed and housed themselves, costing only two thirds as much as whites.

1865 New York Times

- We have four million degraded negroes in the South, and if there were to be a flood tide of Chinese population—a population befouled with all the social vices, with no knowledge or appreciation of free institutions or constitutional liberty, with heathenish souls, and heathenish propensities, whose character and habits and modes of thought are firmly fixed – we should be prepared to bid farewell to republicanism and democracy.

First Restriction Era 1875-1920

- Chinese Exclusion Act. 1882
- Gentleman's Agreement with Japan 1907
- Dillingham Commission 1907
- Asiatic Barred Zone 1917

1882

- Immigration Act of 1882
 - Specifically made regulation of immigration the duty of the Federal Government (Treasury)
 - Barred those likely to become public charges

1882

- Chinese Exclusion Act
 - Restricts all Chinese laborers for 10 years (will last until 1943)
 - Bars Chinese naturalization
 - Only exceptions: Teachers, students, merchants, sons and daughters of US citizens
 - Provides for deportation of Chinese illegally in the US
 - First “illegal aliens”



"AND STILL THEY COME!"

John T. Spang



AND NOW THEY COME AS SPANIARDS.

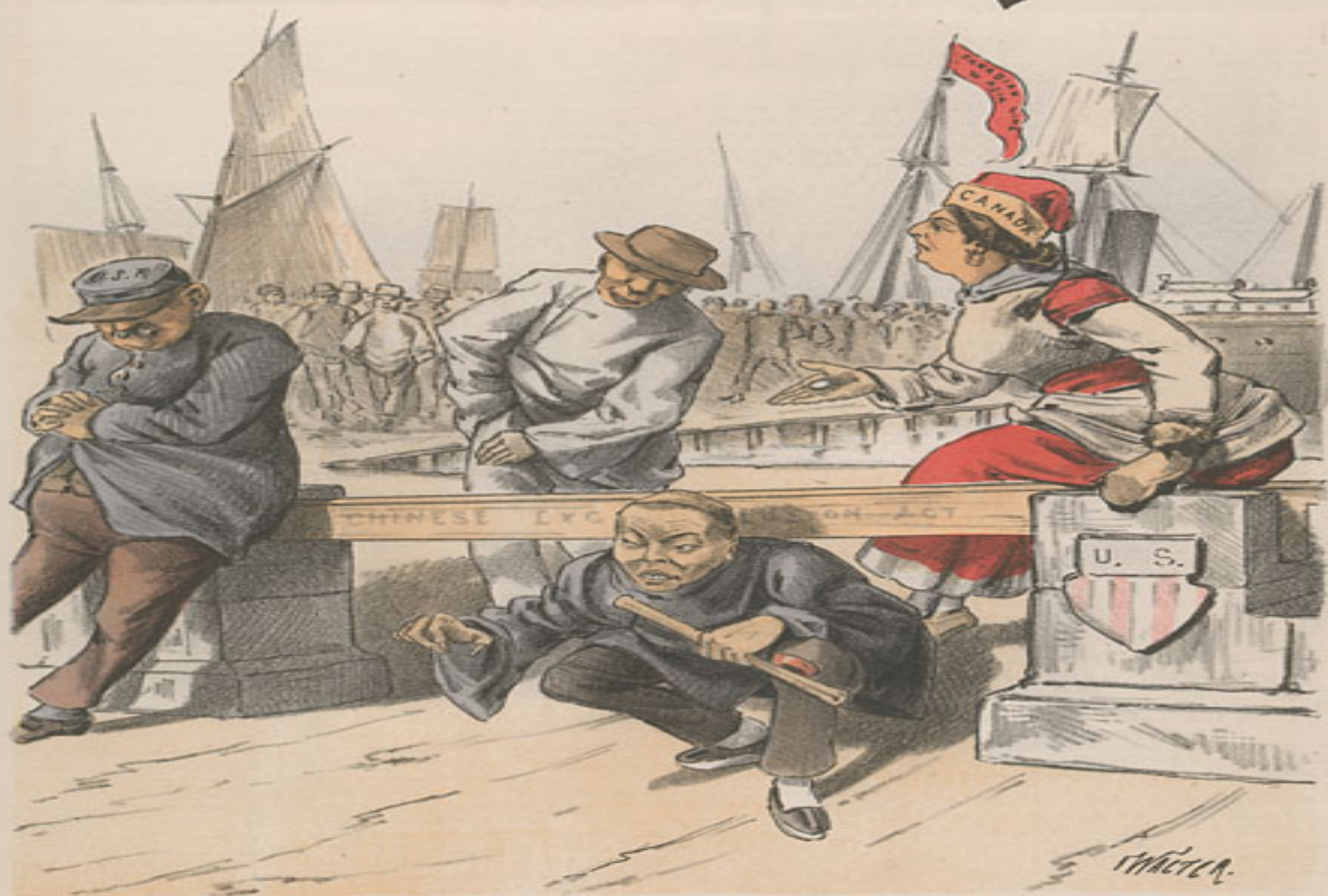
N. Y. CUSTOMS OFFICER: What! You are a Spaniard!

