

Latin American Immigration to the United States

Marta Tienda & Susana M. Sánchez

Abstract: This essay provides an overview of immigration from Latin America since 1960, focusing on changes in both the size and composition of the dominant streams and their cumulative impact on the U.S. foreign-born population. We briefly describe the deep historical roots of current migration streams and the policy backdrop against which migration from the region surged. Distinguishing among the three major pathways to U.S. residence – family sponsorship, asylum, and unauthorized entry – we explain how contemporary flows are related both to economic crises, political conflicts, and humanitarian incidents in sending countries, but especially to idiosyncratic application of existing laws over time. The concluding section highlights the importance of investing in the children of immigrants to meet the future labor needs of an aging nation.

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Both the size and composition of the U.S. foreign-born population have grown since 1960, rising from 9.7 million to nearly 40 million in 2010. Latin Americans have been a major driver of this trend, as their numbers soared from less than 1 million in 1960 to nearly 19 million in 2010.¹ The source countries have also become more diverse, especially after 1970, when flows from Central America, Cuba, and the Dominican Republic surged. However, these census-based stock measures, which combine recent and prior immigration as well as temporary and unauthorized residents, reveal little about the pathways to U.S. residence, the ebb and flow of migrants from specific countries, or the forces that produce and sustain those flows.

In this essay, we provide an overview of immigration from Latin America since 1960, focusing on changes in both the size and composition of the major flows as well as the entry pathways to lawful permanent residence in the United States, with due attention to policy shifts. We describe the deep historical roots of current migration streams and explain how these flows are related both to changes

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in U.S. immigration policy and to unequal and inconsistent enforcement of existing laws in order to spotlight the myriad unintended consequences for sending and receiving communities. The concluding section reflects on the implications of Latin American immigration for the future of the nation, highlighting the growing importance of the children of immigrants for the future labor needs of an aging nation. We also note the thwarted integration prospects of recent and future immigrants in localities where anti-immigrant hostility is on the rise.

Nearly a century before the English founded Jamestown in 1607, Spanish settlements peppered the Americas. Even as they forged indelible Hispanic imprints in large swaths of the American Southwest, Spanish settlers Hispanicized the South American continent, later joined by the Portuguese in creating an “Iberian enterprise.” Rubén D. Rumbaut, poet and public intellectual, describes that process as “one of the greatest and deepest convulsions in history . . . [an] epochal movement . . . that poured the occidental nations of Europe over . . . the New World.”² As such, Spain began the first wave of migration to what would become the United States of America, and also populated one of its future sources of immigrants.

The long-standing power struggle between Spain and England, which carried over to the Americas, is also relevant for understanding Latin American immigration to the United States. Although most Spanish colonies had achieved independence by the middle of the nineteenth century, the newly independent republics were weak politically and militarily, vulnerable to external aggression. Given its proximity, Mexico proved an easy target for the expansionist aspirations of the United States. Under the terms of the Treaty of Guadalupe Hidalgo, which ended the U.S.-Mex-

ican War (1846–1848), combined with the Gadsden Purchase, the United States acquired almost half of Mexico’s land.

The significance of the annexation for contemporary immigration from Mexico cannot be overstated. Not only were social ties impervious to the newly drawn political boundary, but economic ties also were deepened as Mexican workers were recruited to satisfy chronic and temporary labor shortages during the nineteenth and twentieth centuries – an asymmetrical exchange that was enabled by the maintenance of a porous border. The Bracero Program, a guest worker program in force between 1942 and 1964, is a poignant example of U.S. growers’ dependence on Mexican labor facilitated by legal contracts combined with growing reliance on unauthorized workers.

Fifty years after the Treaty of Guadalupe Hidalgo, the United States intervened in Cuba’s struggle for independence against the Spanish crown, which lost its last colonies in the Americas and the Pacific region. As part of the settlement, the United States acquired Puerto Rico, Guam, and the Philippines, and was ceded temporary control of Cuba. Both the U.S.-Mexican War and the Spanish-American War established foundations for U.S.-bound migration. Mexico and Cuba have been top sending countries for most of the twentieth century and into the twenty-first, with the Philippines ranking second since 1980.³ Notwithstanding intermittent travel barriers imposed by the Castro regime, Cuba was a top source of U.S. immigrants during the last half of the twentieth century, consistently ranking among the top three Latin American source countries and among the top ten worldwide.

The underpinnings of contemporary migration from Latin America are also rooted in policy changes designed to regulate permanent and temporary admis-

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sions, beginning with the Immigration Act of 1924. Although widely criticized for establishing a racist quota system designed to restrict migration from Southern and Eastern Europe, the 1924 Act is relevant for contemporary Latin American immigration because it explicitly exempted from the quotas the independent countries of Central and South America, including Mexico and the Dominican Republic. Both countries currently are major sources of undocumented migration; however, the circumstances fostering each of these undocumented streams differ.

Table 1 summarizes key legislation that influences Latin American immigration today, beginning with the most recent comprehensive immigration law, the Immigration and Nationality Act of 1952 (INA). Although the INA retained the quota system that limited immigration from Eastern Europe (and that virtually precluded immigration from Asia and Africa), the legislation established the first preference system specifying skill criteria and imposed a worldwide ceiling. But in the wake of the civil rights movement, the 1965 amendments to INA dismantled the overtly racist quota system.

