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RESEARCH ARTICLE

BACKDROP OF MEXICAN IMMIGRANTS IN TO UNITED STATES OF AMERICA

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ABSTRACT

The United States developed and grew from thirteen colonies to fifty states and has, gone through so many discoveries, explorations and settlements. The Immigration has played an important role in American history, and has the most open immigration policy in the world. The extensive explorations in US were from many lands like Spain, Great Britain, Holland and Sweden. In 1875 it was declared the regulation of immigration was a federal responsibility. After that there was series of Immigration acts and programmes were implemented. The national-origins quota system passed of 1921, Bracero programme 1942, McCarran–Walter Act of 1952, The immigration act of 1973, Immigration Reform and Control Act (IRCA) of 1986, 1990 Immigration Act, Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) of 1996, the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005, Comprehensive Immigration Reform Act of 2006 (CIRA), and the Comprehensive Immigration Reform Act of 2007. The legislations passed from time to time by US government has controlled the level of migration into the country from Mexico both legal and illegal. Donald Trump for keeping a campaign promise, signed an executive order on January 2017 which immediately but temporarily banned citizens from seven countries – Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen – from entering the U.S. The Mexicans are the largest single group of those living illegally in the country. During his first 100 days in office, President Trump has taken a sweeping set of actions on immigration, ranging from imposing a travel ban to cutting refugee admissions and travel ban. This policy affects mainly on Mexicans in US. The Chief Justice John Roberts opined positively and he made justification for Trum's decision and has withstood court scrutiny. But he also declared the endorsement of decision has constitutional ground. But the sudden policy shift triggered chaos at international terminals in U.S. airports nationwide, and several immigrant-rights sued on behalf of refugees and other migrants.

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INTRODUCTION

The United States developed and grew from thirteen colonies to fifty states and has, gone through so many discoveries, explorations and settlements. The Immigration has played an important role in American history, and has the most open immigration policy in the world. Before the era of rapid communications and transportation, America encouraged relatively open immigration to settle its empty lands. So the development of United States involved the contributions by the people from many lands like Spain, Great Britain, Holland and Sweden. Spain was the first European to make extensive explorations in US. In 1513 Spain claimed south and west Florida and the area that is known as California (G .Pope 1977, p.111). After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared the regulation of immigration a federal responsibility.

The Immigration Service was established in 1891 to deal with the big increase in immigration which started in 1880(Leon F.Bouvier, 1986). From 1900 to 1920, nearly 24 million immigrants arrived during what is known as the “Great Wave”. The outbreak of World War I reduced immigration from Europe, but mass immigration resumed upon the war, and Congress responded with a new immigration policy: *the national-origins quota system* passed in 1921ⁱ. This quota Act established immigrant quota for each admissible nationality based on the stock of the American population as per 1910 census. It was revised in 1924 exempted the western hemisphere countries from immigration quotas. Mexicans made use of this concession and arrived in large numbers. The argument in favour of Mexican immigration was that immigrants would not be a liability on the US. Mexicans formed a significant part of agriculture in the South West US. During the Depression of 1930s plenty of labours engaged in agriculture in US were in trouble. There were a great slump in business and farming, rural tenants and workers were displaced.

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There was a large demand for low wage labour. Americans themselves were prepared to work for low wages. Immigration remained relatively low during that time. In short , the share of Mexicans in total immigration during that period was less 4% compare to more than 11% of previous decade(Silva , 1985 p.59). During World War II the need for manpower in the United states encouraged Mexican Immigrant. Millions of Americans were absorbed into military and it necessitated the need for bringing from workers from Mexico. The contract labours were come under *Bracero programme* which was initiated in 1942 ⁱⁱ.It gave guarantee on working condition and steady employment. By this programme there was a steady increase in Mexican Immigrants to US. American agriculture continued to import seasonal labor from Mexico. In 1951 under a formal agreement between the United States and Mexico made the “Bracero Program” permanent. Actually this agreement provided that the Mexican workers were not to displace domestic workers but only to fill shortages (Thomas 1 1981, p.255).

Immigration and naturalization law into the Immigration and Nationality Act of 1952

The 1952 Act also known as the McCarran–Walter Act, retained a quota system for nationalities and regionsⁱⁱⁱ. Eventually, the Act established a preference system which determined which ethnic groups were desirable immigrants and placed great importance on labour qualifications.

The Act defined four types of immigrants:

1. Immigrants with special skills or relatives of U.S. citizens who were exempt from quotas and who were to be admitted without restrictions;
2. Parents of US citizens and unmarried adult children of US citizens
3. Spouses and unmarried adult children of resident aliens
4. Brothers sisiter and married children of citizens and accompanying spouses and children (Bouvier , 1986 p.12.13).

