Fixing America's Broken Immigration System: Introduction

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In January 2008, at the meeting of the American Historical Association, I had coffee with two colleagues, Gary Gerstle and George Sánchez, with whom I share an abiding interest in labor and immigration history, as well as current politics. We hatched an idea to hold a conference on immigration policy reform, which we believed would potentially be back on Congress's agenda after the new administration—we did not know at the time who would be the next president—took office. Ours certainly would not be the first conference on immigration policy. But we wanted to bring two perspectives that are not commonly aired in policy debates today: the historical perspective and the international perspective. We decided to bring together historians, social scientists, advocates, policy analysts, and journalists for a gathering in Washington, D.C., where we hoped to get the attention of those on Capitol Hill. We were fortunate that the Woodrow Wilson Center for International Studies agreed to host and cosponsor the event and that we were able to work with historian Sonya Michel, the center's new director for United States studies. Additional cosponsors included Columbia University, the University of Southern California, and Vanderbilt University.

The meeting was delayed until October 2009, in light of the economic crisis of late 2008 that preoccupied President Barack Obama during his first year in office. The agenda was constructed to highlight historical and comparative thinking, which we hoped might promote creative approaches to reform beyond the conventional framing of the issues. Panels were organized around two major themes—labor and questions of incorporation. *International Labor and Working-Class History* is pleased to present a selection of papers from the conference.

The first two papers diagnose the current immigration system, pointing out some of its key problems in light of two widely held views of American immigration policy: that it is fair because it treats all countries equally and that it is founded on the principle of family unification. In the first paper, "The Civil Rights Origins of Illegal Immigration," I historicize the Hart-Celler Act of 1965, which overturned the racist national origin quota system enacted in 1924 and replaced it with a system of global restriction. I argue that the civil rights ethos of formal equality, which Euro-American ethnics drew from the African American civil rights movement, led lawmakers to craft legislation that set a uniform annual cap on legal admissions on all countries. The imposition of quotas on countries of the Western Hemisphere, which had been

International Labor and Working-Class History
No. 78, Fall 2010, pp. 89–92
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doi:10.1017/S014754791000013X

https://doi.org/10.1017/S014754791000013X Published online by Cambridge University Press

previously numerically unrestricted, in turn generated unauthorized migration in ever larger numbers.

In the second paper, "Not Every Family," Maria Cecilia Hwang and Rhacel Salazar Parreñas examine the family-based preference system under current law. Although two-thirds of all visas are allocated to family members of US citizens and legal permanent residents (although many have long waiting periods), family unification is either categorically banned for some migrants (nonheterosexuals; those with low-income family sponsors in the United States) or exceedingly difficult for others, especially legal low-wage migrant workers. Hwang and Parreñas also discuss the tensions between family unification and labor recruitment in the United States as part of a growing trend of temporary labor migration in Europe, the Middle East, and the developed East Asian countries, in which possibilities for residency and family unification are increasingly foreclosed.

The next two papers engage the question of immigrant incorporation—the prospects for and strategies used by immigrants to achieve political inclusion in the United States—in historical and contemporary contexts. Gary Gerstle, noting the history of contradictory processes of inclusion and exclusion in the United States, argues that the involvement of immigrants and their descendants in "transformative" projects—for example, in New Deal union organizing, the political campaigns of Franklin Roosevelt and Al Smith, and the new activism of immigrant workers in labor unions at the turn of the twenty-first century—has been especially important in facilitating immigrant incorporation. In these cases, immigrants sought to change society sufficiently to allow them to express their ethno-religious identities as legitimate expressions of being American.

David Gutiérrez's paper responds with an analysis of capitalist economic development over the last century, which challenges the idea that the current presence of eleven to twelve million undocumented persons presents a new challenge for immigrant incorporation. Gutiérrez argues that high rates of unskilled immigration and political exclusion have characterized the entire twentieth century, save for the Great Depression. Notwithstanding official data of declining immigration in the middle decades of the century, legally authorized and unauthorized low-waged migration in fact grew and became a permanent feature in key sectors of the US economy. The present situation, Gutiérrez argues, represents a "new normal" in twenty-first-century American political economy and society.

