

United States Immigration Policy: Three Theoretical Approaches

Andrea Silva

Illinois State University

Contrary to globalization theorists, the state is not becoming obsolete in an interdependent world, but redefining its role. The substantive influence of the state in the creation of immigration policy bears out the heightened role of the state. In fact, changes in United States immigration policy can only be explained using different theoretical frameworks. The liberal, realist, and Marxist paradigms highlight different areas of significance in U.S. immigration policy and provide a holistic understanding of distinctive phases of policy making. The United States' immigration policy can be explained as a policy of appeasement, repression and exploitation; but these three paradigms take us beyond explanation, providing suggestions for reform and supporting a case in favor of a porous U.S. border.

Additionally, these three different immigration theories focus on unique and relevant points regarding United States' immigration policy that would otherwise be overlooked. Realism discusses migrants in the context of geopolitical and societal security explaining the increased militarization of the border with respect to migrants as a matter of national security. It also illuminates the societal backlash immigrants face in the United States because of the potential challenge to American national identity they may exercise through their increased presence in the United States. Liberalism focuses on the importance of client politics in the ratification of immigration policy in the United States. Client politics was central in the passing or failure of immigration reform on two separate occasions and shows the endemism of the liberal framework in the creation of U.S. immigration policy. Marxism underscores the exploitation of noncitizens, either temporary workers or undocumented migrants who add to the economy during periods of growth and are easily dismissed during recessions or reductions in growth in sectors of industry. Marxism recognizes that immigrants are adjustable variables that mitigate the effects of economies under duress.

First, an overview of the current immigration demographics in the United States will give a context to the subsequent analysis of three immigration theories: liberalism, realism, and Marxism. Liberalism will be analyzed by applying the principles of client politics to both the 1986 Immigration Reform and Control Act and the failure of the 2007 Comprehensive Immigration Reform Act. The realist paradigm will explain the securitization of the immigration system as migrants to the United States pose a militaristic and cultural threat. Marxism will underscore the use of migrants as a renewable and politically docile workforce, benefiting the owners of the means of production. While each framework accentuates different areas: security, wealth, and exploitation, it will be argued that all are compatible with a call for porous borders.

United States Immigration Demographics

The type and number of immigrants is an important consideration in the discussion of United States' immigration policy because demographics are instrumental in the crafting of immigration policy. The annual flow of immigrants into North America is 1.4 million, they are added to the approximately forty million foreign born individuals already residing in the United States. In the United States, the majority of migrants are originally from Latin American and the Caribbean comprising approximately forty-five percent of the migrant stock. Thirty-six percent of migrants to the U.S. come from Asia and the number of migrants from Europe has fallen to thirteen percent (Massey 2003, 5). The picture is significantly different from Europe. In Europe, migrants are primarily from the Middle East and Africa, with approximately thirty percent coming from each region. The main countries of origins are Lebanon and Turkey as well as Algeria, Tunisia, and Morocco (Massey 2003, 7).

Although the number of migrants has risen by the tens of millions over the last three decades, the percentage of migrants relative to the total world population has remained constant between two and three percent (Deutsche Bank Research 2006, 17-8). According to the United States Census Bureau's American Community Survey, the size of the foreign-born population in 2006 was approximately 37.5 million (USACS 2007). In 2006, the Department of Homeland Security (DHS) admitted 1.2 million Legal Permanent Residents (LPRs) in the United States (DHS 2007, 10). Of these Legal Permanent Residents, 170,046 are from México (DHS 2007, 10). The number of effectively or defensibly admitted refugees in the United States totaled 26,113, of these, 84 applied from México (DHS 2007, 45). The largest number of temporary workers admitted in the United States came from México with 225,680 workers, of these the majority 89,483, were non-seasonal temporary workers. The Department of Homeland Security (DHS) "estimates that the unauthorized immigrant population in the United States increased thirty-seven percent from nearly 8.5 million on January 1, 2000 to 11.6 million on January 1, 2006. The annual average net increase in the unauthorized population during this period was 515,000" (Hoefler et al 2006, 2-3). DHS estimates 6.57 million of the estimated twelve million unauthorized migrants in the United States are from México, larger than all other country of origins combined (Hoefler et al 2006, 4).

Liberalism

Client politics is an endemic component of the liberal democracy and it limits developed states to enact policy that best addresses the problem of unauthorized migration. The influence of the rationalist school weighs heavily in liberal theory, emphasizing the costs and benefits as a main consideration in policymaking (Hollifield 1998, 179). Prominent themes in liberalism in addition to client politics are: an insulated judiciary, and the dominance of economic factors in

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shaping the U.S. immigration agenda. In general, liberalism argues the state will approach migration as it would approach other policy topic: as a prisoner's dilemma between states. As the state is at the mercy of client-politics it is also subject to judicial reviews with little accountability. In the end, the state eventually yields to the will of the market as the market regulates and equalizes surpluses and deficits of capital and labor globally.

