

# US Immigration Policy & Reform:

What does the evidence tell us?

Institute for the Study of International Migration

GEORGETOWN  
UNIVERSITY

## Looking Back to Move Forward: Examining Past Legalization Programs in the U.S.

ANNOTATED BIBLIOGRAPHY

September 2013

**Baker, B. C. (October 2010).** “Naturalization Rates among IRCA Immigrants: A 2009 Update.” *Office of Immigration Statistics*.

<http://www.dhs.gov/xlibrary/assets/statistics/publications/irca-natz-fs-2009.pdf>

This Fact Sheet compares the naturalization rates of IRCA legalized immigrants through 2009 to the naturalization rates of other immigrants who arrived or obtained LPR status during the same period. The data were obtained by matching administrative records of LPRs and naturalizations maintained by the Department of Homeland Security. Naturalization rates were calculated by dividing the number of LPRs within a given category who naturalized before the end of 2009 by the total number of LPRs within the same category. Nearly 2.7 million persons became LPRs under IRCA, including 1.6 million pre-1982s and 1.1 million SAWs. By the end of 2009, 1.1 million IRCA immigrants had naturalized.



### ABOUT THE PROJECT

The Institute for the Study of International Migration, with the support of the MacArthur Foundation, is organizing a series of public presentations, as well as expert roundtables that address the multiple challenges of immigration reform. The aim of the project is to inform debate on immigration reform, with a focus on addressing the challenges of implementation

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**Cooper, B. and O'Neil, K. (August 2005).** "Lessons from the Immigration Reform and Control Act of 1986." *Migration Policy Institute*.

[http://www.migrationpolicy.org/pubs/PolicyBrief\\_No3\\_Aug05.pdf](http://www.migrationpolicy.org/pubs/PolicyBrief_No3_Aug05.pdf)

In this report, authors surveyed the general effect of legalization through the Immigration Reform and Control Act drawing from the previous decades' lessons for future immigration legislation. The key lessons were highlighted as: (1) IRCA led to mixed-status families; (2) there were not options or answers for those who did not qualify for the program; and (3) the outreach to immigrants was not distributed equally among other non-Mexican immigrants.

**Kerwin, D. M. (December 2010).** "More Than IRCA: U.S. Legalization Programs and the Current Policy Debate." *Migration Policy Institute*.

<http://www.migrationpolicy.org/pubs/legalization-historical.pdf>

This report looks at a history and brief analysis of a number of the legalization programs in the U.S., including (but not limited to) IRCA. The report shows that even since 1986, more immigrants have legalized through population specific and registry programs than through IRCA's "general legalization" provisions, the only program of its kind in US history. The IRCA general legalization program (as distinguished from its three population-specific programs) granted legal status to 1.6 million unauthorized immigrants; in contrast, a conservative count finds that more than 2.1 million persons were legalized through the major population-specific and registry provisions since 1986, and a far higher number since the 1920s.

**North, D. (January 2010).** "A Bailout for Illegal Immigrants? Lessons from the Implementation of the 1986 IRCA Amnesty." *Center for Immigration Studies*.

<http://www.cis.org/irca-amnesty>

This essay analyses the indirect impacts IRCA had and specifically focuses on the issue of fraud. The report relies upon the written legislation to determine the groups IRCA aimed to assist. There is also a systematic analysis and critique including the implementation by the Immigration and Naturalization Services. Findings by the essay point at the large amount of fraud by applicants and the lack of action to combat fraud on a systematic level.

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**Pew Research Center. (June 2013). “‘Borders First’ a Dividing Line in Immigration Debate: More Say Legalization Would Benefit Economy than Cost Jobs.”**

<http://www.people-press.org/2013/06/23/borders-first-a-dividing-line-in-immigration-debate/>

This June 2013 report summarizes a Pew Research Survey on public opinions regarding immigration. The survey results claim that the majority of Americans support legalization and support increased border security, though they are divided on which should come first. The report also claims that a majority of Americans think that legalization would benefit the economy.

**Roney, L. (June 2013). “Crafting a Successful Legalization Program: Lessons From the Past.” *Immigration Policy Center*.**

<http://www.immigrationpolicy.org/perspectives/crafting-successful-legalization-program-lessons-past>

This essay focuses on lessons learned from IRCA as a guide for current immigration reform efforts. Roney draws on her experience as a 39-year career veteran with the Department of Homeland Security and Immigration and Naturalization Service where she studied the implementation of IRCA. She finds that a successful legalization program depends on simplicity and common sense and she lays out six basic principles to guide the process which include: (1) keep it simple; (2) be inclusive; (3) make it affordable; (4) make it safe; (5) promote administrative efficiency; and (6) make all parts of the system work together.

**Wasem, R. (February 2010). “Alien Legalization and Adjustment of Status: A Primer.” *Congressional Research Service*. <http://fpc.state.gov/documents/organization/138728.pdf>**

This report summarizes the main avenues for foreign nationals currently in the United States—legally or illegally—to become LPRs. Alien legalization, or “amnesty,” as well as adjustment of status and cancellation of removal options, are briefly discussed. Designed as a primer on the issues, the report provides references to other CRS products that track pertinent legislation and analyze these issues more fully.

