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## Chances for Immigration Reform Improve

The chances for comprehensive immigration reform improved dramatically in June as a result of four major developments: 1) the release of the Commission on Immigration Reform's (CIR) recommendations; 2) the approval by the Senate Immigration Subcommittee of Sen. Alan Simpson's (R-WY) Immigrant Control and Financial Responsibility Act (S. 269); 3) the introduction by Rep. Lamar Smith (R-TX) of the Immigration in the National Interest Act (H.R. 1915); and 4) the release of the House Task Force on Immigration Reform's recommendations. Similarities among these four initiatives strengthened their likely impact.

### *The CIR Recommendations*

The Commission on Immigration Reform is a bipartisan group composed of nine immigration experts — including academics, former Congressmen and immigration lawyers — who were appointed by Congress to examine the effects of the 1990 Immigration Act on the United States and to make recommendations on how immigration policy could be tailored to meet the national interest. Their initial report, released last fall, dealt only with illegal immigration control and included proposals for increased resources for border and interior enforcement efforts, and the establishment of a national worker registry to verify work authorization. It acknowledged that the United States had lost control of its borders to the point that U.S. immigration policy was no longer credible.

In its most recent recommendations, released in early June, the CIR addresses legal immigration. It recommends an eventual reduction in legal immigration to 550,000, a level that is only slightly higher than the 520,000 ceiling that was in place before the 1990 Immigration Act raised it to 675,000 (see article on p. 5 for a more detailed look at the CIR's recommendations). According to CIR Chairwoman Barbara Jordan, the proposed reductions were agreed to by all but one Commissioner, Warren Leiden, the Executive Director of the American Immigration Lawyers Association.

While the recommendations to cut legal immigration and the level of consensus among the Commissioners are significant in themselves, the response the recommendations received from the White House and Congress is even more significant. In a statement released by the White House,

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President Clinton described them as “consistent with my own views.” He added that “the Commission’s recommendations are pro-family, pro-work, pro-naturalization,” and that they “reflect a balanced immigration policy that makes the most of our diversity while protecting the American work force so that we can better compete in the emerging global economy.” Other high-profile Democrats have also voiced support for the CIR recommendations. Sen. Dianne Feinstein (D-CA), at a joint hearing of the House and Senate immigration subcommittees, said, “I actually find myself in agreement with much of what the Commission has to say.”

## *The Simpson Bill*

Sen. Simpson’s Immigrant Control and Financial Responsibility Act (S. 269) was approved by the Senate Immigration Subcommittee in mid-June by a vote of five to two. Sens. Edward Kennedy (D-MA) and Paul Simon (D-IL) voted against the bill, while their Democratic colleague, Sen. Feinstein, voted with the majority.

The bill they approved differs somewhat from the original bill introduced last January, because Sen. Simpson subsequently incorporated many of the provisions of the bills introduced by Sens. Feinstein (S. 580) and Kennedy (S. 754, which was co-sponsored by Sens. Simon and Barbara Boxer, D-CA). In addition, amendments to S. 269 were made during the subcommittee mark-up, including one to remove the 50,000 annual cap on refugee admissions and one to allow a discounted annual border crossing fee for frequent crossers.

While S. 269 deals primarily with illegal immigration control, its approval by the subcommittee is significant, because it contains a number of controversial provisions that would dramatically enhance immigration control efforts. These include the repeal of the 1986 ban on warrantless searches by the INS of open fields, which currently prevents effective enforcement of employer sanctions in the agriculture industry; the establishment within eight years, and after numerous pilot programs, of a secure work authorization verification system; and streamlined asylum and deportation procedures (see the chart on Illegal Immigration Reform Bills on p. 3). Similar efforts at illegal immigration control have been introduced in the Senate in each of the past two years, but this is the first to make it out of the subcommittee. The bill now awaits mark-up by the full Judiciary Committee, which is likely to further amend it, and then a vote on the Senate floor.

Sen. Simpson has promised to introduce legislation to address legal immigration reform in the next few weeks. That bill is likely to propose reductions in legal immigration levels along the same lines as those recommended by CIR.

## *The Immigration in the National Interest Act*

Following months of almost weekly hearings on all aspects of U.S. immigration policy, Rep. Lamar Smith introduced the most comprehensive piece of immigration legislation in recent history — the Immigration in the National Interest Act (H.R. 1915). Rather than tinkering around the edges of current immigration policy, this bill takes a “ground up” approach from the perspective that immigration policy should be set in accord with the interests of American families, workers and taxpayers.

H.R. 1915 proposes a reduction in legal immigration levels to 535,000 annually (see the chart on Legal Immigration Reform on p. 4). This bill, like the CIR recommendations, would bring legal immigration levels back down to the pre-1990 Act level. However, H.R.

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# IMMIGRATION REVIEW

1915 differs from the Commission's proposals in that the 535,000 ceiling would be all-encompassing. While the CIR would include refugee admissions under its ceiling, it does not address any of the ad hoc humanitarian categories, such as Amerasians and parolees, that have been created in an increasingly undisciplined fashion in recent years. The

Smith bill, on the other hand, creates a specific category for "other humanitarian" entrants with an annual limit of 10,000 under the overall ceiling, and it limits the Attorney General's parole power to the temporary admission of strictly-defined aliens on a case-by-case basis. Unlike the Simpson bill, though, H.R. 1915 would not repeal the Cuban Adjustment Act.

