Illegal Immigration Essay, Research Paper

ILLEGAL IMMIGRATION

The Issues

They slip into the San Diego rail yard furtively, preferably beneath the protective cover of darkness, jumping fences, eluding

guards and dodging 200-ton locomotives in a perilous dash for the most elusive of prizes, a free ride to the north. “To be truthful,

I have no idea of precisely where this train goes, other than it takes us to el norte,” says Jose Flores Osuna, an illegal Mexican

migrant seeking work in the United States.(1)

Every day thousands of Mexicans and Central Americans surreptitiously cross the U.S.-Mexican border carrying little more than

dreams of a better life. And they are not alone. Last year in the region around El Paso, Texas, the U.S. Border Patrol apprehended

illegal entrants representing 75 nationalities.\* (\*Ninety percent of those apprehended at the border are Mexicans.) Some are driven

out of their homelands by war or political oppression, but most are bread-and-butter migrants hoping to trade poverty for

prosperity.

Foreigners unauthorized to work in the United States can be found in restaurant kitchens, garment factories, tomato fields,

parking garages and taxicabs, or pushing brooms and performing a host of other menial tasks whose common features are long hours and

low pay. Despite passage of the long-fought-for 1986 Immigration Reform and Control Act (IRCA), which liberalized legal immigration

in exchange for a promised crackdown on unlawful entry and employment, millions of illegals continue to flood into the United

States, competing for scarce U.S. jobs, putting pressure on public services and arousing xenophobic fears.

The number of people caught at the U.S.-Mexican border dropped sharply from 1986 to 1989, after IRCA legalized more than 3

million aliens already living here. But apprehensions have increased dramatically in the past two years. More than 1 million people

were intercepted last year, and apprehensions were up 15 percent in the first quarter of this year, leading many observers to claim,

once again, that our borders are out of control.

“As Americans we must always remember that immigration helped make this country great,” says U.S. Attorney General William P.

Barr. “But as we welcome people in the front door…we see people crashing through the back door and the back window, violating our

laws, flouting our sovereignty and ignoring our process.”(2)

In a Sisyphean effort to staunch the flow along its southern border, the United States has recently added 300 Border Patrol

agents, put up new stadium lights and constructed a 10-foot-high, solid-steel barricade along a 14-mile stretch of the frontier,

just south of San Diego.

The fact that each night literally hundreds of men and women clamber over the barricade is testament to its ineffectiveness–

and to the irresistible pull of U.S. jobs that on average pay eight times their equivalent in Mexico. “It doesn’t matter how many

people, horses, bicycles, helicopters or planes they use,” says Javier Ortega, a 40-year-old auto body repairman from Guadalajara.

“People will go. It doesn’t matter if the fence is electric.”(3)

Critics of the U.S. enforcement effort say it is a waste of time and resources and may even impede attempts to address the

underlying problem–the huge economic disparity between the United States and Mexico. U.S. emphasis on police measures, such as the

new wall, increases resentment and economic nationalism in Mexico, says Wayne A. Cornelius, director of the Center for U.S.- Mexican

Studies at the University of California at San Diego. U.S. policies, he says, “make it more difficult for the Mexican government to

adopt free-trade policies needed for a long-term solution.”

But Americans are nearing the breaking point. The United States accepts 700,000 immigrants legally each year, more than the

rest of the world put together. Many wonder how many more the country could absorb without causing a social breakdown. According to

a poll conducted by the Gallup Organization last month, two-thirds of Americans want greater restrictions placed on immigration.

The brewing backlash against immigrants–even those here legally–is also evident in this year’s election campaigning.

