

Immigration reform again coming into national focus

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BERKELEY -- Patricia Hernandez has the unenviable job of cleaning up the mess left by undergraduates at UC Berkeley.

"Whatever they break, we fix it," she said, sitting on a dormitory couch during her morning break. "Change light bulbs, fix furniture, fix toilets, unclog toilets, replace toilets."

Hernandez, 48, is not complaining, just describing. She is proud of the job she has held for 18 years and the financial security it brings. She loves that her brother is a cook at a nearby campus cafeteria and that her daughter works as a pharmacy technician a few blocks away.

She loves it because 40 years ago, she was living in a Mexican orphanage. Twenty-five years ago, she was living in a car in Southern California and struggling to find work because she was an illegal immigrant.

"Like everybody else, I jumped the border," she said. Then, about 23 years ago, she got lucky.

For Hernandez and thousands of other Bay Area residents 1987 marked the end of a life of hiding and the beginning of life as an American.

It was the year the Immigration Reform and Control Act, approved by Congress in 1986 and signed by President Ronald Reagan, went into effect. In a matter of months, Hernandez went from being undocumented to having a green card, and years later she was able to obtain citizenship. She sighs today as she imagines how life would be different without it.

"I would have never had this opportunity to have this job," she said. "You continue in the shadows, never have the opportunity to buy a house, or drive. I don't know what kind of job I'd be doing."

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President Barack Obama made little mention of immigration during his State of the Union address on Wednesday, leading some analysts to believe he might back off on his pursuit of a "pathway to citizenship" for illegal immigrants who pay a fine and learn English. Still, as his administration and members of Congress continue to push for some kind of immigration reform this year, supporters and opponents of legalization are looking back at 1986 for guidance on what to do and what to avoid.

Homeland Security Secretary Janet Napolitano has called Obama's reform proposals a "three-legged stool" that would mix humane treatment of immigrants already here with improved enforcement of existing laws. In doing so, she has echoed the language of the Reagan administration, which argued for a "three-pronged" approach when it negotiated the 1986 act that legalized illegal immigrants, made it illegal for employers to hire them in the future and set up a penalty system for employers who broke the law.

Yet scholars say very little is known about how roughly 2.7 million immigrants who earned an unprecedented path to citizenship in the late 1980s have fared since then, or how their legalization -- commonly called amnesty -- affected the economy or society as a whole.

The legalized immigrants have joined the ranks of other Americans, raising children and welcoming grandchildren, and the once-a-decade national census does not differentiate them from their neighbors. Some stuck with their pre-amnesty occupations or moved up the career ladder. Some have retired or will soon. More than half -- about 1.6 million -- lived in California when they won their green cards, but researchers believe thousands eventually dispersed to other states that offered new opportunities.

Many mastered English, often with the help of their citizenship classes, though others never did and still struggle with the language their children speak fluently.

Some, such as Cynthia Alvarez of San Francisco, attended the country's top academic institutions.

"Is the country better off because somebody like me got her papers? Yes," said Alvarez, who works in property management. "If I had never legalized, I probably wouldn't have graduated high school. I would have not gone to college. I would not have gone on to Stanford (graduate school) on a full scholarship, for sure."

A flurry of academic studies commissioned in recent months by pro-immigrant advocates suggests that another mass legalization will be an economic boon to the United States, both because of the fees applicants must pay, the tax rolls they will join and the money they will spend. Legalizing unauthorized immigrants would contribute \$1.5 trillion to the gross domestic product over the next decade, wrote UCLA professor Raul Hinojosa-Ojeda in a report released this month.

Opposing studies say another amnesty will be a drain on the nation's resources and a hardship for the native-born workers with whom immigrants compete for lower-wage jobs. Illegal immigrants' risk of deportation and vulnerability to exploitation are artificial barriers to upward mobility that disappear once legalization happens, wrote Hinojosa in his UCLA report.