<b>Illegal Immigration Reform Bills</b>			
	<b>Simpson S. 269</b>	<b>Sm H.R.</b>	
<b>B O O R N D T E R R O L</b>	More Border Patrol Agents	Adds 3,500 by 2000	Adds 5,20
	More Physical Barriers	Yes	Ye
	Border Crossing Fee	Yes	N
	Interior Repatriation	Yes	Ye
	More Detention Facilities	Yes	Ye
<b>E S M A P N C L C O T Y I E O R N S</b>	More Investigators	Adds 900	Adds
	Secure Identification Doc.	Pilot Programs	N
	Verification System	Yes - all workers	Yes - all
	Reduction of Acceptable Documents for I-9 Form	Yes	Ye
	Repeal of Ban on Open Field Searches	Yes	N
<b>E D X P P E O D R I T A E T D N.</b>	For Illegal Aliens	Yes	Ye
	For Criminal Aliens	Yes	Ye
	For Terrorist Aliens	No	Ye
<b>I P N E C N R A E L</b>	For Employer Sanctions Violations	Yes	Ye
	For Illegal Entry	No	Yes - est civil pe

H.R. 1915 also proposes a thorough overhaul of illegal immigration control efforts (see the accompanying chart on Illegal Immigration Reform Bills). It includes many of the same provisions as the Simpson bill, such as increased Border Patrol resources, streamlined deportation and asylum procedures, and increased penalties for immigration violations. It also would establish a work authorization verification system, though the system would be substantially different from that proposed by Sen. Simpson. Rep. Smith's proposal would by-pass the time-consuming and costly pilot programs, and it rejects a document-based system. H.R. 1915 would simply require job applicants to provide the employer with their name and Social Security number, which the employer would then phone in on a toll-free number to verify that the Social Security number was in fact issued to a person by the given name. Rep. Smith concedes that this verification system would not be 100 percent fraud-proof, but he is convinced that it would prevent the vast majority of illegal immigrants from gaining access to employment in the United States, and it would avoid the controversy generated by any form of a national ID card.

Another novel feature of H.R. 1915 is the establishment of penalties for aliens who enter the United States illegally. Under current law, employers, smugglers and harborers of illegal aliens are penalized, but the illegals themselves are not. The Smith bill would change that by establishing fines of between \$50 and \$250 for illegal entry, and by barring illegal aliens from receiving permanent

resident status until they have resided outside the United States for a period of at least ten years. Whether or not INS will actually be able to collect fines from apprehended aliens is questionable, but these provisions should contribute to deterrence of illegal entry if enacted and enforced.

Perhaps the most notable aspect of the Immigration in the National Interest Act is the list of co-sponsors of the bill. Thirty-one Republicans and seven Democrats are listed as original co-sponsors. Republican co-sponsors include all the Republican members of the House immigration subcommittee, California Reps. Brian Bilbray, Duncan Hunter, Ron Packard, and Dana Rohrabacher, Florida Reps. Charles Canady and Mark Foley, and Texas Rep. Sam Johnson, among others. The seven Democrats on the list are Reps. John Bryant (TX), the ranking member of the immigration subcommittee, Anthony Beilenson (CA), Bill Brewster (OK), Gary Condit (CA), James Hayes (LA), Charles Stenholm (TX) and Billy Tauzin (LA). In addition, House Speaker Newt Gingrich (R-GA) voiced support for the bill at the press conference announcing the House Task Force on Immigration Reform's recommendations.

## *The House Task Force on Immigration Reform*

**T**he House Task Force on Immigration Reform, created by House Speaker Gingrich and chaired by Rep. Elton Gallegly (R-CA), in late-June released its recommendations on illegal immigration control. The Task Force is composed of 54 Representatives — 46 Republicans and eight Democrats. It came up with 100 recommendations, including additional resources for border control; increased penalties for illegal entry, employer sanctions violations, smuggling and document fraud; work authorization verification pilot programs; and expedited exclusion and deportation.

According to Rep. Lamar Smith, who was not a member of the Task Force, about 80 percent of the Task Force's recommendations are included in H.R. 1915. The two most controversial recommendations, however, were

<b>Legal Immigration Reform</b>			
	<b>Current Law</b>	<b>Smith H.R. 1915</b>	<b>CIR</b>
<b>Family-Based</b>	<b>480,000*</b>	<b>330,000</b>	<b>400,0</b>
Spouses/Children of U.S. Citizens	Unlimited (~195,000)	Unlimited (~195,000)	Unlim (~195,0
Parents of U.S. Citizens	Unlimited (~60,000)	50,000**	Unlim (~60,0
Spouses/Children of Legal Permanent Residents	~88,000	85,000	~140,
Other Family Preference	~138,000	0	
<b>Employment-Based</b>	<b>140,000</b>	<b>135,000</b>	<b>100,000</b>
Extraordinary Ability	40,000	15,000	
Professionals/Highly Skilled	40,000	60,000	
Skilled Workers	30,000	45,000	
Unskilled Workers	10,000	0	
Special Immigrants (e.g., religious workers)	10,000	5,000	
Investors	10,000	10,000	
<b>Diversity</b>	<b>55,000</b>	<b>0</b>	
<b>Humanitarian</b>	<b>Not Included in Ceiling</b>	<b>70,000</b>	
Refugees	Set annually (110,000 in FY-95)	50,000	<b>50,0</b>
Asylum Adjustments	10,000	10,000	

not included. Those recommendations would end birthright citizenship for the children of illegals and allow states to deny public education to illegal immigrants.

Speaker Gingrich, to whom the report was presented, praised the work of the Task Force and endorsed its recommendations. He added that he hoped they would be considered and passed into law by the end of the year.

## *What Happens Next?*

It is clear that bipartisan support for comprehensive immigration reform is gaining momentum in Congress. However, there is still significant opposition to any kind of reform. Immigration advocates have criticized the Commission on Immigration Reform, the House Task Force and proposed legislation as being driven by “anti-immigration hysteria.” Sen. Kennedy, ranking member of the Senate Immigration Subcommittee, has voiced his opposition to any cuts in legal immigration and House Majority Leader Dick Armey (R-TX) has been a vocal opponent of both reductions in legal immigration and a work authorization verification system.