DON JOHN: Paper say so, so be.

N. Y. CUSTOMS OFFICER: That's so; pass in.

SCHRIOT LABEL & LITH. CO. N. Y.

Wasp



THE BACK DOOR.

The wily Chinese sneaking over the Northern frontier.

SEYMOUR LARSEN & LITH. CO. N. Y.

Asian Immigration

- Pre 1882 Chinese immigrants
- 1882-1907 Japanese
- 1882-1923 Punjabi Sikhs
- 1907-1934 Filipinos

1892

- Chinese Exclusion Act was renewed,
- Extended indefinitely in 1902.
- Australia excluded Chinese in 1901.
- Canada restricted Chinese in 1923.

Lasting Effects on Population

- Chinese laborers were men who had left their families in China, very few were able to bring family. Became a “Bachelor Society”-aging and declining.
- Japanese Gentlemen Agreement allowed for family reunification—2nd and 3rd generation Japanese, farmers, did well—interned during WWII.
- Filipinos and Punjabi Sikhs had higher intermarriage (with Mexican Americans)

1880-1920

- Massive immigration from Europe, origins switched from Northern and Western Europe to Southern and Central Europe, including Jews and Catholics in large numbers.
- Rapid industrialization and urbanization. 20 million immigrants arrived.
- In 1910 immigrants were 14.8% of the population, the highest its been.

Immigration Act of 1917

- Instituted Literacy Requirement
- Created “Asiatic Barred Zone”. Barred all immigration from Asia.
- Expanded powers of immigration officers to exclude or deport people.
- Public Health Service to do screening for diseases.

Movement to Restrict Immigration from Europe

- Racial origins of Southern and Eastern Europeans
- Worries about Socialists and Communists
- Religious prejudice against Jews and Catholics
- Concern about immigrants undermining wages and organized labor
- Immigrant advocates advocated a “pause” for assimilation to occur.



Dillingham Commission

- 1907-1911
 - 42 Volumes
 - Recommended restriction of immigration.
 - Contained a great deal of debate and testimony about the “racial” inferiority of immigrants from Southern, Central, and Eastern Europe

Political Nativism

- Importance of preserving US as a democracy
- Fears of anarchists and agitators
- Bolshevik Revolution 1917
- Fears of divided loyalty during World War I.
(Germans were largest group, had preserved language and culture through schools and organizations)

1917 Cartoon
pointing out that
German
Americans
couldn't be
trusted during
WWI





Southern Central and Eastern Europeans

- More than 5 million Italians came to the US since immigration records began. 4 million of them arrived between 1880 and 1920.
- Most were from Southern Italy, 52% were illiterate.



REGARDING THE ITALIAN POPULATION.

A Nuisance to Pedestrians.

Their Sleeping Apartments.

Afternoon's Pleasant Diversions.



The Way to Dispose of Them.

The Way to Arrest Them.

Racial Nativism

- US as a white nation SCE and Irish seen as separate “races”
- Fears about racial contamination and inferiority of immigrants
- Eugenics: “scientific” use of race to explain behavior and difference.
- Dark skinned immigrants as targets
 - Southern Italians, Greeks
- Madison Grant: eugenic theory of Nordic superiority, warned against hybridism that would lead to reversion to the “lower type” of race.

Coalitions for restriction

- Organized Labor
- Progressives and Socialists
- Intellectuals and Harvard Professors
 - Immigration Restriction League
 - Eugenecists and Social Darwinists

Coalitions against Restriction

- Big Business
 - National Association of Manufacturers
- Immigrants Groups Themselves
 - Jewish leaders and organized groups
- Leaders of both political parties, appealing to the votes of the foreign born and their children.

