

US Immigration Policy Since 1965 as reflected in Federal Law

The 1965 Immigration and Nationality Act (INA) set the parameters for current immigration law. It provided that the total number of immigrants allowed by Congress in any year would be divided equally among all countries. The principle of diversity thus replaced more racist policies of the 1890s and the 1920s. It also established special preferential categories for immigrants having skills or education needed by U.S. employers and for immigrants with family members already resident in the U.S.

The 1986 Immigration Reform and Control Act (IRCA) addressed the growing problem of persons coming illegally to the U.S. from Mexico and countries farther south. The law provided for stricter border controls, employer sanctions, and raids to pick up persons here illegally. Special visas were allowed so that farmers could bring in seasonal labor. The law also offered amnesty to immigrants here without documents. About 3 million of the estimated 6 million undocumented took advantage of this provision.

As undocumented immigrants continued to arrive in the U.S., Congress adopted the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. The act strengthened the border patrol, extended a fence on the Mexican border, and added more punitive measures for persons found to be here without documents. The proposed immigration bill of 2007 would have continued in the same vein with the addition of a form of amnesty for some of the persons here illegally.

At the present time, a guest-worker law seems to be gaining favor with business people, farmers, and some politicians. Such a law would provide much needed workers who would be brought here on short-term contracts without their families. The workers would stay for a stipulated time as long as they remained employed by the employer who brought them here. Many employers believe the program is necessary, but civil rights advocates warn that it could lead to abuses of workers.

A rational and politically acceptable immigration reform remains elusive. Meanwhile, the law of push-pull migration continues to operate in the U.S. As migration scholars know, when a rich country with surplus jobs is only a line in the sand away from countries characterized by desperate poverty and/or political repression, no humanely acceptable means has been found to stop the flow of immigrants.

(For more background on immigration law, see Aristide R. Zolberg, *A Nation by Design: Immigration' Policy in the Fashioning of America*, 2006.)