It remains to be seen whether these forces can be overcome, but there are a number of positive signs. The fact that key members of both political parties have been willing to step forward and propose serious reform certainly reflects a change in the political environment from a few years ago. The members of Congress who have studied immigration and its impact on the United States are increasingly in agreement that a major correction is overdue. Moreover, the recommendations of the Commission on Immigration Reform will provide cover for those who recognize the problems, but are uncomfortable taking a firm stand. Finally, of course, the fact that the public has recognized that it is directly impacted by immigration and has become increasingly vocal in the debate has made it virtually impossible for Congress to ignore the issue any longer. □

—Rosemary Jenks

## Jordan Commission Issues Interim Recommendations on Legal Immigration

Political circumstances forced Barbara Jordan’s Commission on Immigration Reform to issue its recommendations on legal immigration ahead of schedule (see *Immigration Review*, No. 21, p. 1). These recommendations, released in June, have been widely reported in the press. The call for a cut in legal immigration and refugee admissions and the elimination of several family preference categories has been tarred as “radical” by advocates for certain ethnic and industry groups, but reform groups have welcomed the proposals.

While the interim recommendations include a number of significant and salutary changes, a look at the numbers shows that, if they were adopted as is, the proposals would result in a smaller reduction in overall legal admissions than has been touted. This is especially true because the Commission did not consider the many small admissions programs that are not covered in the numerical cap — for instance, certain Amerasians, Cuban refugees, asylees and others — who accounted for nearly 30,000 people in 1994 and more than 50,000 the year before.

### *The Numbers*

The Commission suggests maintaining a three-part immigration policy that permits the entry of nuclear family members, professional and skilled workers,

and refugees. It proposes a “core” immigration level of 550,000 per year, divided as follows: nuclear family immigration, 400,000; skill-based immigration, 100,000; and refugees, 50,000.

In order to eliminate the backlog of spouses and minor children of legal permanent residents (LPRs), the Commission recommends that Congress authorize 150,000 extra visas for such immigrants each year until the backlog is eliminated, an estimated three to eight years. The waiting list for this category, which currently stands at close to one million, is comprised largely of the spouses and children of the illegal aliens who were amnestied by the 1986 Immigration Reform and Control Act.

The “core” level of 550,000 is billed as a one-third reduction from current levels, using the 1992-1994 average of 830,000 (non-amnesty) immigrants as the base. During the period when the backlog is being reduced, the annual level of immigration would be 700,000.

But if the various smaller programs referred to above, which were not addressed by the Commission, were included at last year’s rate, the total would actually be 730,000 during the transition period. Combine this with the fact that current actual immigration is expected to be about the same as last year’s — 800,000 — and you find that immigration would be cut back by only about 70,000, or about 9 percent, during the transition period.

Whatever the total, the Commission recommends an important change from current practice in proposing that Congress reexamine the annual level of immigration periodically, perhaps every three to five years.

## *Nuclear Family Immigration*

The current system of family reunification would be replaced by “nuclear-family” immigration under the Commission’s proposal. This semantic change reflects the elimination of three of the four family preference categories — adult children of citizens (married and unmarried) and siblings of citizens, as well as the part of the second preference that admits adult unmarried children of non-citizens. There would, in effect, remain three family categories, with demand in higher categories being fully satisfied each year before anyone would be admitted in lower ones. The categories, in descending order, would be:

- Spouses and minor children of U.S. citizens. Also in this category would be the small number of adult children dependent on U.S. citizen parents because of a mental or physical disability.
- Parents of U.S. citizens. Because of concerns about elderly immigrants’ abuse of Supplemental Security Income and Medicaid and other programs, the Commission recommended a legally enforceable affidavit of support be required for the admission of parents. Affidavit signers would have to provide verifiable assurance that they can provide “what may be a lifetime of financial support” to the parent immigrants, and proof of health insurance for the parent immigrants.
- Spouses and minor children of legal permanent residents, and a small number of adult children dependent on LPR parents because of a mental or physical disability.

Though the 400,000 allotted for nuclear family immigration is presented as a firm cap, in fact, the category for spouses and children of citizens remains unlimited. However, 400,000 is actually above the number of people in these categories admitted in recent years — 340,708 in 1994 and 355,663 in 1993. Once the backlog of spouses and minor children of permanent residents is eliminated, the number could drop below 400,000 since a greater share of future adult immigrants (together with nuclear family members) would arrive via the employment-based categories (see below). In other words, a manager of an international business, bringing with him his wife and child, for instance,

## FYI

(For Your Information)

### ➔ Pay of Foreign Researchers Raised by Labor Department

The Labor Dept. has ended the practice of universities paying a pittance to foreign post-graduate researchers. Salaries for nonimmigrant researchers must be at least 95 percent of prevailing wages, but that rate in the past was based on wages paid by other universities to their largely foreign student researchers. Now the test also includes private sector wages, so universities have to pay significantly more. A Baylor College of Medicine official, who acknowledged to the *Houston Chronicle* (6/15) that universities have not been paying enough to attract U.S. researchers, commented: “It’s [the new standard] killing us.” Speaking for the American Engineers Assn., Edith Holleman told the paper: “Poor things, it’s about time they have to pay living wages.”

### ➔ Asylum Processing Up — Applications Down

The inability of INS to keep up with processing new asylum applicants has attracted abusers. Aliens who claimed asylum gained admission to the country and received a work permit. But that is changing. The INS is now withholding work permits for the first six months. It is trying to process new claims within that period, so that only those who are granted asylum can legally work. The INS met that deadline in 60 percent of the cases filed in the first four months of this year. Perhaps as a result, asylum applications for the same period are down by over 40 percent.

### ➔ Nogales Gets Upgraded Border Barrier

The Border Patrol is finding its work easier in Nogales, Ariz. now that the barrier separating it from Mexico has been reinforced with steel panels. As recently as last fall, the fence was a cyclone-type fence riddled with holes, and entire sections had been toppled to allow smugglers’ vehicles to cross. The improvement is timely, because of the surge in attempted illegal entry from Mexico following the peso devaluation.

### ➔ The New “Legalization” Program

Sen. Kennedy, with State Dept. backing, sponsored a provision in the 1995 Justice Dept. appropriation bill that allows illegal aliens who are otherwise eligible to adjust to legal status without leaving the United States. A recent GAO report shows that process-

would account for three employment-based visas. This could leave a relatively smaller number of unmarried permanent residents who might get married after coming to the United States and want to bring over their spouses.

