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POLICY BRIEF

Ties that Bind: Immigration Reform Should be Tailored to Families, Not Just Individuals

by Rob Paral*

Executive Summary

Given the extent to which undocumented immigrants already living in the United States are part of U.S.-based families, comprehensive immigration reform must include more than just a new temporary worker program.

Among the findings of this report:

- According to the Pew Hispanic Center, about 57 percent of all undocumented immigrants are from Mexico. Some experts estimate that as many as 3 million out of the 4 million Mexican immigrants who came to the United States during the 1990s were undocumented.
- A large portion of immigration to the United States is undocumented because current immigration policies fail to recognize the economic and historical relationships between the United States and immigrant-sending countries such as Mexico. Current policies admit relatively few Mexican, or other Latin American workers, on the basis of U.S. workforce needs.
- In 2000, 92.5 percent of Mexican immigrants who arrived in the United States during the 1990s lived with someone to whom they were related by birth, marriage, or adoption.
- In 2000, 57.3 percent of Mexican immigrants who arrived in the United States during the 1990s were members of U.S.-based nuclear families, including 33.5 percent who lived with a spouse and/or a child and 23.8 percent who were themselves children.
- In 2000, 65.7 percent of households containing Mexican immigrants who arrived in the United States during the 1990s lacked an obvious sponsor for legal status.
- According to the Pew Hispanic Center, 35 percent of the undocumented population in 2004 had been in the United States since 1994 or earlier, and roughly 3.2 million U.S.-citizen children had at least one parent who was undocumented.
- According to the Mexican Migration Project, the share of undocumented immigrants likely to return home after five years in the United States declined from 86 percent in 1990 to 40 percent in 1998.

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Introduction

Arguably the most contentious aspect of the current debate over immigration reform is how to respond to the presence of millions of undocumented immigrants already living in the United States. The most recent attempt by federal policymakers to address this issue came on May 12, 2005, when a bipartisan group of senators and congressional representatives introduced the “Secure America and Orderly Immigration Act.” The act is notable in that it directly addresses the plight of the current undocumented population, as well as dealing with future flows of immigrants. The act would establish a new temporary worker program for which undocumented immigrants already living in the United States could apply and would allow the recipients of work visas to apply for permanent residence in the United States. The legislation also stands out for its willingness to tackle the issue of family unification by attempting to reduce the long waiting times for visas, which would allow many families to live together legally in the United States.

This legislation builds on a January 7, 2004, speech by President Bush outlining his administration’s support for immigration reform. President Bush also proposed a new temporary worker program that would encompass undocumented immigrants, but was unclear on what the long-term fate of the current undocumented population might be. The President stated that “the legal status granted by this program will last three years and will be renewable – but it will have an end.” However, the President also said that “some temporary workers will make the decision to pursue American citizenship. Those who make this choice will be allowed to apply in the normal way.” Moreover, the President said that “the citizenship line...is too long, and our current limits on legal immigration are too low. My administration will work with the Congress to increase the annual number of green cards that can lead to citizenship.”¹ Although the President provided no details on how these difficult issues might be resolved, these few comments represent a central element of any serious immigration reform proposal.

Any immigration reform proposal that relies primarily on a temporary worker program does not directly address the question of how to deal with the undocumented population that is already in the United States. A key consideration in judging the relative merits of immigration reform proposals is the degree to which undocumented immigrants are rooted in U.S. society through family ties. An analysis of data from a variety of sources, including the 2000 census, suggests that a temporary worker program alone is not a workable solution for the many undocumented immigrants who belong to U.S.-based families. Immigration policies that affect undocumented immigrants have an impact on entire families, some members of which may be legal permanent residents of the United States or U.S. citizens. Policymakers would do well to recognize the bonds of family and look beyond temporary worker programs as they seek to reform the U.S. immigration system.