Douglas Massey, Eytan Meyers, and Christian Joppke approach migration policies through the liberal perspective, claiming the liberal state is, by its very nature, unable to close the gap between immigration policy and enforcement. The three authors' liberal approach characterizes immigration policy as an evolution past direct state control over the creation of immigration policy and a self-imposed loss of sovereignty. In defending the legitimacy of the liberal state, the seeming inefficiency of the state is a result of self-imposed limits to remain committed to its liberal traditions. The seeming inability of liberal states to control their borders is not the result of "globally-limited, but self-limited sovereignty" (Joppke 1998, 529). The role of the state in promoting or limiting international migration will be the most influential variable in predicting "the kind of immigration policies likely to prevail in the early decades of the next century" (Massey 1999, 303). The liberal school asserts "the capacity of the state to control immigration has not diminished but rather increased and that liberal states accept more immigrants because of domestic pressures rather than for external ones" (Meyers 2000, 1268-9). Liberal democratic states are constrained in achieving immigration goals by three factors. These are: the global economy, which promotes migration flows, the constitutional order of liberal states, which protect immigrant rights complemented by an insulated judiciary that favors the constitutional rights of immigrants (Massey 1999, 313-4). It is these factors of the "domestic political process" that are "under the sway of client politics, one reason why liberal states accept unwanted immigration" (Joppke 1998, 529).

In addition, the insulated judiciary in a liberal democracy protects the rights of unauthorized migrants without legislative recourse, becoming a "source of expansiveness toward immigrants" (Joppke 1998, 529). This gap in practice was evidenced in the European Union, which held "zero-immigration policies since the early 1970s." The main challenge to this zero tolerance was the judiciary who "was integral in upholding the claim to family reunification in keeping with the liberal democratic character of the state (Joppke 1998, 529-30).

Client politics is only one aspect of the liberal framework. However, liberal theorists weigh the influence of interest group politics heavily in the success or failure of immigration policy ratification. Following this logic, liberal theorists argue that interests groups are the main creators of immigration policy and the state is at the mercy of these outcomes (Massey 1999).

The influence of interest group politics is best examined in the United States immigration debate. Far from having lost control over its borders, the United

States has never had a “golden age of control” (Joppke 1998, 531). Unwanted immigration became a problem when the United States sought to build a “unified, national system of immigration control, which no longer exempted Western hemisphere immigration” (Joppke 1998, 531). Because the U.S. obstructed the previously unhindered entry of residents of the Western Hemisphere, migrants from this region resorted to crossing without authorization. The 1986 Immigration Reform and Control Act (IRCA) and the failure to create immigration controls in the following century exemplify the hand of client politics in creating a gap between immigration and U.S. immigration control.

Client Politics

The liberal paradigm highlights the power held by lobbying groups who can amass “a unified national force capable of blocking legislation detrimental to their perceived interest” (Joppke 1998, 532). The stall of the Simpson-Mazzoli bill because of client politics led to the failure of the 1986 IRCA to control immigration because of its “toothless sanctions” (Joppke 1998, 534). These toothless sanctions came from the pressure formed by the “odd coalition” of employers and immigrant activists.

The passing of the Simpson-Mazzoli Bill in 1986 was the third attempt to pass immigration reform between 1981 and 1986. Latino advocacy groups and business employers worked against the implementation of employee sanctions, successfully stalling the passing of the Simpson-Mazzoli bill (Business Week, 1986).

The bill was defeated for the first time in the house after being passed in the Senate in 1982 (Shapiro 1984). In 1984, the bill was defeated a second time, under more complicated circumstances. Groups felt the bill’s granting of “blanket amnesty” was against United States interests (Chiswick, 1984). Others felt the sanctions on employers hiring undocumented migrants were an “exercise of sovereignty” (Business Week, 1986). The amnesty for undocumented migrants who could prove residency in the United States since 1982 appealed to human rights groups and pro-immigrant groups. Latino groups “called for even more generous legalization while denouncing employer sanctions, arguing that these would make employers reluctant to hire anyone who looks Hispanic, legal or not” (New York Times 1984). However, to appease members of Congress and lobbying groups who felt immigration threatened American jobs and sovereignty (Business Week, 1986), the bill also increased the number of border patrol agents and called for sanctions against employers who knowingly hired undocumented workers (Schumer 1985). After five years of stalemate, President Ronald Reagan signed the IRCA into law on November 6, 1986 (Immigration Reform and Control Act of 1986).¹ The liberal

¹ Provisions of the 1986 Immigration Reform and Control Act included:

- Employer sanction for knowingly hiring an undocumented worker or be unfaithful in the attempt to secure workers’ legal status

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paradigm underscores the weight of client politics in the creation of impotent immigration laws for the sake of bipartisanship not only in 1986 but in the recent past.

The defeat of the last Comprehensive Immigration Reform Act (CIRA) in 2007 is best explained using the liberal state centered immigration theory. The attachments to the CIRA appeased nativists, allowing for isolated, punitive additions to legislation on immigrants and simultaneously left neo-conservative capitalists to manipulate and exploit vulnerable immigrants with the promise of protection. Pro-immigration groups were given another round of amnesty and a revamped Bracero program, in the hopes they would allow further repression against noncitizens. Congress has been incapable to pass a comprehensive immigration reform bill into law for the past 3 years. Because of this, Congress has circumvented a comprehensive reform act by attaching undocumented worker reforms to other legislation.

A History of Recent Immigration Reform 2004-07

On January 7, 2004, in the East room of the White House, President George Bush introduced plans to initiate a “Fair and Secure Immigration Reform” (Bush 2004). This reform integrated basic parts of previous immigration reforms: securing the border and establishing a temporary worker program that would match willing foreign and/or undocumented workers with U.S. employers under the provision that no United States citizen could be found willing to do the job. To participate in the guest worker program, undocumented workers residing inside the United States would have to pay a fee for addition to the list, if workers applied from outside the country, the application would have no fee. These programs would reserve the ability of undocumented workers to apply for citizenship provided their knowledge of the “facts and ideals that have shaped America's history” (Bush 2004).