Republican presidential aspirant Patrick J. Buchanan touched a nerve when he said: “I think God made all people good, but if we had

to take a million immigrants in, say Zulus, next year, or Englishmen, and put them in Virginia, what group would be easier to

assimilate and would cause less problems for the people of Virginia?”(4)

In California, U.S. Senate candidate Rep. William F. Dannemeyer, R-Calif., has openly campaigned against illegal immigration,

calling upon President Bush and California Gov. Pete Wilson, a Republican, to bring in the California National Guard and U.S.

military to seal the border.(5)

Declaring war on illegal immigration, adopting a Berlin Wall attitude, makes many experts and government officials

uncomfortable. But what should the United States do? As policy- makers grapple with the issues of how to treat illegal immigrants

once they’re here–and how to prevent more from coming–these are some of the questions being asked:

- Does illegal immigration damage or help the US. economy?

Obviously, legal immigration has profoundly influenced U.S. society. Numerous studies conclude that migrants enhance

productivity in a number of ways. They accept temporary or marginal jobs, work hard, pay more in taxes than they take in services

and establish vibrant small-business sectors. Bustling commercial areas from Koreatown in Los Angeles to Miami’s Little Havana

attest to the entrepreneurial verve of recent immigrants.

The equation, however, is more complex for illegal migrants. For one thing, they are a mysterious and–in a real, statistical

sense–undocumented lot. There is little reliable data on their tax input and service use. Some pay taxes and function as active

citizens in the community while others live quietly on society’s fringes and are paid “off the books.” Furthermore most analyses

still are based on 1980 census data and fail to reflect recent changes in immigration laws and the current economic downturn.

In the absence of hard data, discussion tends toward the polemical. Persistent perceptions that immigrants take jobs away from

natives and are hard to assimilate into society have joined another growing viewpoint: that increasing numbers of newcomers strain

public services. Suspicions of illegitimate use of welfare by undocumented migrants were so strong that Congress included provisions

in the 1986 immigration law for a high-technology automated program–Systematic Alien Verification Entitlements (SAVE)–to weed

unentitled aliens from the welfare rolls. So few were discovered that several states, including Texas, sacked SAVE because it cost

more to operate than it saved.

Most experts say widely held assumptions that illegals are a net drain on the economy are probably erroneous. By law, illegal

immigrants are barred from receiving federal welfare payments and a range of other benefits, including food stamps and unemployment

compensation.(6) Fearing deportation, few file for the income-tax refunds owed them, and the vast majority are too young to apply

for Social Security benefits–even if they dared. Illegals come to the United States to work, not to go on welfare.

At the same time, their children born in the United States can–and do–receive government assistance. Dependents of illegal

residents tend to use education and neighborhood medical services, albeit sparingly, squeezing state and local revenues in areas

where they are concentrated. “In a macro sense, any economist will say immigration–even illegal immigration–is always a gain to

society,” says Charles Keely, a migration expert at Georgetown University in Washington. “The problem is a distributional one. Taxes

flow to the federal government, but services used are at the state and local levels.”

Nowhere is the imbalance more acute than in Southern California, home to as many as 1 million undocumented migrants. In Los

Angeles County, illegal immigrants–mostly from Mexico– generated almost $3 billion in assorted tax revenues during 1990-91,

according to a recent study.(7) But the bulk of those funds–$1.7 billion–went to Washington in the form of income tax and Social

Security levies. Related county costs–mostly in health and child care, jails and other justice-type expenses associated with the

immigrant population–outpaced local tax inputs by nearly 3 to 1.

Los Angeles officials say that children born to illegal immigrants now account for more than 65 percent of all births at

county-run hospitals, costing taxpayers $28 million a year. Federal welfare payments to U.S.-born children of illegal immigrants

residing in Los Angeles County approach $250 million annually.(8) “The federal government is making out like a bandit,” Keely says,

“while Los Angeles is taking it in the neck.”

Though few economists would deny that immigrant competition hurts low-skilled American workers, Lawrence Fuchs, former

executive director of the U.S. Select Commission on Immigration and Refugee Policy and currently a professor at Brandeis University,

says his research convinced him that illegal aliens “probably create more jobs than they take away.” Douglas Massey, a sociologist

at the University of Chicago, agrees. “Without illegal immigrants,” he says, “many U.S. factories would go offshore. The garment

industry in East Los Angeles…would be in Taiwan or Mexico.”