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## State & Local Legalization Implementation

**Hagan, M.J. and Baker, S.G. (Autumn 1993). “Implementing the U.S. Legalization Program: The Influence of Immigrant Communities and Local Agencies on Immigration Policy Reform.” *International Migration Review*, Vol. 27, No. 3, pp. 513-536.**

This study emphasizes how local-level implementation actually dramatically changed the allowances of immigration policy reform, and made IRCA a more generous program than originally intended. In particular, the authors point out the attractiveness of the temporary visas, which encouraged even ineligible immigrants to apply.

**Liu, C.L. (1991). “IRCA’s State Legalization Impact Assistance Grants (SLIAG): Early Implementation.” *RAND Corporation*.**

<http://www.rand.org/content/dam/rand/pubs/notes/2009/N3270.pdf>

This paper examines the effectiveness of initial implementation of the State Legalization Impact Assistance Grants. It emphasizes a number of reasons that implementation of the program was slow, including heavy regulation and poor communication.

**Ong, H., Bill. (1992). “The Immigration and Naturalization Service, Community Based Organizations, and the Legalization Experience: Lessons for the Self-Help Immigrant Phenomenon.” *Georgetown Immigration Law Journal* Vol. 6, 413-498.**

<http://lawprofessors.typepad.com/files/ircaarticle.pdf>

This article evaluates INS implementation efforts during the IRCA legalization process, and particularly, it analyzes how the agency reached out to community organizations and immigrant communities.

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**Rolph, E.S. and Robyn, A. (1990). "A window on Immigration Reform: implementing the Immigration Reform and Control Act in Los Angeles." *RAND Corporation*.  
[http://www.rand.org/pubs/joint\\_reports-immigration/JRI06](http://www.rand.org/pubs/joint_reports-immigration/JRI06)**

Responding to growing concerns that the United States was fast losing control of its borders to illegal immigration, Congress enacted the 1986 Immigration Reform and Control Act (IRCA). At its heart, the statute represents an effort to control illegal immigration by reducing the opportunities for illegal immigrants to find employment. At the same time, recognizing that a substantial number of illegal immigrants already had established themselves as an integral part of the economic and social fabric of the nation, the statute also provided that longtime residents could convert to legal status and eventually gain citizenship. This study examines the implementation of IRCA in Los Angeles, the nation's most important "gateway city" for illegal immigration. Understanding how and why the law is being interpreted and applied as it is in this locale helps explain outcomes in a critical location and sheds light on national implementation.

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## Processing Legalization Applicants

**Giovagnoli, M. (September 2011). “Improving the Naturalization Process: Better Immigrant Integration Leads to Economic Growth.” *Immigration Policy Center*. <http://immigrationpolicy.org/perspectives/improving-naturalization-process-better-immigrant-integration-leads-economic-growth>**

This essay argues that to improve the naturalization process, citizens and immigrants must urge the government to use its executive authority to improve the quality of the application and adjudication process. The author writes that a broader national immigrant integration strategy, coordinated across the federal and state governments, is critical to changing the way we talk about immigration today. The success of such a plan would benefit individuals, strengthen our democracy, and help us break the stalemate that keeps us from addressing the broader immigration reform we need. The report argues that promoting better immigrant integration will actually make it easier to justify better, smarter immigration laws in the future.

**Juffras, J. (1991). “Impact of the Immigration Reform and Control Act on the Immigration and Naturalization Service.” *RAND Corporation*. [http://www.rand.org/pubs/joint\\_reports-immigration/JRI09](http://www.rand.org/pubs/joint_reports-immigration/JRI09)**

Based on interviews in eight metropolitan areas—Chicago, El Paso, Houston, Los Angeles, Miami, New York, San Antonio, and San Jose—this report examines the impact of the Immigration Reform and Control Act of 1986 (IRCA) on the Immigration and Naturalization Service (INS). It finds that, overall, IRCA slightly improved the INS’s ability to enforce the law and serve immigrants. However, the transformation of the INS into a highly diversified law enforcement agency has left the INS overburdened. This overburdening appears to be diminishing the impact of employer sanctions, IRCA’s main enforcement reform.

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## Judicial Review

**Guttentag, L. “A Brief Introduction to Judicial Review in Relation to IRCA Legalization.”**  
*Yale Law School.*

[http://www.law.yale.edu/documents/pdf/Clinics/Immigration\\_Reading5.pdf](http://www.law.yale.edu/documents/pdf/Clinics/Immigration_Reading5.pdf)

Experience under the 1986 Act shows that judicial supervision was critical to ensuring that the programs enacted by Congress were actually implemented as required by the statute and due process. After IRCA’s enactment, a number of key lawsuits challenged rules, regulations, policies and practices adopted by the Immigration and Naturalization Service (INS). This judicial review compares those legal key actions. In most cases, the Justice Department promptly changed or soon abandoned its challenged interpretations or policies once litigation was initiated or the district courts issued preliminary rulings against the INS. Yet, without lawsuits, the policies would have remained intact.

