

Shifts in the employment outcomes among Mexican migrants to the United States, 1976–2009

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Abstract

Although studies have examined the impact of U.S. immigration policy shifts in the 1980s and 1990s on the employment outcomes of migrants, scholars have paid less attention to how the federal government's shifting approach to worksite enforcement has transformed the conditions in which Mexican migrants work. Consistent with previous research, we find a worsening of conditions for both unauthorized and legal Mexican migrants in the years following the passage of the Immigration Reform and Control Act (IRCA) and that unauthorized status is associated with more unfavorable workplace conditions relative to legal immigrants. However, in the first decade of the 21st century, we also find that unauthorized immigrants' employment outcomes more closely resemble those of legal immigrants now than in the past, suggesting a dramatic shift in the ways that employers treat unauthorized immigrants on the job. This convergence between authorized and unauthorized migrants is consistent with federal policies and practices related to workplace enforcement.

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1. Introduction

Prior studies about the employment conditions of Mexican migrant workers reveal a salient finding: the wages of the Mexican born have declined since the 1980s. Yet only a few studies examine how Mexican workers' employment conditions are related to legal status. These show that wages deteriorated for Mexican male unauthorized workers after the implementation of the 1986 Immigration Reform and Control Act (IRCA) and of subsequent policies designed to restrict the entry of the unauthorized (Donato, Durand, & Massey, 1992; Donato & Massey, 1993; Massey, 2007;

Massey, Durand, & Malone, 2002; Phillips & Massey, 1999). Moreover, unauthorized Mexican women experienced more deterioration than men in wages and other labor market conditions (Donato, Wakabayashi, Hakimzadeh, & Armenta, 2008), and unauthorized men from the Dominican Republic and Nicaragua experienced similar wage consequences to those found for Mexicans (Donato, Aguilera, & Wakabayashi, 2005).

In this paper, we build on these studies to consider shifts in wages and other employment conditions of Mexican migrants in the U.S. labor force. We ask whether and how recent employment conditions differ from those observed in the past and to what extent they reflect the consequences of exogenous policy shifts since 1986. In particular, we explore how policy shifts and the enforcement strategies underlying them led to changes in the

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employment conditions of Mexican immigrants by shifting the behaviors of employers and workers.

We begin by describing recent policy shifts, focusing on workplace and other enforcement strategies designed to target employers and their supply of immigrant workers. These policies have led to an inverted-U pattern in employer enforcement since the 1980s, with the highest level of enforcement occurring in the early-to-mid 1990s. Since then, national security concerns have become paramount and enforcement efforts shifted away from worksites to target workers in critical infrastructure jobs. Several years later, high profile workplace raids began again, but subsequently the Obama administration replaced them by intensifying employer audits leading to criminal and civil charges against employers. Using data from the Mexican Migration Project, we link these shifts to employment conditions and find that, since 2003, there is a trend toward convergence in outcomes between the authorized and unauthorized. Although quite different from prior studies that document labor market penalties to undocumented status, our findings suggest that by the early 21st century employers were treating all Mexican migrant workers in similar ways, irrespective of legal status.

1.1. Recent policy shifts

Although not exhaustive, [Table 1](#) lists some of the key policies and practices that have emerged and are related to immigration enforcement. Collectively, these portray a complex landscape of increasing restrictions and intolerance toward unauthorized migrants.

The first time that many voiced large-scale concerns about unauthorized migration was in the 1970s after U.S. policy amendments eliminated national origin quotas in 1965. Thereafter, U.S. immigration became more diversified with many entering from a diverse set of mostly less developed nations and, at the same time, visa demand often exceeding country-specific numerical limits. In 1986, after a long legislative battle, Congress passed the Immigration Reform and Control Act (IRCA) – the first piece of legislation designed to control undocumented migration. IRCA included three important provisions: amnesty, increased border enforcement, and fines (both civil and criminal) against employers who knowingly hired undocumented migrants.

Just a few years after its implementation, IRCA had given permanent residency to approximately three million amnesty applicants with less than two million being Mexican born ([Bean, Edmonston, & Passel, 1989](#)). It also increased funding for deterring unauthorized entries at the border and, by doing so, led to a series of intense

Table 1
Timeline of US worksite immigration enforcement strategies.

Year	Description
1986	IRCA signed into law and employer sanctions created
1988	Full enforcement of IRCA's employer sanctions goes into effect
1991	INS launches initiative to strengthen enforcement of employer sanctions
1995	Clinton memorandum stressing the importance of worksite enforcement and employer sanctions as major components of US immigration policy
1996	IIRIRA enacted; funding for worksite enforcement and employer verification increased
1999	INS switches focus of worksite enforcement from worksite raids to I-9 form auditing; Operation Vanguard
2001	September 11th terrorist attacks; PATRIOT Act signed into law
2003	DHS and ICE created; interior immigration enforcement resources directed to national security investigations; worksite enforcement limited to "critical infrastructure"
Present	Obama administration expands use of administrative tools, leading to tripling of I-9 audits of employers from 2008 to 2009; criminal charges against employers increased

Sources: [Siskin et al. \(2006\)](#), [Bruno \(2010\)](#), [Gardella \(2011\)](#).

border operations by the mid-1990s.¹ Full enforcement of IRCA's employer sanctions went into effect in 1988, when employers began to verify the legal status of potential employees by completing a standard I-9 personnel form. The government notified employers not following these hiring practices about the potential civil and criminal charges they faced.

As [Fig. 1](#) shows, the U.S. government became quite active in its pursuit of employers. Federal orders sent to employers rose sharply beginning in 1988, peaked in 1994, and remained at high levels until late in the decade. By 2000, however, the number of government-issued notifications had dropped to its 1989 level. What explains the upward and downward shifts in just a decade's time? ([Figure 1](#) is based on the following sources: [Brownell, 2005](#); [Siskin, Bruno, Nunez-Neto, Seghetti, & Wasem, 2006](#); [Bruno, 2010](#).)

The inverted-U pattern occurred, first, because of deterrence-related initiatives that promoted workplace enforcement in the 1990s, and second, because of a shift away from deterrence to other strategies by the decade's end. Beginning in late 1986, the Immigration and Naturalization Service (INS) spent most of its

¹ For example, Operations Gatekeeper and Hold the Line concentrated border enforcement personnel, technologically sophisticated detection equipment, and physical barriers in San Diego and El Paso to reduce unauthorized entries.

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