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- A new office under the Department of Justice to investigate allegations of discrimination resulting from employee sanctions
 - The prohibition of recruitment of temporary workers outside the United States
 - Legal Status to undocumented migrants that could prove residency in the United States since before January 1, 1982
 - Prohibition of indemnity bonds for migrant workers
 - An immigration emergency fund, established in the Treasury, \$35,000,000, to provide for an increase in border patrol or other enforcement activities and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency
 - New H-2A non-immigrant classification for temporary agricultural labor
 - The expeditious deportation of criminally-convicted undocumented migrants

(Immigration Reform and Control Act of 1986; Togman 2002)

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After three years and three separate attempts to pass a Comprehensive Immigration Reform Act (CIRA), the last immigration reform bill “A bill to provide for comprehensive immigration reform and for other purposes” (S. 1639), effectively died in the senate on June 28, 2007. The bill needed 60 votes in the senate to pass and lost 46-53. It was the last effort to pass some kind of reform bill after the 2007 CIRA failed on June 7, 2007. The 2007 CIRA (S. 1348) sponsored by Harry Reid, and involving political leaders from both parties including Diane Feinstein, Arlen Specter, Edward Kennedy and John McCain (Associated Press, 2007) lost three different votes in Congress (Sandler and Allen, 2007). Senator Reid withdrew the 2007 CIRA before it could be voted upon; however at the urging of President Bush (Tate 2007), the aforementioned bill S. 1348 was introduced as a closing effort to pass some kind of comprehensive immigration reform.

The provisions of the bill reveal why it failed and add to broader discussions regarding recent legislation introduced to address the immigration situation. The latest CIRA bill introduced into the 110th Congressional session, sets enforcement benchmarks to be attained before the questions of immigration reform could be addressed. They were:

1. Operational control of the border with Mexico
2. Increase in the number of border patrol agents
3. Border barriers, including vehicle barriers, fencing, radar and aerial vehicles
4. Detention capacity for illegal aliens apprehended crossing the U.S.-Mexico border
5. Workplace enforcement, including an electronic employment verification system
6. Z-visa (as established by this Act) alien processing
(Library of Congress 2007)

The bill would have created a new department within the Department of the Treasury called the Immigration Security Account to assist the Department of Homeland Security (DHS) in meeting benchmark requirements.

CIRA Bill 2007 consisted of five major immigration reforms:

1. “Z” Visa: permits immigrants to remain in the United States and work if the undocumented worker agrees to pay a fine and admits to entering illegally. “Z” visa cardholders must renew this visa every two years.
2. “Y” Visa: “Y” Visa is a twice-renewable temporary workers visa allowing heads of households to work in the United States two years before returning to their country to reapply. Immigrants work toward the visa through a point system, rating immigrants based on pre-requisites, among them: job skills as well as English proficiency.

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3. Protecting the Border: Rise in the number of border patrol agents from 12,000 currently to 18,000. 80% of the total number will patrol the U.S.-Mexico border.
4. Workplace Enforcement: to curb illegal employment the bill fined employers who knowingly hired undocumented workers, \$5,000 for the first offense and up to \$75,000 and incarceration for future offences.
5. Green Cards: New Green Cards given with an emphasis on education, work skills and English proficiency over family ties and limit parental visas.

(Rosenblum 2007)

Why the Bill Died

The last CIRA died because client groups were unwilling to concede provisions to opposing groups for the sake of legislative cohesion. While some key provisions of the bill appealed to one party, they were opposed outright by the opposing party. The Z-visa was introduced to incite support from pro-immigrant groups, however anti-immigrant groups opposed, as it impuned the illegality of undocumented immigrants (Whitehouse.gov 2007). The Z-visa was tailored for anti-immigrant support by including a thousand dollar initial fine, an additional five hundred dollar fine for each dependant, a five hundred dollar “state impact assistance fee,” and a fifteen hundred dollar processing fee, to be repaid every four years until the person becomes a legal permanent resident (Whitehouse.gov 2007). The Y-visa was introduced to entice support from business groups, to assure access to a low-wage unskilled workforce. Pro-immigrant groups said the Y-visa was the return of the Bracero Program. The lack of direction was obvious, the bill was a bi-partisan attempt to include legislation that would appease both sides of the isle, but was, as a whole, incoherent. This left the bill open to bi-partisan and interest group scrutiny.

Conservative members of Congress were against another amnesty without enforcement. Ronald Reagan, in 1986, offered amnesty to undocumented migrants who could show they entered the United States before January 1, 1982, and resided continuously "in an unlawful status" since then (Pear 1986). In 2007, conservatives criticized the bill for its introduction of the probationary Z-visa, which they felt would effectively grant a path to citizenship for millions of undocumented persons living within the United States. The bill granted effective amnesty “180 days after” ratification however lacked a timeframe to attain the initial benchmarks. The “bill allows the government only one business day to conduct a background check to determine whether an applicant is a criminal or a terrorist. Unless the government can find a reason not to grant it by the end of the next business day after the alien applies, the alien receives a probationary Z visa” (Kobach 2007). Republicans felt the bill did not give adequate priority to enforcement (Pear 2007), the same reason

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S. 2611, the CIRA introduced in 2006 failed in the senate the previous year (Corsi, 2007). The benchmarks set in place at the beginning of S. 1348 are included in previously existing legislation, did not require a new bill to introduce more border patrol and the end of “catch and release” (DeMint 2007). In addition, conservative immigration reform groups felt the bill supported chain migration in its family reunification practices. “Family preference is chain migration,” said Bob Dane of the Federation for American Immigration Reform, “[i]ts runaway population growth” (Kumar 2007).