It is hard for anyone to say for sure what economic impacts resulted from the country's first and only amnesty program, argues economist David Card, a UC Berkeley professor who works a few blocks away from Unit 3, the six-building dormitory complex where Hernandez is the lead maintenance worker.

"Various people have tried studies of the effect of (the 1986 legislation) on wages locally, but never found anything," Card said. "It would be pretty unlikely there would be a big effect. Many, many people have tried to find one and no one's come up with one."

He said, however, that there is little evidence to assert that wages dropped, a common concern at the time -- and again today -- from those worried a glut of newly legal workers would have disastrous effects.

"The research has been pretty much uniform in finding that areas that got more immigration in the 1990s did not have any lower wage growth over the '90s or even the 2000s," he said.

1986 in the Bay Area

When the federal Immigration and Naturalization Service (INS) told millions of illegal immigrants that they could begin applying for amnesty in May 1987, the agency's offices in Oakland, San Francisco and San Jose were ready to accommodate them.

Alan Nelson, an Oakland native and Republican, was tasked with the complicated job of implementing the law Congress had passed with the president's encouragement. Reagan had hired the Lafayette resident and former Alameda County prosecutor as the nation's immigration commissioner in 1981.

The debate over immigration was no less contentious in the 1980s than it is today. Forty-six percent of Americans surveyed in spring 1985 said they thought illegal immigrants who had been living in the country for several years should be deported, not legalized, according to a poll by The Associated Press.

But amnesty was just one of three prongs of the law. The law that Nelson touted also made it illegal for employers to knowingly hire unauthorized workers and set up a system of penalties for employers who broke the law.

"(Nelson) made a very major effort to get this right and spent a lot of time and energy working on it," said immigration analyst David North, one of a group of scholars who met with the INS commissioner before the law was implemented. "I'm not sure he would have designed the program this way but once Congress voted for it, he sort of felt that as a good soldier, he should go out and make it work."

North, who now works as a researcher for the Center for Immigration Studies in Washington, D.C., which advocates restricting immigration, is critical of amnesty programs. He says they have the potential to be rife with fraud and hurt native-born workers, especially those he describes as the "American grunts" who do not have college degrees and work in trades ranging from construction to hospitality

"There was kind of a grand bargain," North said of the Reagan administration effort. "We will legalize the more senior of the illegal aliens who have been here for a while, who had clean records, and at the same time we will bring about employer sanctions, which had not existed before 1986."

The government, however, never actively followed through on the employer sanctions, North said. Even amnesty backer Nelson, who died in 1997, became heavily critical of the failure to control immigration, co-authoring California's Proposition 187, which tried to exclude illegal immigrants from schools and other state services.

"The (1986 law) was going to clean things up, but the problem was the legalization program charged ahead and the enforcement never took place," North said. "It was a big, complicated, messy program and if they do it again it will be a bigger, more complicated, messy program."

An estimated 12 million illegal immigrants live in the U.S. today.

Road to a better life

For Rosalinda Rodriguez, though, and many like her, amnesty was a road to a better life. Rodriguez remembers her visit in 1987 to the Franklin Street immigration office in downtown Oakland, where she brought utility bills and other paperwork -- anything she had that would prove to interviewers she had been living in the United States since the 1970s.

In the Bay Area, the law's potential beneficiaries were cautious, arriving over a yearlong period in a trickle, not a rush, according to newspaper reports from the time. The deadline to apply was May 1988.

The requirements were simple: To get a green card, immigrants had to be living in the United States since before 1982 and have the documents to prove it. They would also have to pay a \$185-per-person fee.

Rodriguez's visit, she knows now, would change her life, transforming the Mexican immigrant from someone who was fearful and working in the shadows of the East Bay economy to a union hotel worker and grandmother confident to speak up for herself.

"They treat people differently when they know they can take advantage of you," said Rodriguez, who has cleaned rooms at the downtown Marriott hotel for nearly 20 years. "In my job now, I can speak up. I can speak without fear."