Two aspects of the new visa preference system are key for understanding contemporary Latin American immigration: the high priority accorded to family unification relative to labor qualifications; and the exemption of spouses, children, and parents of U.S. citizens from the country caps, which in effect favored groups exempted by the 1924 Immigration Act. This included Mexican Americans whose ancestors became citizens by treaty and the relatives of braceros who had settled throughout the Southwest during the heyday of the guest worker program; but over time, it came to include the relatives of newcomers who sponsored their relatives after naturalization. The termination of the Bracero Program coupled with the

extension of uniform country quotas for the Western Hemisphere in 1978 was particularly consequential for Mexico, with the predictable outcome that unauthorized migration climbed.

When an exodus from Cuba began in the aftermath of the Cuban revolution, the United States had not yet established a comprehensive refugee policy. Although not a signatory to the UN Refugee Convention or Protocol, and despite a highly unbalanced economic and political relationship with the United States, Cuba has influenced the development and execution of U.S. refugee policy in myriad ways. Cuban émigrés instantiated the ideological war between the United States and Castro's socialist regime, not only forcing the U.S. government to define its refugee policy, but also beginning a period of exceptions to official guidelines. The 1966 Cuban Adjustment Act (CAA) allows Cuban exiles to apply for permanent residence after residing in the United States for only one year. Unlike Haitians, Dominicans, or other Latin Americans, very few Cubans are repatriated if they land on U.S. soil, even if they enter through land borders.⁴

Cubans seeking asylum in the United States are the main Latin American beneficiaries of the 1980 Refugee Act, and they have enjoyed preferential admissions and generous resettlement assistance both before and since the 1980 Act.⁵ In response to a third major Cuban exodus during the mid-1990s, the U.S. government negotiated the Cuban Migration Agreement, which revised the CAA by establishing what became known as the "wet foot/dry foot" policy. By agreement, Cubans apprehended at sea (that is, with "wet feet") would be returned to Cuba (or a third country in cases of legitimate fears of persecution); those who successfully avoided the U.S. Coast Guard and landed on U.S. shores (with "dry feet") would be allowed to re-

Table 1

Major U.S. Legislation Concerning Latin American Immigration, 1952–2001

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Legislation	Date	Key Provisions
Immigration and Nationality Act (INA)	1952	Establishes the first preference system Retains national-origin quotas favoring Western Europe Imposes ceiling of 154K plus 2K from Asia-Pacific Triangle
Immigration Act (Amendments to INA)	1965	Repeals national-origin quotas Sets a maximum limit on immigration from the Western (120K) and Eastern (170K) Hemispheres Revises visa preference system to favor family reunification Establishes uniform per-country limit of 20K visas for the Eastern Hemisphere
Cuba Adjustment Act (CAA)	1966	Allows undocumented Cubans who have lived in the United States for at least one year to apply for permanent residence
Refugee Act	1980	Adopts UN protocol definition of <i>refugee</i> Creates systematic procedures for refugee admission Establishes resettlement procedures Eliminates refugees from the preference system Institutes the first asylum provision
Immigration Reform and Control Act (IRCA)	1986	Institutes employer sanctions for hiring undocumented immigrants Legalizes undocumented immigrants Increases border enforcement Establishes “wet foot/dry foot” policy
Cuban Migration Agreement (CMA)	1994– 1995	Sets up a minimum of 20K visas annually Conducts in-country refugee processing
Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1996	Strengthens border enforcement and raises penalties for unauthorized entry and smuggling Expands criteria for exclusion and deportation Initiates the employment verification pilot programs
Nicaraguan Adjustment and Central American Relief Act (NACARA)	1997	Legalizes Nicaraguans and Cubans; later legalizes ABC class members (Salvadorans and Guatemalans)
Temporary Protected Status (TPS)		Grants temporary legal status to nationals of countries that experienced an armed conflict or a major natural disaster
	1990	Granted to Salvadorans due to civil war (lasted 18 months)
	1998	Granted to Hondurans and Nicaraguans due to damages caused by Hurricane Mitch (expires 2015)
	2001	Granted to Salvadorans following an earthquake (expires 2013)

Source: Michael E. Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight* (Washington, D.C.: Urban Institute, 1994); Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People: Immigrants in the United States* (New York: Russell Sage Foundation, 1990); Ruth E. Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, D.C.: Congressional Research Service, 2009); Ruth E. Wasem, *U.S. Immigration Policy on Permanent Admissions* (Washington, D.C.: Congressional Research Service, 2010); and U.S. Department of Homeland Security, <http://www.dhs.gov/>.

main and, in accordance with the provisions of the 1966 CAA, would qualify for expedited legal permanent residence.⁶

A third major amendment to the INA, the 1986 Immigration Reform and Control Act (IRCA), in principle marks a shift in the focus of U.S. immigration policy toward a growing emphasis on enforcement. IRCA granted legal status to approximately 2.7 million persons residing unlawfully in the United States, including the special agricultural workers who only were required to prove part-year residence. Over 85 percent of the legalized population originated in Latin America, with about 70 percent from Mexico alone.⁷ The rapid growth of unauthorized immigration post-IRCA also led to increased enforcement efforts.

