

Testimony of
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Mr. Chairman and members of the Judiciary Committee, my testimony is very simple. The U.S. immigration system is badly broken. It has been broken since 1986 and has been getting worse. The central problem concerns the relationship between Mexico and the United States. Mexico accounts for 60% of all unauthorized migrants currently in the United States and around a fifth of recent legal immigrants. After Mexico's six million unauthorized U.S. residents, the next closest countries are El Salvador and Guatemala with totals of less than 300,000 each. Few unauthorized migrants come from Asia, Europe, Canada, Africa, or the Pacific.

Undocumented migration is thus overwhelmingly a problem of the Western Hemisphere, and very disproportionately Mexican. Next to Canada, Mexico is our closest neighbor and largest trading partner. Together we share a 2,000 mile border and trade annually totaling \$286 billion. In 2004 175,000 legal immigrants entered the US from Mexico, along with 3.8 million visitors for pleasure, 433,000 visitors for business, 118,000 temporary workers and dependents, 25,000 intra-company transferees and dependents, 21,000 students and dependents, 8,400 exchange visitors and dependents, and 6,200 traders and investors. At the same time, one million Americans presently live in Mexico and 19 million travel there each year along as visitors. U.S. foreign direct investment in Mexico now totals \$62 billion annually.

These massive cross-border flows are occurring by design, under the auspices of the North American Free Trade Agreement. However, at the heart of NAFTA lies a contradiction: even as we move to promote the freer cross-border movement of goods, services, capital, and commodities we simultaneously seek to prevent the movement of labor. We somehow wish to create a single North American economy that somehow integrates all factor markets except one--that for labor. To maintain the illusion that we can somehow integrate while remaining separate, we have militarized our border with a friendly country that is among our closest trading partners and strongest allies and which poses no conceivable threat to U.S. national security. Even as binational trade with Mexico grew by a factor of eight from 1986 to the present, the Border Patrol's enforcement budget has increased by a factor of ten and the number of officers tripled. The U.S. Border Patrol is now the largest arms-bearing branch of the U.S. government save the military itself, with an annual budget of \$1.4 billion.

The attempt to stop the flow of Mexican labor into the United States through unilateral enforcement has not only failed miserably, it has backfired. It has not deterred would-be immigrants from entering the United States nor has it reduced the size of the annual inflow. What it HAS done is channel migratory flows away from traditional crossing points to remote zones where the physical risks are great but the likelihood of getting caught is small. As a result, the

number of deaths has skyrocketed to a record 460 persons per year while the probability of apprehension has fallen to forty year low. We are spending more tax dollars to catch fewer migrants and cause more deaths.

Moreover, once deflected away from traditional crossing points, Mexican migrants have moved on to new destinations as well. Whereas two thirds of Mexicans who arrived in the United States during 1985-90 went to California, during 2000 to 2005 only one third did so. In essence, our border policies have helped to transform a regional movement affecting three states into a national phenomenon affecting all 50 states.

Our policies also served to transform what had been a seasonal movement of male workers into a settled population of families. Increasing the costs and risks of undocumented entry did not deter undocumented migrants from coming; perversely, it only discouraged them from going home once they were here. Having faced the gauntlet at the border, undocumented migrants were loathe to do so again and hunkered down for the long term. As a result of our militarization of the border, therefore, undocumented trips have lengthened and rates of return migration have plummeted. If the rate of in-migration remains stable while the rate of out-migration declines, only one outcome is possible demographically: a sharp increase in the net rate of undocumented population growth. In addition, as male migrants stayed away from home longer, they sent for their wives and children. Rather than constituting a circular flow of temporary male workers, Mexico-U.S. migration has become a settled population of permanent residents and their families, thus driving up the social and economic costs of immigration to American taxpayers. In sum, the American attempt to stop the flow of Mexican workers within a rapidly integrating North American economy has reduced the rate of apprehension at the border, raised the rate of death among migrants, produced longer trip lengths, lowered rates of return migration, increased the pace of undocumented population growth, and transformed what had been a circular flow of workers affecting three states into a settled population of families scattered throughout 50 states, all at the cost of billions of taxpayer dollars.

These are statements of fact, not opinion, as data from the Mexican Migration Project reveal. Figure 1 shows the shift to new crossing points and destinations during the 1990s. Figure 2 documents the tripling of the death rate among undocumented border crossers after the launching of the Border Patrol's Operation Blockade. Figure 3 shows the remarkable decline in the probability of apprehension after 1995. Figure 4 shows the relatively constant rate of in-migration that has prevailed since 1980 combined with the steadily falling rate of return migration. Figure 5 draws upon U.S. census data to show the inevitable result of declining rates of return in the face of constant rates of entry: a sharp acceleration in the rate of Mexican population growth after the middle 1990s.

Our border policies have thus given us the worst of all possible worlds: continued immigration under terms that are disadvantageous to us, harmful to American workers, and injurious to the migrants themselves. This lamentable state of affairs stems from our failure to come to terms with the contradiction of continental integration under NAFTA. Rather than viewing Mexican migration as a pathological product of rampant poverty and unchecked population growth, we should see it as a natural product of economic development in a relatively wealthy country undergoing a rapid transition to low fertility. Mexico is presently a one trillion dollar economy with a per capita income approaching \$10,000, 92% literacy, a total fertility rate of just 2.2 children per woman, and a population growth rate of just 1.2% per year. Rather than attempting to suppress the movement of workers back and forth across the border, we should bring the flows above board, legalize them, and manage them in ways that minimize the costs and maximize the

benefits for all concerned, putting us in a better position to protect American workers, lower the costs of immigration to taxpayers, and enhance the security of our nation. I believe the McCain-Kennedy immigration legislation moves us substantially in this direction and for this reason I support it as a scientist and member of the National Academy of Sciences, a dedicated citizen of the United States, and a concerned human being interested in the welfare of both immigrants and the American people