Report

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How many undocumented: The numbers behind the U.S.—Mexico Migration Talks

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I. RENEWED TALKS ON UNAUTHORIZED MIGRATION

Summary

President George W. Bush and President Vicente Fox of Mexico seem poised to resume talks on migration when they meet in Monterrey on March 22, ending a six-month hiatus. Prior to the September 11 terrorist attacks the United States and Mexico were discussing proposals that aimed at transforming a large part, if not all, of the unauthorized human traffic across the common border into legal, regulated migration. Although security matters have taken a new prominence in the bilateral talks since September, the major migration issues remain the same. This report presents new estimates of the undocumented population in the United States broken down into the categories most relevant to the migration talks.

There are three major elements to the migration proposals under consideration by the U.S. and Mexican governments:

- A measure that would allow some undocumented migrants now living in the United States to gain legal immigrant status.
- A program to legalize the flow of future migrants that is linked to employment.
- Separate measures that deal with agricultural workers both to provide legal status for those already here and to ensure a supply of legal workers in the future.

A key consideration still to be resolved is whether any or all of these proposals will apply only to Mexicans or will extend more broadly to the undocumented from other nations as well. In a study for the Pew Hispanic Center, Frank D. Bean, a demographer at the University of California—Irvine, estimates the number of the undocumented from Mexico and other broad national origin groups. Using a mid range estimate of 7.8 million for the total undocumented population in 2001, Bean calculates that 4.5 million are from Mexico and that 3.8 million are of other nationalities. Simply taking these estimates to suggest orders of magnitude, rather than precise numbers, Bean's calculations indicate a large population measured in the millions would remain undocumented if legalization measures were limited to Mexicans.

Another unresolved controversy involves eligibility requirements for a program to legalize currently undocumented migrants. Often proposals for such a program limit eligibility to individuals who have been residing in the United States for a number of years. These requirements are designed to ensure that the measures benefit people who have put down roots here, demonstrated that they perform work needed in the U.S. economy and presumably intend to remain for the long term. Bean also provides estimates of the undocumented population broken down according to how long they have

lived in the United States. About 3.8 million people would be eligible for a program that required at least ten years of residence and about 5.8 million if at least five years of residence were required. Bean's estimates indicate that about a quarter of the undocumented population arrived in the past five years, which is perhaps an indicator of the U.S. economy's demand for unauthorized workers during a period of rapid growth.

The consideration of new policy initiatives on the undocumented population launched by Presidents Bush and Fox last year departs from the premise that the United States has jobs available for Mexican workers and that there are Mexican workers in need of jobs. The major U.S. initiatives of the past 20 years—the 1986 law imposing sanctions on employers of unauthorized workers and stepped up border controls starting in 1994—sought to staunch the flow of unauthorized workers coming north. By contrast, the current discussions aim to regulate that flow through measures that would legalize the status of undocumented persons currently in the United States and that would provide legal mechanisms for future labor migration.

Any such policy changes will require lengthy negotiations not only between the two governments but also among the many interested parties in the United States. Even at this early stage, however, it is useful to sketch the dimensions of the workforce that might be involved in such programs. To that end, B. Lindsay Lowell, director of research at the Pew Hispanic Center has developed estimates of the number of undocumented workers in major sectors of the U.S. economy. Again, these calculations are meant to suggest orders of magnitude rather than minutely precise counts. Even allowing for a range of variability in the estimates, Lowell's study indicates that legalizing the unauthorized labor force would be a massive undertaking. He calculates that there are more than 5 million unauthorized workers in the U.S. economy. These estimates also show that these workers have become a very substantial presence in the sectors where they are concentrated. More than a million undocumented persons are employed in manufacturing and a similar number in the service industries. More than 600,000 work in construction and more than 700,000 in restaurants.

Agriculture has long been a special case in policy considerations of undocumented workers for several reasons: a portion of the workforce is migratory; many employers need workers only on a seasonal basis, and unique labor laws and enforcement regimes apply to this sector of the economy. In a study for the Pew Hispanic Center, Philip Martin an agricultural labor economist at the University of California Davis estimates that from 1 to 1.4 million unauthorized workers are employed in U.S. agriculture. Martin's research also suggests a range of between 430,000 and 530,000 currently unauthorized workers would be eligible to participate in a guest worker program of the sort considered by Congress last year that would require between 120 and 90 days of agricultural work to

qualify for permanent immigration status. The number of workers who ultimately qualify for an earned legalization program will depend upon many variables, including the minimum hours required in a work day, types of workers included and the documents required as proof of work. However, the number of workers necessary to satisfy the steady demand for legal temporary labor over the long term may grow quickly as newly legal workers move from rural agriculture jobs to higher paying jobs in urban areas.