1924 Johnson Reed Act

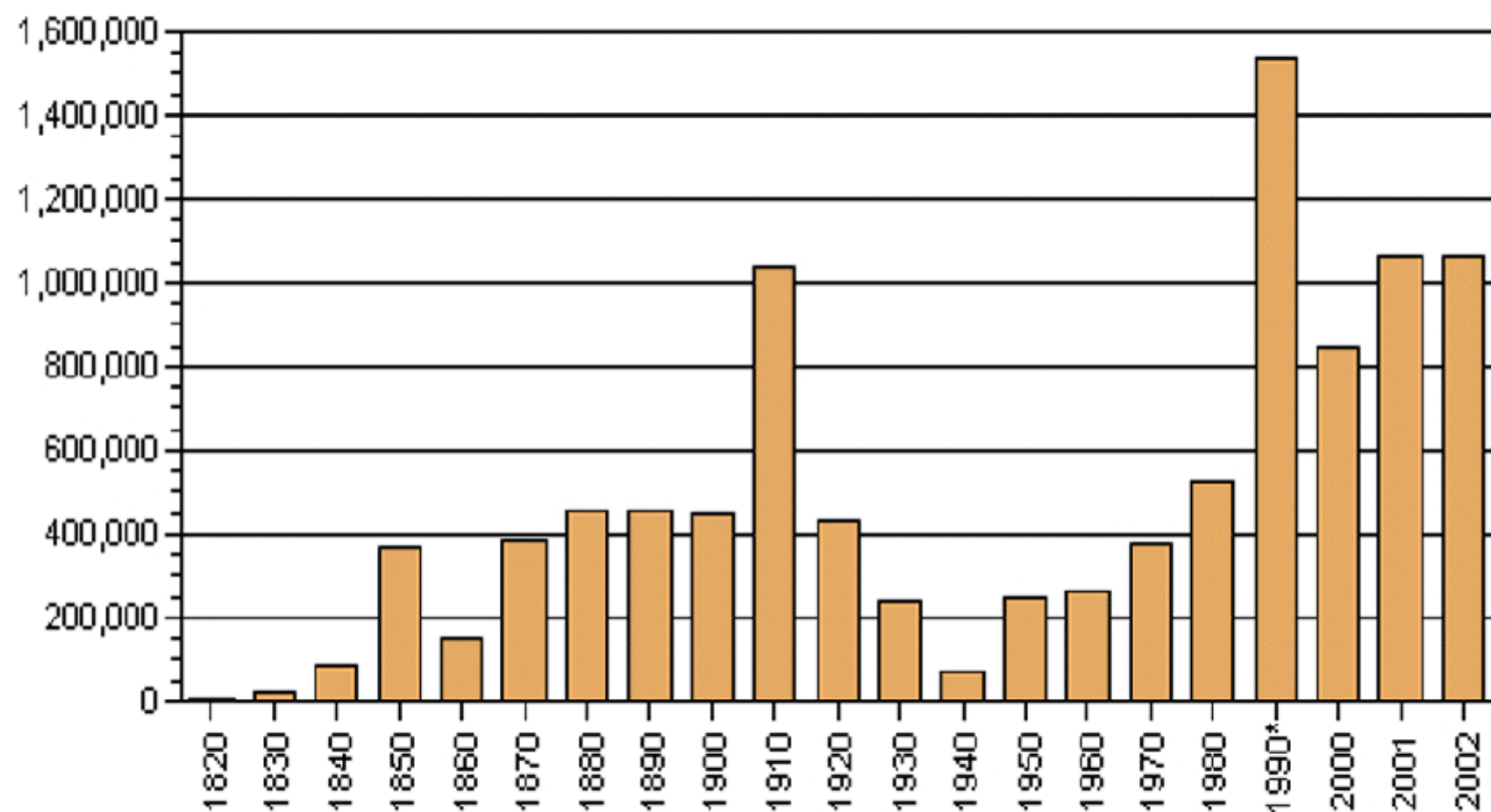
- Limited immigration from the Eastern Hemisphere to 154,000 per year.
- Created visas, and screening by consuls abroad.
- Created Border Patrol
- Did not limit the Western Hemisphere
- Used 1890 Census Figures to determine national origins quotas

1924 Johnson Reed Act

- 83% of immigrants were to come from North and West Europe
- 15% were to come from Southern and Eastern Europe
- 2% were to come from the rest of the world
- Barred all people who were ineligible for citizenship. Asiatic Barred Zone

Immigration to the United States

Legal immigrants admitted to the United States, fiscal years 1820-2002



*1990 figure includes undocumented workers legalized under the 1986 amnesty law

Note: Between 1820-2002, 68,217,481 legal immigrants were admitted to the U.S. The U.S. Department of Homeland Security estimates that about 350,000 illegal immigrants enter the U.S. each year.