## *Skill-Based Immigration*

The Commission recommends that there be two main categories of skill-based immigrants: those subject to a labor market test and those who, for “significant, specific policy reasons,” would be exempt from such a test.

- Exempt workers would include people who “will generate economic growth and who hold no potential for undermining the employment prospects and remuneration of U.S. workers.” They would include the following:
  - (1) (a) “Individuals at the very top of their chosen field” with “extraordinary ability” or (b) “individuals who have demonstrated the potential for extraordinary achievement.” (This is essentially a subset of the current first employment preference.)
  - (2) Managers and executives of international businesses (another subset of the current first preference).
  - (3) “Entrepreneurs whose active investment in new commercial enterprises generate[s] a significant number of jobs for American workers in the United States.” (This is similar to the current fifth preference.)
  - (4) A “limited number” of clergymen and other religious workers (now covered in the fourth preference).
- All others would be required to have an offer of permanent employment, and possess a baccalaureate or higher academic degree or have a high level of specific skills above the entry or journeyman level. A labor market test would also be required (see below). Those covered would include:
  - (1) “Professionals with advanced degrees, including professors and researchers who do not meet the definition of ‘extraordinary.’” (This is similar to another subset of the current first preference.)
  - (2) “Professionals with baccalaureate degrees, and skilled workers with a minimum of five years of specialized work experience.” (This is now cov-

## FYI

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ing time has more than doubled as a result of the program. In L.A., San Francisco and Phoenix, which accounted for over 90 percent of the cases, the wait is now a year or longer. The report reveals a denial rate of eight percent of these applications without indicating what happens to the hapless would-be immigrants.

### ➔ State Reform Actions

As the result of an agreement between **Georgia** and the INS, criminal aliens eligible for parole will be turned over to the INS for deportation, instead of remaining in state prisons until the end of their sentences. The INS has promised that aliens transferred to its custody will not be released on bond. The agreement is expected to save Georgia taxpayers \$6 million a year, in addition to freeing up needed prison space.

A measure introduced in the **New York** state legislature to remove the resident tuition status of illegal aliens at CUNY is unlikely to pass, according to a *New York Post* editorial. The paper cites a cost of \$35 million a year in educational subsidies that is picked up by New York taxpayers. Also in New York, Sen. Frank Padavan, who launched a lawsuit against the federal government — when Gov. Cuomo refused to seek reimbursement for the costs of illegal aliens — has crafted legislation to combat illegal immigration. It requires proof of citizenship or legal residence to get a driver’s license, mandates local government cooperation with the INS, sanctions employers who knowingly hire illegal workers and bans those workers from state job training programs.

The legislation coincides with the release of a study by Rice Univ. Economist Donald Huddle on the cost of immigration to New York. The report — the latest in a series authored by Huddle and published by Carrying Capacity Network — found that \$2.3 billion (26%) of the total net annual cost of \$8.87 billion (1992 data) was attributable to illegal aliens in the state.

Following the passage of Prop. 187 in California, two **Florida** grassroots groups, FLA-187 and Save Our State, have begun campaigns to amend the state constitution to bar illegal aliens from receiving public benefits and require state and local government cooperation with the INS. State law does not allow the measure to be introduced as an initiative, so the groups have had to resort to the constitutional amendment process.

# IMMIGRATION REVIEW

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seven months of FY-95 — through April — put the number of applications at 508,521, over 90 percent higher than for the same seven months the previous year, but only two-thirds higher than in the same period in FY-93. These data show that interpretations ascribing the increase in naturalization applications to the welfare reform legislation and Proposition 187 may be misleading if they ignore the fast pace of increase that antedated those developments.

Looking at INS data on naturalizations — which differ from application data because they exclude applications that are denied (about 9% in FY-94) and because processing lags behind applications — ten countries account for about two-fifths of all new citizens (see Table 1). However, a change occurred among the top ten between FY-87-91 and FY-92-93. In the most recent period, the Dominican Republic and Colombia replace Taiwan and Jamaica.

The comparison of the two periods reflects a significant drop in naturalizations by Koreans (down 27%) and an even greater decline among immigrants from the former Soviet Union (down 48%). However, the greater number of increases is explained by an overall eight percent rise in naturalizations in the FY-92-93 period. Among countries on the top ten list, naturalizations by persons from the Dominican Republic increased by nearly 80 percent, from Colombia by 65 percent, from India by 41 percent, from China by 23 percent, and from Cuba by 21 percent. Other nationalities that registered major increases in naturalizations included Canadians (up 59%), Haitians (up 32%), Pakistanis (up 31%) and Guyanese (up 27%).

Of particular note from this country-of-origin data is the fact that the number of Mexicans naturalizing registered a slight drop, rather than the increase that would have been expected if the change were due to the immigrants newly eligible to apply for citizenship as a result of the IRCA amnesty. This is not to say that the continued rapid increase in applications experienced this year is not fueled by the amnesty, but it was still too early for much of the legalized population to apply two or three years ago. This underscores the fact that the earlier increase, and probably much of the current trend, results from the general increase in immigration, rather than that specific program.

The largest numbers of citizenship applications have come from the states with the greatest concentration of new immigrants — California and Texas. In

Table 1

### Top Ten Sources of Naturalizations (Average per Year)

	FY-87 - 91		FY-92 - 93
1. Philippines	26,866	Philippines	31,221
2. Vietnam	23,618	Vietnam	20,392
3. Mexico	20,447	Mexico	18,255
4. China	12,345	China	15,169
5. Korea	12,262	India	14,960
6. India	10,587	Cuba	11,436
7. Cuba	9,465	Dom.Rep.	10,369
8. U.K.	8,046	U.K.	8,979
9. Taiwan	6,660	Korea	8,945
10. Jamaica	6,338	Colombia	8,208

Source: INS data

California, none of the three INS offices processing applications has been able to keep up with demand (see Table 2). In San Francisco, fewer applications were processed than were on the waiting list at the start of the year. Therefore, if the waiting list cases were processed first, no new applications were decided (although we assume there may have been a few expedited cases for dependents of U.S. government employees assigned overseas.) Even when the California data are separated from the national data, the INS offices were able to act on only slightly more than half of the new citizenship applications filed during FY-94.