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## Costs & Economic Considerations of Legalization

**Congressional Budget Office. (June 2013). “The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act.”**

<http://www.cbo.gov/sites/default/files/cbofiles/attachments/44346-Immigration.pdf>

The Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) would revise laws governing immigration and the enforcement of those laws, allowing for a significant increase in the number of noncitizens who could lawfully enter the United States permanently or temporarily. The bill also would create a process for many currently unauthorized residents to gain legal status, subject to their meeting conditions specified in the bill. The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) have prepared this estimate of the cost of that legislation to the federal government, including projections of the bill’s effects on both federal spending and federal revenues. That cost estimate reflects some, but not all, of the effects that S. 744 would have on the economy. This supplemental report provides estimates of the overall economic impact of the legislation and of the incremental federal budgetary effects of changes in the economy that the cost estimate does not reflect. Ascertaining the effects of immigration policies on the economy and the federal budget is complicated and highly uncertain, even in the short run, and that task is even more difficult for longer periods; for that reason, this report addresses the next 20 years but does not attempt to look over a longer horizon.

**Greenstone, M., and Looney, A. (September 2013). “Ten Economic Facts About Immigration.” *The Brookings Institution*.**

[http://www.brookings.edu/~media/research/files/reports/2010/9/immigration%20greenstone%20looney/09\\_immigration.pdf](http://www.brookings.edu/~media/research/files/reports/2010/9/immigration%20greenstone%20looney/09_immigration.pdf)

This policy memo explores some of the questions frequently raised around immigration in the United States and provides facts drawn from publicly available data sets and the academic literature. It seeks to summarize the economic facts about immigration—the real effects that new immigrants have on wages, jobs, budgets, and the U.S. economy—facts that are essential to a constructive national debate. These facts paint a more nuanced portrait of American immigration than is portrayed in today’s debate. Recent immigrants hail from many more countries than prior immigrants; they carry with them a wide range of skills from new PhDs graduating from American universities to laborers without a high school degree. Most recent immigrants have entered the United States legally, but around 11 million unauthorized immigrants currently live and work in America; the majority of these unauthorized workers settled here more than a decade ago. Each of these immigrant groups affects the U.S. economy in varied ways. Immigrants now comprise more than 12 percent of the American population, according to recent estimates, approaching levels not seen since the early 20th century.



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**Simcox, D. (May 1997). “Measuring the Fallout: The Cost of the IRCA Amnesty After 10 Years.” *Center for Immigration Studies*. <http://www.cis.org/IRCAAmnesty-10YearReview>**

This report analyses the fiscal liabilities the U.S. took on during IRCA by opening more public assistance programs to a population with high needs and low taxpaying power. To ease the burden on the states, Washington closed some programs to the newly legalized for five years and reimbursed the states nearly \$3.5 billion for some of their aid costs. A review of the evidence a decade later confirms that legalization indeed carried a high fiscal price tag — a total 10-year cost of \$78.7 billion — with the indirect and downstream costs still accumulating. In the ten-year period ending in 1996 the report looks into the \$102.1 billion costs in current dollars in twenty federal, state, and local assistance programs and services compared to the paid total taxes of \$78 billion. These are estimates of the direct costs only, but the report also looks into job displacement and educational costs. Large numbers of the legalized began to naturalize starting in 1995. According to the U.S. commission on Immigration Reform, 1.4 million spouses, children, and parents of amnestied aliens now on immigration waiting lists, will gain immediate entry as relatives of citizens. The costs of public education for the young people of this population and medical care and income support for the 900,000 aging parents is expected to be formidable.

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## Outcomes for Legalized Workers & Long Term Effects

**Baker, S.G. and Bean, F. (1989). “The Legalization Programs of the 1986 Immigration Reform and Control Act: Moving Beyond the First Phase.” *In Defense of the Alien* , Vol. 12, pp. 3-11.**

This report outlined some preliminary results on implementation of IRCA’s legalization program. It predicts some of the family visa backlog that later came to fruition, but claims it will not be as bad as feared. It also discusses implications of IRCA on families.

**Baker, S.G. (Spring 1997). “The ‘Amnesty’ Aftermath: Current Policy Issues Stemming from the Legalization Programs of the 1986 Immigration Reform and Control Act.” *International Migration Review*, Vol. 31, No. 1, 5-27.**

The report uses LPS data and qualitative fieldwork to evaluate impacts of IRCA on immigrants and communities. Discusses the disparity in outreach among national origin groups (that Mexicans were disproportionately represented in legalization compared to their share of the undocumented population). Looks at effects on immigrants: evaluates human capital measures of legalized population, mentions English/civics classes and their impact, the residual population and mixed status families. Also looks at effects on communities: labor market, anti-immigrant sentiment, public assistance programs, and impact of naturalization.