That’s cold comfort to unemployed textile workers in Los Angeles, displaced by undocumented Mexicans working in sweatshops.

Moreover, expanding the nation’s gross domestic product on the backs of low-paid workers may not be morally just or economically

sound. Billions of dollars’ worth of wages are sent out of our economy. And hard-won benefits to American workers–the minimum wage,

an eight-hour work day, pensions–are undermined by the enormous underground economy.

The larger issue concerns how undocumented workers affect the structure of the economy–making it more service-oriented and

labor-intensive. Illegal immigration has almost certainly postponed greater mechanization, particularly in agriculture and

manufacturing, which may be essential for U.S. industries if they are to compete in the global economy.

- Would a national identification card diminish the flood of undocumented workers?

The novel idea behind IRCA was to hold businesses accountable for hiring improperly documented workers. But the

employer-sanctions section of the 1986 law had to be watered down to win enactment because of opposition from employers, who

resisted being deputized as border guards, and from civil rights groups that feared anyone with a Hispanic surname or Asian features

might be subjected to the third degree. IRCA set fines and jail terms for employers who knowingly hire illegal aliens, but in

practice the law is a sieve.

IRCA requires only that the employer examine any two of 17 proofs of citizenship, some of which, baptismal certificates for

example, have thousands of acceptable variations. And the employer need only make a reasonable inspection of a worker’s documents.

This lax standard has spawned a cottage industry in bogus documents. “The word is out that you can circumvent the law with

fraudulent documents,” says Duke Austin, spokesman for the U.S. Immigration and Naturalization Service (INS) in Washington. “You can

pick up a Social Security card for $20 on just about any street corner in Los Angeles.” Immigration experts estimate that at least

40 percent of undocumented workers carry fraudulent papers. Last September, the INS seized two printing presses and more than

250,000 phony ID cards in Los Angeles.”

The prevalence of counterfeit documents has prompted some experts to call for a national identification system. “If America

were more adult about this issue, like some Western European nations,” argues Robert Kuttner, the economics correspondent for THE

NEW REPUBLIC magazine, “we might save ourselves endless inconvenience by establishing a single official ID. Employers could ask to

see it, and counterfeiting it would be a serious crime.”(10)

Most advocates for reforming immigration documents don’t go that far. But many agree with the University of Chicago’s Massey,

who says if the nation wants to control and deter undocumented migration, “there has to be some sort of employer-verification

system.” Massey contends that credit-card technology could easily be adapted to limit the hiring of undocumented workers. “VISA and

American Express cards are used millions of times daily,” he says. “Retailers simply call a number for verification.”

“The technology is there,” he adds. “What is lacking is the political will.” Americans have a deep-rooted distrust of any form

of government identification card. Until recently, Social Security cards included the disclaimer: “For Social Security and tax

purposes–not for identification,” even though Social Security numbers are now in standard use for driver’s licenses, bank accounts,

passport applications and so on.

Talk about an employment-verification system has met relentless opposition from a host of groups from the U.S. Chamber of

Commerce to the American Civil Liberties Union, who liken identification cards to South African passbooks. Even the Social Security

Administration opposes it.

“A national I.D. card may seem a logical solution,” says Muzaffar Chishti, an immigration specialist with the International

Ladies’ Garment Workers’ Union, “but for all sorts of social, political, civil libertarian reasons, it’s not worth the price.”

Nancy Cervantes, an attorney at the Coalition for Humane Immigration Laws in Los Angeles, agrees. “The prospect of a national

I.D. card is a little scary. Already the practice of requiring Social Security numbers for driver’s licenses encourages people to

drive without a license. I don’t think it’s in the public interest to have more government intrusion than there already is.”

