

12-1-1975

## A Look at Illegal Immigration: Causes and Impact on the United States

Leonard F. Chapman Jr.

Follow this and additional works at: <https://digital.sandiego.edu/sdlr>



Part of the [Immigration Law Commons](#)

---

### Recommended Citation

Leonard F. Chapman Jr., *A Look at Illegal Immigration: Causes and Impact on the United States*, 13 SAN DIEGO L. REV. 34 (1975).

Available at: <https://digital.sandiego.edu/sdlr/vol13/iss1/4>

This Article is brought to you for free and open access by the Law School Journals at Digital USD. It has been accepted for inclusion in *San Diego Law Review* by an authorized editor of Digital USD. For more information, please contact [digital@sandiego.edu](mailto:digital@sandiego.edu).

# A Look at Illegal Immigration: Causes and Impact on the United States

LEONARD F. CHAPMAN, JR.\*

## AN OVERVIEW OF THE PROBLEM OF ILLEGAL IMMIGRATION

The problem of illegal immigration to the United States has grown to the point where it is out of control, and our nation faces the dim prospect of even greater numbers of aliens pouring into the country unless steps are taken soon to halt the movement. While Congress has set limits on immigration to our shores that result in about 400,000 legal aliens entering the United States each year, the number crossing our border illicitly is several times greater. In addition, the Immigration Service notes that between five and ten percent of the six million foreign visitors annually do not depart, but remain in this country to find employment. Last fiscal year the Immigration Service apprehended nearly 800,000 illegal aliens, equal to the population of the city of San Francisco. Though this was ten times the number we apprehended just a decade ago, it was probably no more than one out of three or four who entered the country illegally, or who entered legally as a student or visitor, then found a job and stayed here illegally.

We do not know how many illegal aliens there really are in this

---

\* Commissioner, Immigration and Naturalization Service.

country. The estimates range from four million to twelve million; the actual number is somewhere in between—perhaps six to eight million. But the lack of an absolute number does not negate the seriousness of the problem. We know how many we apprehended, we know how many visas were issued last year, and we know approximately how many visitors failed to depart the country when their visas expired. And it is painfully evident to our officers that they are capable of handling only a small percentage of the violations because of the limited funds and personnel. The result is a large and growing population of illegal aliens residing in the United States, taking jobs that could be filled by unemployed Americans and legal aliens, sending their children to public schools, and otherwise utilizing public services such as welfare, food stamps and medical care—often without paying their share of federal and local taxes.

This influx of illegal aliens appears to be part of a greater migration of persons from the less developed nations of the world to the industrialized countries in search of employment. Waiting periods to legally enter the United States have been extended to several years in some instances, and many persons forsake the long delay and enter by any available means. The desire to enter and remain in the United States is so strong that no risk is too great nor seemingly any price too high to achieve that end. Many aliens pay large sums to smugglers to bring them in. Fees of \$200 to \$700 are commonplace, and sometimes illegal aliens pay as high as \$1,500. In 1974 the Immigration Service apprehended 8,000 smugglers in the act of bringing in 83,000 aliens. The number of smuggled aliens doubled from the previous year, while smugglers apprehended increased only 27 percent—an indication that larger vehicles were being employed, carrying bigger loads of their human cargo.

Immigration fraud is rampant. Last year our limited investigative force examined 20,000 fraud cases, five times the number of ten years ago. The use of counterfeit, altered and fraudulently obtained documents is increasing at an alarming rate, especially in the southwest border area. Last year we detected nearly four times the number of fraudulent border crossing cards as we found in 1967. Sham marriage to gain status under the immigration laws is another common fraudulent practice, and one for which the alien pays an exorbitant price. We regularly uncover fraud marriage schemes

with aliens being charged \$1,000 to \$1,500 by marriage arrangers.

Whatever the means of entry, the reasons for this great movement of people are relatively easy to understand, although the answers to the problem are extremely complex. Lack of employment opportunities, extreme poverty, overcrowded and deplorable living conditions and food shortages exist in all of the underdeveloped nations which are the source of most of the world's economic refugees. Rapid rates of economic growth that do not keep pace with the needs of the citizens create forces that cause people to look elsewhere for a means of livelihood. Faced with such an existence and little hope of improvement, it is only natural that millions look toward the urban, industrial nations, such as our own, for opportunities that are not available in their own homeland.