Background

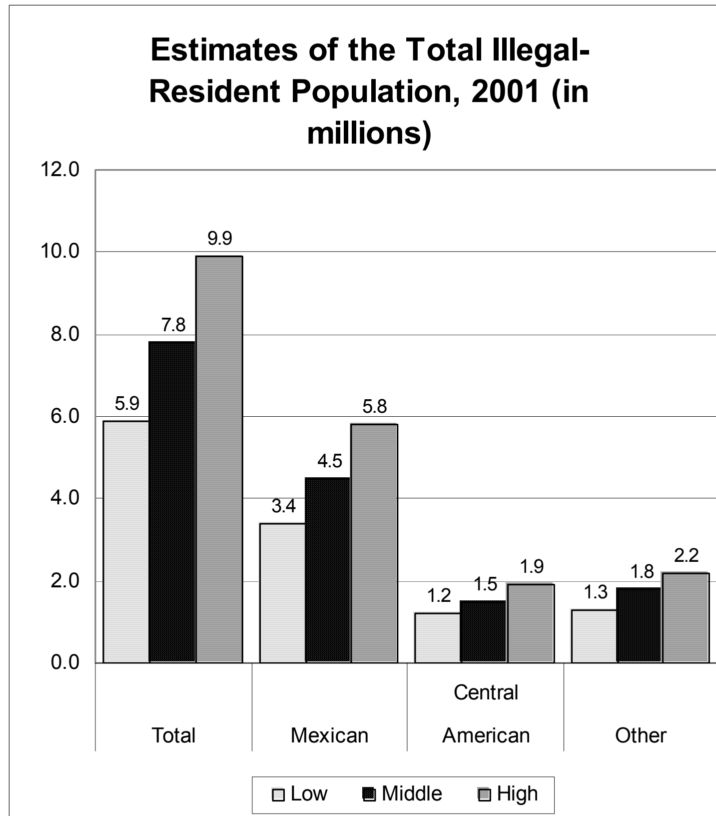
The U.S. Congress previously addressed the undocumented population in the Immigration Control and Reform Act of 1986 (IRCA). Its passage resulted from a grand compromise: An amnesty was offered to undocumented persons who could show that they had been living in the United States since before 1982—five years when people began applying in 1987. That was meant to offer the long-term undocumented population an opportunity to "come out of the shadows" and acquire legal status. Meanwhile, sanctions were imposed on the employers of unauthorized workers in order to eliminate the "jobs magnet" and deter future illegal migration. Some 1.7 million people signed up for the amnesty. Nearly 1.3 million undocumented persons benefited from a special separate amnesty for seasonal agricultural workers. The record on compliance and enforcement of employer sanctions has been mixed at best. Between 1989 and 1995 the number of Immigration and Naturalization Service agents assigned to enforcement of employer sanctions dropped by half as did the number of fines issued.

At the time IRCA was enacted there were between 3 million to 5 million undocumented persons living in the United States, according to estimates by Jeffrey S. Passel of the Urban Institute. Three years later after implementation of the amnesties and the initial enforcement effort on employer sanctions the range had dropped to between 1.8 million and 3 million people. The effects were short-lived however. By 1992 the range was from 2.7 million to 3.7 million and the undocumented population was growing by about 250,000 people a year, according to Passel's estimates.

Instead of declining after the enactment of IRCA the undocumented population has doubled over the past decade according to a variety of estimates that put the range of the undocumented population between 7.8 and 8.7 million in 2000.

II. THE TOTAL ILLEGAL-RESIDENT POPULATION

Bean's estimates of the illegally-resident population updated through 2001 indicate a midrange total of nearly 8 million (7.8) million unauthorized residents—between a low estimate of 5.9 and a high of 9.9 million. His estimates are based upon the most widely accepted methods of estimating illegal residents that Bean was in the forefront of developing.



Today, most estimates come reasonably close to one another from the 8.5 million by Passel for the year 2000, to the 8.7 million working estimates out of the U.S. Bureau of the Census.