Proponents of employment-verification cards say such Orwellian fears are misplaced. In fact, few people are seriously

advocating a national I.D. card that must be carried around at all times. Rather, proponents insist, most proposals for reforming

immigration documents are intended merely to enforce existing laws, and ultimately would lead to less discrimination. “America

didn’t need employment cards to intern the Japanese during World War II,” says Fuchs. “Their absence is not what guarantees freedom

and keeps fascism out of the U.S.”

In any case, virtually everyone agrees that without a more consistent–and fraud-resistant–means of differentiating eligible

workers from ineligible workers, employer sanctions won’t work. “The whole document business has to be reformed,” says Doris

Meissner, a former acting commissioner of the INS and presently a senior associate at the Carnegie Endowment for International

Peace. We knew that when IRCA passed, but I don’t know if we have the stomach for it.”

- Do illegal immigrants have any rights under U.S. law?

Whether Americans welcome them or not, once immigrants are here they have certain rights guaranteed by the Constitution. In

earlier eras, however, some Americans assumed that undocumented aliens did not have any rights whatsoever–other than the right to

humane treatment during deportation. Talk of a right to an American education, for example, would have been dismissed out of hand.

Yet in 1982, the U.S. Supreme Court ruled that undocumented immigrant children had a right to go to school, invalidating a 1975

Texas law withholding educational funds for children not “legally admitted” into the country.

In an opinion written by Justice William J. Brennan Jr., the court held that the equal-protection clause of the 14th Amendment

applied to all, regardless of citizenship status. Though public education is not a constitutional right, noted Brennan, “neither is

it merely some governmental `benefit’ indistinguishable from other forms of social welfare legislation.”

Education has “a fundamental role in maintaining the fabric of our society,” Brennan said. To deny children the right of

education, he concluded, would in the long run add to the problems and costs of unemployment, welfare and crime.(11)

Undocumented migrants have other rights, too. For example, all illegals have the right to apply for political asylum, a process

that can take more than a year and effectively prolong their stay in the United States. Though relatively few illegals have any

realistic hope of gaining asylum status, an increasing number are applying, knowing the system can’t handle them. Those awaiting a

ruling on asylum requests often take jobs and meld into the underground economy.

Since the 1970s, all workers, regardless of immigration status, have been entitled to the same labor protections and remedies.

But despite these protections, illegal aliens are discriminated against in countless ways. “In theory,” says attorney Nancy

Cervantes, “undocumented workers are protected under labor laws. But in reality they have to put up with all kinds of

discrimination. Without working papers, they are pushed out of the conventional work force.”

Fears of workplace discrimination have intensified since IRCA was passed in 1986. Because the law makes it illegal to hire

undocumented workers, some employers argue that federal labor legislation, including Title VII of the 1964 Civil Rights Act and the

Fair Labor Standards Act, no longer covers illegal workers. Thus far, the courts have rejected this argument and held that

undocumented workers can bring lawsuits against employers.(12)

For many illegals, however, that’s a hollow victory. In order to exercise legal rights, an individual usually has to hire a

lawyer. Although most illegal immigrant claims are paid on a contingency basis, problems arise when claims involve subtle

discrimination or relatively minor physical injuries, such as broken limbs. “Who’s going to take on a $1,000 claim?” asks Cervantes.

“Not very many lawyers I know.”

Most undocumented workers are not likely to persue their legal rights in any case. “If [illegals] make a claim against an

employer, they fear they will be turned over to the INS,” Cervantes says. “But even more important, they are afraid they’ll lose

their jobs.”

Ultimately, most experts agree, the real danger for illegals is that they may become a permanent servant class–latter-day

indentured servants needed for their labor but living as fearful, second-class citizens on the margins of society. This may not be

bad for the economy, but many believe it corrodes the polity. As Lawrence Fuchs puts it: “We’d be a healthier society if the 14th

Amendment covered everybody.”

Background: Half-Open Door

Despite the generous words inscribed on the pedestal of the Statue of Liberty–”Give me your tired, your poor, your huddled

masses yearning to breathe free….”–America has vacillated between welcoming immigrants and resenting them.