In addition, in the past two decades, information about the United States has become more available throughout the world due to the efforts of our own government and the easier accessibility to radio and television throughout the world. To many, America appears to be truly a land of milk and honey, and a move to this great country represents an almost unimaginable improvement in opportunity—even at the bottom of the economic ladder here. In summary, the lack of opportunity in other countries and the abundance of opportunity here create a push-pull force that draws people by the millions.

Mexico, the Dominican Republic, Haiti, El Salvador and Caribbean or Latin American countries with great population growth are the major sources of illegal aliens in this hemisphere. Asia and the Philippines are the major areas of origin from the Eastern hemisphere. These countries fit a profile. They have greater population density, a shorter life expectancy and higher infant mortality. Nearly all of the measurements that are used to determine life quality are below our standards; more persons occupying each room or dwelling, less electrical energy available, high rates of unemployment, and per capita income at bare subsistence levels.

In the past two decades, the United States, and to a lesser extent other nations, have worked to promote the progress of less developed areas. Industrial expansion appears to be the quickest way for the developing countries to achieve growth, and the national pride and yearning for parity with the United States has led them in this direction. The high standard of living in America is based on an urban-industrial structure, and the obvious way to reach our degree of prosperity seems to be to copy it. In areas suited to this type of an economic structure, this may be sound; in others it has

not been. Yet even where it would appear to be a sensible course, it has been pursued at the expense of food production. At the World Food Conference, it was pointed out that capital and technical assistance programs have neglected agriculture in these developing countries, where population growth rates will continue for decades to be two to four times those in developed countries. This will, of course, place even greater pressure on their capacity to produce food. And in turn, the pressures on people to seek a means of livelihood elsewhere will continue to mount.

#### IMPACT ON THE ECONOMY

The impact of uncounted millions of illegal aliens upon our economy and our society is immeasurable. On December 24, 1974, a superior court judge in California ruled that aliens may receive welfare without proving they are legally in this country, unless they have been ordered deported. Since there are estimated to be in excess of one million illegal aliens in California, this decision could have a major impact on welfare costs in the state.

Immigration Service files are filled with examples of the ways in which illegal aliens drain the U.S. economy through use of public funds and the avoidance of taxes. The cost to taxpayers of this problem can only be measured in the *billions* of dollars. An important portion of the United States' \$10 billion balance of payments deficit could be eliminated if the money which is earned here and sent out of the country by illegal aliens could be halted. The income tax loss is an elusive figure to determine. However, a pilot program the Immigration Service conducted with the Internal Revenue Service over a three-month period last year provides an indication of the amount involved. In a three-month period we referred to the IRS 1,700 illegal aliens whom we suspected as tax dodgers. From this small number of aliens, the IRS assessed total taxes of a quarter of a million dollars, and was able to collect \$168,000 of the amount due.

The influence of aliens is most strong in the job market. With eight and one-half million persons out of work, there are at least one million illegal aliens employed. One of the myths that surrounds illegal aliens is that they toil all day in the sun picking lettuce and tomatoes. That is no longer the case. Many are holding

well-paying jobs, displacing citizens and legal resident aliens from jobs in industry, construction and service occupations. The demand for agricultural labor has declined by 30 percent in the past decade because of mechanization. Only about one-third of those working are believed to be in agricultural employment.

Thus it must be recognized that there are two distinct groups of illegal aliens; those who have no skills and those who are well-trained and fill middle class jobs. Those aliens who came with little in the way of skills bring only their hands and a willingness to work hard and long. Whatever they earn is a fortune to them, even though it may be considerably less than an American worker would accept.

Such labor built our country. It was the strong backs of the Italians, the Chinese, the Scandinavians, the Irish and the Germans who helped construct a mighty nation out of the wilderness. Elsewhere in the world, this labor has also been sought, at least until recently. Reconstruction of Europe after World War II was accomplished with the aid of alien labor. For many years Canada actively promoted immigration. But the industrial world has automated and is still doing so. Productivity is the key word—more production from fewer workers. Neither the world nor the United States any longer resemble what they were when Emma Lazarus wrote those words for the Statute of Liberty: "Send me your tired, your poor, your huddled masses."

Thus, while the situation grows more desperate in many lands, the need for strong backs diminishes in the rest of the world. While the problem is recognized elsewhere, it is more easily dealt with in other countries than in the United States. Strict controls exist for importing alien labor into European countries, for instance, and when the need lessens, the worker can be easily sent home. While in the host country, his whereabouts are a matter of record to the authorities at all times. But that is not the American way. We are not a people willing to impose or accept such controls, and I, for one, do not advocate their use, even though the illegal immigration problem in the United States is totally out of control.