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which intensified fortification of the border, expanded criteria for deportation and made a half-hearted effort to strengthen interior enforcement through the employment verification pilot programs. More than a decade after IRCA, Congress approved another legalization program, the Nicaraguan Adjustment and Central American Relief Act (NACARA), which conferred legal permanent resident (LPR) status to registered asylees (and their dependents) from Nicaragua, Cuba, El Salvador, Guatemala, and nationals of former Soviet bloc countries (and their dependents) who had resided in the United States for at least five consecutive years before December 1, 1995. According to Donald Kerwin, executive director of the Center for Migration Studies, fewer than 70,000 asylees were legalized under NACARA through 2009; but in typical fashion, a patchwork of solutions for specific groups have been enacted since IRCA was passed in 1986.⁸

Finally, as part of its humanitarian goals, Congress also enacted legislation offering Temporary Protected Status (TPS) for

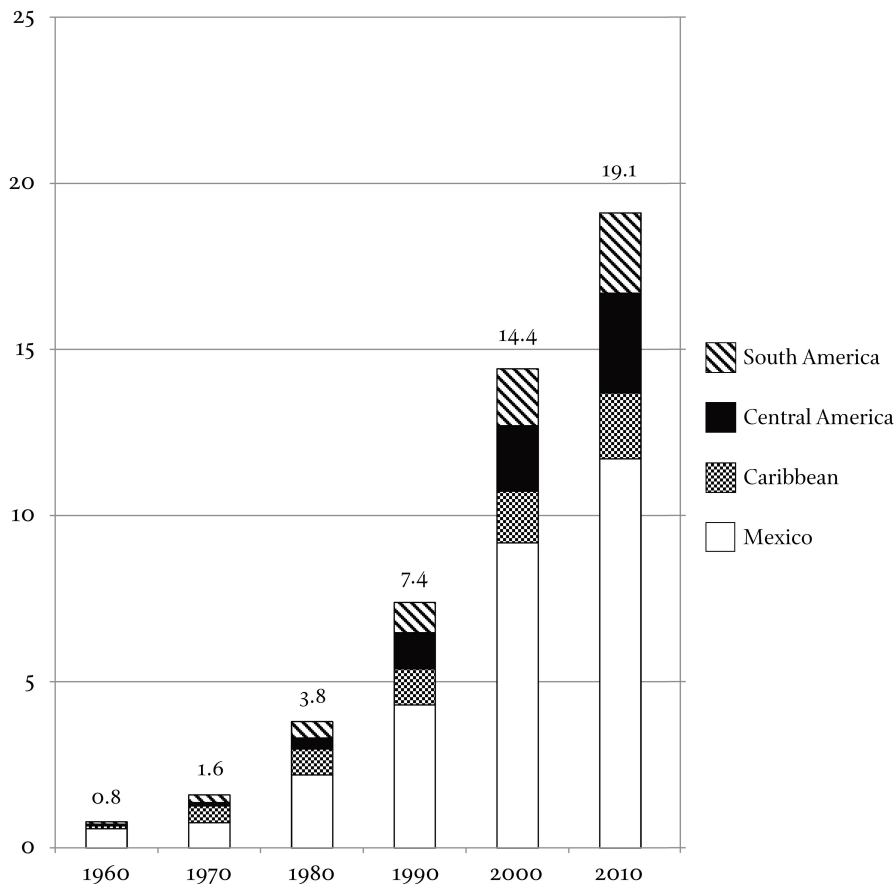
Central Americans displaced by civil wars or natural disasters. TPS is time-limited; does not offer a pathway to permanent resident status; and requires acts of Congress for extension.⁹ Once the period of protection expires, its beneficiaries are expected to return to their country of origin. Among those displaced by civil conflict, some claim political asylum while others lapse into unauthorized status along with the thousands denied asylum.

Collectively, the legislation summarized in Table 1 represents the major pathways to attain LPR status: namely, family unification, employer sponsorship, and humanitarian protections. Family reunification gives preference to prospective migrants from countries with longer immigration traditions, like Mexico, because they are more likely to have citizen relatives in the United States who can serve as sponsors; but over time this pathway has become more prominent as earlier arrivals naturalize in order to sponsor their relatives. With the exception of Argentineans during the 1960s and Colombians during the early 1970s, relatively few Latin American immigrants receive LPR status through employment preferences. Rather, the majority of Latin Americans recruited for employment enter as temporary workers or through clandestine channels. Neither unauthorized entry nor TPS provides a direct pathway to legal permanent residence, but they can evolve into indirect pathways via comprehensive (for example, IRCA) or targeted (for example, NACARA) amnesty programs. In the following section, we use the three pathways to illustrate how each differs for specific countries, and to identify the economic and political forces undergirding changes over time.

