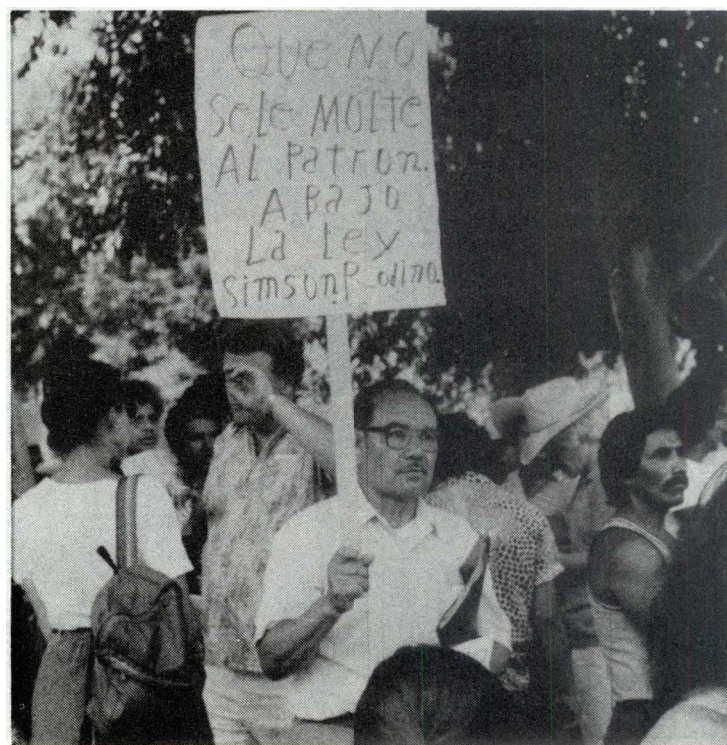


New Immigration Law Moves Migrant Workers

The Simpson-Rodino Law threatens access to legal and medical aid for a new underclass of legalized migrant workers

The controversial Simpson-Rodino Law, which came into effect on May 5, has caused strong reactions in Mexican political circles. Its short and long term effects have been widely discussed in forums, speeches, and the press. Afraid of becoming its victims, hundreds of Mexicans living in the United



Demonstration against the Simpson-Rodino Law in Los Angeles.

Photo by Antonio Ortuño

States have begun returning home.

The Simpson-Rodino legislation is the most recent attempt to amend the 1952 Immigration and Nationality Law. It was introduced in March 1982, and passed on November 6, 1986. In general terms, the new law means stricter deportation measures for all undocumented foreigners who entered the United States after January 1, 1982.

According to UNAM Law School professor Víctor García Moreno, there is no completely reliable statistical method for determining either the number of undocumented foreigners or the number of undocumented Mexicans at present working in the United States. This is because, states García Moreno, the U.S. government manipulates statistics for political ends.

Nevertheless, it has been estimated that there are some six



"Mexican workers produce US wealth"

million undocumented foreigners in the United States. Of these, between 800 thousand and 2 million are Mexicans. The broad fluctuation in the figures is due to the seasonal nature of Mexican migration.

Complementing the Simpson-Rodino legislation, the Reagan Administration has earmarked more funds for the Immigration and Naturalization Service, and especially for the Border Patrol. The Service's 1987 budget is \$422 million, with \$419 programmed for 1988. This represents a 50% increase over the 1986 figure. Chicano and human rights organizations have described the measures as outright militarization of the Mexico-U.S. border.

The Administration argues that undocumented Mexicans constitute a social burden for the U.S. system and the U.S. taxpayer. García Moreno claims that this argument is "at best political and at worst racist, for it's been shown that undocumented Mexicans pay out in taxes and social security five or six times what they obtain from social welfare programs."

One of the most controversial Simpson-Rodino clauses is the one referring to legalization. According to this clause, legal papers can be issued to all undocumented foreigners who have been living continuously in the United States since before January 1, 1982. This is surely the clause that has shattered the hopes of many undocumented Mexicans, a great number of whom, according to García Moreno, are seasonal workers

with families in Mexico, who cross the border periodically to earn money and then return home.

The legalization clause stipulates that in case of necessity the Labor Department can authorize farm laborers to enter the country. These laborers may apply for permanent residence after an 18-month residence in the U.S., provided that they have lived continuously in the country during that period and have been employed in farm work for a minimum of 90 days per year.

However, those granted permanent residence may not, during a period of five years, receive any public assistance or welfare benefits, with the exception of emergency medical aid and assistance to invalids, elderly or blind. García Moreno considers that this constitutes a violation of U.S. domestic law and international human rights declarations, since it establishes an ominous discrimination against one sector of the population on the basis of migratory status.

A 1982 report (1) on the Simpson-Mazzoli Bill, predecessor of the Simpson-Rodino, states that "the important thing is not so much how many undocumented Mexicans qualify for permanent residence in (the United States), but their living conditions once they gain it." In fact, so the report claims, the law seeks "to establish an underclass of immigrant Mexican workers ... (who) would be obliged to pay taxes and social security contributions, without enjoying their benefits." One of the rights annulled is access to free legal defense. "Mexicans are stripped of any protection against abuses by employers or authorities." In summary, what the law proposes is to create "an available work force with reduced human rights and labor rights."

"The phenomenon of migration is neither a criminal matter nor a national sovereignty ISSUE, and thus cannot be resolved with violence or with stronger border controls... A stronger Border Patrol may mean worse treatment for detained and deported Mexicans, but it will never stem the flow of Mexican workers into the United States... U.S. legislators have not realized what is behind the phenomenon: the law of supply and demand in the work market. Obviously, if there were no employment demand in the United States, undocumented Mexicans would not head there to work. The U.S. economy, particularly in the South-West, needs Mexican workers, and according to expert predictions, this demand is on the increase."

"According to the U.S. Department of Agriculture, Mexicans account for 80% of the United State's 1,200,000 rural laborers, and work some 100 million acres of U.S. farm land. It has also been estimated that 40% of undocumented Mexicans are farm hands, the rest being employed in light industry, the service sector or as domestics."

The report concludes that the new law will exacerbate existing problems, giving "new and legal license to violate the undocumented Mexican's rights and to carry out raids and deportations with increased violence... Inside or outside the law, undocumented Mexicans will be discriminated against, and their standart of living will go down."

García Moreno argues that the Simpson-Rodino is basically an attempt to scapegoat the undocumented worker for the current U.S. economic crisis, characterized by high unemployment. "Historically," he states, "U.S. attempts to control Mexican undocumented immigration have always coincided with periods of economic difficulty in the country."

It would be premature, at this stage, to reach conclusions as to the Simpson-Rodinos' effects on Mexico. Of chief concern is returnee's impact on Mexico's current economic crisis. Nonetheless, researchers are also interested in analyzing the measure's consequences in political, social and cultural terms.

(1) Informe: relaciones México-Estados Unidos. "Evolución del Proyecto Simpson-Mazzoli" (Report on Mexico-United States Relations: Development of the Simpson-Mazzoli Bill), Centro de Estudios Económicos y Sociales del Tercer Mundo Vol.1, No.3, Mexico City, July-December, 1982. ★