The National Immigration Law Center opposed the bill because undocumented migrants would be placed in a vulnerable situation contingent on the completion of the aforementioned provisional benchmarks (operational control at the Mexican border, the increase in border patrol agents, the creation of Z visa etc) (National Immigration Law Center 2007). Until these benchmarks were completed, undocumented immigrants were only eligible for “probationary” immigration status (National Immigration Law Center 2007). Most individuals granted Z visas would not be eligible for permanent residence for more than a decade. Z visa holders who were unable to maintain continuous full-time employment or school attendance would be subject to deportation (National Immigration Law Center 2007). S. 1348 would have ensured the impoverishment of immigrants attempting to regularize their status by imposing unreasonable fees and fines, raising their taxes, and reducing their future Social Security benefits (National Immigration Law Center 2007). S. 1639 would establish a large new temporary worker program that fails to meet key bottom line requirements for such a system (National Immigration Law Center 2007). Other pro-immigrant organizations such as the League of United Latin American Citizens (LULAC) and Center for Human Rights and Constitutional Law felt the bill was too punitive, disregarding the importance of family unification and creating an underclass of quasi-legal workers (LULAC 2007; Sachey 2007).

In the liberal framework, states allow client politics great influence in immigration policymaking. Regardless of internal politics, the state is still subject to the will of the market, as the market will regulate and equalize surpluses and deficits of capital and labor globally. As neoliberals place high importance on free trade and the free-flow of capital, they curiously overlook the free movement of people. While this would create an economically efficient world, it would also mean the substantial decline of state sovereignty (Weiner 1985, 90-1). A 2002 article in *The Economist* argued for more migration to boost the economy (337) and to address national labor replacement levels in developed countries (335). The article emphasizes the importance of migrant labor because migrant labor benefits the economy more than the liberalization of trade (338). Migrants boost the economy through their labor in worker-scarce states in America, as well as through their entrepreneurial skills (338).

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As migrants are more of an economic benefit than a hindrance, some have argued for their further inclusion into their host country through political participation and citizenship (Bhagwati 2003, 556 and 554, respectively). The liberal theory supports civil and political inclusion and opportunities to assimilate to those who migrate.

According to the liberal framework, client-based politics and market dynamics should dictate migration policy, with the state playing a role of referee, at most. The entry or exit of migrants should be based on the lobbying policies of the most powerful and influential groups. The liberal framework heightens the critical importance of client politics in the creation of U.S. immigration policy. It explains the economic necessity of migrants and advocates for their free movement. However, the liberal framework overlooks the current repressive tactics towards immigrants in the United States that directly contradict aforementioned liberal tenets.

Realism

The realist paradigm in international relations is based on five key tenets. First, states function in a system where there is no hierarchy or order. As states have no central ruling body above them, they are inherently sovereign. Second, realism assumes each state has the ability to defend itself through some “offensive military capability.” Third, realists believe that no state can be fully trusted in its intentions towards other states. States must address each other with a certain amount of distrust as a form of protection. The fourth belief is the main goal of states is survival, facilitated through the enforcement of sovereignty (Mearsheimer 1994, 10). The fifth assertion of realism is that states act rationally in light of the obfuscation of interests by other countries. Mearsheimer argues that the most fundamental tenet of the realist paradigm is that the state is the main actor in the world system. Realism, in its international relation context cannot address the movements of individuals if states are the smallest unit of measure. If this is true, any movement of people not sanctioned by the state is considered an anomaly. Migration would be the “deviance from the prevailing norm of social organization at the world level” (Zolberg 1981, 63). The social norm of a state system includes citizens being born, working and dying within their respective states. Making deviation anomalous, reinforces the realist paradigm, but lends little to the understanding of United States immigration policy.

However, Realists have justified their inclusion in the immigration debate because the cultural composition of the interior of the state shapes a state's place in the world system and, by default, its decisions. This claim is known as the national security argument.

Migrants as a militaristic threat

While the national security theory understands the importance of domestic issues, it highlights national security issues in international migration and asserts immigration policies are created independently of state economics or culture and are guided solely by national security (Hollifield 1998, 172-3). Rudolph (2003) asserts a change in the security regime is correlated to a change in United States immigration policy. In the three different security environments during the Cold War, post-Cold War, and post-9/11, the United States autonomously implemented changes to its immigrant policy. These behaviors are governed by threat perception and not interstate politics. As security environments change, security dimensions gain prominence in immigration policy. During the Cold War, a geopolitical security dimension took prominence over economic or social security dimensions, making migrants important only as they secured or threatened United States defense. Post-Cold War security environment focused on economic security for which undocumented migrants were essential. In the 1990s, the United States created an image of control to appease societal security, but the main goal was to reduce the visibility of immigrants to continue with economic securitization (2003, 614). After 9/11, the geopolitical and societal facets of security combined to create a severe restrictionism in respect to migration and border policies (2003, 616).