A Failure of Immigration Policy

The large and growing undocumented population in the United States is perhaps the most dramatic example of the failure of current immigration policies. The Pew Hispanic Center estimates that there were 10.3 million undocumented immigrants in the country as of March 2004, and that their numbers have been growing by about 700,000 per year since 2000. By far the largest source of undocumented immigration to the United States is Mexico. About 57 percent of all undocumented immigrants are from Mexico, while another 24 percent are from the rest of Latin America. Some experts estimate that between 80 and 85 percent of Mexican immigration to the United States between 1994 and 2004 was undocumented.² Mexicans predominate among the undocumented in part because the United States

and Mexico share a 1,952-mile land border, which is the largest in the world between an industrialized and developing country. In addition, wrenching economic changes in Mexico, such as the implementation of the North American Free Trade Agreement (NAFTA) in 1994, have dislocated many Mexican workers and thereby spurred migration, at the same time that the U.S. economy has generated continual demand for workers, especially in less-skilled occupations, that the native-born population alone has been unable to fill.³

A large portion of immigration to the United States is undocumented because current immigration policies fail to recognize these economic and historical relationships between the United States and immigrant-sending countries such as Mexico. While the U.S. government has in the past implemented various programs to channel immigration from Mexico (and, to some extent, other Latin American countries) through legal avenues, none of these programs became permanent features of the U.S. immigration system. The *bracero* program brought nearly 5 million Mexicans to the United States as temporary agricultural workers between 1942 and 1964, and the legalization programs of the Immigration Reform and Control Act of 1986 (IRCA) granted legal residence to about 3 million undocumented immigrants (2.3 million of whom were from Mexico).⁴ Yet current policies admit relatively few Mexican, or other Latin American workers, on the basis of U.S. workforce needs. The U.S. immigration system is largely country-neutral; for example, under family-based immigration quotas, the same number of visas is afforded to Mexico as to any other nation. Moreover, in 2001, Congress let lapse section 245(i) of the Immigration and Nationality Act, which had allowed undocumented immigrants to apply for permanent status (a “green card”) without having to first leave the United States. As a result, it is now even harder for undocumented immigrants to acquire visas even when they become available.

From “Sojourners” to “Settlers”

In evaluating the potential effectiveness of different immigration reform measures, it is important to keep in mind that undocumented immigrants vary in the extent of their ties to the United States. At the most general level, undocumented immigrants can be characterized as either “sojourners” or “settlers.” The sojourner immigrant is often a male who leaves his family behind and enters the United States with the intention of earning money to take back home. The settler, in contrast, is someone who enters the United States and remains for a long period, perhaps for the rest of his or her life. Settler immigrants tend to have deeper and more extensive family connections in the United States than sojourners.⁵

The common public image of the undocumented immigrant tends to be that of the sojourner: a solitary male who lives in group quarters, outside of a family unit, detached from strong social ties in the United States. This portrait of undocumented immigrants had some currency up until the mid-1980s. According to data collected by the Mexican Migration Project (MMP) of Princeton University and the University of Guadalajara, 67 percent of all Mexican immigrants to the United States from 1965 to 1985, both lawfully present and undocumented, were male. And while 98.2 percent were married, only 18 percent came with their spouse.⁶ About 28 million undocumented Mexicans entered the United States from 1965 to 1986, but 23.4 million returned home, resulting in a net increase of only 4.6 million undocumented in 21 years.⁷ This represented a continuation of the sojourner pattern of circular migration from Mexico that had been dominant since the early 1900s.

Since the mid-1980s, however, settler immigration has become far more common. According to MMP data, the share of undocumented immigrants likely to return home after five years in the United States

declined from 86 percent in 1990 to 40 percent in 1998.⁸ Moreover, the share of undocumented immigrants who were women rose from 25.7 percent in the 1980-1986 period to 32.5 percent in the 1993-1998 period.⁹ The Pew Hispanic Center estimates that by 2004 about 29 percent of undocumented immigrants in the United States were women between the ages of 18 and 39, and another 17 percent were children. Roughly 35 percent of the undocumented population had been in the United States since 1994 or earlier and roughly 3.2 million U.S.-citizen children had at least one parent who was undocumented.¹⁰