Source: "2002 Yearbook of Immigration Statistics," October 2003, U.S. Department of Homeland Security

Controlling Immigration

- INS (Immigration and Nationality Service) created in 1924
 - In Labor Department until 1942
- Laws limiting public charges
- Depression: 400,000 Mexicans--"Voluntary Repatriation" 50% of deportees were born in US and thus citizens.

Mexicans and Immigration Restriction

- Dillingham Commission heard a lot of racist testimony about Mexicans and Southern Central and Eastern Europeans.
- Congressman testified:
 - Illiterate, unclean peonized masses...a mixture of Mediterranean blooded Spanish peasants with low grade Indians who did not fight extinction but submitted and multiplied as serfs. The influx of Mexicans creates the most insidious and general mixture of white, Indian and Negro blood strains ever produced in America.

Immigration from Mexico

- 1848 Treaty of Guadalupe Hidalgo ended the Mexican American War.
 - United States annexed CA, AZ, NM, CO, TX
- 1910-1917 Mexican Revolution and economic development created push factor in Mexico.
- Border 2000 miles long. History of back and forth movement.
- No restrictions except for “public charge” restriction which was used to deport people during the depression

1930s

- Forced Repatriation 500,000 or more people.
- Often during the depression when they applied for relief they were given a one way train ticket.
- Enforcement of Literacy Requirement at the Border in order to keep people out.

Bracero Program

- 1942-1964 FARM Labor
- US underwrote travel costs
- Guaranteed just and equitable treatment
- 5 million people came. Meant to be temporary. Many stayed.

Braceros



Braceros



1952 McCarran Walter Act

- Abolished the category of aliens ineligible for citizenship.
- But it awarded a quota of 105 for China, 185 for Japan.
- All other countries in the Asia Pacific Triangle (Asiatic Barred Zone) got quotas of 100 each.
- Granted nonquota status to husbands of American wives.

1952 McCarrren Walter Act

Eliminates all racial and gender barriers to naturalization.

Continues quota system. Racial for Asians.

Established preferences

Truman vetoed it because of Quotas. But Congress overrode the veto. Truman established Commission to study immigration.

Harry Truman

- *These are only a few examples of the absurdity, the cruelty of carrying over into this year of 1952 the isolationist limitations of our 1924 law. In no other realm of our national life are we so hampered and stultified by the dead hand of the past, as we are in this field of immigration."* (Truman, Harry S., *Public Papers of the Presidents of the United States*. U.S. Government Printing Office, Washington, D.C., 1961, pp. 443-444.)

1965 Law Hart-Celler Act

- Came along with Civil Rights Legislation. Introduced by Kennedy. Passed under Johnson.
- Replaced Quotas with Uniform Limit Per Country. Preference System
- Limited Western Hemisphere for first time
- Principles: Family Reunification. Employment. Refugees.
- Gave every country in the world the same quota
- Unintended Consequences. Asian and Latin American immigration.

President Johnson Signing 1965 Law on Liberty Island



Intended Consequences

- Law was intended to end racial discrimination:
- Lyndon Johnson:
 - This system violates the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country. 1965
 - See more at: <http://www.lbjlibrary.org/lyndon-baines-johnson/timeline/lbj-on-immigration#sthash.sgXhlwqu.dpuf>

Unintended Consequences

- Lawmakers argued it would not increase numbers of immigrants or the ethnic mix.
 - Attorney General Robert Kennedy:
 - I would say for the Asia Pacific Triangle it immigration would be approximately 5,000 Mr.Chairman, after which immigration from that source would virtually disappear; 5,000 immigrants would come the first year, but we do not expect that there would be any great influx after that.

Unintended Consequences

- Rep. Emanuel Celler
 - Immigrants from Asia and Africa will have to compete and qualify in order to get in, quantitatively and qualitatively, which, itself will hold the numbers down. There will not be, comparatively, many Asians or Africans entering this country. Since the people of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries because they have no family ties in the US.
 - August 25, 1965.