Figure 1 uses data from the decennial census to portray changes in the U.S. Latin American-born population from 1960 to 2010 by region of origin. The graphic rep-

Figure 1
U.S. Foreign-Born Population (in millions) from Latin America, 1960 – 2010

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“Caribbean” includes Cuba and the Dominican Republic; “Central America” includes Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama; and “South America” includes Colombia, Venezuela, Ecuador, Peru, Chile, Brazil, Bolivia, and Paraguay. Source: Campbell Gibson and Kay Jung, “Historical Census Statistics on the Foreign-Born Population of the United States: 1850 – 2000,” Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006); and American Community Survey, One-Year Estimates for 2010.

resentation reveals the regional-origin diversification that accompanied the twelfold increase in the Latin American-born population since 1970. Despite the continuing Mexican dominance among Latin American-born U.S. residents, flow diversification resulted in a more balanced subregional profile in 2010 compared with prior decades. The Caribbean share of Latin American immigrants peaked at 31 percent in 1970, fell to 20 percent in 1980,

and has remained at 10 percent since 2000. Over the last fifty years, the Central American share of all Latin American immigrants rose from about 6 percent in 1960 to around 16 percent since 1990, when about 12 percent of Latin American immigrants originated from South America.

Table 2 reports the major source countries that drove the changes reported in Figure 1. Only countries comprising at least 2 percent of the decade total Latin Amer-

Table 2
Largest Latin American-Born Populations (by percentage) in the United States, by Country of Origin, 1960–2010

	1960	1970	1980	1990	2000	2010
Mexico	(73.1)	(47.6)	(57.8)	(58.2)	(63.6)	(61.3)
Cuba	(10.0)	(27.5)	(16.0)	(10.0)	(6.1)	(6.3)
Argentina	(2.1)	(4.0)	(4.4)	(6.3)	(5.7)	(5.8)
Colombia						
Dominican Republic						
Other Countries	(14.8)	(14.3)	(13.2)	(13.8)	(13.0)	(14.4)
N	788,068	1,597,481	3,801,351	7,385,479	14,418,576	19,115,077

Countries are presented in descending order for each year. Source: Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850–2000," Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006); and American Community Survey, One-Year Estimates for 2010.

ican-born population are separately reported, which qualifies a maximum of six countries after 1970, but only three in 1960. Not surprisingly, Mexicans remain the dominant group throughout the period, but owing to large swings in immigrant flows from the Caribbean and Central America, the Mexican share fluctuated from a high of 73 percent in 1960 to a low of 48 percent in 1970. Cubans were the second largest group among the Latin American-born population through 2000, but their share varied from a high of 27 percent in 1970 to less than 6 percent in 2010, when Salvadorans edged out Cubans for second place.

The decade-specific profile of main source countries also reveals the ascendance of Colombians and Dominicans during the 1960s and 1970s, with Central Americans following during the 1980s. Although Argentina ranked among the top source countries during the 1960s and 1970s, when the United States benefited from the exodus of highly skilled professionals from that country, the “brain drain” was not sustained. Political repression and economic crises rekindled Argentinean emigration during the late 1970s, early 1980s, and again at the beginning of the twenty-first century, but Spain, Italy, and Israel were then the preferred destinations. Today, unlike Colombia, Argentina is not a major contributor to U.S. immigration.

The stock measures reported in Table 2 and Figure 1 portray the cumulative impact of immigration, but reflect immigration trends imperfectly because they conflate three components of change: new additions; temporary residents, including the beneficiaries of protection from deportation; and unauthorized residents. Thus, the foreign-born population based on census data overstates the immigrant population, which consists of persons granted LPR status in any given period, including ref-

ugees and asylees. Therefore, to explain the ebb and flow of Latin American immigration over the last half-century, we organize the remainder of this section around the three sources of immigrants: LPRs; refugees and asylees; and unauthorized migrants granted legal status.

Legal Permanent Residents. Table 3 reports the number of new LPRs from Latin America over the last five decades, with details for the major sending countries from the Caribbean, Mesoamerica, and South America. Since the 1960s, Latin Americans have made up about one-third of new LPRs, with the period share fluctuating between 31 percent during the 1970s to 41 percent during the 1990s. For each period there is high correspondence between the dominant foreign-stock population countries (Table 2) and the number of new LPRs admitted from those countries (Table 3); therefore, we use these nations to organize our discussion of specific streams.

Mexicans comprise the largest share of legal immigrants from Latin America, typically 40 to 45 percent per cohort except for the 1980s and 1990s, when the IRCA legalization was under way. The vast majority of Mexicans granted LPR status – 88 percent in fiscal year 2010, for example – are sponsored by U.S. relatives; less than 10 percent qualified under the employment preferences.¹⁰ Mexicans comprised nearly 60 percent of all new LPRs from Latin America during the 1980s and 1990s, in part due to the large number of status adjusters under IRCA. Moreover, Mexican immigration would have been higher in each decade if the family-sponsored preferences were not numerically capped. Along with Filipinos, Chinese, and Indians, Mexicans are greatly oversubscribed in the family-sponsored preference categories, and thus thousands of Mexican family members wait for years for their visa priority date. For example, in 2010 unmarried Mexican adult children sponsored by U.S. residents

Table 3
Number of Latin Americans (in thousands) Granted Legal Permanent Resident Status, 1961–2010