Thousands of Chinese laborers were brought to this country to build the railroads in the 19th century, and then excluded in a

wave of anti-Chinese hysteria. The Chinese Exclusion Act of 1882 and its extensions effectively ended immigration of Chinese to the

United States for over half a century. Other Asian groups were restricted through legislation passed in 1917 that created “barred

zones” for Asian immigrants.(13)

Of course, the racist undertones of U.S. immigration policy were by no means reserved for Asians. Singling out Italians and the

Irish as “wretched beings,” THE NEW YORK TIMES sounded the alarm in an editorial on May 15, 1880: “There is a limit to our powers of

assimilation, and when it is exceeded the country suffers from something very like indigestion.” A decade later, Francis Walker, who

was then director of the Census Bureau, cited data in support of the argument that the United States was being overrun by “less

desirable” immigrants, including newcomers from Southern and Eastern Europe who he described as “beaten men from beaten races.”

In the 1920s, public concern about the nation’s changing ethnic makeup prompted Congress to set up the national-origins quota

system, limiting immigration. Measures passed in 1921, 1924 and 1929 were designed not only to restrict overall immigration but also

to limit immigration from certain areas. Quotas were based on the share of the U.S. population having similar ancestry, effectively

closing the door to Asians and Southern Europeans.

Quotas, of course, didn’t stop the desperate. Legal barriers served to swell the ranks of those who came illegally–

particularly Mexicans, whose only physical obstacle was to wade the Rio Grande River. The outbreak of the Mexican Revolution

(1910-17) provided additional incentives to those considering a flight to the north. To help stem the flow, the United States in

1924 created the U.S. Border Patrol, the enforcement arm of the INS, which guards the 6,000 miles of U.S. land bordering Canada and

Mexico.

Immigration and Nationality Act

Economic and political realities during the early 1940s forced the United States to relax its immigration policies. In 1941

China became a wartime ally against Japan, and two years later the Chinese exclusion laws were repealed. Moreover, partly to relieve

U.S. wartime labor shortages and partly to legalize and control the flow of Mexican agricultural workers into the country, the

United States in 1942 began the Bracero (”laborer”) guest-worker program. Through a series of bilateral agreements primarily with

Mexico but also including several Caribbean countries, Washington admitted temporary workers to pick crops in Western states.

Shortly thereafter, there was pressure to codify the scores of immigration laws that had evolved over the years. The result was

the 1952 Immigration and Nationality Act, which despite numerous revisions still underpins much of U.S. immigration policy. That

legislation, also known as the McCarren-Walter Act, retained the basic quota system favoring skilled workers and relatives of U.S.

citizens, but also removed all racial prohibitions against naturalization and immigration.

`Operation Wetback’

Legal immigration, however, was no longer the principal issue for many government officials. Its cumulative impact had become

overshadowed by the flood of illegals circumventing legal immigration channels. “Before 1944, the illegal traffic on the Mexican

border…was never overwhelming,” the President’s Commission on Migratory Labor noted in 1951, but in the past seven years, “the

wetback traffic has reached entirely new levels…. In its newly achieved proportions, it is virtually an invasion.”(14)

In a desperate attempt to reverse the tide, the U.S. Border Patrol in 1954 launched “Operation Wetback.” Nearly 500 INS

officers were transferred from the Canadian perimeter and from large cities in the U.S. interior, joining some 250 patrol agents

already along the U.S.-Mexican border. Agents swooped down on factories and farms, arresting any Hispanic-looking people who

appeared not to belong. More than 1 million undocumented Mexican migrants, together with some U.S. citizens, were summarily

deported.

Although Operation Wetback enjoyed popular support and served to bolster the prestige–and budget–of the INS, it exposed an

inherent contradiction in U.S. immigration policy. The 1952 law contained a gaping loophole, known as the Texas Proviso, an obvious

concession to Texas agricultural interests who relied upon cheap labor.