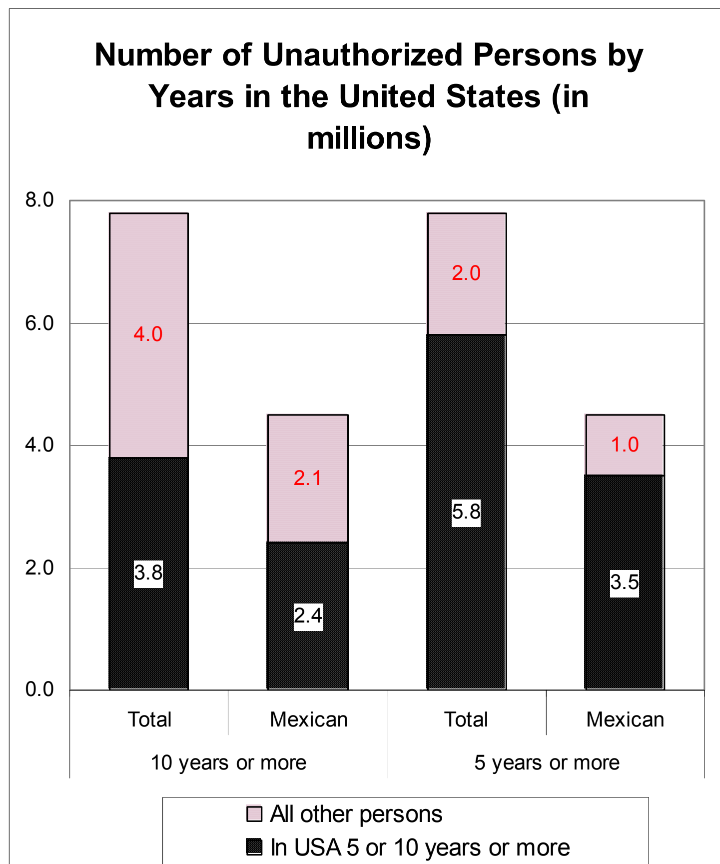
Because there are no direct counts of illegal residents, demographers and other social scientists use mathematical techniques to arrive at best estimates of the total illegal population. The most general technique basically subtracts the known legal population using data from government sources, from the total population captured in U.S. surveys or the Census. Then separate survey undercount rates are assumed that inflate the number of the legally-known population and the residual estimate of illegal residents. Further, estimates of residents who may qualify for a legal adjustment of status may or may not be subtracted out from the estimate.

Still, the main reason for the size of the different estimates using a common approach is the imprecision inherent in the data and slightly varying assumptions. In some of the estimates higher rates of undercount may be assumed, or the estimate may or may not subtract out further estimates of the resident population that is likely eligible or waiting for legal adjustment of status. Given these necessary assumptions, even slight variations can generate seemingly large differences in the final estimate. In fact, these best estimates are much less than about one million persons different from one another. That is not a

small number of people, but it is within the range of error of the individual estimates themselves. It gives us confidence in the reliability of the basic method.

Bean's estimates further show that unauthorized Mexican migrants are the single largest origin of unauthorized persons in the United States. Mexicans comprise about 58 percent of the unauthorized population, Central Americans another 20 percent, and all other origins the final fifth of the total unauthorized population. Mexico could be expected to contribute the largest number to the undocumented population given the common border and the long history of Mexican migration to the United States. The large share of Central American migrants reflects a newer migrant stream whose future potential for growth is difficult to assess at this point.

If there were to be either a significant legalization or earned amnesty through work, it might not apply to the entire undocumented population. In fact, debate over such programs typically has to do with eligibility requirements, particularly minimum time and work history requirements. The required history in the United States under various provisions tends to come close to 5 or 10 years. Again, Bean's estimates provide numbers for all unauthorized persons and for Mexican migrants by time here. There are both relatively established and new groups. About half of the unauthorized are estimated to have resided in the United States for more than a decade, another quarter arrived between 10 and 5 years ago, and a final quarter arrived within the last 5 years. Mexicans are once again more than half of the unauthorized population regardless of time here.



