

Immigration Policy and Unions

The central tension is:

Exclusion

versus

Solidarity

Context on Immigrant Worker Centers: Immigration Today

- 28% of all foreign-born persons, legal or undocumented are Mexican; next largest group of immigrants are Chinese at 5%
- About half of all immigrants to the United States every year come from five countries (Mexico, Philippines, China, India, Dominican Republic, Vietnam)
- Approximately 9 million undocumented immigrants (28% of all immigrants) living in the United States today; about 5 million are part of the workforce; more than 50% of these are from Mexico, followed by El Salvador, Guatemala, Canada and Haiti; most have no means of obtaining legal status or employment authorization.
- Immigrants are more likely to live in cities, most likely in the 27 largest urban regions of the U.S.
- Cities with largest percentage of foreign-born: Los Angeles (30%), New York (20%), Miami (6%), San Francisco (6%), Chicago (4%), Houston (3%), Boston, Dallas, San Diego, Washington D.C. (2%)

Golden Era of Immigration

- Golden Era of immigration between 1880 and 1920: 23 million immigrants arrived in a country that in 1900 numbered 76 million. By 1920, 4 out of 10 inhabitants of the largest U.S. cities were foreign-born and an additional 2 in 10 were children of immigrants.
- Between 1990 and 2000 in sheer numbers, more immigrants arrived in the United States than during any previous period in American history. The immigrant population in the United States increased from 19.8 million in 1990 to 31.1 million in 2000.

Striking differences between the Golden Era and today's immigrants:

- **Ethnicity:** 90% of immigrants to the United States during the Golden Era were from Europe and were what would now be considered white, only 15% of today's immigrants are from Europe, while half are from Latin America, with Mexicans comprising a full third of the total.
- **Legal Status:** The vast majority of immigrants arriving during the Golden Era received immediate authorization to work and embarked on the pathway to citizenship. Today, fully one quarter of all foreign-born immigrants are estimated to be undocumented.
- **Residence:** The vast majority of immigrants arriving during the Golden Era went to cities. Today 54% of all Latinos in the US now reside in the suburbs. The number of Latinos living in suburban areas increased by 71% during the 1990's.

Labor Migrants

Four main categories of immigrants:

1. "Labor migrants" legal and undocumented workers in search of low wage jobs*
2. "Professionals... members of the professions of exceptional ability and their spouses and children"
3. "Entrepreneurial immigrants"
4. "Refugees and Asylees" who have been granted asylum by the U.S. which affords them the right to work legally and access to certain services

* *In the United States today, labor migrants represent the bulk of immigrants both legal and undocumented*