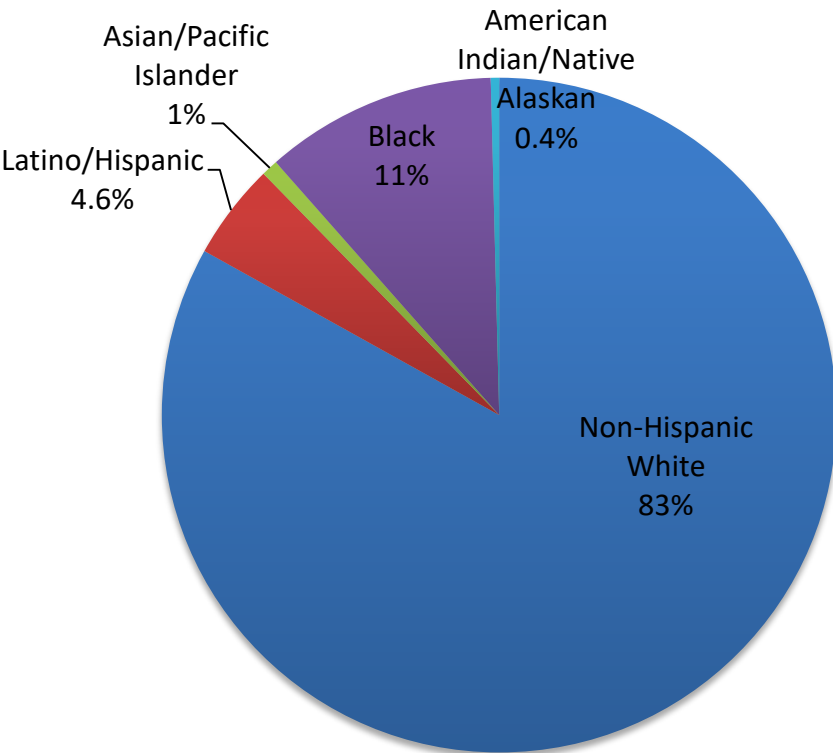
Unintended Consequences

- Senator Edward Kennedy:
 - The bill will not flood our cities with immigrants. It will not upset the ethnic mix of our society. It will not relax the standards of admission. It will not cause American workers to lose their jobs.
Feb 10, 1965.

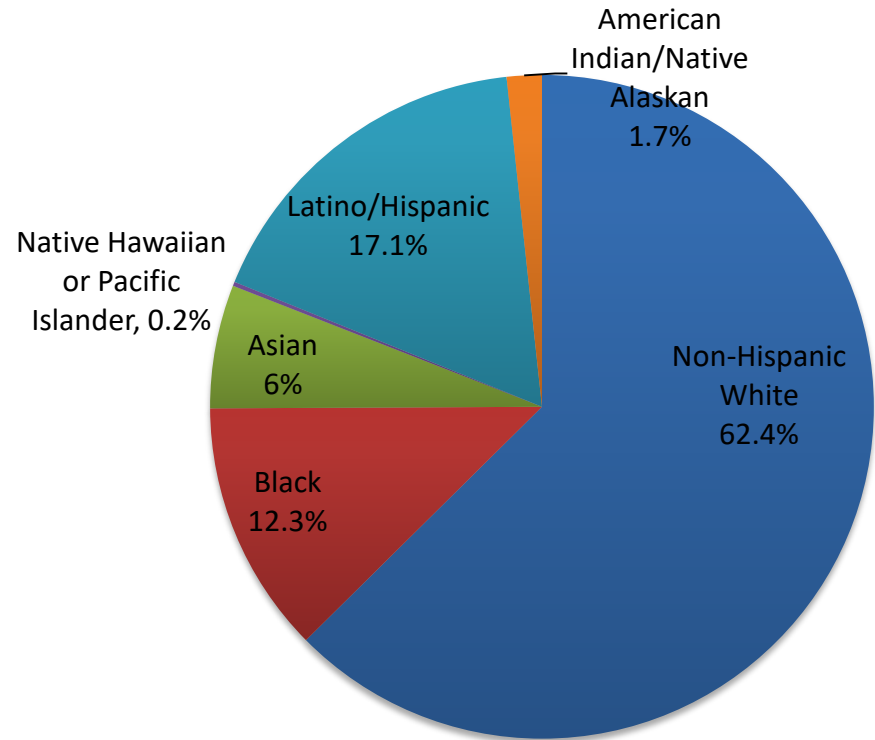
Legacies of the Law

- Created three categories of people
 - Immigrants (Family/Employment)
 - Refugees/Asylees
 - Illegal/Undocumented Immigrants
- Family Chain Migration is Unlimited.
- Large increase in immigration
- Immigration increases from Latin America, Asia and the Caribbean.