**Baker, S.G. (1990). “The Cautious Welcome: The Legalization Programs of the Immigration Reform and Control Act.” *Urban Institute*.**  
<http://www.urban.org/expert.cfm?ID=SusanGonzalezBaker>

This exhaustive study chronicles the design, implementation, and outcomes of the legalization provisions of the 1986 Immigration Reform and Control Act. The author draws on two types of data: interviews with those responsible for program implementation (representatives of the relevant public and private agencies at the federal, state, and local levels) and firsthand observations of a wide range of program activities in the field.

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**Baker, S. (February 2013).** “Effects of Immigrant Legalization on Crime: The 1986 Immigration Reform and Control Act.” *Stanford Institute for Economic Policy Research*.  
<http://siepr.stanford.edu/?q=/system/files/shared/pubs/12-012.pdf>

This paper examines the effects that IRCA—which legalized over 2.5 million undocumented immigrants—had on the commission of crime in the United States. Using administrative data from the IRCA application process, the author finds evidence that IRCA applicants are associated with higher crime rates prior to legalization and that, subsequent to legalization, this association disappears. Paper reports national decreases in crime of approximately 2%-5% associated with one percent of the population being legalized, primarily due to a drop in property crimes. This fall in crime is equivalent to 160,000-400,000 fewer crimes committed each year due to legalization. Finally, author calibrates a labor market model of crime using empirical wage and employment data and finds that much of the drop in crime could be explained by greater job market opportunities among those legalized by the IRCA.

**Barcellos, S.H. (March 2011).** “Legalization and the Economic Status of Immigrants.” *RandCorporation*.

[http://works.bepress.com/cgi/viewcontent.cgi?article=1003&context=silvia\\_barcellos&seiredir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fstart%3D10%26q%3Dirca%2Blegalization%26hl%3Den%26as\\_sdt%3D1%2C47%26as\\_ylo%3D2009#search=%22irca%20legalization%22](http://works.bepress.com/cgi/viewcontent.cgi?article=1003&context=silvia_barcellos&seiredir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fstart%3D10%26q%3Dirca%2Blegalization%26hl%3Den%26as_sdt%3D1%2C47%26as_ylo%3D2009#search=%22irca%20legalization%22)

This paper investigates the impact of legalization on the outcomes of the legalized population. It uses a natural experiment caused by the 1986 IRCA, which legalized undocumented immigrants who could prove continuous residence in the U.S. after 1982. The arbitrary cutoff date on the eligibility criteria allows the identification of the causal impacts of legalization in a RDD. Legalization increases by 30 percent the naturalization rate of Mexican high school dropouts but the impact on other economic outcomes is limited. The effects vary between 2 to 3 percent for wages and are small and usually insignificant for occupation and mobility.

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**Borjas, G.J. (June 2013). “The Slowdown in the Economic Assimilation of Immigrants: Aging and Cohort Effects Revisited Again.” *NBER Working Paper No. 19116*.  
<http://www.nber.org/papers/w19116>**

This paper uses data drawn from the 1970-2010 decennial Censuses to examine the evolution of immigrant earnings in the U.S. labor market. The analysis reveals that there are cohort effects not only in the level of earnings, with more recent cohorts generally having relatively lower entry wages, but also in the rate of growth of earnings, with more recent cohorts having a smaller rate of economic assimilation. Immigrants who entered the country before the 1980s typically found that their initial wage disadvantage (relative to natives) narrowed by around 15 percentage points during their first two decades in the United States. In contrast, the immigrants who entered the country after the 1980s have a negligible rate of wage convergence. Part of the slowdown in wage convergence reflects a measurable reduction in the actual rate of human capital accumulation. In particular, there has been a concurrent decline in the rate at which the newer immigrant cohorts are “picking up” English language skills. The study isolates one factor that explains part of these trends: The rate of increase in English language proficiency is significantly slower for larger national origin groups. The growth in the size of these groups accounts for about a quarter of the decline in the rates of human capital acquisition and economic assimilation.

**Cobb-Clark, D. A. and Kossoudji, S. A. (2002). “Coming Out of the Shadows: Learning about Legal Status and Wages from the Legalized Population.” *Journal of Labor Economics*, Vol. 20, Issue 3, 598-628.**

The 1986 Immigration Reform and Control Act (IRCA) granted amnesty to approximately 1.7 million long-term unauthorized workers in an effort to bring them “out of the shadows” and improve their labor market opportunities. An analysis of wages using panel data for a sample of legalized men provides evidence that wage determinants are structurally different before and after amnesty. The wage penalty for being unauthorized is estimated to range from 14% to 24%. The wage benefit of legalization under IRCA was approximately 6%.