	1961– 1970	1971– 1980	1981– 1990	1991– 2000	2001– 2010
Total (all countries)	3,321.7	4,493.3	7,338.1	9,095.4	10,501.0
Latin America (all countries)	1,077.0	1,395.3	2,863.6	3,759.8	3,746.1
Mexico	443.3	637.2	1,653.2	2,251.4	1,693.2
Caribbean					
Cuba	256.8	276.8	159.3	180.9	318.4
Dominican Republic	94.1	148.0	251.8	340.9	329.1
Central America					
El Salvador	15.0	34.4	214.6	217.4	252.8
Guatemala	15.4	25.6	87.9	103.1	160.7
Honduras	15.4	17.2	49.5	66.8	65.4
South America					
Colombia	70.3	77.6	124.4	131.0	251.3
Ecuador	37.0	50.2	56.0	76.4	112.5
Peru	18.6	29.1	64.4	105.7	145.7
Rest of Latin America	111.1	99.2	202.5	286.2	417.0

Source: For decades 1961–1970 and 1971–1980, *Statistical Abstract of the United States*, 1984; for decades 1981–1990, 1991–2000, and 2001–2010, *Yearbook of Immigration Statistics* from the years 1990, 1995, 2002, and 2010.

had waited eighteen years to receive their entry visa.¹¹

Colombia, Ecuador, and Peru are the major immigrant-sending nations from South America. Although their initial levels of immigration differ, all three countries witnessed gradual increases during the 1970s, but thereafter their immigration flows diverged. Colombia was the largest single source of immigrants from South America throughout the period. Stimulated by prolonged political instability, armed conflict, and drug violence amid sporadic economic downturns, Colombian emigration gained momentum over the latter half of the twentieth century. The early waves largely involved upper-class

professionals with the resources to flee, but as the internal armed conflict escalated, members of the working classes joined the exodus.¹² Legal immigration rose 60 percent between the 1970s and 1980s, and nearly doubled after 2000.

Ecuadorian immigration has trebled since 1961, rising from 37,000 during the 1960s to more than 110,000 during the most recent decade. Demand for Panama hats produced in the provinces of Azuay and Cañar triggered the early waves of Ecuadoran immigrants during the late 1950s, but deteriorating economic conditions augmented subsequent flows from these regions, which were facilitated by dense social networks established by ear-

lier waves.¹³ The collapse of oil prices in the 1980s combined with spiraling unemployment, wage erosion, and inflation rekindled emigration, which averaged 17,000 annually.

Following the collapse of the banking system in the late 1990s, emigration rose from approximately 30,000 annually between 1990 and 1997 to over 100,000 annually thereafter.¹⁴ However, Spain replaced the United States as a preferred destination during the 1990s, hosting nearly half of all Ecuadorian emigrants between 1996 and 2001 compared with about 27 percent destined for the United States.¹⁵ Hyperinflation and massive underemployment resulting from the 1987 structural adjustment measures also accelerated Peruvian out-migration during the 1990s, more than doubling the number of new Peruvian LPRs; but the Peruvian share of the Latin American-born population never reached 2 percent. Except for the modest dip between the 1960s and 1970s, immigration from the rest of Latin America mirrors the Peruvian trend: doubling between the 1970s and 1980s and then continuing on an upward spiral that has exceeded 400,000 since 2001 (Table 3).

Civil wars and political instability triggered the formidable influx of Salvadorans, Hondurans, and Guatemalans to the United States. Emigration from El Salvador, the smallest but most densely populated of the Central American republics, is particularly noteworthy because of the sheer numbers that received LPR status: more than 215,000 during the 1980s and an additional half-million over the next two decades. That thousands of Salvadorans arrived seeking asylum largely explains why their LPR numbers exceed the annual caps for several decades. Hundreds of thousands lapsed into undocumented status when they were denied asylee status, but a large majority of Salvadoran asylees successfully adjusted to LPR status under NACARA.

Like El Salvador, Guatemala witnessed prolonged civil conflict, which escalated after 1978 and initiated a mass exodus of asylum seekers during the 1980s and 1990s. Those who arrived before 1982 qualified for status adjustment under IRCA, but later arrivals did not. Although political instability is credited for the surge in Guatemalan immigration, sociologists Steven Alvarado and Douglas Massey claim that neither violence nor economic factors predicted the likelihood of out-migration; rather, they portray Guatemalan emigration as a household decision to diversify income streams by sending young, skilled members to join U.S. relatives. Their interpretation is consistent with sociologist Jacqueline Hagan's ethnographic account that chronicles how establishment of sister communities in U.S. cities enabled further migration via family unification.¹⁶ By 2010, Guatemalans became the fourth largest Latin American-born group in the United States. The increase in Guatemalan legal resident admissions since 2001 also reflects the status adjustments authorized by NACARA.

In contrast to Guatemala and El Salvador, the rise in Honduran immigration has been more gradual, except for the 1980s, when it nearly trebled compared to the prior decade. Unlike Nicaraguans, Salvadorans, and Guatemalans, Hondurans could not claim asylee status. Rather, skyrocketing poverty and unemployment during the 1980s and 1990s is responsible for the surge in emigration. In 1998, Hurricane Mitch aggravated the country's economic woes, leaving hundreds of thousands homeless. An estimated 66,000 Hondurans sought refuge in the United States and were granted TPS, which does not confer a path to legal permanent residence. Unless renewed in 2015, Hondurans granted TPS will join the unauthorized population, which, according to the Office of Immigration Statistics, rose from 160,000 to 330,000 be-

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tween 2000 and 2010.¹⁷ Currently, family sponsorship is the main pathway to legal permanent residence for Hondurans, accounting for 85 percent of the recent LPRs.