The shift from sojourner to settler immigration has been spurred in part by heightened U.S. border-enforcement efforts since 1993. The investment by the federal government of billions of dollars in policing the U.S.-Mexico border has had the unintended effect of trapping undocumented immigrants in the United States rather than keeping them out. Undocumented immigrants, prevented from moving back and forth across the border, have either brought their families with them or created families in the United States. In turn, the presence of undocumented *families*, as opposed to just *individuals*, in the United States increases the incentives for newly arrived family members to remain in this country since they have a support network in place.¹¹

Findings from the 2000 Census

Data from the 2000 census provide valuable information on the nature and extent of U.S. family ties among undocumented Mexicans in particular. Of the approximately 4 million persons who reported that they were born in Mexico, were not U.S. citizens, and entered the United States in the period 1990-2000, only about 1 million can be accounted for by legal immigration. Thus the census data on this group comes in large part from recently arrived undocumented immigrants. Although the information from the census is now five years old, it remains highly useful given that 70 percent of the undocumented immigrants in the United States as of 2004 arrived before 2000.¹²

The census data can be used to determine whether recently arrived non-citizen immigrants from Mexico are more likely to be sojourners or settlers. Specifically, the census details the extent to which immigrants are living with family members, and whether those family members are part of a nuclear family (spouses, children) or extended family (siblings, cousins, in-laws). This information, in turn, permits an evaluation of whether or not settler immigrants with family ties in the United States are living with persons who could sponsor them for legal immigration status. Those immigrants who are not living with such persons may be stuck in an undocumented status under current immigration laws despite their family connections to the United States.

Nearly All Recently Arrived Mexican Immigrants Live in Families

The 2000 census data reveal that 92.5 percent of recently arrived non-citizen Mexicans lived in families, which are defined as being with someone to whom they were related by birth, marriage, or adoption. This includes 66.6 percent who were living in married-couple families and 25.8 percent who were living in non-married-couple families.

How Many Newly Arrived Mexican Noncitizens Live in Families?

	Percent of	
	Number	Total
Total	4,144,627	100.0%
In Families	3,831,827	92.5%
In Married Couple Families	2,761,790	66.6%
In Non-Married-Couple Families	1,070,037	25.8%
Not in Families	312,800	7.5%

Universe: Noncitizen Mexican immigrants who arrived in the 1990s.

Over Half of Recently Arrived Mexican Immigrants Live in Nuclear Families

Data from the census indicate that 33.5 percent of recently arrived non-citizen Mexicans lived with a spouse and/or a child in 2000, while another 23.8 percent were themselves children. In other words, 57.3 percent of recently arrived non-citizen Mexicans were members of nuclear families in the United States. This indicates that policies regarding undocumented immigration tend to impact entire nuclear families, not just individuals. If an undocumented immigrant is a member of a nuclear family, his or her return to Mexico (as part of a temporary worker program, for instance) implies either that the entire family will have to return or that the undocumented immigrant has a powerful incentive to avoid separation and remain in the United States.

Many Recently Arrived Mexican Noncitizens Are Members of Nuclear Families Here

	Number	Percent of
		Total
Total	4,144,627	100.0%
Living in Families	3,831,827	
Spouses/Parents	1,389,796	33.5%
Children	986,276	23.8%
Other Relatives (1)	1,009,971	24.4%
Non-Relatives	445,784	10.8%
Not Living in Families	312,800	7.5%

For example, 33.5 percent of recently arrived noncitizen Mexicans are either a spouse or parent of someone in their family.

(1) includes siblings, parents, grandchildren, grandparents, parent-in-laws, sons/daughters-in-law, brother/sisters-in-law, nephew/niece, aunt/uncle, cousin and other relatives of the householder of the householder

Most Recently Arrived Mexican Immigrants Lack an Immigration Sponsor

Census data can be used to infer whether or not recently arrived non-citizen Mexicans could, if undocumented, be sponsored for permanent residence by a family member. This is accomplished by determining how many recently arrived immigrants have spouses or parents who are either U.S. citizens or long-term immigrants. U.S. citizens can sponsor close family members for permanent residence without being subject to any numerical limits. Among immigrants who are not U.S. citizens, those who came before 1980 are likely to be permanent residents themselves, either because they came to the United States with legal status or acquired it under the legalization programs of IRCA. Permanent residents also can sponsor close family members for a green card, but numerical limits are imposed and there is a substantial backlog of these petitions. If the spouse or parents of a recently arrived immigrant came to the United States after 1980, there is a high probability that they are undocumented as well and therefore could not sponsor a close family member.

