

# National Foundation for American Policy

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## **NEW STUDIES: *THE IMPACT OF AGRICULTURAL GUEST WORKER PROGRAMS ON ILLEGAL IMMIGRATION AND MAKING THE TRANSITION FROM ILLEGAL TO LEGAL MIGRATION***

**Arlington, VA** – The National Foundation for American Policy (NFAP) released two studies today: *The Impact of Agricultural Guest Worker Programs on Illegal Immigration* and *Making the Transition from Illegal to Legal Migration*.

The reports are important and timely as policy makers debate the best approaches to reducing illegal immigration and confronting the status quo of migrant deaths, the black market in labor, and powerful smuggling organizations. The issue of what to do about those already in the country illegally remains controversial. The studies point out the flaws in the current approaches and discuss the best way to make a transition from an illegal to a legal migration system. A primary conclusion of both studies, says Stuart Anderson, author of the reports and Executive Director of the National Foundation for American Policy, is that “The absence of avenues to work legally in the United States is a primary reason for the current levels of illegal immigration.” Copies of both reports are available at: [www.nfap.net](http://www.nfap.net).

In *Making the Transition from Illegal to Legal Migration*, Anderson concludes, “The approach that offers the most realistic opportunity for significant and positive change is one that combines new temporary worker visas with a transition that addresses those currently in the country illegally. Without such an approach, ten years from now both sides of the debate will still decry the status quo.”

The study examines the three choices policy makers grappling with illegal immigration face: 1) maintain the status quo, which is an immigration enforcement-only approach that makes little use of market-based mechanisms; 2) enact legislation to establish new temporary worker visas or improve existing categories; or 3) enact legislation to create new temporary worker visas/improve existing categories *combined* with a transition that addresses those currently in the country illegally. The study supports option 3, since the status quo or “status quo plus more enforcement” portends no reduction in illegal immigration but rather a continuation of migrant deaths, a black market in labor, and calls for harsher but likely counterproductive enforcement measures. Moreover, a “guest worker only” approach is similar to the status quo in that it has little chance of being successful, since, among other reasons, legislation to enact a new guest worker program without addressing those in the country illegally is unlikely to become law.

In *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*, the report explains how in varying forms from 1942-1964, the bracero program allowed the admission of Mexican farm workers to be employed as seasonal contract labor for U.S. growers and farmers. Although facilitating legal entry for agricultural work proved effective, today, the idea of allowing regulated, legal entry that employs market principles to fulfill labor demand otherwise filled by individuals entering illegally is considered, depending on one’s viewpoint, either novel, radical, or bold.

The report finds that “By providing a legal path to entry for Mexican farm workers the bracero program significantly reduced illegal immigration. The end of the bracero program in 1964 (and its curtailment in 1960) saw the beginning of the increases in illegal immigration that we see up to the present day.”

It is recognized that the number of INS apprehensions are an important indicator of the illegal flow and that, in general, apprehension numbers drop when the flow of illegal immigration decreases. From 1964 --

when the bracero program ended -- to 1976, INS apprehensions increased from 86,597 to 875,915 – *a more than 1,000 percent increase*, indicating a significant rise in illegal immigration. The report found that “Additional factors in illegal immigration rising during this period included economic conditions in Mexico and the lack of a useable temporary visa category for lesser skilled non-agricultural jobs.”

“This is not to say that the bracero program was without controversy or that workers who entered through the program did not experience problems or even hardships,” says Anderson. “The point is that when lawful temporary admissions were prevalent, illegal entry to the United States was low. After the program was curtailed and later terminated, illegal immigration rose steadily.” The report notes that “No one advocates resurrecting the bracero program in its various forms. Yet a revised H-2A visa category that meets the needs of both employers and employees would make a significant contribution to reducing illegal immigration in agriculture. “

The report also concludes:

- The data show that after the 1954 enforcement actions were combined with an increase in the use of the bracero program, INS apprehensions fell from the 1953 level of 885,587 to as low as 45,336 in 1959 – *indicating, based on apprehensions data, a 95 percent reduction in the flow of illegal immigration into the United States*. During that time, the annual number of Mexican farm workers legally admitted more than doubled from 201,380 in 1953 to an average of 437,937 for the years 1956-1959.
- “Without question the bracero program was . . . instrumental in ending the illegal alien problem of the mid-1940’s and 1950’s,” wrote the Congressional Research Service in a 1980 report.
- In the 1950s and 1960s, senior law enforcement officials in the U.S. Border Patrol and elsewhere in the Immigration and Naturalization Service (INS) understood and promoted the use of market forces to reduce illegal immigration and control the Southwest border. A February 1958 Border Patrol document from the El Centro (California) district states, “Should Public Law 78 be repealed or a restriction placed on the number of braceros allowed to enter the United States, we can look forward to a large increase in the number of illegal alien entrants into the United States.”
- When at a Congressional hearing in the 1950s, a top INS official was asked what would happen to illegal immigration if the bracero program ended, he replied, “We can’t do the impossible, Mr. Congressman.”
- The evidence indicates that a reasonable enforcement deterrent at the border is necessary to enable a temporary worker program such as the bracero program to reduce illegal entry. Yet the evidence is also clear that enforcement alone has not proven effective in reducing illegal immigration. INS enforcement did not grow weaker after the 1960 curtailing of the bracero program or after the program’s subsequent demise in December 1964. And both after 1960 and 1964, without the legal safety valve that the bracero program represented, illegal immigration increased substantially.
- The current temporary worker visa category for agriculture, which U.S. employers consider burdensome and litigation-prone, fails to attract a sufficient number of participants to be part of the solution to illegal migration,” Anderson concludes. “While the bracero program has been criticized, that does not mean that it is impossible to devise a temporary worker program that takes into account the needs of both workers and employers. That would reduce illegal immigration by providing legal, market-based alternatives to the illegal entry that we see today on the Southwest border of the United States.”

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Started in 2003, the National Foundation for American Policy (NFAP) is a non-profit, non-partisan organization dedicated to public policy research on trade, immigration, education, and other issues of national importance. Its Advisory Board members include Columbia University economist Jagdish Bhagwati, Ohio University economist Richard Vedder, Rep. Guy Vander Jagt (ret.), Cesar Conda, until recently Vice President Dick Cheney's chief domestic policy adviser, and other prominent individuals.

### **About Stuart Anderson**

Stuart Anderson, Executive Director of the National Foundation for American Policy, served as Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service from August 2001 to January 2003. He spent four and a half years on Capitol Hill on the Senate Immigration Subcommittee, first for Senator Spencer Abraham and then as Staff Director of the subcommittee for Senator Sam Brownback. Stuart has published articles in the *Wall Street Journal*, *New York Times*, *Los Angeles Times*, and other publications.

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