The militarization of the border and the criminalization of noncitizens can be explained through the national security argument. In a post 9/11 security environment, borders must be secured to ensure safety of the republic from terrorists. The creation of Immigration and Customs Enforcement under the new department of Homeland Security created after 9/11 explicitly state their mission is to target “criminal networks and terrorist organizations that seek to exploit vulnerabilities in our immigration system... The end result is a safer, more secure America” (ICE.gov, 2008). The militarization of the border is to secure the United States from possible international terrorist who may cross into the country on foot through México or Canada. During the Postville raid, each undocumented migrant was prohibited from acquiring explosive devices as part of their sentences (Camayd-Freixas 2008, 14). ICE comprises “the largest investigative agency in the Department of Homeland Security” (ICE Fiscal Report 2007, 1) aside from an impressive number of agents and responsibilities in the United States, there are fifty international offices responsible for coordinating international efforts against sex trafficking, drug trafficking and “visa security” (ICE Fiscal Report 2007, 1).

The national security argument also explains the criminalization and expeditious processing and deportation of guilty unauthorized immigration to further protect citizens from the possibly dangerous noncitizens. ICE’s initiatives, departments and programs are created under the same logic. The Secure Border Initiative (SBI), Detention Operations Coordination Center (DOCC) and Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) expressly provide for the expeditious adjudication, expanded detention

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and swift deportation of undocumented immigrant to lessen their ability to threaten the United States (ICE Fiscal Report 2007, 3, 5). In this same line of thought, the border is secured to protect against the movement of undocumented workers, illicit sums of money, drugs and valuable artifacts (ICE Fiscal Report 2007, 4, 15-19).

ICE's "broad, complex and diverse mission" (ICE Fiscal Report 2007, i) includes the protection of security of America from terrorist abroad who might take advantage of American borders as well as other dangers such as drugs, sex traffickers and undocumented workers.

Migrants as a cultural threat

The link between migration and terrorism has become regularized in "the very title of the House legislation [which] explicitly couples 'Antiterrorism and Illegal Immigration'" (i.e. H.R. 4437) (De Genova 2006, 2). The national security argument explains associations between terrorism, migrant workers, and people of color in general because they are dangerous and foreign. The ancient principles of exclusion, though unfounded (Nafzinger 1983, 808), are used to justify the denial of migrants' rights to enter and work in the United States. The national security argument explains contemporary immigration is the association of migrants with danger, in turn shaping a new view of migrants in need of corresponding legislation to mitigate the threat they pose.

Realism builds from its basic assumptions to claim the behavior of states is based on the distribution of power within a state system of anarchy (Hollifield 1998, 172). Building on this foundation, policies are determined as a response to structures in the international system, ensuring a state's survival in the "war against all" (Hollifield 1998, 172-3). Realists assert migration can destabilize a nation through the introduction of new cultures into the state (Huntington 2004; Weiner 1985). International migrants change national identity within a state through their political actions, subsequently affecting international relations between sending and receiving countries (Weiner 1985, 90). However, states may accept refugees from other countries if the two states have historical ties (Weiner 1985, 91). In all cases, the free movement of people from the global demand for labor decreases the sovereignty of states and is therefore unacceptable (Weiner 1985 90-1).

Realism also addresses the economic disadvantage migrants have on native workers when migrants participate in labor that is substituting rather than complementing native labor. Using this threat, the costs and benefits calculation of immigration must include the debt immigrants incur through their use of public services (Borjas 1996, 323-4). While government and academic studies prove inconclusive, realists are certain the government is losing more than it is gaining from immigrants (Borjas 1996, 325). This economic imposition threatens poorer citizens, who must compete with unskilled immigrants for jobs. Eventually, poorer

citizens are at a loss because immigrants bring down the wages of labor (Borjas 1996, 326).

Neorealism has added the “social threat” component, which fits well to address immigration issues. “Societal security” is defined as “the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom” (Wæver 1993, 23). Neorealists have addressed the “immigration as high-politics” justification by including “social security” as part of state security.

In American history, nativism is based on anti-Catholic roots of pre-colonial religious rivalries (Higham 2002, 5), on xenophobia and the fear of foreigners (Higham 2002, 8), and lastly, on the belief of the greatness of the Anglo-Saxon race, and notions of biological superiority (Higham 2002, 9). This definition links history with current American nativist opposition to immigration, because immigrants today are generally Catholic, foreign and non-Anglos. Samuel Huntington’s 2004 article, “The Hispanic Challenge” in *Foreign Policy* personifies this threat.

In the final decades of the 20th century, however, the United States' Anglo-Protestant culture and the creed that it produced came under assault by the popularity in intellectual and political circles of the doctrines of multiculturalism and diversity... the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico, and the fertility rates of these immigrants compared to black and white American natives.

Neo-realism exacerbates a fear of the foreigner, warning of the threats to the culture and the loss of American towns, the increase in bilingual education and the “eventual transformation into two peoples with two cultures (Anglo and Hispanic) and two languages (English and Spanish)” (Huntington 2004).

In conclusion, realism explains the move to militarize and criminalize immigration in the United States as the unregulated movement threatens the security of American citizens. The United States must be protected from international threats, best accomplished by the securing the border from terrorist who may abuse the weakness of the United State’s open land border. States are created through a national identity, as each state’s national identity is unique, its behavior within international structures based on this identity. For realists, threats to this identity change the nature of the state from within. Immigrants migrating from specific countries en masse threaten to change this identity and eventually threaten the identity of the state and its behaviors towards other counties. Realists see the threat of changing cultures as the genesis of a larger change in the state and its behavior towards other states.