The act did not mention anything about refugees of immigrants. The average immigrants whose numbers were not supposed to exceed 270,000 per year. It provided a tide of illegal immigrates from Mexico (Silva 1985, p.59). In July 1963 the dept. of labour announce that job offer to Mexican Immigrants would hence forth need to be certified. The state employment service was required to verify the legitimacy of the prospective employer the job as well as performance of the employer. No job would be certified if it would be filled by domestic workers or if the alien employment would adversely affect domestic wage and working conditions. It was merely a modification of the 1952 law. This modification and the Bracero programme in 1964, executively blocked the entry legal Mexican immigrants into the US. (Bouvier, 1986 p.13). In 1965, Congress replaced the national origins system with a preference system designed to unite immigrant families and attract skilled immigrants to the United States. This change to national policy responded to changes in the sources of immigration since 1924. The Immigration act 1965 provided an order of preference priority and percentage allocations. The exempted from preference requirement and numerical quotas for spouses, unmarried minor children and parents and parent of US citizens.

The majority of applicants for immigration visas were came from Asia and Latin America rather than Europe. The preference system continued to limit the number of immigration visas available each year. Until the Refugee Act of 1980 did the United States have a general policy governing the admission of refugees (Bouvier, 1986 p.13). The immigration of 1965 was merely an amendment of the act of 1952 ^{iv}. The major feature of the 1965 act was the abolition of the national origin system and discrimination against Asians. While raising a quota of immigration from other regions it placed a ceiling on immigration from the western hemisphere from other regions. Before 1965 there were no numerical restriction from permanent residence or other western hemisphere immigrations. This ceiling was incorporated as a result of an amendment adopted in Senate. That time US had two different immigration laws for two hemispheres. But in 1973 the 92nd congress introduced a single worldwide ceiling and unified and revived the preference system.

The immigration act of 1973, the first preference went to spouses and unmarried sons or daughters or parents of lawful permanent residence had to be of at least 21 years of age. The married sons or daughters of US citizens and unmarried brothers or sisters who came under in this category. The second preference was given to qualified immigrants who were the members of professions or those who have exceptional qualities in science or arts would substantially benefit prospectively the national economy, cultural interest or the welfare US. The third preference went to the qualified immigrants who were capable of performing specified skilled labour not of a temporary or seasonal nature for which a shortage of employable and willing persons existed in the US. Fourth preference was given to employees of certain religious denominators, aliens who established that they would not seek employment in US and investors in commercial or agricultural enterprises (report of House of representatives': immigration and nationality act of 1973, p.5). In the Mexican border, with lack of enforcement of police illegal immigrants were rose very high. It continued until 1986.

Immigration Reform and Control Act (IRCA)

In 1986, Congress passed the Immigration Reform and Control Act (IRCA)^v. This legislation had two major facets: amnesty and enforcement. IRCA provided amnesty to aliens who had completed one of two stipulations: they had resided continually in the U.S. since January 1982 or they had completed 90 days of agricultural work between May 1985 and May 1986 (Katharine 1993, p.523). Such aliens could become permanent after two years. The acceptance rate for amnesty applications was about 94 percent, eventually giving legal status to approximately 3 million. It is estimated that one-fourth of the cases accepted were fraudulent. In 2000, IRCA was extended through Late Amnesty, which allowed those fighting their original denial to reapply. As of June 2007, 15,000 Late Amnesty cases are still pending from IRCA. The 1986 legislation also contained enforcement provisions to prevent future illegal entry. The provisions prohibited the hiring and harboring of illegal aliens, but few resources were allocated to enforce these laws. Poor funding essentially tied the hands of enforcement officials. This created a lopsided ‘grand compromise’ that fueled later generations of illegal aliens (Katharine 1993, p.524). In 1990, Congress again reformed immigration statutes. The 1990 Immigration Act modified and expanded the 1965 act. The act retained family reunification as