The last major LPR flow since 1960 is from the Dominican Republic. This out-migration began in the wake of the political upheaval following dictator Trujillo's assassination in 1961; but even after the political scene stabilized, failed economic policies continued to fuel the flow. Since 1961, the number of new LPRs more than trebled, exceeding 330,000 during each of the last two decades. Despite modest economic growth during the 1990s and the revival of tourism, persistently high unemployment buttressed by deep social networks has maintained a steady exodus.¹⁸ Dominicans have been taking full advantage of the family unification provisions of the INA by sponsoring relatives; virtually all Dominicans granted LPR status in 2010 benefited from the family sponsorship provisions of the INA.¹⁹

Refugees and Asylees. By definition, refugee and asylee flows precipitated by political upheavals and natural disasters are unpredictable in both timing and size, but the impact they have on immigrant admissions also depends on the idiosyncratic application of U.S. immigration and refugee policy. Since 1960, Cubans have dominated the refugee flow from Latin America, but armed conflicts in Central America and Colombia as well as natural disasters have also contributed to the growth of humanitarian admissions in recent decades. The Cuban exodus has been highly unpredictable owing to barriers imposed by the Cuban government and the level of acrimony between Havana and Washington.

Cuban emigration began shortly after Fidel Castro took up the reins of the island nation. By 1974, 650,000 Cubans had left for the United States.²⁰ Dubbed the "golden exile" because the vast majority

of the first-wave migrants were professionals, entrepreneurs, and landowners, Cuban émigrés were granted visa waivers and parolee status, and were offered a range of services to facilitate their labor market integration, including certification of professional credentials, a college loan program, and bilingual education.²¹ Partly because they were fleeing a socialist state and partly because they did not fit the UN definitions of *refugee*, Cubans enjoyed a privileged position among the U.S. foreign-born population. Indeed, the 1966 CAA put Cubans on a fast track to citizenship.

A second major exodus occurred in April 1980, when the Cuban government opened the port of Mariel to anyone who wanted to leave, including prisoners and lunatics. About 125,000 "Marielitos" arrived on U.S. shores in a few short months, joined by 35,000 Haitians.²² Although Marielitos did not formally qualify as refugees according to the guidelines of the newly enacted Refugee Act and were technically ineligible for federal funds, they were accorded refugee status by congressional decree, illustrating yet again the idiosyncratic application of U.S. immigration law.

A third migration wave occurred in the mid-1990s, when the Cuban government lifted the ban on departures. Rather than extend the welcome gangplank as in prior years, the U.S. government interdicted Cuban fugitives attempting to circumvent legal immigration channels and returned them to Guantánamo. Within a year, 33,000 Cubans were encamped at Guantánamo, but in yet another predictable exception to immigration law, the majority were paroled and granted LPR status.²³ Although accompanied with less media fanfare than the 1980 Mariel boatlift, the largest number of Cubans to arrive in a single decade came after 2001; since that date, nearly 320,000 Cubans have been granted LPR status. Under the provisions of the wet foot/dry foot agreement,

Cubans interdicted at sea or apprehended on land are deportable; but in practice very few are returned because they are entitled to request asylum, and most do so.

Central Americans and Colombians also have used the humanitarian pathway to acquire legal permanent residence, albeit with far less success than Cubans. Salvadoran and Guatemalan asylee approval rates were less than 3 percent between 1983 and 1990 compared with 25 percent for Nicaraguans.²⁴ Alleging discrimination against Central Americans, religious organizations and immigrant rights advocates filed a class action lawsuit on their behalf, *American Baptist Churches v. Thornburgh*. As part of the 1991 settlement, Congress allowed Central Americans who had been denied asylum to reapply for review, and they achieved much higher success rates. However, the 1996 IIRIRA made the asylum rules even more difficult by adding provisions to resettle asylum seekers to third countries; by requiring asylees to file applications within a year of arrival in the United States; by precluding appeals to denied applications; and by imposing high processing fees. After 1997, the class members in *American Baptist Churches v. Thornburgh* were allowed to adjust their status through NACARA; as a result, approval rates grew to over 95 percent.²⁵

Two major natural disasters rekindled asylees from Central America at the turn of the twenty-first century, when Hurricane Mitch (1998) displaced thousands of Nicaraguans and Hondurans, and a massive earthquake (2001) left more than a million Salvadorans homeless. Drawn by a sizable expatriate community, thousands of displaced Salvadorans made their way to the United States. In a humanitarian gesture, Congress granted TPS to Salvadorans residing in the United States as of 2001, and it has renewed the protection several times. As of 2010, more than 300,000 individuals – 70,000 Hondurans, 3,500 Nicaraguans,

and 229,000 Salvadorans – had benefited from TPS.²⁶ The status protections accorded to the victims of Hurricane Mitch and the Salvadoran earthquake are set to expire in 2015 and 2013, respectively. In the current political climate, it is uncertain whether these temporary protections will be extended; if they are not, many will probably join millions of others as undocumented residents.