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Marxism's contribution to understanding U.S. immigration policy brings significant topics to the fore. Marxism examines state administration of labor, the use of migrants to ease difficulties in the cycle of capital, and the use of repression to discipline a politically subservient and economically viable workforce.

In order for a state to survive in a capitalist system, it must recreate conditions that allow for the capitalist economy to continue. One of the most important conditions for capitalism is the regular supply of labor (Ross and Trachte 1990, 65). This supply, essential to the capitalist system must meet certain criteria.

First, labor must guarantee a profit. Second, the political subordination of workers is required to eliminate the threat of disruption to the system. Finally, Marxism argues that state cooperation with capitalist business interests is necessary to maximize profits from which the state appropriates a portion of these profits through taxes.

The state has lost the power to directly coerce labor for its own profit due to the "emergence of an autonomous economic realm" (Heilbroner 1985, 89). The loss of these powers has forced the state to create a new system of appropriating surplus through the ability to tax those who make profit (Heilbroner 1985, 89). Capital becomes the dominant actor in its relationship with the state and the state becomes an "obliging servant" to business (Heilbroner 1985, 89-90). Marxism concludes then, that capitalism has converted "the executive of the modern state" into a committee to manage the "common affairs of the whole bourgeoisie" (Marx and Engels 2005, 43). For the purposes of immigration, this includes the administration of labor. The importation of labor creates an "industrial reserve army of labor" that "exerts a downward pressure on wages" increasing profits for the owners of the means of production (Meyers 2000, 1247).

Capitalism, characterized by the need for guaranteed profit, has found its answer in noncitizen migrant workers. Migrant workers provide both a guaranteed profit as well as the political inferiority necessary for business and government control. Migration aids "the expansion of capitalism," which depends upon the "availability of a large pool of unemployed and highly mobile workers, [an] 'industrial reserve army'" (Messina and Lahav 2006, 149). An industrial reserve army is the surplus of labor used to coerce proletariat acceptance of the low wages they are paid by the bourgeoisie. Using this paradigm, the United States uses migrants to combat the loss of profits caused by increased in minimum wages and requirements that employers pay health insurance for citizens.

A deeper analysis of the relationship between migration and capitalism reveals the existence of "inter-capitalist competition" resulting in the "submission of the worker" and "uneven development between sectors" (Castells 1975, 74). This insight explains the relationship between the initial migration of Mexican migrants and the implementation of neoliberal economic policies by the governments of México and the United States in the late eighties and in the mid-

nineties with the enactment of NAFTA (Guskin and Wilson 2007, 24-5). To increase profits, competing capitalists gravitate to low wage workers. The submission of workers becomes unavoidable in the face of survival. Workers submit to the lowest wage to survive and the bourgeoisie agrees to provide employment as long as the profits are high.

While profits were high for large corporations importing food and setting up maquiladora industries in Mexico's free trade zone, workers suffered, eventually leading them to cross the border (Guskin and Wilson 2007, 25). United States citizens, who are entitled to rights, are extremely advantaged in comparison to undocumented workers at the mercy of their employer.

The Administration of Labor

The need to maintain a renewable labor force is fundamental for a functioning capitalist economy (Burawoy 1976, 1051). Migration is the "submission of the worker to the organization of the means of production dictated by capital" (Castells 1975, 34). The system of migration itself is artificially created "which acts as a functional substitute for other modes of organizing labor under capitalism" (1976, 1057). Migrant labor in the United States is administered through the separation of "the means of renewal from those of maintenance and at the same time... [ensuring] a continued connection between the two" (Burawoy 1976, 1059).

This separation is exemplified by the movement of workers from the third world toward westernized capitalist enterprises inside developing countries. Capitalism creates a mobile proletariat through the generalization of global market relations (Sassen 1990, 600). Foreign direct investment disrupts traditional work structures and causes the mobilization of migrants and the feminization of the proletariat (Sassen 1990, 600, 602). An example of a disruption is the transformation of traditional subsistence farmers into wage laborers, who move to the city and add to an "urban reserve labor" army (Sassen 1990, 601). Countries providing foreign direct investment create cultural and objective links with developing countries in which they invest. This relationship weighs heavily in determining migration patterns (Sassen 1990, 602).

The presence of foreign direct investment coupled with the need for profits creates the need for highly docile and malleable labor. Women from developing patriarchal societies are sought as workers, embodying the characteristics the bourgeoisie needs to increase profit (Sassen 1990, 602). The change in gender relations has resulted in increased competition for labor between genders and mobilization has dispersed men and women from rural to urban areas. Women become westernized through their work experiences, and these cultural changes influence migration to western countries (1990, 602).

Foreign direct investment and the regularization of the global market in developing countries create newly mobile, semi-westernized migrants from

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developing countries. These are the propertyless and mobile proletariat Marx and Engels predict will start the revolution.

Migrants Ease Difficulties in the Cycle of Capital

In a neoliberal framework, the “overexploitation of the workforce is a necessary condition for the accumulation of capital during periods of expansion...in periods of contraction, that workforce becomes an element of adjustment in the defense of profits” (Escobar and LeBert, 2003, 78). Undocumented migrants presently participating in the United States neoliberal political economy serve this purpose.