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**Fix, M. E. (1991). “The paper curtain: employer sanctions’ implementation, impact, and reform.” *RAND Corporation*.**

**[http://www.rand.org/pubs/joint\\_reports-immigration/JRI10](http://www.rand.org/pubs/joint_reports-immigration/JRI10)**

The papers in this volume address the related issues of the implementation, impacts, and reform of employer sanctions and selected programs authorized by the 1986 Immigration Reform and Control Act (IRCA), which was intended to curb illegal immigration. When IRCA was passed, legislators knew that some of the law’s components were experimental and would have to be monitored. The papers collected here examine the impact of IRCA and assess more broadly the unfolding gatekeeping function of U.S. immigration policies and their demographic, economic, and social effects. Several conclusions emerge: (1) the number of undocumented migrants across the southern border appears to be increasing again after a sharp decline following IRCA’s enactment; (2) jobs in agriculture appear to have remained a magnet for undocumented migrants, as worker turnover has increased and the number of farm labor contractors who serve as intermediaries between farmers and workers has expanded; (3) the introduction of employer sanctions appears to have increased the incidence of national origin and citizenship discrimination; and (4) new enforcement missions assigned the Immigration and Naturalization Service and continuing competition within the INS for enforcement resources are threatening the long-term effectiveness of sanctions.

**Hayes, J.; Hill, L.; and Lofstrom, M. (February 2013). “Wage and Mobility Effects of Legalization: Evidence from the New Immigration Survey.” *Journal of Regional Science*, Vol. 53, No. 1, 171-197.**

Using New Immigrant Survey data, the authors identify immigrants who were unauthorized to work prior to obtaining Legal Permanent Resident status, and examine whether lacking legal status to work in the United States constrains employment outcomes of illegal immigrants. The data revealed no evidence of improved employment outcomes attributable to legal status, except among the high-skilled workers. In light of evidence that unauthorized immigrants experienced increased wages as a result of receiving amnesty through the 1986 Immigration and Reform Control Act, they interpreted the results as consistent with a reduced threat of employer sanctions combined with widespread availability of false work authorization documents.

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**Paral, R. (November 2009).** “Economic Progress via Legalization: Lessons from the Last Legalization Program.” *Immigration Policy Center.*

[http://immigrationpolicy.org/sites/default/files/docs/economic\\_progress\\_via\\_legalization\\_-\\_paral.pdf](http://immigrationpolicy.org/sites/default/files/docs/economic_progress_via_legalization_-_paral.pdf)

The data analyzed in this report indicates that unauthorized immigrants who gained legal status in the 1980s through the legalization provisions of the Immigration Reform and Control Act (IRCA) experienced clear improvement in their socioeconomic situation. Between 1990 and 2006, the educational attainment of IRCA immigrants increased substantially, their poverty rates fell dramatically, and their home ownership rates improved tremendously. Moreover, their real wages rose, many of them moved into managerial positions, and the vast majority did not depend upon public assistance.

**Rytina, N. (October 2002).** “IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001.” *Office of Policy and Planning, Statistics Division, U.S. Immigration and Naturalization Service.*

*Immigration and Naturalization Service.*

<http://www.dhs.gov/xlibrary/assets/statistics/publications/irca0114int.pdf>

This paper presents summary statistics on the transitions in legal status of the IRCA population through 2001. The primary focus is on naturalization since a considerable amount of information already exists about IRCA immigrants through the time they became lawful permanent residents (LPRs). Surveys conducted for the two reports mandated by IRCA contain a wealth of information on the social and economic characteristics of the pre-1982 IRCA population. The first survey, the “Legalized Population Survey (LPS)” by the U.S. Immigration and Naturalization Service (INS), examined pre-1982 IRCA immigrants at the time they applied for legalization (see U.S. Immigration and Naturalization Service, 1992). The second survey, “Legalized Population Follow-up Survey (LPS2),” by the Bureau of International Labor Affairs in the U.S. Department of Labor, examined the group five years later.

## Seasonal Agricultural Workers Program

**Martin, P. L. (July 1994). “Good Intentions Gone Awry: IRCA and US Agriculture.”** *Annals of the American Academy of Political and Social Science*. Vol. 534, pp44-57. <http://www.jstor.org/stable/1048497>.

This study analyzes IRCA’s intention to regularize the farmworker population and deter farmers from planting labor-intensive crops, assuming that regularization would dissolve their illegal workforce. Martin argues that these intentions went awry and that farmers made little effort to restrict themselves to hiring legal workers.

**Martin, P. L. (Spring 1990). “Harvest of Confusion: Immigration Reform and California Agriculture.”** *International Migration Review*. Vol. 24.1, 69-95. <http://www.jstor.org/stable/2546672>.

This study discusses SAW applications and implementation of the SAW legalization program. It explains dynamics of where workers were employed, and illustrates the general confusion about the program’s effectiveness and what are real agricultural labor needs.

**Levine, L. (September 2001). “Farm Labor Shortages and Immigration Policy.”** *Domestic Social Policy Division*. <http://digital.library.unt.edu/ark:/67531/metacrs1378/>.

This report first explains why the nexus between farm labor shortages and immigration policy has again become prominent. It then examines the composition of the seasonal agricultural labor force and presents the arguments of grower and farmworker advocates concerning its adequacy relative to employer demand. The report closes with an analysis of the trends in (un)employment, time worked and wages of legal and illegal farmworkers to determine if they are consistent with the existence of a nationwide shortage of domestically available farm workers.