the major entry path, while more than doubling employment-related immigration. The law also provided for the admission of immigrants countries to increase the diversity of the immigrant flow by creating a lottery system. (Immigration Act of 1990. Pub. L 101-649. 101st Congress, November 29, 1990). It expanded permanent legal immigration to the United States, setting a flexible cap on worldwide permanent immigration at 675,000, including family-sponsored immigrants, immediate relatives, and employment-based immigrants. For all immigrant categories, family members of the principal applicant were considered "derivative" applicants and were counted against the same numerical ceilings. For both employment and family-based visas, the act also set per-country limits, stating, "The total number of immigrant visas made available to natives of any single foreign state. (Immigration Act of 1990. Pub. L 101-649. 101st Congress (November 29, 1990). These reforms had direct and significant impacts on the number and type of immigrants coming to the United States, almost tripling the number of employment-based immigrants alone. However, from bringing the immigration system in line with the civil rights movement of the decade, to addressing foreign policy concerns in a post-World War II Cold War era, to responding to the labor needs of a more skilled and globalized economy, both laws were products of their time. Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA). In 1996, Congress passed the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA). The act added to border controls by mandating the hiring of more Border Patrol and Immigration and Naturalization Service agents. Repercussions for entering the country illegally were increased and a border fence was planned for San Diego. An automated employment verification pilot program was created in the hopes of easing worksite enforcement. The Act also allowed state police officers to enforce immigration law using the 287(g) program. Although the IIRIRA boosted de jure enforcement, poor funding again hindered the actual enforcement of the laws (Eleanor,2017)^{vi}.

- Also during the 1990s, a series of four smaller amnesties were passed. The first, the Section 245(i) amnesty, was passed in 1994 and pardoned approximately 578,000 illegal aliens, who were each fined \$1,000. This amnesty was later renewed in 1997 and again in 2000.
- The second, the Nicaraguan Adjustment and Central American Relief Act (NACARA), was passed in 1997 and gave legal status to approximately one million illegal aliens, mostly from Central America, who had lived in the U.S. since 1995.
- In 1998, the Haitian Refugee Immigration and Fairness Act (HRIFA) passed after it was argued that excluding Haitians from NACARA was discriminatory. The most recent amnesty, passed in 2000, was the Legal Immigration Family Equity Act (LIFE). The LIFE Act was a mini-amnesty aimed at those illegal aliens who hoped to become green card holders through marriage, employment or other categories, but who were not anywhere near approval yet, due to the long line of people ahead of them. It was sold as a way around the growing processing backlogs that were the result of previous amnesties. During the time of this legislation, from 1994 to 2000, millions of hopeful legal immigrants waited in line overseas.

The terrorist attack on September 11, 2001 affected perspectives on many issues, including immigration. A total of 20 foreign-born terrorists were involved, 19 of whom took part in the attack that caused 2,974 civilian deaths. The terrorists had entered the country on tourist or student visas. Four of them, however, had violated the terms of their visas and become illegal aliens. The attack exposed long-standing holes in our immigration system that included failures at visa processing, internal enforcement, and information sharing. In December of 2005, the House passed the Border Protection, Anti-terrorism, and Illegal Immigration Control Act. The act was limited to enforcement and focused on both the border and the interior. In 2006 the issue of immigration reform was once again discussed in Congress, with the House of Representatives and the Senate producing their own, conflicting bills. In the Senate, the Comprehensive Immigration Reform Act of 2006 (CIRA) was sponsored by Sen. Arlen Specter (R-PA) and passed in May 2006. CIRA would have given amnesty to a majority of illegal aliens already in the country as well as dramatically increased legal immigration. Although the bills passed their respective chambers, no compromise bill emerged. In 2007, the Senate again attempted to pass amnesty legislation. The Comprehensive Immigration Reform Act of 2007, which would have given amnesty to a large majority of illegal entrants in the country, significantly increased legal immigration and increased enforcement. The act, which had bipartisan support in the Senate, was widely unpopular with the American public. As the result of unprecedented public pressure, the bill failed to pass a cloture vote.

The legislations passed from time to time by US government has controlled the level of migration into the country from Mexico both legal and illegal. Different consideration have played a role in shaping legislation.

The major actions on immigration during 2017, the administration:

- Banned nationals of eight countries, most majority-Muslim, from entering the United States.
- Reduced refugee admissions to the lowest level since the resettlement program was created in 1980.
- Reversed the decline in arrests of unauthorized immigrants in the U.S. interior that had occurred during the last two years of the Obama administration.
- Cancelled the Deferred Action for Childhood Arrivals (DACA) program, which is currently providing work authorization and temporary relief from deportation to approximately 690,000 unauthorized immigrants brought to the United States as children.
- Ended the designation of Temporary Protected Status for nationals of Haiti, Nicaragua and Sudan, and signaled that Hondurans and possibly Salvadorans may also lose their work authorization and protection from removal in 2018. (By Sarah Pierce, www.migrationpolicy.org)^{vii}