One of the most economically beneficial characteristics of undocumented migrants is their ability to ease difficulties in the cycle of capital. Noncitizen migrant labor has a high deportability during industry recessions and their labor functions primarily as a “regulator of capitalist crises, cushioning the impact of the expansion and contraction of capital” (Burawoy 1976, 1065). Deportability is defined as the vulnerability to deportation faced by undocumented migrants. It is a situation where “some are deported in order that most may remain (un-deported) as workers, whose pronounced and protracted legal vulnerability may thus be sustained indefinitely” (De Genova 2006, 1).

Deportability turns undocumented immigrants into fugitives, allowing for their exploitation because they cannot exercise their civil rights for fear of deportation (Sawyer 2008, 46). These "fugitives" are still employed in the United States, and the fear created by their criminalization generates a politically subdued and cost effective labor, force not subject to labor laws. Noncitizen migrant labor, especially undocumented migrant labor, is employed under the worst safety conditions, allowing owners of the means of production “considerable savings in the organization of work, reducing further the costs of reproduction” (Castells 1975, 87). Marxism identifies migrants as an easily renewable, cost effective and disposable source of labor.

The Use of Repression to Exploit Labor

The Marxist framework underscores the “disciplining of labor,” sponsored by the state (Heilbroner 1985, 99). This repression is discussed briefly or wholly overlooked by realist and liberal theory. Disciplining of the migrant workers in the United States is exemplified in past, present and proposed guest worker programs. The Okeelanta Corporation's treatment of 100 Jamaican temporary workers in Florida in 1986 can be explained using Marxist theory. Temporary workers were brought to Florida to cut sugar cane. While in Florida, workers organized to protest against the falsification of their work hours in favor of Okeelanta and the low wages they were being paid. Upon news of the protest, the Okeelanta Corporation

brought Palm Beach County riot police to “forcibly” ship “the entire crew of H-2 workers...back to Jamaica” (Guskin and Wilson 2007, 116). State efficiency is evident: within a week the men had been “replaced with 350 other workers” (Guskin and Wilson 2007, 116).

The profitability of detention centers in the United States is another demonstration of the state/bourgeois relationship in the disciplining of labor. Private correction companies, like Corrections Corporation of America (CCA) and GEO Group administer “between them...eight of the federal government’s sixteen detention centers holding immigrants” (Guskin and Wilson 2007, 132). Working in cooperation with capitalists, the state has created the problem of immigration enforcement and by doing so created the solution of a security system.

In addition to the creation of a reserve labor force, the state works closely with capitalists to repress unruly migrant labor. Government institutions are now working with capitalists to provide public services from which capitalist profit. Regarding noncitizens, this entails the creation of privately built and run detention centers that profits from the estimated \$1 billion dollars spent last year by the government on detaining immigrants (Colander 2006). “Houston-based KBR, a subsidiary of the oil and construction firm Halliburton, won and open-ended contract – potentially worth \$385 million— to build temporary detention facilities *in the event of an ‘immigration emergency’ (emphasis added)*. It is well known that Halliburton has strong ties to the White House” (Guskin and Wilson 2007, 132; Kolodner 2006). Private companies are paid to manage county jails, currently holding “57 percent of immigrant detainees” (Guskin and Wilson 2007, 132). Immigration detention contracts are highly profitable for private companies, more so than regular prison contracts, partly because immigration detainees are denied “the education, recreation, treatment, and rehabilitation programs granted to [criminal] prisoners” (Guskin and Wilson 2007, 132).

The state and capitalists have always had a cooperative relationship as self-interest “drives the state to support and advance the accumulation of capital” (Heilbroner 1985, 90). This cooperation creates an abusive and oppressive situation for immigrants at the mercy of the economic whims of business and the state.

Call for Porous Borders

Each of the three immigration theories has emphasized relevant points regarding United States immigration policy. Realism discusses migrants with respect to geopolitical and societal security. Liberalism emphasizes the importance of client politics in the ratification of immigration policy in the United States as well as the economic need for migrant workers. Marxism underscores the relation of exploitation of immigrants, especially undocumented migrants as a release valve to the pressures of capitalism. While the three frameworks stress different areas of

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importance, security, wealth and exploitation, they are all compatible with a call for porous borders.

The United States, for the first one hundred years of its existence, had an immigration policy of open borders. Border policy functioned mostly in restricting and taxing goods passing across but people were allowed to move freely through the border (Guskin and Wilson 2007, 133-4).

According to realism, undocumented migration will continue to undermine elements of national security. The protective measures against terrorism are necessary to address the unknown movements of people between the United States and México. An identification system that allowed for the identification of migrants would satisfy the realist need for security. As migrants register themselves with local authorities and pass, it would become understood that those with malicious intent would be less likely to register. Registration of entry and exit at the border would satisfy the realist's focus on national security. Porous borders would also make many illicit markets, including the sale of false documents, human trafficking, obsolete (Guskin and Wilson 2007, 137). As migrants are allowed to enter and exit, porous borders virtually eliminate clandestine activities around the border, allowing border patrol agents to focus on the capture of dangerous criminals.

To address the social "threat" caused by immigrants, realists have prescribed solutions to close the break between an immigrant's culture and their assimilation to American society or the "attachment gap" (Renshon 2007, 3-4). Realist suggest assimilatory techniques, teaching immigrants English, assisting immigrants in adjusting to American culture and using public education to socialize immigrants and increase attachment to the United States (Renshon 2007, 9-11). These techniques mitigate the threat of change to the dominant culture and, more broadly, the decisions of the state in the international arena.