Rodriguez later bought a home in West Oakland. Life for her family in this recession is not easy, she said, but it is far less stressful than if she had no authorization to be living here.

"We've tried to progress," she said. "If you don't have papers, you can't qualify for a loan, and everybody dreams of having their own house."

By the end of the first phase of the amnesty program, 15,564 immigrants had won their green cards through the Oakland office, 22,580 from the San Francisco office and 23,185 from the San Jose office, according to government records. The Bay Area numbers were higher than many parts of the country but a fraction compared to Southern California, where more than 583,000 people obtained their legal residency through the Los Angeles/Long Beach immigration office alone. The majority of California's amnesty recipients were originally from Mexico, though Asian immigrants and other Latinos were also prevalent.

Once the first phase was completed, undocumented agricultural workers had their own chance of becoming legal residents. That program was more generous, saying farm workers needed only to have been performing seasonal farm work in the United States for 90 days, not five years, and it was also more vulnerable to fraud as opportunists charged hundreds of dollars to forge letters of support from farmers. The deadline to apply was Nov. 1988.

Hernandez, who applied for the agricultural program, had been working on an orchard in San Diego County when she heard about the amnesty program.

"Everybody knew about it. It was on the news," she said.

But she never went back to agricultural work after she joined her brother in Berkeley, finding a custodial job that had good pay and allowed her the opportunity to climb up the ladder over time.

"I've been working in the university for 18 years," she said. "I've never had to go through welfare or Medicaid."

Her children, she said, would have had hard lives and few opportunities had she not earned her citizenship and been able to provide for them. She is proud that her youngest child, a 13-year-old in the Berkeley schools, wants to be a scientist.

"He's always talking about NASA, the universe, astronauts," Hernandez said. "Who knows? If they want to be something right now, try to give it to them because we don't know what they can be in the future."

Opponents of a future amnesty argue that one of its worst impacts would be to allow illegal immigrants, now ineligible for most federal government benefits apart from public education, to suck up taxpayer resources when they become citizens several years later.

Most beneficiaries of amnesty have minimal education and would be making low wages, said Robert Rector of the conservative Heritage Foundation.

"It would have a huge, devastating impact on the taxpayer," Rector said. "The simplest thing amnesty would do is make all illegals eligible for Social Security and Medicare."

Supporters, in turn, argue that adding such immigrants to the official U.S. benefits system brings in a younger, healthier and entrepreneurial population that will be paying their own way for decades to come.

Illegal immigrants' risk of deportation and vulnerability to exploitation are artificial barriers to upward mobility that disappear once legalization happens, wrote Hinojosa in his UCLA report.

As researchers continue to debate the statistics, and partisans manipulate them to accommodate their chosen positions, activists such as Apolonio Morales have plenty of anecdotes. The Contra Costa County branch director of the national pro-immigrant network Reform Immigration for America can point to his mother as a model when he tries to convince local leaders of the benefits of legalizing the undocumented.

"When she became a lawful permanent resident, it was a big weight off our shoulders," Morales said. "She was a single mom. It was just me and her and my sister. We didn't grow up with much money."

The 33-year-old activist said his mother went from being a seamstress to a manager after immigration reform was passed in 1986, enrolled in English classes at a local high school and became involved in civic affairs.

"She just kind of saw herself as a different person. She's giving back in terms of other people's retirement, her taxes," he said.

Alvarez, the Stanford University graduate, does not have statistics about the projected impacts of legalizing the millions more immigrants who have moved to this country illegally since the late 1980s, only her own experience as a teenager who applied for amnesty by herself in 1987. She said she sees herself in many of the teenagers, brought to the country at a young age, whose dreams are stalled because of their immigration status.

"I know kids who cry because they want an education so bad and they can't have it, parents who hardly see their kids because they're working so hard," Alvarez said. "And these are the people we don't want to keep here? If we want the best for this country, these are the people we really want to keep."

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