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**United States Department of Labor. (January 2010). “National Agricultural Workers Survey; Chapter 4: Legal Status.”**

**<http://www.doleta.gov/agworker/report/ch4.cfm>**

This DOL report examines evidence on the numbers legalized in Immigration Reform and Control Act (IRCA) and whether or not they stayed in agricultural jobs post-legalization. IRCA legalized a very large group of farm workers, and the vast majority of these workers became Legal Permanent Residents. Many of these newly legalized workers stayed in U.S. agriculture and many left. The proportion of unauthorized workers rose considerably over the course of the survey; over one-third (37%) of all farm workers sampled during the last data collection cycle had no work authorization. The proportion of newcomers entering agriculture has been very high in recent years. In 1994-1995, 18 percent of all farm workers were working in U.S. agriculture for the first time. Of these first year farm workers, 70 percent were unauthorized foreigners.



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## Recent Legalization Options: DREAMers/DACA

**Batalova, J. and Mittelstadt, M. (August 2012).** “Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Policy.” *Migration Policy Institute*. [http://www.migrationpolicy.org/pubs/FS24\\_deferredaction.pdf](http://www.migrationpolicy.org/pubs/FS24_deferredaction.pdf)

This August 2012 report analyzes the potential beneficiaries of DACA. The Fact Sheet updates MPI estimates released on June 15, 2012 when Homeland Security Secretary Janet Napolitano first announced the deferred action policy, which was to be implemented on a case-by-case basis. The MPI estimates are up from the 1.39 million figure provided on June 15 — reflecting the updated DHS guidelines that youth lacking a high school or GED degree would be eligible to apply for deferred action as long as they have re-enrolled by the date of their application. MPI estimates 350,000 unauthorized young adult immigrants (ages 16 and older) without a high school degree or GED could potentially be eligible for relief from deportation if they meet the enrollment criteria. The Fact Sheet provides new and updated estimates on the age, educational attainment, country and region of birth, workforce participation, and gender of the 1.76 million prospective beneficiaries, often referred to as DREAMers. The estimates are based on MPI analysis of Current Population Survey (CPS) data from the US Census Bureau and US Bureau of Labor Statistics.

**Batalova, J. and McHugh, M. (July 2010).** “DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries.” *Migration Policy Institute*. <http://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>

This report aims to provide policymakers and stakeholders with the information they need to do the following: 1) assess the number and other key characteristics of individuals who could gain conditional legal status under DREAM legislation based on their age, date of arrival in the United States, and length of residency; and 2) understand the barriers to achieving permanent legal status under the DREAM Act due to factors such as low educational attainment, poverty, and English proficiency. According to the analysis, the law’s enactment would immediately make 726,000 unauthorized young adults eligible for conditional legal status; of these roughly 114,000 would be eligible for permanent legal status after the six-year wait because they already have at least an associate’s degree. Another 934,000 potential beneficiaries are children under 18 who will age into conditional-status eligibility in the future, provided that they earn a US high school diploma or obtain a General Education Development (GED) degree. An additional 489,000 persons ages 18 to 34 would be eligible for conditional status under the law’s age and residency requirements, but they lack a high school diploma or GED and therefore do not.

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**Batalova, J.; Capps, R.; and Hooker, S. (July 2010). “Deferred Action for Childhood Arrivals at the One-Year Mark: A Profile of Currently Eligible Youth and Applicants.” *Migration Policy Institute*. <http://www.migrationpolicy.org/pubs/CIRbrief-DACAatOneYear.pdf>**

This review looks at DACA (Deferred Action for Childhood Arrivals) after its one-year anniversary. The authors review the characteristics of youth who have applied for relief, reflect on the policy’s success in reaching the target population, and consider barriers that may prevent some unauthorized youth from taking advantage of the initiative. This issue brief draws on two data sources to assess the number and key characteristics of the DACA population: 1) published USCIS information on DACA applicants; and 2) MPI’s estimates of the DACA-eligible population. These estimates are drawn from the Census Bureau’s 2011 American Community Survey (ACS)—with immigration status assigned based on responses to another national survey, the 2008 Survey of Income and Program Participation (SIPP). The authors begin by enumerating unauthorized youth who are or may in the future be eligible for the DACA initiative. They distinguish assessment between three groups: 1) currently eligible youth who meet all the requirements; 2) youth who meet most of the requirements, but appear, based on analysis of the ACS data, not to meet the education requirements; and 3) children under the age of 15 who will be eligible in the future provided they meet the education requirement.

**Singer, A. and Svajlenka, N. P. (August 2013). “Immigration Facts: Deferred Action For Childhood Arrivals (DACA).” *The Brookings Institute*. <http://www.brookings.edu/research/reports/2013/08/14-daca-immigration-singer>**

This analysis of DACA applications, obtained through a Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), offers insights into the size, demographics, geographic distribution, age, and year of arrival for DACA applicants. The Brookings FOIA data includes information on the first 465, 509 applications, corresponding to the period August 15, 2012 to March 22, 2013, and accounting for 87 percent of all accepted applications through June 30, 2013. DACA applications are accepted on a rolling basis with no deadline. The statistics presented, therefore, represent a snapshot, and are not final. The first finding uses statistics directly from United States Citizenship and Immigration Services (USCIS) on applications filed between August 15, 2012 and June 30, 2013, and the remainder of the findings are derived from the Brookings FOIA data.