The countries within the European Union are a successful example of porous borders. This example addresses the realist claim that immigrants threaten national identity and culture. While states in Europe are benefiting economically as a European Union, their cultures have been unaffected by the migration of people within the union (2007, 136). Spain has not become less "Spanish" or France less "French." The threat perceptions raised by realism cannot be addressed through repression and nativism, activities which directly conflict with the liberal values of the United States. Instead, porous borders allow for the movement of migrants with dignity and allow immigration policy to protect the United States against dangerous criminals and potential terrorists.

Liberal ideology concentrates on the civil and political rights of persons and understands the economic need for migrant labor. In the United States, rights are granted irrespective of national origin. Porous borders accommodate both migrants' rights and satisfy the United States' need for labor. The United States chose to join economically with Canada and México in 1994 through the provisions of the North American Free Trade Agreement (NAFTA), a union based on the

free movement of goods and services. It is inconsistent that a liberal policy would not allow for the free movement of people throughout these countries in order to continue economic growth.

While the economy creates 500,000 unskilled positions, the United States only gives 5000 visas annually to fill this gap, forcing migrants to enter the United States illegally and forcing companies to hire undocumented workers to fill employment needs (Jacoby 2006). This gap in workers hinders growth in the United States and creates a situation that opposes the liberal heritage of the United States. The liberal approach to migration policy claims the nature of the liberal state imposes limits on its own sovereignty to uphold the rights of all people within its territory. However, contrary to this liberal belief, the United States has increased repression and maltreatment of both citizens and noncitizens. If liberal migration policy theorists believe the gap between theory and practice in liberal states is a result of the liberal nature of the states, its client politics and insulated judiciary (Joppke 1998), the United States must reconcile its commitment to individual rights and end the repression towards all people living inside its borders.

Open borders also satisfy the Marxist argument because they secure, economically revitalize and minimize the exploitative nature of immigrant labor. Marx asked, “Does not life involve also free movement?” (Marx 1842). The freedom of movement in Marxist ideology is important because it keeps the proletariat free to defend itself against exploitation of the bourgeoisie.

For our workers in the big cities freedom of movement is the first condition of their existence, and landownership could only be a hindrance to them. Give them their own houses, chain them once again to the soil and you break their power of resistance to the wage cutting of the factory owners” (Engels 1872).

A Marxist framework solves the current immigration problem through porous borders (Guskin and Wilson 2007). The strongest arguments supporting porous borders show the investment of time and resources towards immigration enforcement are unnecessary. Porous borders would make the focus on “illegal” migration obsolete and close a business niche for the accumulation of profit by denying the civil rights of noncitizens (2007, 139). Millions of tax dollars could be saved through the reduction and elimination of bureaucratic agencies dealing with immigration and the increase in tax revenue if migrants worked legally in the United States (Guskin and Wilson 2007, 139).

Conclusion

In summary, the three state centered immigration theories explain different aspects of United States immigration policy. Realism, derived from the

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interpretation of threat perception and assuming there is no hierarchical state system, states must protect themselves from perceived threats. Using the logic of realism undocumented migrants present both a security threat, as well as a cultural threat. In a post-9/11 security environment, special attention must be paid to possible threats entering from across the border. Porous borders change boundaries from barriers to sieves, allowing migrants to be recognized and pass and making it more difficult for dangerous criminals to pass into the United States clandestinely. Neorealists highlight the threat to American culture as many immigrants from common countries enter the United States and threaten to change its national identity. However, porous borders implemented in the European Union have not changed the cultural profile of any member state.

Distinctive from the perceived threats accentuated by realism, liberalism focuses attention on the client politics instrumental in the creation of United States immigration policy. In the past three decades, two major immigration reform acts, in 1986 and 2007 have been delayed or terminated due to the pressure of client politics. Neoliberalism, the political and economic evolution of liberalism, explains the economic significance of immigrants to national growth. A porous border satisfies the neoliberal need for a globally mobile workforce while simultaneously respecting an intrinsic liberal reverence for civil rights.

Finally, of the three immigration paradigms, Marxism explains the cooperation of the state and capitalists and their relationship with the proletariat as one of domination. Capitalists administer labor with the support of the state through the separation of the means of immigrant renewal with that of their maintenance. The state assists this administration through its distinctions between citizens and non-citizens and the rights allotted to each. Marxism explains how immigrants benefit the United States economy differently than the explanation provided by liberalism. Marxism explains immigrants benefit the economy through their deportability. Migrants can be exploited for their work and easily dismissed when they become less of a benefit. Only Marxism accounts for state repression and capitalist exploitation of workers as the means to maximize profit potential.

Lastly, there is a separate moral argument for porous borders based on human rights which complements previous realist, liberal and Marxist arguments for porous borders. United States immigration cannot convey unequal rights to humans who share a moral equality. Demeaning immigrants through the securitization of the border only advances and deepens the disadvantage of undocumented migrants. The unequal treatment of immigrants is clearly unjust when it perpetuates a system of privilege and disadvantage (Isbister 1999, 88). In addition to this moral line of reasoning, porous borders are more compatible with a more modern understanding of borders and citizenship.

To close, each of the three immigration paradigms reflects different points of interest that can all be reconciled with the proposition of porous United States borders with México and Canada. Porous borders satisfy realist threats to security,

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reconcile the liberal nature of states with the neoliberal need for a global labor force and reduce the ability of the state and capitalists to exploit immigrants based on their legal status. These practical reasons, combined with moral and ethical calls for human rights based immigration policy are proof enough that a right-based immigration policy is not only possible, but also sustainable.

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