Unauthorized Migration. The growth of undocumented immigration since 1960 is not only a distinctive feature of the current wave of mass migration, but also a direct consequence of selective enforcement of U.S. immigration laws. As of March 2010, an estimated 11 million undocumented immigrants resided in the United States, down from a peak of nearly 12 million in 2007, but 29 percent higher than the 2000 estimate of 8.5 million.²⁷ Latin Americans make up over three-fourths of undocumented residents, with 60 percent from Mexico alone. The collapse of the housing and construction industries during the great recession fostered the first significant decline in the size of the undocumented population, reversing two decades of continuous growth. Removals from Latin America since 2001 more than quadrupled relative to the prior decade, which partly explains the shrinking unauthorized population, albeit less than changes in labor demand.

Several factors have fueled the growth of unauthorized migration from Latin America, beginning with the abrupt termination of the Bracero Program in 1964, following a 22-year period during which U.S. growers became dependent on pliable Mexican labor. In some ways, the 1965 amendments to the INA constructed an illegal immigration system by default because the disproportionate focus on family visas gave short shrift to labor needs; because the Texas proviso protected employers who willfully hired undocumented

workers until IRCA imposed employer sanctions; and because the cap on family visas (except for immediate family members of U.S. citizens) produced long wait lists for countries with established immigration traditions. Furthermore, the integration of separate hemispheric ceilings into a single worldwide total in 1978 dramatically curtailed the number of visas available to Mexico, the largest single sending nation. As occurred when the Bracero Program ended, unauthorized entry provided an alternative pathway to the United States, one greatly facilitated by the existence of strong social networks that were fortified over decades of relatively unrestricted migration.

Finally, decades of lax and inconsistent enforcement enabled millions of persons to enter without inspection, while shoddy monitoring of temporary visitors permitted hundreds of thousands of legal entrants to overstay their visas. Since 1986, however, U.S. immigration policy has been dominated by a growing emphasis on border enforcement, with heightened penalties for persons who enter without authorization as well as for non-immigrants who remain in the country after their visas expire. Because IRCA's employer sanctions provisions were never seriously enforced, unauthorized immigration rose during the 1990s, when the housing and construction industries – both dominated by unskilled workers – expanded. Weak interior enforcement basically left in place the lynchpin of unauthorized migration, namely, employers' ability to hire unauthorized foreign workers essentially without reprisal.

Even as IRCA's comprehensive amnesty program was winding down, unauthorized migration was on the rise. In fact, during the 1990s, between 70 and 80 percent of all new migrants from Mexico were undocumented, and this share rose to 85 percent between 2000 and 2004.²⁸ In a feeble

attempt to reduce employment of unauthorized workers, the 1996 IIRIRA authorized three pilot programs to verify employment eligibility, but it protected employers from fines for declared "good faith" efforts to comply with verification requirements. Not surprisingly, IIRIRA did little to restrict the unauthorized flow from Latin America because interior enforcement remained weak; because the social networks sustaining the flows were already very deeply entrenched; and because the people-smuggling networks and fraudulent-document industries developed new avenues to circumvent the laws.

Migration is part of a multiphase demographic response to unequally distributed social and economic opportunities that is simultaneously determined by micro- and macro-level forces. Many of these forces cannot be predicted, such as sudden flows triggered by civil wars or natural disasters, nor can they be rigorously managed through policy measures, as demonstrated by the failure to seal the U.S.-Mexico border. Like most nations with long immigration traditions, the United States strives to balance economic, social, and humanitarian goals through its admission preferences while also ensuring compliance with the laws. But an appraisal of Latin American immigration exposes numerous instances where extant laws have been systematically disregarded or applied in a capricious or discriminatory manner. Striking examples include the preferential treatment accorded to Cuban émigrés compared with Haitians who arrive on U.S. shores in similar situations; the explicit protection of employers who hire unauthorized workers by not holding them accountable for violating the law; and differential treatment of asylum applicants according to national origin. Fairness is not a defining feature of U.S. immigration policy toward Latin Americans.

Historically and in the present, Latin American immigration has afforded the United States myriad economic benefits, including lower prices for goods produced in industries that employ immigrant workers, increased demand for U.S. products, and higher wages and employment for domestic workers. That new immigrants accounted for half of the growth in the labor force during the 1990s added significantly to the economic prosperity enjoyed by average Americans. Nevertheless, it is doubtful that the current admission criteria that favor family unification over employment needs are well aligned with future economic needs of an aging nation. Suggestions to adjust employment visas with fluctuations in labor needs, while intuitively compelling, ignore that two-thirds of U.S. immigrants enter under family preferences and that the momentum for future flows is already baked into the system in the form of visa backlogs for Mexicans and others. Beyond immediate family relatives of U.S. citizens, however, it is worth reconsidering the social and economic value of maintaining the extended family preferences, which have become a key driver of Dominican and Salvadoran immigration in recent years.