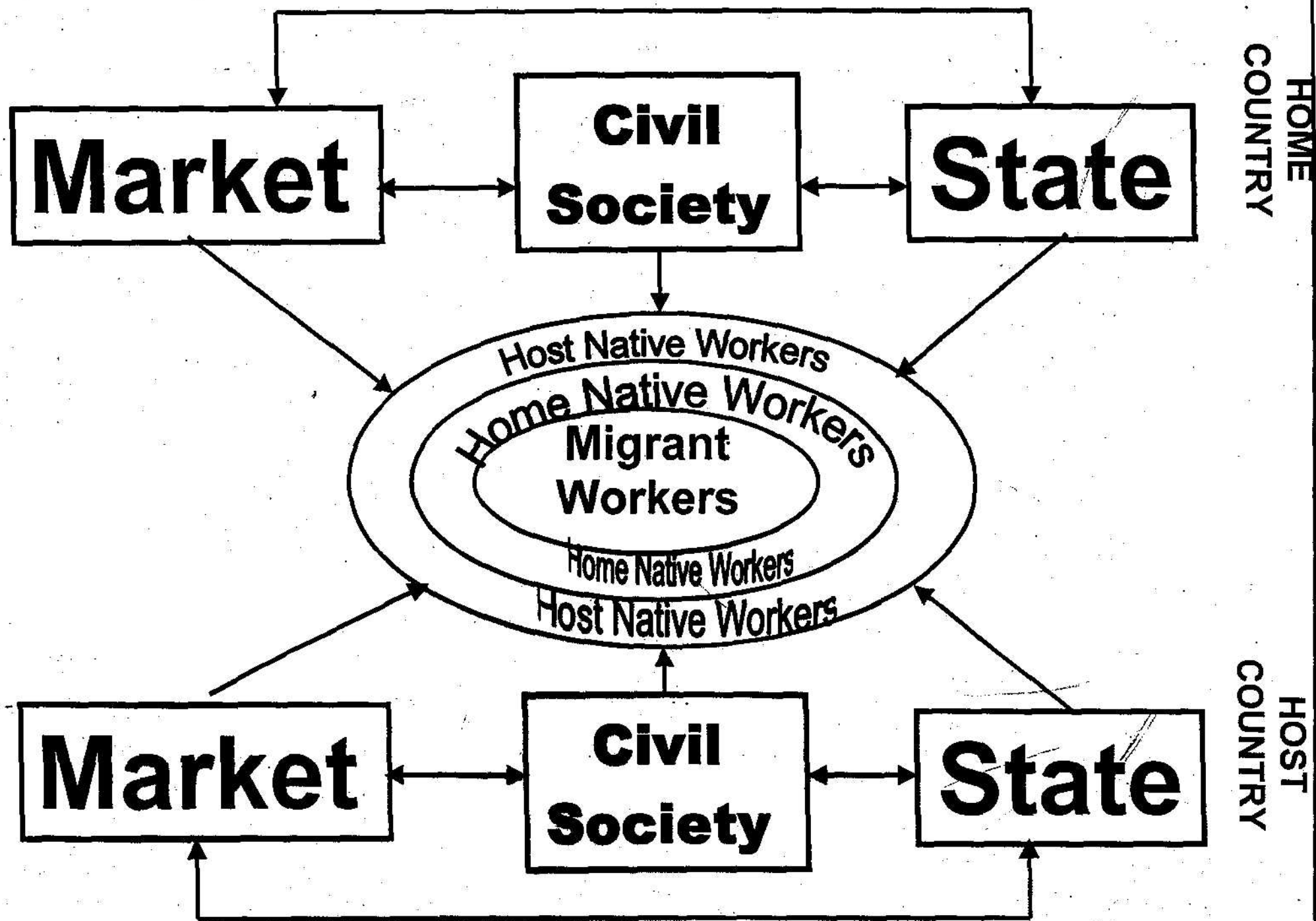
Why are so many labor migrants undocumented?

- Family slots are either backed up for years or people do not qualify for them
- Employment is so narrowly defined very few workers can come through employment
- The obstacles to legal immigration are much higher than they were for immigrants arriving in the U.S. at the turn of the 20th century. Until 1921, there were no numerical limits or quotas for the number of immigrants allowed to enter the country. With the exception of the Chinese Exclusion Act, most immigrants who arrived at a port of entry and were found not ill with a contagious disease, not likely to become a public charge and not found to be convicted of a crime or certifiably insane, were admitted into the U.S. as legal residents with permission to work.

Today...

- Legal status for those who fit within restricted set of categories:
 - Have a sibling, spouse or parent who has green card or is citizen
 - Can show that they will suffer persecution if returned to their home country
 - Have job skills that are in demand by employers and that U.S. citizens are not able to provide
- Most undocumented immigrants are labor migrants who do not qualify for any of these categories.
- Punishment for entering the country illegally also operates as a strong disincentive to apply for legal status, even for those who qualify.
- Even those who do qualify may face long waits before their admission is approved.

The Global Dynamics of Immigration



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PUSH AND PULL FACTORS:

PUSH IS WHAT DRIVES PEOPLE TO LEAVE THEIR HOME COUNTRIES: ACTIONS OF THE STATE (INDIVIDUAL NATIONS AS WELL AS INTERNATIONAL BODIES AND POLICIES LIKE GLOBAL TRADE AND DEVELOPMENT), OF THE MARKET, OF CIVIL SOCIETY, SOCIAL NETWORKS AND FAMILIES, AND THE IMPACT OF ALL OF THESE FACTORS ON THE NEEDS AND DESIRES OF THE INDIVIDUAL IMMIGRANT.

PULL IS WHAT DRAWS PEOPLE TO COME TO HOST COUNTRIES: ACTIONS OF THE STATE, MARKET, CIVIL SOCIETY, SOCIAL NETWORKS, FAMILIES AND THE IMPACT OF ALL OF THESE FACTORS ON THE NEEDS AND DESIRES OF THE INDIVIDUAL IMMIGRANT.