# US Immigration Policy & Reform:

What does the evidence tell us?

## Comparative Legalization Experiences/ Legalization in Other Countries

**Levinson, A. (September 2005). “Why Countries Continue to Consider Regularization.”**  
*Migration Policy Institute.*

<http://www.migrationinformation.org/Feature/display.cfm?ID=330>

This MPI report looks at regularization programs across the globe and summarizes their rationale. The limits of any regularization program, whether in Europe, the US, or Asia, are recognized. The author argues that temporary regularization programs do not provide long-term solutions to the needs of certain sectors of the economy, often allow for migrant worker exploitation, and lead to unauthorized migration. Programs providing a path to permanent residency will always be criticized for rewarding those who broke the law, and they can suffer from a lack of administrative infrastructure and little or misdirected publicity.

**Levinson, A. (2005). “Regularisation Programmes in France.”** *Center on Migration, Policy and Society, University of Oxford.*

<http://www.compas.ox.ac.uk/fileadmin/files/Publications/Reports/Country%20Case%20France.pdf>

The 1981 legalization program in France had a number of unforeseen complications. Since some employers were uncooperative with assisting unauthorized immigrants with appropriate documentation, authorities had to accept third-party documentation of the validity of a migrant’s work history. In addition, the program eventually included not just workers, but also other categories of migrants (such as students, seasonal workers and small traders). Nevertheless, the program accomplished several things. Not only did it promote a dialogue between the French government and immigrant communities, but the government also conducted a successful advertising campaign in concert with immigrant organizations. It also conducted a research program to allow the government to understand the characteristics of the irregular population.

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**Jachimowicz, M.; O’Neil, K.; and Papademetriou, D. G. (July 2004). “Observations on Regularization and the Labor Market: Performance of Unauthorized and Regularized Immigrants.” *Migration Policy Institute*.**

**[http://www.aip.pt/irj/go/km/docs/aip/documentos/estudos%20publicacoes/centro%20documentacao/Capital%20Humano/L.Livre\\_Circulacao\\_Trabalhadores/A2.i.Mobilidade\\_Laboral/Regularization\\_%20and\\_labour\\_performance.pdf](http://www.aip.pt/irj/go/km/docs/aip/documentos/estudos%20publicacoes/centro%20documentacao/Capital%20Humano/L.Livre_Circulacao_Trabalhadores/A2.i.Mobilidade_Laboral/Regularization_%20and_labour_performance.pdf)**

This study serves as an evaluation of how regularization affects the labor market. It draws heavily on lessons from IRCA, but also seeks to evaluate post-regularization effects in Europe. The authors point out the difficulty of meeting employment requirements for legalization in Europe because of the large informal labor market and the fact that non-EU nationals are more likely to be unemployed than EU nationals. The authors explain the variety of potential regularizations, including those on the basis of family (France 1994) and humanitarian concerns. It briefly mentions the costs and benefits of temporary vs. permanent status in a legalization program. One conclusion states that permanent regularization is more likely to take advantage of the human capital opportunity provided to a society by migrants. The authors then discuss employer incentives (some European nations did not set up appropriate employer incentives to encourage active participation in the legalization program). Finally, it touches on bureaucratic aspects of implementation in European regularization and the various effects of different strategies.

**Rosenblum, M. R. (December 2010). “Immigrant Legalization in the United States and European Union: Policy Goals and Program Design.” *Migration Policy Institute*.**

**<http://www.migrationpolicy.org/pubs/legalization-policydesign.pdf>**

This report studies the immigration legislation passed in the United States and throughout European states since the 1980s. The author summarizes ways in which lawmakers have sought to design effective immigration legislation.

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Salis, E. (April 2012). “Labour Migration Governance in Contemporary Europe - The case of Italy.” *FIERI*.

[http://www.labmiggov.eu/wp-content/uploads/2012/04/LABMIGOV\\_WP1\\_Italy\\_Final-report.pdf](http://www.labmiggov.eu/wp-content/uploads/2012/04/LABMIGOV_WP1_Italy_Final-report.pdf)

This report aims at providing an in-depth description and a critical assessment of labor migration governance in Italy throughout the last decade. In particular, special attention is devoted to the management and implementation of the quota system as the main legal entry channel to Italy for employment purposes. Labor migration policies will be related to other policies managing what can be defined as functional equivalents to labor migration, namely all those migratory flows not officially admitted for employment reasons, but still representing a potential and significant source of labor. Data and information used here have been collected both through fieldwork research and secondary-source analysis.