Notwithstanding the visa backlogs for family-sponsored relatives of Mexicans, there is some evidence that net migration from Mexico has slowed and may have even reversed.²⁹ Bleak job prospects following the great recession are a key reason for the slowdown, but record high deportations under the Obama administration, a militarized border, and stepped up interior enforcement are contributing factors. Whether this slowdown in Mexican migration is a temporary blip or the beginning of a long-term reversal is yet unclear, and likely will depend on both the future pace of the U.S. recovery from the recession as well as the Mexican government's success in sustaining economic

growth and dealing with its plague of drug-related violence. Lower fertility throughout Latin America also portends less surplus labor in the years to come.

Equally uncertain are the integration prospects of Latin American immigrants and their offspring. The rise of anti-immigrant sentiment in response to an unprecedented geographic dispersal of Latin American immigrants highlights the formidable integration challenges facing the nation – challenges that can thwart economic prospects in the years ahead while also fomenting ethnic conflict. Several worrisome trends warrant consideration. The recent Supreme Court decision upholding a state's right to empower local police to check the immigration status of anyone suspected of being in the country illegally bodes ill for the integration of Latin American immigrants, particularly those with indigenous roots who pose ready targets for racial profiling.

Another concern is the persistent achievement gap between the offspring of Latin American immigrants and their American-born counterparts. After the year 2000, births outpaced immigration as a component of Hispanic population growth in the United States; this fact underscores the urgency of closing the education gap so that the children of Latin American immigrants can become productive replacement workers for the aging white majority. Recent trends are not encouraging, however. State and local governments have gouged education budgets in the interest of fiscal restraint, which not only reduces educational investments in future workers – large majorities of them children of immigrants – but also compromises the nation's competitive advantage over the medium and long term.

Finally, the unresolved status of 11 million unauthorized immigrants – of which three-quarters are from Latin America – remains a thorny social, political, and

moral issue. Legal status profoundly affects prospects for economic and social mobility. Economists Sherrie Kossoudji and Deborah Cobb-Clark estimated wage penalties for unauthorized status at 14 to 24 percent, and they find a benefit of legalization of 6 percent.³⁰ This represents a formidable economic stimulus that can generate substantial multiplier effects via consumption. Our review of Latin American immigration reveals that thousands have benefited

from status adjustments through several group-specific congressional acts. In the interest of transparency and uniformity in the application of immigration laws, a blanket amnesty will advance U.S. economic interests while promoting social cohesion. Another blanket amnesty will go a long way toward aligning our liberal democracy with the realities of Latin American immigration.

ENDNOTES

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- ² Rubén D. Rumbaut, "The Hispanic Prologue," in *A Hispanic Look at the Bicentennial*, ed. David Cardús (Houston: Institute of Hispanic Culture of Houston, 1978), 5–22.
- ³ Ruth E. Wasem, *U.S. Immigration Policy on Permanent Admissions* (Washington, D.C.: Congressional Research Service, 2010), Figure 4.
- ⁴ Ruth E. Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, D.C.: Congressional Research Service, 2009). The difference between asylees and refugees is their physical location when requesting protection: asylees apply after arriving in the United States whereas refugees apply from abroad, often a third country, and request resettlement in the United States.
- ⁵ The current annual ceiling for refugee admissions is 80,000 per year, with 5,500 allocated for Latin America and the Caribbean. See Daniel C. Martin and James E. Yankay, *Refugees and Asylees: 2011* (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2012).
- ⁶ Furthermore, in an effort to discourage random surges in Cuban migration, the U.S. government set aside a minimum of 20,000 visas (excluding the immediate relatives of U.S. citizens) for Cubans seeking to immigrate and instituted a "visa lottery" to allocate the visas.
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- ⁸ See Donald M. Kerwin, *More than IRCA: U.S. Legalization Programs and the Current Policy Debate* (Washington, D.C.: Migration Policy Institute, December 2010). Unlike IRCA, which was a comprehensive program, NACARA and other population-specific programs receive less media attention. Marta
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- ⁹ Ruth E. Wasem and Karma Ester, *Temporary Protected Status: Current Immigration Policy and Issues* (Washington, D.C.: Congressional Research Service, 2010).
- ¹⁰ Office of Immigration Statistics, *Yearbook of Immigration Statistics: 2010* (Washington, D.C.: U.S. Department of Homeland Security, 2011), Table 10.
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- ¹² Alexandria Murnan, "Colombian Immigrants," in *Encyclopedia of Immigration*, 2011; available at <http://immigration-online.org/441-colombian-immigrants.html> (accessed July 6, 2011).
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- ²¹ Portes and Bach, *Latin Journey*, 86.
- ²² Lisandro Perez, "Cuba," in *The New Americans*, ed. Waters and Ueda, 386 – 398.
- ²³ *Ibid.*; and Wasem, *Cuban Migration to the United States*.
- ²⁴ Sarah J. Mahler, *American Dreaming: Immigrant Life on the Margins* (Princeton, N.J.: Princeton University Press, 1995), 174.
- ²⁵ Susan B. Coutin, "Falling Outside: Excavating the History of Central American Asylum Seekers," *Law & Social Inquiry* 36 (3) (2011): 585.
- ²⁶ Wasem and Ester, *Temporary Protected Status*.

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