The last set of papers offers comparative perspectives. David Abraham compares modes of citizenship and incorporation in the United States, Germany, and Israel. He argues that there is an inverse relation between the relative ease of access to citizenship and what citizenship offers. In the United States, naturalization is easiest to acquire but is of less social and economic value. Germany, which until very recently had a highly restrictive immigration regime and where multiculturalism has not been especially successful, offers residents social and economic rights that are absent in the American free-market

https://doi.org/10.1017/S014754791000013X Published online by Cambridge University Press

and individualist society. Israel, which once boasted a thick and egalitarian model of citizenship coupled with intensive transformation of newcomers into natives, has recently become far less republican and more liberal, even beyond American levels, as it has grown more diverse.

Finally, Christian Joppke's paper responds to the question, what can the United States learn from Europe's immigration policies? With regard to both admissions and incorporation policies, Joppke discusses those areas under supranational, or European, jurisdiction and those that remain under national authority. Nearly all aspects of immigration control (visas, asylum, long-term residency status, family reunification) are regulated by the European Union. The one major exception is economic migration, which remains under national control, save for the so-called EU blue card that grants nominally free mobility within the EU for highly skilled immigrants. In matters of immigrant incorporation, the only supranationalized policy is the antidiscrimination policy (housing, employment, services). The trend generally has been toward more inclusive citizenship and multiculturalism in European states, despite some setbacks. Abraham's and Joppke's papers should stimulate thinking about the relationships between economic and political integration and rights, as well as the possibilities and limits of regionalism.

I note that we were not able to print all papers delivered at the conference. In some cases the papers covered ground that is likely familiar to *ILWCH* readers, such as the history of guest worker programs. We also chose to highlight the historical and comparative papers, which the editors believe are of greatest interest to the journal's audience. The bibliography below will direct the reader to published works of those panelists whose presentations we were not able to include in this volume.

As for getting the attention of those on Capitol Hill, a delegation from the conference spoke to a meeting of House staffers, and Representative Luis Gutiérrez of Illinois, the chair of the Congressional Hispanic Caucus, who was preparing a bill on immigration reform to introduce on behalf of the caucus, addressed the conference. It may be reported that there was some interest in what the past might offer the present. But it must also be reported that the political contingencies and compromises that attend the legislative process continue to loom large. In addition to conferences, grassroots mobilization and political coalition-building remain critical to the realization of reform.

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Jennifer Gordon, "Transnational Labor Citizenship," *Southern California Law Review* 80 (2007): 503.

Cindy Hahamovitch, "Creating Perfect Immigrants: Guestworkers of the World in Historical Perspective," *Labor History* 44 (2003): 69–94.

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Ruth Milkman, *LA Story: Immigrant Workers and the Future of the U.S. Labor Movement* (New York, 2006).

Dowell Meyers, *Immigrants and Boomers: Forging a New Social Contract for the Future of America* (New York, 2007).

Marc Rosenblum, "'Comprehensive' Legislation vs. Fundamental Reform: The Limits of Current Immigration Proposals," Migration Policy Institute, Task Force Policy Brief No. 13, http://www.migrationpolicy.org/pubs/ (accessed January 2006).

George J. Sánchez, "'Y tu que?': Latino History in the New Millenium," in *Latinos!: Remaking America*, ed. Marcelo Suarez-Orozco and Mariela Páez (Berkeley, CA, 2008).

The conference also featured presentations from advocates and activists. Information about their work may be accessed at the following:

Richard J. Foltin, Director of National and Legislative Affairs, American Jewish Committee, http://www.ajc.org/site/c.ijITI2PHKoG/b.817809/k.2F2F/AJC_Experts.htm

Tamar Jacoby, President and CEO, Immigration Works, www.immigrationworksusa.org

Maria Elena Letona, Executive Director, National Alliance of Latin American and Caribbean Communities, http://www.nalacc.org/index.php?L = 1

Arturo Vargas, Executive Director, National Association of Latino Elected and Appointed Officials, www.naleo.org

https://doi.org/10.1017/S014754791000013X Published online by Cambridge University Press