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## *Why the Immigrant Door Is Ajar*

"The Crisis in Immigration Policy" by Edwin Harwood, in *Journal of Contemporary Studies* (Fall 1983), Transaction Periodicals Consortium, Dept. 541, Rutgers University, New Brunswick, N.J. 08903.

Immigration to the United States is nearing the record levels of the early 1900s, and public opinion surveys show that Americans increasingly favor tighter controls. Yet Washington is doing little to stem the tide.

The sheer number of immigrants entering the country every year (up to 800,000 legally, perhaps another 500,000 illegally) overwhelms both the 760 field investigators of the U.S. Immigration and Naturalization Service (INS) and the federal courts, writes Harwood, a Hoover Institution scholar.

Manpower shortages force the INS to concentrate its efforts against illegal immigration on the Mexican border, where one agent can catch many "illegals," and, elsewhere, on terrorists, drug smugglers, and other dangerous aliens. But arresting an illegal alien is no guarantee of success. Elaborate due process protections in deportation hearings, lengthy appeals processes, vigilant civil-rights groups—all can drag out cases for years. And federal sanctions are mild: Some 40,000 aliens whose cases are now pending have vanished, knowing that they can often start the appeals process all over again if they are reapprehended.

An effective crackdown on illegal aliens would require curbs on their legal rights and a vast increase in INS staff, Harwood believes. The only major reform measure on the congressional agenda, the much-debated Simpson-Mazzoli Immigration Reform Act, would grant amnesty to the estimated two to five million illegal aliens, mostly Hispanics, now in the United States and bar employers from hiring new entrants. Enforcing the act would vastly overload the INS. Strong opposition from employers who rely on "illegals" as low-wage workers and from spokesmen for civil-rights and Hispanic groups threatens the bill's prospects of passage.

Washington has not even had much success in regulating *legal* immigration, Harwood says. The Refugee Act of 1980 set a limit of 50,000 on the number of refugees that the United States would accept annually, but exceptions were quickly made for Poles, Ethiopians, and the 125,000 Cubans of the September 1980 "freedom flotilla." Congress also liberalized the terms of political asylum in 1980 to eliminate the favoritism traditionally shown applicants from the Soviet bloc. By 1983, the INS had a backlog of 170,000 asylum cases, up substantially from 5,800 in 1979.

Harwood doubts that much can be done about today's immigration "crisis." A tangle of foreign and domestic political interests stands in the way of effective change. And many of the measures that might actually work would violate U.S. democratic traditions.