Donald Trump for keeping a campaign promise, signed an executive order on January 2017 which immediately but temporarily banned citizens from seven countries – Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen – from entering the U.S. Mexico accounted for the most legal immigrants in recent years, with 467,205 people born in the country arriving from 2014 through 2016 – a period that saw 3.3 million people

overall legally come to the U.S. They are also believed to make up the largest single group of those living illegally in the country – an estimated 5.6 million in 2016. Many of them are living in the U.S. illegally are thought to have initially arrived by legal means. A large number of people currently in the U.S. illegally overstayed their visas. Meanwhile, the number of people apprehended at the southwest border has dropped 82 percent from a peak of 1.6 million in fiscal 2000 to 303,916 in 2017, according to U.S. Customs and Border Protection. Trump administration released wide-ranging executive orders on immigration and refugee resettlement, touching on everything from the construction of a border wall to deportation policy, the refugee resettlement program, and admissions from certain majority-Muslim countries. During his first 100 days in office, President Trump has taken a sweeping set of actions on immigration, ranging from imposing a travel ban to cutting refugee admissions. Another side of this policies affecting immigrants and their children Child welfare agencies in the U.S. make tough decisions daily to separate children from their parents, but they have options for minimizing the trauma due to the family separations at the Mexican border. President Trump has taken an extensive actions on immigration such as imposing a travel ban, cutting refugee admissions, vetting, make enforcement at the border and even in the U.S. interior. It was the impact of president's campaigning tactics that immigration issue was centerpiece of his campaign. Trump's first two executive orders on immigration, signed five days into his presidency, focused on enforcement at the border and in the U.S. interior. Among key provisions of the border one: Ordering construction of a wall and more detention facilities, deploying immigration judges and asylum officers to border facilities, and directing DHS to hire 5,000 additional Border Patrol agents.

The second executive order focused mainly on interior enforcement, directing the hiring of 10,000 new ICE officers, an increase in federal-local enforcement partnerships, limits on federal grants to so-called sanctuary jurisdictions, reinstatement of the Secure Communities information-sharing program, and, most importantly, new enforcement priorities. (Muzaffar Chishti and Jessica Bolter, 2017). The White House and its allies, however, insist the travel ban is a legitimate anti-terrorism tool, and that the countries on the list had undergone a months long review. The Chief Justice John Roberts declared that a sufficient national security justification for Trum's decision and has withstood court scrutiny. But he also declared the endorsement of decision has constitutional ground. But the sudden policy shift triggered chaos at international terminals in U.S. airports nationwide, and several immigrant-rights groups sued on behalf of refugees and other migrants

- i. *The 1921 Emergency Quota Act, also referred to as the Emergency Immigration Act, the Immigration Restriction Act, the Per Centum Law, and the Johnson Quota Act was sponsored by Albert Johnson, the Republican Representative from Washington and signed into law by President Warren Harding on May 19, 1921. The Emergency Quota Act restricted the number of immigrants to 357,000 per year, and also set down an immigration quota by which only 3 per cent of the total population of any ethnic group already in the USA in 1910, could be admitted to America after 1921. The Emergency Quota Act was intended to be a temporary measure but the National Origins Formula continued until 1965.*

- ii. *The program, negotiated between the U.S. and Mexican governments, brought approximately 4.8 million Mexican contract laborers to work in the U.S., primarily as agricultural workers in California and Texas. The term "bracero" is a Spanish word which refers to those who work with their arms.*
- iii. *Immigrants from Great Britain, Ireland, and Germany were allotted two-thirds of the 154,657 spots available each year. However, the act did specifically remove previously established racial barriers that had acted to exclude immigrants from nations such as Japan and China.*
- iv. *The Immigration and Naturalization Act of 1965, also known as the Hart-Celler Act, abolished an earlier quota system based on national origin and established a new immigration policy based on re-uniting immigrant families and attracting skilled labor to the United States. Over the next four decades, the policies put into effect in 1965 would greatly change the demographic makeup of the American population, as immigrants entering the United States under the new legislation came increasingly from countries in Asia, Africa and Latin America, as opposed to Europe.*
- v. *Public Law 99-603 (Act of 11/6/86), which was passed in order to control and deter illegal immigration to the United States. Its major provisions stipulate legalization of undocumented aliens who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders.*
- vi. *provisions of IIRIRA have led the United States to deport refugees at risk of persecution and to penalize them due to their manner of entry. Moreover, IIRIRA's harsh detention policies and efforts to block access to immigration court hearings violate US legal obligations under the International Covenant on Civil and Political Rights (ICCPR). This section describes how three major changes to the US asylum and immigration system imposed by IIRIRA.*
- vii. *The policy brief notes that the administration's support for legislation to dramatically cut legal immigration and reshape the selection of foreign-born workers has yet to gain significant traction on Capitol Hill. Nor have lawmakers provided the billions of dollars necessary to fence off the U.S.-Mexico border or add thousands of additional Border Patrol agents and immigration officers*

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