Citizenship requires that the immigrant renounce allegiance to any other country of nationality, in exchange for which is gained the ability to fully participate in the governance of this country by voting in elections and becoming eligible for elective office. For this reason, many commentators have lamented the generally low percentage of immigrants who naturalize. The 1990 census found that about eight million (40%) of 19.8 million foreign-born residents included in the census (without regard to their

Table 2

### Naturalization Application Backlogs

<u>INS Center</u>	<u>FY-94 New Apps.</u>	<u>FY-94 Decided</u>	<u>FY-93 Backlog</u>	<u>FY-94 Backlog</u>	<u>% New Apps. D</u>
San Francisco	62,142	43,774	44,704	63,072	0.
San Diego	12,261	7,592	5,001	9,670	21.
Los Angeles	115,055	65,712	29,629	78,972	31.
All Others	353,895	326,996	135,580	162,479	54.

Source: INS data

legal status) were naturalized U.S. citizens. The other 11.8 million — including 2-2.5 million illegal immigrants and 3-3.5 million recent immigrants, who were ineligible to apply for naturalization — clearly included a very large number of immigrants eligible to apply for citizenship, but who had not done so. Some of these persons could be joining the more recent immigrants who are becoming newly eligible and applying for citizenship, but this remains to be seen.

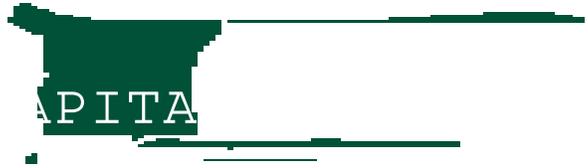
The Mexican government is considering legislation to allow its citizens to retain Mexican nationality even though they renounce Mexican citizenship to become U.S. citizens. This may remove a disincentive to Mexican immigrants applying for U.S. citizenship. At present, under Mexican law, naturalization removes the right to own property in Mexico along the frontiers. Commentators have suggested that this explains much of the low rate of naturalization by Mexican immigrants (22.6% in 1990) and indicates that a still greater future surge in naturalization applications is possible. However, as noted above, the Mexican data may be distorted by a significant number of nationals in the 1990 census who were not eligible for U.S. citizenship because they are illegal residents, and others may be deterred from applying by a low level of academic achievement, which makes passing the civics and English tests more difficult.

“The INS could not have anticipated the surge which many current applicants have attributed to the policy debate over eliminating noncitizens’ rights.”

—INS Commissioner Doris Meissner,  
April 13, 1995 San Francisco Chronicle

The INS has recognized the challenge of the burgeoning naturalization application workload and the growing backlog. It has been authorized to hire more than 1,000 additional people to process the applications. It estimates that it will be able to increase processing capacity from 504,000 to 720,000 applications annually with the new personnel and some streamlined procedures — although it didn’t actually handle 504,000 cases last year, and the number this year will be in excess of 720,000. INS Commissioner Meissner, who earlier announced plans to encourage naturalization by working with voluntary organizations, now has announced a \$500,000 fund for a pilot project in California to facilitate naturalization applications. However, it makes little sense to devote resources to increasing naturalization applications at a time when there are already more than the INS can handle. □

—John Martin



~ The **Commission on Immigration Reform (CIR)** in June released its preliminary recommendations on legal immigration reform. CIR proposes that legal immigration be reduced to 550,000 per year, with an additional 150,000 visas per year to eliminate the backlog of spouses and children of legal residents (see p. 5 for more details).

~ A number of bills addressing **illegal immigration control** have been introduced in the Senate. **Sen. Dianne Feinstein (D-CA)** in March introduced the Illegal Immigration Control and Enforcement Act (S. 580), which calls for increased border controls, expedited deportation for illegal and criminal aliens, limitations on public assistance for aliens, a secure work authorization verification system, enhanced penalties for alien smuggling and document fraud, and a border crossing fee.

~ **Sen. Ted Kennedy (D-MA)** in May introduced the Clinton Administration’s Immigration Enforcement Improvements Act (S. 754). This bill contains many of the same provisions as S. 580, including an optional border crossing fee, but is generally weaker in the areas of work verification, deportation streamlining, criminal penalties, and prohibitions against public assistance use by illegals. Provisions from both these bills were incorporated into S. 269, **Sen. Alan Simpson’s (R-WY)** bill, which was approved by the Immigration Subcommittee in June and now awaits action in the full Judiciary Committee (see p. 2 for more on S. 269).

~ **Sen. Hutchison (R-TX)** introduced the Illegal Immigration Control Act (S. 999) at the end of June. This bill is similar to the Feinstein bill, but it would accelerate establishment of a work verification system, streamline the asylum process, permanently bar illegal aliens from receiving legal permanent resident status, and not include a border crossing fee.

~ There has also been major immigration-related activity in the House of Representatives. On June 22, **Rep. Lamar Smith (R-TX)** introduced the Immigration in the National Interest Act (H.R. 1915), which addresses both **legal and illegal immigration**. It is the most comprehensive immigration reform bill in recent history. It calls for a reduction in legal immigration to 535,000, with an additional 50,000 per year for five years to reduce the backlog of spouses and children of legal residents. It also calls for major reforms in illegal immigration control efforts (see p. 3 for more on H.R. 1915).

~ **Rep. Howard Berman (D-CA)** in June introduced the House version of the Clinton Administration’s illegal immigration bill (H.R. 1919).