The other group of aliens is those who often enter as visitors or students and subsequently find a job and remain in the country. These are a different kind of immigrant worker. They bring more than just a strong back and a willingness to work. Many are skilled and educated. While their numbers amount to only about 300,000 per year, their impact weighs more heavily than this would suggest. They often hold good paying jobs at the expense of a citizen or

legally admitted resident alien. One example is an East Indian national whom we located in Houston early this year. He held a masters degree in engineering obtained from Stanford University and had left the country after obtaining his degree. But he returned as a visitor in 1970, found a job, and when he came to our attention was earning \$17,000 per year as a product development engineer with an electronics firm. His employment here was a loss in two ways. His own country was denied the use of his needed skills—the original intent of the foreign student program was to help developing countries gain these skills—and he was displacing an American on a job. In recent years there has been no shortage of engineers in this country.

#### OUTLOOK FOR THE FUTURE: THE RODINO BILL

The long term solution to this problem is complex. In the short run, there are two ways the United States can deal with illegal aliens. First, we could build a massive Immigration Service. Perhaps with an army of border patrolmen and several thousand more investigators working in the cities, we might keep out most of the illegals, and eventually sift through the millions of persons in this country to find all those who do not belong here. But that is obviously not only impractical; it is abhorrent to the American conscience. And no one in the Immigration Service advocates such tactics.

I believe that leaves just one practical solution—turn off the magnet that attracts millions of persons to our country. That magnet is the opportunity to obtain employment. Passage of H.R. 8713, the Rodino Bill, would accomplish this by holding the employer liable for employing illegal aliens and subjecting him to penalties if he did so knowingly. We have had laws on the federal books for many years that call for harsh penalties for illegally entering the United States. They have proved to be an ineffective deterrent to illegal entry. With the numbers that INS apprehends, it is obviously impractical to prosecute all cases. Our laws call for and illegal aliens do receive due process, which can extend for weeks, months or even years. Most of those we apprehend agree to voluntarily return to their homeland, thereby avoiding prosecution or lengthy formal deportation proceedings. Many come back to this country within days or even hours.

Though the illegal aliens are in violation of the law, they are often more the victims of wrongdoing than they are the perpetrators. Living in this country illegally, they are afraid to seek the protection of our laws, and are subject to unfair, unjust and immoral treatment. The laws which have been aimed at protecting the alien are often used to keep him in virtual bondage, while he works off the payment to a smuggler or the fraudulent marriage arranger. Yet the employer, who is the beneficiary of an employee who will work long hours—sometimes at less than the standard wage—is beyond the reach of the law. This is a great void in our immigration law, and one which thousands of employers are using to advantage.

Passage of H.R. 8713 would, I believe, provide an immediate short-range solution to this national problem. It is admittedly not a cure-all. It will, however, greatly reduce the flow of illegal immigration to this country and give the Immigration Service another tool to use in attempting to control the situation. Most employers would comply with such a law, as they do other laws.

However, as long as there are hungry, jobless people in the world and there are lands of opportunity such as ours, they will seek and find ways to reach those lands. The hungry, of course, must be fed. And there must be opportunity in their own countries if people are to remain there. These problems cannot be solved in isolation. It will be necessary for the developing countries to achieve general progress in economic and social development.

Obviously, solutions to world-wide problems are not going to be found immediately. The situation at home, however, is too serious to await such developments. Just as we have found that the United States does not have unlimited quantities of energy, water, food and other necessities, so we are learning that our economy is not so resilient that it can easily absorb millions of additions to the labor force.

Unless Americans face up to the current problem and adequate steps are taken soon, the situation will grow much worse. Populations in less developed countries are continuing to increase. Labor forces are growing even more rapidly. Mexico's work force, which totaled 16 million in 1970, will be 28 million by 1985 and 40 million by 1995. Nearly half the people in that nation are under 15 years of age—a situation that is typical in many Latin American and Caribbean nations which are the largest sources of illegal migration to the United States. Hungry, desperate people will find a way

to meet their needs, and especially when the answer lies so close at hand in what appears to be a nation of plenty.

I am not suggesting that we should turn our backs on the less fortunate persons of the world. However, the United States cannot continue to absorb them in uncontrolled numbers, as we have been doing in recent years. The controls that currently exist are not effective in preventing the saturation of our economy. The long range answers will not come quickly, and the problem can now only be alleviated—not readily solved. But the longer we delay, the more difficult it becomes to find workable solutions.