III. UNAUTHORIZED WORKERS IN THE URBAN LABOR FORCE

The Pew Hispanic Center estimates that unauthorized workers, who are a subset of the total undocumented population estimated above, are 5.3 million in number. This is estimated by reducing Dr. Bean's mid-range estimate of the total population, subtracting from it persons under 18 years of age and again subtracting, of these, those who are not in the labor force. This is because the methodologies noted above generate a total count of all persons. Our estimate is generated by assuming age distributions and labor force participation rates based upon survey data that closely approximate that of the known unauthorized population.

Estimating the dimensions of the unauthorized work force and its breakdown by industry is relevant to current policy discussions for several reasons. First, both unions and employers are major players in the political dynamics that will greatly influence the outcome of the policy debate. Also, the economy's apparent need for these workers is a major impetus for considering major revisions in immigration policy. Finally, increasing consideration is being given to a program for legal temporary workers outside of agriculture. Development of any policy alternatives in this area requires at least rough calculations of the number of unauthorized workers currently employed in major sectors of the U.S. economy. The Pew Hispanic Center has developed such calculations departing from Bean's estimates of the unauthorized population that arrived in the past 10 years and those who arrived earlier. Again, our estimates are generated by assuming age distributions, labor force participation rates, and industrial distributions based upon survey data that closely approximates that of the unauthorized population.

Unauthorized Laborforce by Industry, 2001 (in thousands)

Industry Group	Total Unauthorized	U.S. Laborforce
Construction	620	9,670
Manufacturing	1,190	20,830
Durable	580	12,670
Non-durable	610	8,150
Wholesale and Retail Trades	1,410	29,850
Restaurants	700	7,720
Others	720	22,130
Services	1,320	41,960
Business	390	2,350
Private Household	250	1,050
Other	690	38,570
Other Industries*	350	37,990
Total Workers	5,300	143,640

* Other industries include transportation, communication; finance, insurance and real estate; mining and public administration.

For example, these estimates indicate that there are about 620,000 unauthorized workers in the Construction industry alone. They are concentrated here, as well as in non-durable manufacturing like

garments, restaurants, business services such as building maintenance, and private household work. In fact, based on estimates by period of arrival, these figures suggest an increasing number of unauthorized workers over the past 10 years have found employment in construction and restaurants. During this time, it is suggestive that fewer have found employment in services, but this is as likely due to the fact that more experienced unauthorized workers gravitate out of agriculture and construction into service occupations with time. Likewise, unauthorized females are more likely to enter the U.S. labor force with time in the United States and further tilt the total number of unauthorized workers toward services.

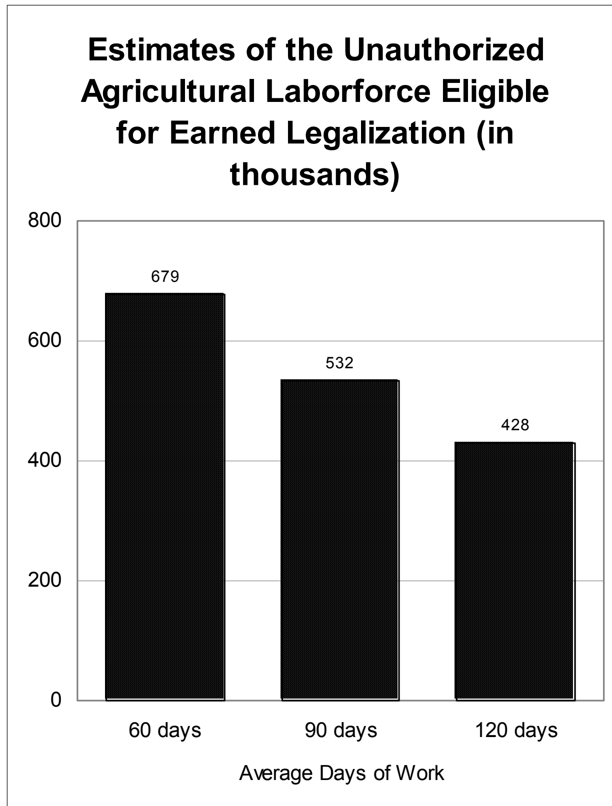
IV. UNAUTHORIZED WORKERS IN THE AGRICULTURAL LABORFORCE

Martin estimates the unauthorized workforce in agriculture at 1.2 million— within a range of 1 to 1.4 million— necessarily drawing upon different data and assumptions. To be sure, some of these 1.2 million are part of the total labor force estimated above, but many are highly mobile workers who are not captured in estimates of the long-term resident urban workforce. Indeed, some unknown portion of these estimated unauthorized workers are in addition to the 5.3 million workers who are found primarily in urban markets.