~ The **House Task Force on Immigration Reform**, appointed by Speaker Newt Gingrich (R-GA) and chaired by Rep. Elton Gallegly (R-CA), released its report on June 29. The Task Force recommendations, most of which are included in H.R. 1915 and have been endorsed by Speaker Gingrich,

*(Continued on page 13)*



## Immigration Policy Online



There is a wealth of information relating to immigration policy on the Internet. Whether in the form of electronic mail, gopher servers or World Wide Web sites, anyone with Internet access can make use of demographic resources, download scholarly papers or newspaper op-eds, and participate in the debate on immigration. The following is a list of such resources — it doesn't claim to be exhaustive, so those who know of sites that aren't included are encouraged to let the Center know.

**E-MAIL RESOURCES:** The Center for Immigration Studies has started two parallel mailing lists on immigration policy issues. The first list, called **CISNEWS**, is a moderated list with no discussion or debate, which is for announcements, news items, reviews, etc. (This list includes items from CIS and any other organization that wishes to submit immigration policy-related material for consideration.) It features only a few postings a week, so as not to clutter subscribers' mailboxes. To join **CISNEWS**, send an e-mail message to [center@cis.org](mailto:center@cis.org), asking to be subscribed.

The second, parallel list maintained by the Center is called **IMPOLICY**, and has the same announcements, etc., as the first list, but also allows subscribers to carry on discussions. The members are well-informed, though not all are academics. This list often generates a larger volume of messages, since there can be lively debate. To subscribe, send a message to [majordomo@list.us.net](mailto:majordomo@list.us.net) with the message: **subscribe IMPOLICY**. You'll get a message saying your subscription request has been forwarded for approval, and when approved, you will receive a welcome message.

**OTHER MAILING LISTS:** The Population Research Center at the University of Texas at Austin has created a list called **IMMIGPRC** to provide a forum for scholars, researchers and others interested in the field of immigration. The list is intended to distribute information on recent research in immigration, notices of upcoming meetings and events, as well as noteworthy current events to all interested subscribers. The list also aspires to be a place to share information with colleagues at other universities or agencies. To subscribe, send a message to [listproc@mcfeeley.cc.utexas.edu](mailto:listproc@mcfeeley.cc.utexas.edu) with the message: **subscribe IMMIGPRC**.

Another mailing list is **H-Ethnic**, run by H-Net, Humanities On-Line, to provide a forum on scholarly topics in ethnicity, race relations and immigration history, concentrating largely on North America. The list publishes news and announcements, and encourages debate on interdisciplinary themes. H-Ethnic also runs news updates on Washington developments relating to the humanities generally. The list has more than 400 subscribers from around the world, including professors, librarians, graduate students and journalists, but no undergraduates

(those requesting to subscribe must complete an electronic questionnaire). To sign up, send a message to [LISTSERV@MSU.EDU](mailto:LISTSERV@MSU.EDU) with the message: **subscribe H-Ethnic**.

The demography program at the Australian National University maintains the **demographic-list**. This mailing list is concerned with demography and demographic techniques, which have obvious relevance to immigration. To join, send e-mail to [majordomo@coombs.anu.edu.au](mailto:majordomo@coombs.anu.edu.au) with the message: **subscribe demographic-list**.

For those interested in keeping in touch with activists, there is an **Immigration Reform Mailing List**, maintained by the Bay Area Coalition for Immigration Reform. Send a simple message asking to join to [www5@netcom.com](mailto:www5@netcom.com).

**MIGRATION NEWS:** This monthly electronic newsletter summarizes the month's most important immigration developments. Topics are grouped by region — North America, Europe, Asia and Other — and stories are summaries of news accounts from a variety of sources. To receive *Migration News* by e-mail, send your e-mail address to [migrant@primal.ucdavis.edu](mailto:migrant@primal.ucdavis.edu), or retrieve current or past issues from the *Migration News* folder at <gopher://dual.ucdavis.edu>. The online versions are free; a paper version is available for a fee.

**WORLD WIDE WEB SITES:** There are a host of Web sites (and gopher servers) on immigration-related issues (a "browser" program, such as Mosaic or Netscape, is needed to access sites on the Web). Some of the more notable are:

**Immigration Forum** is maintained by Norm Matloff, a professor of computer science at the University of California, Davis. This site contains articles by authorities on immigration issues, grouped by category, including welfare use, impact on minorities, asylees and refugees, assimilation, economic impact, etc. It also contains a link to the *Migration News* gopher site. The address is: <ftp://heather.cs.ucdavis.edu/pub/Immigration/Index.html>.

The home page of the **Centre for Immigration and Multicultural Studies** at the Australian National University contains links to numerous other population and immigration Web sites and gopher servers around the world. Its address is: <http://coombs.anu.edu.au/SpecialProj/CIMS/CIMS-HomePage.html>. Another site at the same university, <http://coombs.anu.edu.au/ResFacilities/DemographyPage.html>, contains 139 links to demography-related sites.

Princeton University's **Office of Population Research** maintains an online version of *Population Index*, a quarterly bibliography covering all fields of interest to demographers, including international migration. It has been published since 1935 — only 1994 and 1993 are online now, but eventually

issues from 1986 on will be online. Its address is: <http://opr.princeton.edu/pi/pindex.htm>.

The **Population Research Center** at the University of Texas has a home page with the PRC newsletter, working papers and abstracts by scholars at the Center. Its address is: <http://www.prc.utexas.edu> (or [gopher.prc.utexas.edu](http://gopher.prc.utexas.edu)).

The home page of the **Population Studies Center** at the University of Michigan (<http://www.psc.lsa.umich.edu/Index.html>) contains PSC Research Report Abstracts.

**RefWorld** is the site maintained by the United Nations High Commissioner for Refugees (<http://www.unhcr.org/unhcrdr> or [gopher.unhcr.org:70/11/unhcrdr](http://gopher.unhcr.org:70/11/unhcrdr)). It contains refugee information by country, a bibliography, legal information, speeches of the High Commissioner, etc. Among the sources are UNHCR papers and INS Country Papers, prepared for purposes of judging asylum claims.