“The Texas Proviso said companies or farms could knowingly hire illegal immigrants, but they couldn’t harbor them,” says

Brandeis’ Lawrence Fuchs. “It was a duplicitous policy. We never really intended to prevent illegals from coming.”

Immigration Reform

U.S. immigration policy has undergone three important changes since the mid-1960s. The first involved increases in legal

immigration brought about by the passage of the 1965 amendments to the Immigration and Nationality Act of 1952. By scrapping the

by-then notorious system of national-origin quotas and by giving priority to family reunification as a basis for immigration

admission, the amendments repaired “a deep and painful flaw in the fabric of American justice,” President Lyndon B. Johnson declared

at the time.

The second major change consisted of a shift in the national origin composition of immigrants. During the 1950s, nearly 70

percent of immigrants came from European countries or Canada. This figure dropped to about 20 percent during the 1970s and then to

about 14 percent during the ’80s. The percentage coming from Asian, Central American or Caribbean countries increased from about 30

percent during the 1950s to about 75 percent during the ’70s.

The third important shift was related to the resurgence in illegal immigration that began in 1964 when the Bracero program

ended. The program was terminated largely because of public opposition to conditions under which migrant workers lived–and

effective lobbying of labor, church and ethnic groups. But having opened the spigot, letting in millions of temporary Mexican

laborers, officials found it impossible to stop the torrent. The number of illegal migrants coming from Mexico began to rise

precipitously. At the same time, the number of persons who entered the country legally but stayed beyond their visa- expiration

dates also began to escalate.

Partly in response to these trends, the Select Commission on Immigration and Refugee Policy was established in 1978 to study

all aspects of U.S. immigration policy. The commission concluded in its final report that “one issue has emerged as most pressing

–that of undocumented illegal immigration.”(15) This perception came to be shared by the general public. Eighty-seven percent of

respondents in an early 1980s survey in Southern California thought that “the illegal immigration situation” was either “somewhat

serious” or “very serious.” The number of apprehensions on the border peaked in 1986 at 1.7 million, driven in part by the deepening

economic crisis in Mexico.

“The simple truth is that we’ve lost control of our own borders,” declared President Ronald Reagan, “and no nation can do that

and survive.”(16) The president may have been overstating the case, but a compelling argument could be made that the decade-long

increase in illegal immigration extracted a burdensome price on society–and on the public conscience. At a minimum, the illegal

influx seemed unfair at a time when tens of thousands of legal petitioners were waiting to obtain entry visas. “What right do these

people have to jump the queue?” many citizens asked.

Immigration Reform and Control Act

All of these factors contributed to a movement to do something about illegal immigration. On Capitol Hill, the debate was

marked by cross-party alliances that Sen. Alan K. Simpson, R- Wyo., described as “the goofiest ideological-bedfellow activity I’ve

ever seen.”(17) Conservative anti-immigration think tanks teamed up with liberal labor unions and environmentalists favoring tighter

immigration restrictions, while pro-growth groups and business interests joined forces with their frequent adversaries in the

Hispanic and civil rights communities in opposing such legislation.

After several false starts, Congress passed the Immigration Reform and Control Act (IRCA) in October 1986. The legislation was

signed into law the following month. The new law was a compromise that contained something for everyone to hate. Its basic trade-off

was a crackdown on the U.S. job market to make it much harder for illegal aliens to find work in exchange for a limited amnesty that

would allow millions of illegals living in the country to become legal residents.

IRCA constituted the most sweeping revision of U.S. immigration policy in more than two decades. For the first time, the

business community faced sanctions for hiring illegals. Employers found guilty of breaking the law can be assessed fines of up to

$2,000 per worker and given jail terms for repeated offenses. The law also included a commitment to beef up enforcement along the

2,000-mile U.S.-Mexican border.