HISTORICALLY, THE KEY *PUSH* FACTORS HAVE BEEN:
IMMENSE INCREASES OF POPULATION DUE TO LOWER MORTALITY RATES, NUMBER OF YOUNG WORKERS SEEKING A LIVELIHOOD GREW FASTER THAN THE NUMBER OF SLOTS THE ECONOMY COULD GENERATE ANEW OR OPEN BY ATTRITION—SO A COUNTRY ENDS UP WITH AN ECONOMIC SURPLUS POPULATION

ECONOMIC STAGNATION OR DECLINE DUE TO ACCUMULATION OF SMALL HOLDINGS BY LARGE LANDOWNERS TO INCREASE COMMERCIAL OUTPUT.

SPREAD OF CAPITALIST MANUFACTURING AND MARKETING CHANGED ECONOMIC LIFE, DISPLACED AND MARGINALIZED ARTISANS AND PEASANTS BY CREATING FACTORY SYSTEM OF PRODUCTION: COTTAGE INDUSTRIES DWINDLE AND DISAPPEAR

EMERGING CAPITALIST ECONOMIES GROW BY BOOM AND BUST CYCLES WHEN BUST HITS MIGRATION HAPPENS

SHIFTING INTERNATIONAL MARKETS (AGRICULTURE, MANUFACTURING, ETC.) IMPACT DOMESTIC ECONOMIES, E.G. FLUCTUATING FARM PRICES DEAL ECONOMIC SETBACKS TO FARMERS AND SLACKENING DEMAND DEALS ECONOMIC SETBACKS TO WORKERS

WAR OR FOREIGN POLICY THAT RESULTS IN WIDESPREAD DESTRUCTION AND DISPLACEMENT OR FORCED ECONOMIC AND POLITICAL ISOLATION

KEY *PULL* FACTORS:

LAND TO FARM (ONCE UPON A TIME)
LABOR SHORTAGES/AVAILABILITY OF JOBS (LOW SKILL, LOW PAY)
HIGHER STANDARD OF LIVING
FAMILIES AND KINSHIP NETWORKS

WHAT IS A MARKET ECONOMY?

AN *ECONOMIC SYSTEM* IN WHICH DECISIONS ABOUT THE ALLOCATION OF RESOURCES AND PRODUCTION ARE MADE ON THE BASIS OF PRICES GENERATED BY VOLUNTARY EXCHANGES BETWEEN PRODUCERS, CONSUMERS, WORKERS AND OWNERS OF FACTORS OF PRODUCTION*.

DECISION-MAKING IN SUCH AN ECONOMY IS DECENTRALIZED—DECISIONS ARE MADE INDEPENDENTLY BY GROUPS AND INDIVIDUALS IN THE ECONOMY RATHER THAN BY CENTRAL PLANNERS.

THE MARKET FOLLOWS ITS OWN LOGIC: ALWAYS SEEKING NEW PLACES TO SELL PRODUCTS, ALWAYS SEEKING CHEAPER WAYS TO PRODUCE THOSE PRODUCTS, ALWAYS SEEKING TO DO THESE THINGS UNFETTERED BY GOVERNMENT REGULATION UNLESS REGULATION/GOVT. SUPPORT WILL HELP IT TO GROW. FIRMS WILL SEEK TO MAXIMIZE PROFITS AND MINIMIZE RISK ONE WAY IS THROUGH FLEXIBLE WORKFORCE

"GOVERNING THE MARKET": IN ADVANCED INDUSTRIAL CAPITALIST ECONOMIES, MARKET IS KEY ENGINE FOR ECONOMIC GROWTH AND PROSPERITY, ALWAYS TENSION BETWEEN FEEDING IT AND INTERVENING TO HOLD IT TO SOME STANDARDS AROUND TREATMENT OF WORKERS, ENVIRONMENT, PRODUCTS PRODUCED, TAXES, GETTING FIRMS TO CONTRIBUTE TO COST OF PUBLIC GOODS

LABOR MARKET POLICIES ARE POLICIES THAT GOVERN THE MARKET

**the resources of society used in the processes of production: usually divided into land, labor, capital (buildings, machinery, financial assets) and entrepreneurship.*

THE STATE (a somewhat confusing term because we are really talking about *the nation*)

WHEN WE SAY STATE, WE ARE TALKING LARGELY ABOUT FEDERAL (LEGISLATIVE BODIES AND THE PRESIDENCY AS WELL AS THE EXECUTIVE BRANCH AGENCIES), BUT ALSO STATE AND LOCAL GOVERNMENTS INCLUDING ELECTED OFFICIALS AND ADMINISTRATIVE STAFF AND THE POLICIES ENACTED AND STRUCTURED BY THESE BODIES

"UNTIL RECENTLY, DOMINANT THEORETICAL PARADIGMS IN THE COMPARATIVE SOCIAL SCIENCES DID NOT HIGHLIGHT STATES AS ORGANIZATIONAL STRUCTURES OR AS POTENTIALLY AUTONOMOUS ACTORS....CURRENT WORK HOWEVER, INCREASINGLY VIEWS THE STATE AS AN ACTOR THAT, ALTHOUGH OBVIOUSLY INFLUENCED BY THE SOCIETY SURROUNDING IT, ALSO SHAPES SOCIAL AND POLITICAL PROCESSES" (Skocpol 1987).