The **Centre for Research in International Migration and Ethnicity** at Sweden's Stockholm University (<http://www.ceifo.su.se>) has a new site which will eventually house information on ongoing immigration-related research projects (in English and Swedish), as well as the *IMER Bulletin* (International Migration and Ethnic Relations), an electronic magazine. This site is still under construction, so content may be limited at first.

The Web site of the Immigration and Naturalization Service (INS) (<http://www.usdoj.gov/offices/ins.html>) isn't particularly useful, as it contains only a single page with a brief description of the INS and its responsibilities, along with contact information for the public affairs office.

There are also at least two advocacy-oriented immigration Web sites. The **Federation for American Immigration Reform** (FAIR) maintains a site (<http://www.fairus.org>) with information on history, legislation, publications, membership, etc. **Charlotte's Web**, an unofficial United We Stand America site (<http://www.emf.net/~cr/homepage.html>), has a page for the Perot organization's National Immigration Task Force.

**NEWSGROUPS:** For those interested in more boisterous (and often ill-informed) discussion of immigration issues, there are three Usenet newsgroups, which function like electronic bulletin boards. The three newsgroups are [misc.immigration.canada](mailto:misc.immigration.canada), [misc.immigration.misc](mailto:misc.immigration.misc), and [misc.immigration.usa](mailto:misc.immigration.usa). They were started to serve as forums for questions relating specifically to visa requirements and were used mainly by foreign students and immigration lawyers. They have since become the site of extended discussions of immigrants and immigration policy. It's harmless to lurk (follow the debate without participating), but if you do jump in, expect ad hominem attacks, whatever your point of view. It can be fun, but you probably won't learn much. □

—Mark Krikorian



include improved border controls, increased penalties for illegal entry, alien smuggling and document fraud, pilot programs for work verification systems, and expedited exclusion and deportation procedures. The report's most controversial proposals are to end birthright citizenship for children of illegal aliens and to allow states to deny public education to illegal aliens.

~~~~~ On June 8, the House passed a State Department authorization bill (H.R. 1561) that calls for the resettlement in the United States of an estimated **20,000 Vietnamese, Laotians and Cambodians** from refugee camps in Asia, despite the fact that these migrants have been determined not to be genuine political refugees. It also creates a **blanket asylum category** for persons claiming persecution on the basis of their country's **"coercive population control program."** And, in a provision that would affect Cuban and Haitian boat people, among others, it prohibits the use of U.S. funds to **involuntarily repatriate migrants** who fear of persecution, "regardless of whether [they are] physically present in the United States."

~~~~~ The House in March approved a **welfare reform** bill (H.R. 4) that makes most non-citizens ineligible for most federal welfare programs (see "Capital Currents," *Immigration Review*, No. 21). The Senate plan differs from the House version in that it would bar most legally-resident non-citizens only from SSI, but would allow the states to bar them from other non-emergency assistance programs. It also includes tough "deeming" provisions and a legally-binding affidavit of support for immigrant sponsors. The Senate Finance Committee has approved the bill, but the full Senate has yet to act on it.

~~~~~ The Senate in June passed **anti-terrorism legislation** (S. 735) that would make membership in a terrorist organization a ground for exclusion from the United States and establish an expedited deportation process to remove terrorist aliens. Similar legislation (H.R. 1710) was approved by the House Judiciary Committee on June 20 and now awaits action by the full House.