# US Immigration Policy & Reform:

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## Forecasting Legalization Today

**Dixon, P. B. and Rimmer, M. T. (August 2009). “Restriction or Legalization? Measuring the Economic Benefits of Immigration Reform.” *CATO Institute*.**

**<http://www.cato.org/publications/trade-policy-analysis/restriction-or-legalization-measuring-economic-benefits-immigration-reform>**

The study uses seven USAGE simulations to measure the economic impact of different policy changes relating to illegal immigration. In the first two simulations, the policies restrict illegal immigration. (In Simulation 1, the restrictive policy is tighter border enforcement; in Simulation2, it is tighter internal enforcement.) In the other five simulations, the report considers policies in which illegal immigration is largely replaced by programs of entry visas. Such a policy change would largely eliminate smugglers’ fees and other costs of illegal entry, thereby inducing an increase in the supply what is refer to as guest workers.

**Hinojosa-Ojeda, R. (Winter 2012). “The Economic Benefits of Comprehensive Immigration Reform.” *Cato Journal*. Vol. 32. No. 1.**

**<http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/1/cj32n1-12.pdf>**

In this article, Hinojosa-Ojeda uses the computable general equilibrium (CGE) model to estimate the economic ramifications of three different scenarios: (1) comprehensive immigration reform that creates a pathway to legal status for unauthorized immigrants in the United States and establishes flexible limits on permanent and temporary immigration that respond to changes in U.S. labor demand in the future; (2) a program for temporary workers only that does not include a pathway to permanent status or more flexible legal limits on permanent immigration in the future; and (3) mass deportation to expel all unauthorized immigrants and effectively seal the U.S.-Mexico border. In addition to the national-level analysis, it also looks at the effect of the two extremes of immigration reform (scenarios 1 and 3) on Arizona and California, the former because mass depletion of the immigrant workforce is a real threat in light of S.B. 1070, and the latter because it is home to more immigrants than any other state. The CGE model shows that comprehensive immigration reform produces the greatest economic benefits. The historical experience of legalization under the 1986 Immigration Reform and Control Act indicates that comprehensive immigration reform would raise wages, increase consumption, create jobs, and generate additional tax revenue. Even though IRCA was implemented during a period that included a recession and high unemployment (1990–91), it still helped raise wages and spurred increases in educational, home, and small business investments by newly legalized immigrants. Taking the experience of IRCA as a starting point, the report estimates that comprehensive immigration reform would yield at least \$1.5 trillion in added U.S. gross domestic product (GDP) over 10 years.

# US Immigration Policy & Reform:

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## Useful Links

### **Comprehensive Immigration Reform Blog**

*Center for Comparative Immigration Studies*

<http://ccis.ucsd.edu/cir-blog/>

### **Creating an Immigration System for the 21<sup>st</sup> Century**

White House.gov

<http://www.whitehouse.gov/issues/immigration>

### **Forum Priorities: Integration and Citizenship**

*National Immigration Forum*

<http://www.immigrationforum.org/priorities/category/integration>

### **Immigration Research**

*CATO Institute*

<http://www.cato.org/research/immigration>

### **Immigration Research**

*Center for American Progress*

<http://www.americanprogress.org/issues/immigration/view/>

### **Legalization Resource Page**

*Immigration Policy Center*

<http://www.immigrationpolicy.org/legalization-resource-page>

### **Legal Permanent Residence (LPR)**

*Center for Immigration Studies*

<http://cis.org/LegalPermanentResidence-GreenCard>

### **U.S. Unauthorized Immigration Population Trends, 1990-2012**

*Pew Research: Hispanic Trends Project*

<http://www.pewhispanic.org/2013/09/23/unauthorized-trends/#A1>

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**About the Project:** The Institute for the Study of International Migration, with the support of the MacArthur Foundation, has organized a series of public presentations, as well as expert roundtables that address the multiple challenges of immigration reform. The aim of the project is to inform debate on immigration reform, with a focus on overcoming the challenges of implementation. This series of issue reports and reading lists is the result from our series of expert meetings, convened between September 2013 and May 2014. These meetings, which explored lessons learned from past and current policies and the most promising paths forward for implementing immigration policies, covered the following topics:

*Legalization/regularization*

*Worksite enforcement challenges*

*Border security and interior removals*

*Highly skilled immigration*

*Temporary work programs for lesser-skilled migrants*

*Family immigration*

[ISIM.GEORGETOWN.EDU/WORK/IMMIGRATIONPOLICY/](http://ISIM.GEORGETOWN.EDU/WORK/IMMIGRATIONPOLICY/)

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ISIM, founded in 1998, is based in the School of Foreign Service at Georgetown University and affiliated with Georgetown University Law Center. Staffed by leading experts on immigration and refugee policy, the Institute draws upon the resources of Georgetown University faculty working on international migration and related issues on the main campus and in the law center. ISIM applies the best in social science, legal and policy expertise to the complex issues raised by international migration. It conducts research and convenes workshops and conferences on immigration and refugee law and policies. In addition, the Institute seeks to stimulate more objective and well-documented migration research by convening research symposia and publishing in progress as well as finished projects.