

# WebMemo



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## 1986 Redux: Proposed Senate Immigration Reform Repeats Past Failure

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The Immigration Reform and Control Act of 1986 legalized individuals who had resided unlawfully in the United States continuously for five years by granting temporary resident status adjustable to permanent residency. That law failed to curb the influx of illegal immigration. The lesson for Congress is that granting amnesty overwhelms subsequent efforts to enforce the law and create appropriate legal avenues for South–North migration. Congress should strip provisions granting probationary status to individuals unlawfully residing in the United States from the Senate’s proposed immigration bill and work to create a truly viable temporary worker program that will be popular with both potential employers and employees.

**A Blast from the Past.** Like the current Senate legislation, the Immigration Reform and Control Act of 1986 was a bipartisan compromise and strongly supported by the President. When President Reagan signed the bill, he declared, “It will remove the incentive for illegal immigration.” He believed that because the bill addressed the status of those illegally in the country and promised to reduce further mass illegal migration through more rigorous enforcement of the law and a temporary worker program.

Like the Senate’s current bill, the 1986 law granted immediate legal status to individuals unlawfully in the United States. Like the current proposal, the 1986 law included additional conditions such as a criminal background check, pay-

ment of application fees, and acquisition of English language skills. The core of the law was nevertheless an amnesty that excused the intentional violation of American laws. The impact of granting amnesty undermined the deterrent effect of subsequent efforts to enforce immigration law.

In all likelihood, the current bill would spark the same result. But today illegal immigration is more prevalent, and so the stakes are higher. About 2.5 million individuals applied for legalization under the 1986 law. Now the unlawfully present population in the United States is estimated at five times that number.

The framers of the 1986 Act promised rigorous enforcement of immigration laws. This included an employer verification system and a focus on workplace enforcement. These efforts failed to stem the growth of the undocumented workforce. Nevertheless, the authors of the current bill propose a similar strategy.

The 1986 law also proposed a temporary worker program for agricultural workers. The program, however, was highly bureaucratic, inflexible, and unresponsive to the needs of the labor market. As a result, many employers opted to continue to rely on

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the undocumented workforce. The temporary worker program now proposed by the Senate suffers similar shortcomings.

Finally, the 1986 bill did not address border security. In effect, neither does the current Senate bill. The current bill only restates border security requirements that are already in law. In addition, the “security triggers” in the current bill would, at most, only delay the implementation of a temporary work program.

**Stop the Insanity.** The 1986 bill granted amnesty, then tried to enforce the law, and created a poor alternative to undocumented labor. It failed. The current bill follows exactly the same strategy. It will fail as well. Responsible reform

legislation has to adopt a different course. Congress must do three things:

1. Reject granting amnesty;
2. Enforce the law; and
3. Create a realistic, flexible, and practical temporary worker program as soon as possible.

Any proposed immigration reform that does not satisfy these three fundamental goals is as flawed as the 1986 law.

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