~~~~~ The Clinton Administration announced in May that **Cubans held at Guantánamo** will be let into the United States as part of the 20,000 per year agreement with Castro. The administration also announced that most of the remaining Haitians at the base are being brought to the United States. At the end of June, there were still 165 Haitians at Guantánamo, along with 16,462 Cubans. Some 4,000 Cubans have already been brought to the United States.

~~~~~ The INS has issued new guidelines for judging **asylum claims from women**. The effect is to recognize a dual standard in those cases where societies abuse or condone abuse of women because of their views or practices. Critics of the new guidelines note that the U.S. (and international) definition of a refugee provides a standard that covers women as well as men. They foresee a groundswell of asylum claimants attempting to gain approval based on the new guidelines.

## Book Review

## A Flawed Jewel

by Mark Krikorian

A review of **Alien Nation: Common Sense About America's Immigration Disaster**, by Peter Brimelow, (New York: Random House, 1995).

Peter Brimelow sees himself in the tradition of Irish servants, Chinese railroad men, Italian factory workers, Mexican fruit pickers — he is an immigrant doing America's dirty work. The dirty work in this case is airing the often-distasteful reality that our nation's immigration policy is broken.

As an immigrant, he was not raised on the poetry of Emma Lazarus and her "huddled masses." He feels free to say that, with regard to our nation's immigration policy, the emperor has no clothes.

At the same time, his European birth affects his vision in another way — he sees American nationality in excessively ethnic and racial terms. While this is a useful antidote to the breathless claims by neoconservatives and others that America is merely an idea rather than a nation, Brimelow unfortunately goes overboard in claiming that ours is a nation like any other, like Japan or Denmark or Swaziland, and thus necessarily defined by an ethnic core.

Along the way, he gleefully eviscerates the whole panoply of immigration myths. Brimelow, a financial writer for *Forbes*, describes the harm done by mass immigration in a first-person, conversational tone that conveys his outrage without sacrificing his good humor. This is a gem of a popular book that provides a non-academic, easily digestible source of information which ought to make unthinking acceptance of mass immigration impossible for anyone who reads it. He calls it a "toolkit of arguments for ordinary Americans."

He reviews the historical record on the making of immigration policy, and exposes the mendacity of those who lobbied for the 1965 changes that have led to today's crisis. He devotes two chapters to immigration's economic consequences, in which he good-naturedly dis-

sects Julian Simon's *The Economic Consequences of Immigration*, and bases much of his thinking on the work of Prof. George Borjas. Interestingly for a conservative, he even takes seriously the environmental consequences of rapid population growth driven by immigration.

These points alone would be enough to pop the balloons of immigration enthusiasts. Unfortunately, Brimelow's extraordinary concern with racial issues in his discussions of assimilation detracts from the rest of the book. At public appearances, like a recent debate with Ben Wattenberg sponsored by the Center for Immigration Studies, Brimelow claims that he is not arguing that Asian and Latin American immigration is a racial threat to (white) America. Maybe; but the plain language of the book would seem to argue otherwise.

Brimelow writes that "the massive ethnic and racial transformation that public policy is now inflicting on America is totally new — and in terms of how Americans have traditionally viewed themselves, quite revolutionary." This is the main point of the book — and is simply incorrect. America has been ethnically transforming itself continually, and the claim that Irish and Italians were more similar to 19th century American natives than today's immigrants are to us is unhistorical and anachronistic.

He uses a graphic device he calls "pincers" to claim that America is being racially overwhelmed by immigration. The pincers, based on familiar statistics from the Census Bureau, show growing percentages of our population comprised of people with Hispanic and Asian ancestry, while non-Hispanic whites will be squeezed down to little more than half the national population by 2050. This, of course, is caused by immigration, which now consists primarily of "visible minorities" from Third World countries instead of Europeans.

He makes this point quite insistently. For example: “Race and ethnicity are destiny in American politics. The racial and ethnic balance of America is being radically altered through public policy. This can only have the most profound effects.” Or: continuing mass immigration will make America “a freak among the world’s nations because of the unprecedented demographic mutation it is inflicting on itself.” Also: “Just as when you leave Park Avenue and descend into the subway, when you enter the INS waiting rooms you find yourself in an underworld that is not just teeming but is also almost entirely colored.”

He is, of course, correct that throughout our history the overwhelming majority of our people have been what we now would call “white.” The difficulty lies in his claim that current immigration is “systematically different from anything that had gone before.”

On the contrary, the changing ethnic makeup of the immigrant flow can be seen as a further unfolding of a process started long ago, as the definition of those deemed fit to be part of the nation has expanded. The people of Massachusetts and Virginia, after all, originally considered Anglicans and Congregationalists, respectively, to be unfit for membership in their communities. Later, non-British northern European Protestants, such as the Huguenots and Dutch, were accepted (grudgingly) as potential Americans. Still later, Catholics, at first suspect because of the hierarchical and seemingly anti-republican nature of their church, were included.

Brimelow anticipates this objection: “the American experience with immigration has been a triumphant success. It has so far transcended anything seen in Europe as to make the application of European lessons an exercise to be performed with care.”

He performs the exercise anyway. He says all the groups accepted heretofore were “white,” and therefore could be accommodated, even though Americans at the time somehow didn’t realize it. Now, on the other hand, immigrants are not “white,” and the ethnic changes they are bringing about are more serious.

But what is white? The Portuguese, who first arrived in New England in colonial times, certainly weren’t considered white; nor were the Sicilians. Even Armenians, now laughably classified as “Anglos” in California, were, until after World War II, included in restrictive covenants along with Asians, blacks and Mexicans.

And the concept of “whiteness” is becoming ever-more fluid. Brimelow’s racial pincers are being dissolved by the fact that intermarriage is at historically high levels, with large percentages of people with Asian and Hispanic backgrounds marrying whites.

His response to this fact is limp. He says that even with a higher number of intermarriages, if large numbers of people continue to immigrate, the proportion of various ethnic groups that intermarry will decline. A good point — but if numbers are the key, why the talk about ethnic origin and “visible minorities”? Secondly, he claims that the products of mixed marriages may still assimilate into the minority culture rather than the majority. This is not going to happen on a mass scale.

His chief fear is that America is in the process of deconstructing itself, such that our people “will no longer share in common what Abraham Lincoln called in his First Inaugural Address ‘the mystic chords of memory ...’” It is a legitimate, even urgent, concern. But it is a problem that we as a people have brought upon ourselves and must solve ourselves. It may be accurate to argue that mass immigration exacerbates the fraying of our national fabric — by providing cannon fodder for the multiculturalists and biligualists — but the simple fact that today’s newcomers are Mexican or Chinese as opposed to German or Greek is a non-sequitur in this cultural conflict.

Brimelow’s assertion of a white America suffers from another small problem — blacks. He rightly decries the harmful impact of immigration on poor black Americans, and relishes exposing the hypocrisy of many liberal cheerleaders for immigration. But he never quite admits that blacks are actually Americans. He says that blacks, though they made up 20 percent of the American population in the 1790 census, were not part of the “political nation” — but then neither were Indians or white men who didn’t own property or, for that matter, women.

This problem with the presence of blacks is implicit elsewhere, as well. He complains that immigration is upsetting the racial balance by reducing the white share of the population, as newcomers arrive from the Third World but not Europe. But if immigration should reflect, and not change, the nation’s racial balance, shouldn’t we make sure that 12 percent of immigrants each year are black, reflecting their share of the population? Somehow,

# IMMIGRATION REVIEW

this never comes up. This ambivalence about the American-ness of black Americans is disturbing and further evidence of Brimelow's feeling that "white" and "America" should be synonymous.

There are plenty of reasons to be critical of the current policy of mass immigration — economic, fiscal, demographic, political, environmental, and others — and Brimelow adroitly identifies them. Even his objections

based on assimilation would be legitimate, if the core of the concern were the difficulty of assimilating large numbers of foreigners into a society which promotes ethnic division and snickers at the idea of Americanization. But unease with the simple fact of immigrants' "brownness" or "yellowness" just isn't convincing — and distracts attention from the rest of Brimelow's valuable book. □

## Immigration Reading



***Soothing the Establishment: The Impact of Foreign-Born Scientists and Engineers on America***, by David S. North (Lanham, Md.: University Press of America, 1995). North examines the impact of foreign-born students and professionals on native-born Americans in the fields of science and engineering.



***Importing Revolution: Open Borders and the Radical Agenda***, by William R. Hawkins (Monterey, Va.: American Immigration Control Foundation, 1994). Hawkins takes a detailed look at the major organizations that are funding and otherwise supporting the pro-immigration advocacy movement.



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