"STATE AUTONOMY": ABILITY OF STATES TO FORMULATE AND PURSUE GOALS THAT ARE NOT SIMPLY REFLECTIVE OF THE DEMANDS OF SOCIAL GROUPS, CLASSES OR SOCIETY" GOALS OFTEN REFLECT THE INDEPENDENT ORGANIZATIONAL AND CAREER INTERESTS OF STATE OFFICIALS.

"STATE CAPACITY": ABILITY OF STATES TO ACCOMPLISH THEIR GOALS: THE ADMINISTRATIVE, FISCAL, COERCIVE AND JUDICIAL ARRANGEMENTS OF GIVEN STATES...

BORDERS ARE CONSTRUCTED AND ENFORCED BY STATES THAT ARE RECOGNIZED BY THE INTERNATIONAL LEGAL SYSTEM AS HAVING THE AUTHORITY TO CONTROL THE MOVEMENT OF CITIZENS AND NONCITIZENS INTO AND OUT OF THEIR TERRITORIES

A State has two sets of boundaries:

Physical boundaries: the border

Political and legal boundaries: membership

Immigration policy is the border, questions of physical boundaries

Citizenship and naturalization policy: are the political and legal boundaries—who is granted full membership in our society

How are they related?

Whom states choose to admit as immigrants in large part determines who shall become citizens.

CIVIL SOCIETY

Civil society refers to the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state (regardless of that state's political system).

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power.

Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions, advocacy groups. ^[2]

In addition to organizations, civil society includes informal social networks.

CIVIL SOCIETY IS TRYING TO SIMULTANEOUSLY HOLD THE STATE AND MARKET ACCOUNTABLE, CONSTANTLY INTERACTING WITH THE MARKET AND THE STATE IN VARIOUS WAYS AND ALSO EXERTING IT'S OWN PULL ON IMMIGRANTS

What are a state's two sets of boundaries?

1-Physical boundaries: the border=IMMIGRATION POLICY

2-Political and legal boundaries/who gets to be a member of our society=CITIZENSHIP AND NATURALIZATION POLICY

How are they related?

Whom states choose to admit as immigrants in part determines who shall be citizens. Most state immigration regimes give special admission preferences to family members of citizens.

43 million low wage workers in the
United States, 25% of workforce at
poverty level

Is it an *immigration policy* problem
or a
labor market policy problem?

Immigration Policy: it is a labor supply issue--fewer low wage immigrants will lead to higher wages and better working conditions for those who are here

Labor Market Policy: prevalence of subcontracting and independent contracting, lack of regulation requiring living wages and benefits, monitoring of working conditions, lack of unions are the real problems and regulation or “governing the market” is the real solution

**Geometric increase in the number of
establishments in the United States and
decrease of DOL Wage and Hour
enforcement personnel:**

1975: 3,947,740 firms/921 investigators

2004: 8,377,266 firms/788 investigators

The positions we take on the immigration debate have a lot to do with who we hold *responsible* for all the migration:

- Global economic institutions: GATT, WTO, NAFTA, CAFTA
- Home (sending) Countries: e.g. Mexico
- Host Countries: U.S.
- Employers/Multi-national Corporations
- The immigrants themselves

Our dilemma: We (the labor movement) want justice for those coming as well as for those who are already here. We can't take up immigration policy separate from labor market policy.

Typical Components of Current Federal Immigration Policies:

- 1-Border Enforcement/Extradited deportation procedures
- 2-Employer Verification
- 3-Amnesty (what to do about those already here)
- 4-"Future Flow" (what to do about those continuing to come)

· What's missing?

"The Silences:"

- Meaningful Labor Protections/Monitoring and Enforcement
- Economic Development in Home Country
- Strategy for advancement of those at bottom of labor market in Host Country (African-American, Latino, Asian, white low wage workers who are already here...)