The agricultural labor force figures are derived from surveys that find a fairly constant 2.5 million workers in both crops and livestock throughout the 1990s. In turn, based on previously published findings from the Department of Labor's National Agricultural Workers survey (NAWs), Dr. Martin estimates that about 58 percent of crop workers are currently unauthorized. The preferred estimate of 1.2 million unauthorized agricultural workers combines this assumption about the share of unauthorized crop workers with a range of likely estimates of unauthorized workers in livestock. This figure represents a topside estimate of the potential demand for legal temporary workers to replace all unauthorized workers in agriculture.

However, not all unauthorized workers are eligible under the proposals for a legal temporary work program in agriculture, especially one that grants the right to earn permanent resident status. Proposals developed in Congress would require between 60 and 100 days of farm work during prior years to qualify for an earned right to permanent resident status. We need to know then how many workers put in how many days of labor during a year to get an idea of how many would be eligible to participate in the proposed agricultural worker programs.

Drawing upon the NAWs, Martin's study enables us to estimate a range of likely numbers of unauthorized workers who would be eligible to participate in a program that, ultimately, leads to permanent status. For crop workers it is estimated that 65 percent work at least 60 days during the past year, 51 percent at least 90 days, and 41 percent at least 120 days. These percents can be applied to the crop workers in the estimated 1.2 million unauthorized agricultural workers, but it is assumed not to apply to livestock workers who are not likely to be considered in an earned legalization program.



The resulting estimates imply that 530 thousand workers would be eligible if at least 90 days of agricultural work were required—bracketed by as little as 430 thousand or as much as 680 thousand depending on minimum work day requirements. Ultimately, the number of workers who qualify for an earned legalization program will depend upon the minimum hours required in a work day, the inclusion of crop and/or livestock workers, and the proof that workers are required to provide.

Over the longer run, the number of workers needed to fill a steady demand for legal temporary labor will change as the newly legalized workers move into jobs outside of agriculture. Immediately following IRCA in 1989 about 37 percent of agricultural workers were newly legalized under its so-called seasonal agricultural workers or SAW provisions and only about 8 percent of the remaining crop workers were still unauthorized. The percentage of agricultural workers who benefited from the 1986 SAW amnesty still working in agriculture has fallen to less than 15 percent today, while the share of unauthorized workers has increased to a projected 58 percent. In fact, most workers tend to stay in agriculture less than 10 years and legalization hastens workers exit into urban jobs. Overall, there is already an implied exit rate from agriculture of at least 10 percent yearly that may increase with legalization.

Thus, sometime 3 to 10 years in the future, after eligible workers have earned permanent residency and found jobs outside of agriculture, there would be renewed demand for a

program of legal temporary workers. Of course, how much demand would also be conditioned by developments in the agricultural sector generally. Technology has proven to offset demand for labor in all sectors of the U.S. economy and agriculture is no exception. Current Congressional legislation promises, for the first time in over two decades, to invest federal monies in technological improvements in agriculture. And foreign competition will encourage greater steps toward productivity in lieu of ready supplies of inexpensive agricultural workers. Or even if the organization of agriculture remains the same, increasing wages in other sectors may attract ever more workers there.

Hazarding a best estimate about the size of future demand, based solely on the rate at which workers exit agricultural jobs, suggests that somewhere between 180 thousand and 500,000 new workers will be needed each year simply to keep the agricultural labor force at its current size. So while an earned legalization program will retain workers in agriculture for a period of time, soon after they obtain legalization it is very likely that new workers will have to be sought to supplant them as they exit agriculture. One might view the low estimate of 180 thousand as a starting number for new workers required well within 5 years after the start of an earned legalization program, with an upside of 500 thousand necessary soon thereafter.

VI. CONCLUSIONS

Debates over the best way to manage our borders and U.S. employer demand for foreign workers are not new. And it unlikely that the current discussions will resolve themselves overnight. What the estimates here demonstrate, even acknowledging a lack of fine-tuned precision, is that the number of workers involved is very large indeed. There are correspondingly sizable legal and simple organizational hurdles regardless of whether proactive steps are taken to transform the clandestine flow of labor into a legally regulated one, or stepped enforcement to confront that flow.

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