Effects of Immigration on Society: Demographic Change



1970

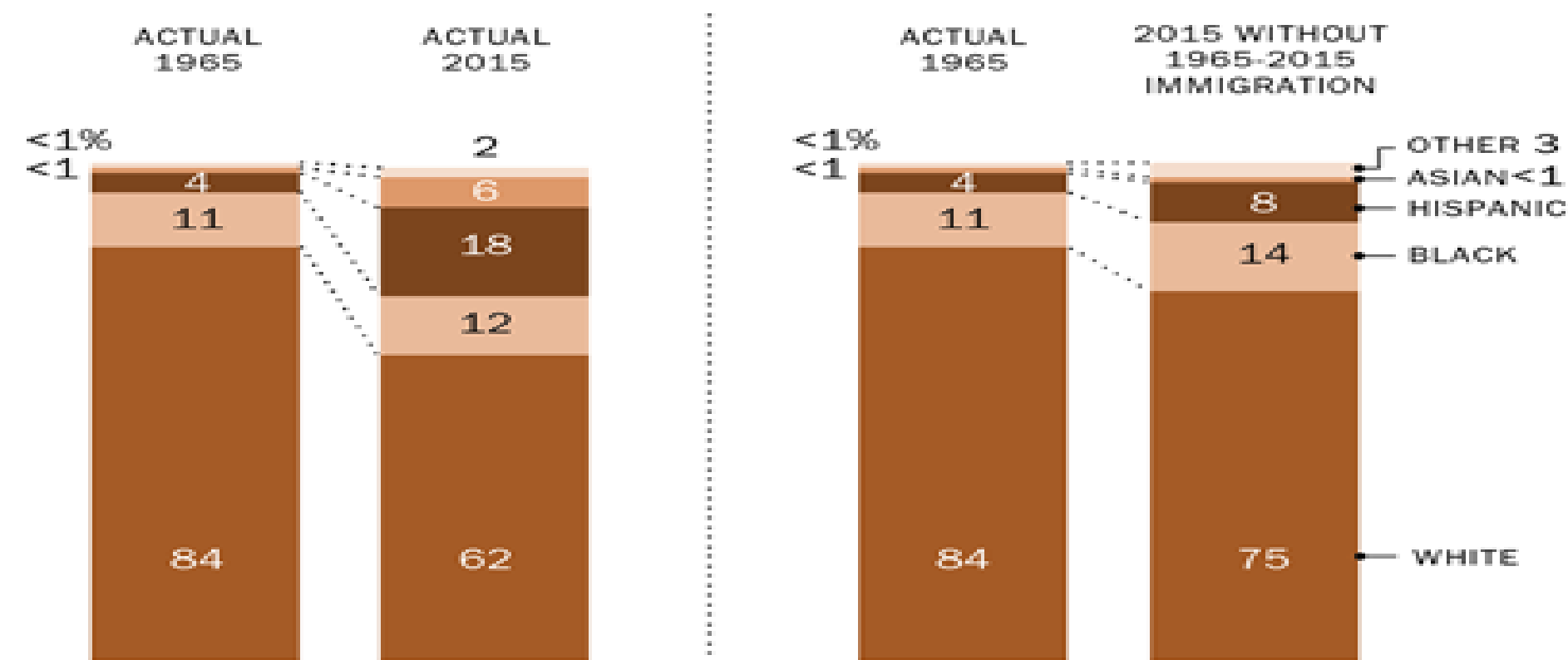


2013

FIGURE 4

Post-1965 Immigration Wave Reshapes America's Racial and Ethnic Population Makeup

% of U.S. population



Note: Whites, blacks and Asians include only single-race non-Hispanics. Asians include Pacific Islanders. Hispanics are of any race. Numbers for "2015 without 1965-2015 immigration" exclude immigrants arriving from 1965 to 2015 and their descendants.

Source: Pew Research Center estimates based on adjusted census data