Since 1987, IRCA has allowed 3.1 million undocumented aliens to obtain legal status. Within two years, the number of aliens

captured each year at the border fell by half, from a peak of more than 1.7 million in 1986 to fewer than 900,000 in 1989, leading

some to proclaim the law a success. Said former INS Commissioner Alan Nelson in 1985: “Once word spreads along the border that there

are no jobs for illegals in the U.S., the magnet no longer exists.”

Politics vs. Economics

These days, illegal migrants come not only from neighboring countries but from far afield, some from halfway around the world.

In February, U.S. officials seized a 150-foot Taiwan- registered trawler off the coast of California, carrying 84 men from China who

had survived 50 days in the vessel’s fetid hold. Five ships carrying a total of about 600 people have been discovered since January,

and as many as a dozen more are being monitored by the INS.

Experts say roughly 40 percent of the 200,000 to 300,000 people who become permanent illegal residents each year are actually

people who overstay visas. The INS suspects that over the past two years, the number of visa overstayers from Ireland and Eastern

Europe may have tripled. They get less attention because they are more difficult to track–and much harder politically to deal with.

“To enforce immigration laws internally runs afoul of American citizens, they get all bent out of shape,” says sociologist Douglas

Massey. “Apprehending Mexicans at the border is easier. They’ll voluntarily go home–and you generate apprehension numbers to

justify the policy.”

Even more important from a policy standpoint, the intellectual distinction between a political refugee, the unhappy victim

escaping persecution, and an economic migrant, the enterprising fellow who sets off for greener pastures, is becoming more difficult

to draw in practice. The distinction is more than academic. Historically, U.S. immigration law has been more receptive to political

refugees, defined as anyone who is politically persecuted. In the past, this usually meant coming from communist countries. To open

the door to economic migrants, officials reasoned, would be to invite a deluge.\* (\*Economic migrants can apply to emigrate, but

their chances of acceptance are virtually nil, unless they have family in the United States or can offer special skills.)

“It used to be clear,” says the Carnegie Endowment’s Meissner. “Mexicans were economic, Cubans and Vietnamese were political.

That changed when the Haitian boat people started coming in the 1970s. Their reasons for leaving were both political and economic.

Are they any less endangered than Cubans? Possibly not.”

Treatment of Haitians and Central Americans

Yet in contrast to Cubans, who were granted immediate asylum once they reached U.S. shores, Haitians received–and continue to

receive–a uniquely fierce rebuff. In the 1970s, they were routinely imprisoned while their applications were processed. In 1981,

with the agreement of the Haitian government, the Reagan administration decided it would be simpler to intercept the Haitians’ boats

on the high seas and tow them back to Haiti.

The situation was further exacerbated during the 1980s by the increasing number of Central American refugees seeking political

asylum in the United States. Since the vast majority were fleeing war-torn lands governed by non-communist regimes– notably El

Salvador and Guatemala–their chances of obtaining political asylum were limited. So, like so many Mexicans, they came illegally.

For many human rights advocates, the plight of Central American refugees–like that of Haitian boat people–raised issues not

only of asylum rights but of possible discrimination. From 1981 through 1986, the federal government deported nearly 18,000

Salvadoran escapees while granting permanent-resident status to only 598.(18) Meanwhile, during the same time period, half of the

Poles who applied were granted asylum.

“Whereas traditionally Cubans and Poles were accepted without significant questioning,” says Ernesto Rodriguez, an immigration

expert at the University of Houston, “Central Americans were grilled and usually not accepted despite the fact that lives were

endangered. [Polish President] Lech Walesa would never have survived in Guatemala.”

Concerned about the obvious inequities, churches and certain U.S. communities–Berkeley, Los Angeles, Chicago and others–

began offering asylum to Central American refugees. By 1985, the sanctuary movement had spread to more than 200 parishes of

virtually all denominations. Several leaders of that movement were put on trial in 1985 and accused of being “part of an alien

smuggling conspiracy.” Four years later, the sanctuary movement was vindicated when the U.S. government (in settling a lawsuit filed

by a coalition of religious and refugee

32e