An analysis of this sort using 2000 census data indicates that a very large portion (65.7 percent) of households containing recently arrived non-citizen Mexicans lacked an obvious sponsor for legal status. In other words, most recently arrived immigrants were the spouses or children of individuals who were themselves recently arrived immigrants. This suggests that for many undocumented Mexican immigrants, there is no family-based avenue for obtaining legal status under current immigration laws.

Potential Immigration Sponsors in Families with Newly Arrived Mexican Noncitizens

	#	%
All Family Households	1,088,350	100.0%
Householder or spouse is a U.S. citizen	296,115	27.2%
Householder and spouse (if present) are noncitizens, arrived before 1980	77,246	7.1%
Both householder and spouse (if present) are post-1980 immigrants.	714,989	65.7%

Universe: Households where either the householder, spouse or minor child is a noncitizen from Mexico who immigrated in 1990-2000 period.

Of households with a Mexican noncitizen immigrant who arrived in the 1990s, two-thirds lack an obvious sponsor for legal immigration.

Undocumented immigrants in these families face a quandary: they are in the United States with family members and therefore have an incentive to remain, yet the future holds little hope of attaining legal status. Ironically, this situation may predispose many undocumented immigrants to participate in a temporary worker program despite their roots in the United States. Indeed, a 2004-2005 survey of Mexican undocumented immigrants by the Pew Hispanic Center found that a majority would be willing to participate in such a program.¹³ However, it is likely that their interest stems from the fact that this program would represent their only opportunity for legal status of any kind.

One Size Does Not Fit All

As data from the 2000 census and other sources reveal, most of the 10.3 million undocumented immigrants living in the United States have deep roots in U.S. families and communities, not to mention U.S. businesses and consumer markets. Many have lived in the United States for more than a decade and have U.S.-born children or children born abroad who came here at such a young age that they do not know any other home. As a result, policymakers must recognize that a “one size fits all” approach to immigration reform is highly unrealistic. While many prospective immigrants will readily participate in a temporary worker program, this does not represent an appropriate or workable solution to the dilemma facing undocumented immigrant families already in the United States. The current undocumented population already is an integral part of the U.S. society and economy.

This is particularly true in the case of immigrants from Mexico (and, to a lesser extent, Central America) given the historical ties between Mexico and the United States. U.S. businesses have relied to varying degrees on the labor of Mexican workers for over a century. For decades the U.S. government brought Mexican laborers into the United States as “guestworkers,” thereby making immigration from Mexico a structural part of the U.S. economy. Even though the U.S. government

subsequently attempted to impose arbitrary limits on Mexican immigration after encouraging it for so long, the U.S. economy has continued to generate a demand for workers that can not be met by native-born workers alone, and Mexico has continued to lack a sufficient number of jobs that allow a decent standard of living. As a result, it is only natural that Mexicans in search of better jobs have continued to come to the United States along well-established migratory paths.

Substantive reform of the U.S. immigration system must therefore include two distinct elements: reducing future undocumented migration by providing sufficient legal avenues for immigrants to enter the United States both temporarily and permanently; and creating a pathway to legal status for undocumented immigrants already living and working in the country. The “Secure America and Orderly Immigration Act” is a comprehensive reform proposal that takes into account the multifaceted nature of immigration. Any effective proposal to reform the broken U.S. immigration system must acknowledge the extent to which undocumented immigrants are rooted in the United States through family and community ties.

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Endnotes

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⁷ *ibid.*

⁸ *ibid.*

⁹ *ibid.*

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