Salvador and Maribel Tejeda, immigrants from Honduras who have called the New Orleans area home for 33 years, are proud of the life they have built for themselves and their family in the United States. Through hard work and sacrifice, they raised two daughters, bought a comfortable home in the suburbs, and provide financial support to family members back in Honduras. Salvador coaches soccer for children and adults in their Jefferson Parish community. In May, Maribel will graduate from the University of New Orleans with a bachelor’s degree in accounting.

The Tejedas have achieved the “American Dream” that millions of undocumented immigrants living in the United States aspire to. And like the majority of those undocumented immigrants, Salvador and Maribel Tejeda first crossed the U.S. border without authorization. Their lives as undocumented immigrants took a dramatic turn for the better when they were provided the chance to legalize their status and eventually become U.S. citizens through the Immigration Reform and Control Act (IRCA) signed into law by President Ronald Reagan in November 1986.

IRCA was the first large-scale legalization program in U.S. history. Approximately 1.6 million individuals legalized their status through the general amnesty provisions of the law and an additional 1.1 million legalized through IRCA’s provisions for special agricultural workers. IRCA had its roots in a bill Senator Ted Kennedy (D-MA) steered into passage in 1978 that created a high-level bipartisan commission, the Select Commission on Immigration and Refugee Policy, which was chaired by the president of the University of Notre Dame, Fr. Theodore Hesburgh.

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The Tejadas enjoy spending time with their granddaughter, Nicolette.

In February 1981, the Hesburgh Commission announced several recommendations for reforming the nation’s immigration system, including amnesty for unauthorized immigrants, enactment of penalties on employers who hired unauthorized immigrants, and a modest increase in legal immigration quotas. Soon after, President Reagan embraced the Hesburgh Commission’s recommendations and, in March 1982, Commission Members Senator Alan Simpson (R-WY) and Representative Romano Mazzoli (D-KY) introduced the first version of IRCA (also known as the Simpson-Mazzoli Act) in Congress.3

In its long and rocky road to enactment, several compromise measures had to be crafted for the bill to pass. To satisfy both growers and farmworker rights advocates, special legalization categories for agricultural workers were enacted. To ameliorate employer concerns that they would become de facto immigration inspectors, employers simply had to maintain a record (I-9 form) demonstrating they had asked for and examined one or two documents from a wide range of documents deemed acceptable in establishing applicant identity and work authorization. States’ concerns for the costs associated with immigrant integration were met with State Legalization Impact Assistance Grants to pay for basic health and education services, including English and civics classes, for IRCA beneficiaries.4

The general amnesty component of IRCA allowed undocumented immigrants who had been continuously present in the United States since January 1, 1982, to apply for temporary, and later permanent, legal status if they could pass a background check and prove their time of residency in the United States. To achieve permanent legal status, amnesty applicants had to pay a fine, come up to date on taxes, and pass a U.S. civics and English proficiency test.

Several key components of the law have been blamed for IRCA’s failure to end unauthorized immigration in the United States. The I-9 system is said to have led to the proliferation and widespread use of fraudulent documents that deeply compromised the law’s enforcement purpose. The federal government was also unsuccessful in enforcing and prioritizing employer sanctions codified in the law. By not providing a means to legalize immigrants who entered after the January 1, 1982, deadline, many settled in the United States in illegal status. One of the greatest failings of IRCA was how it did not address the dynamic nature of U.S. immigration needs.

When a growing economy demanded more low-skilled workers in the 1990s and early 2000s, there were no legal means to address the need. By 2007, undocumented immigration peaked at 12 million.5 Often left out in discussions on unauthorized immigration is how U.S. policies have failed to adequately address the root causes (push factors) of migration—including widespread economic disparity and growing violence and lawlessness in major sending countries—and what role the United States has played in creating such destabilizing conditions.

Salvador Tejeda first heard about the opportunity to receive amnesty through IRCA while watching television. He and Maribel immediately started collecting the required documentation for what they considered a straightforward process.6 The Tejedas found that in 1986 the three most important sources of information about the amnesty program were Spanish language television, Spanish language radio talkshows featuring immigration lawyers, and their priests at church. Salvador said, “We believe it when the Church tells us something. We know it’s going to be truthful. It is really important that the Church gets involved [in providing information on possible legalization in 2013].”

Research has shown that individuals who gained legal status in the 1980s through IRCA have experienced substantial improvement in their socioeconomic status. A U.S. Labor Department Survey found that workers legalized under IRCA experienced a 15 percent rise in average hourly wage after four to five years.7 Another study found that while the home ownership of IRCA immigrants aged 16–24 in 1990 was only 55 percent of native-born Americans the same age, by 2007 IRCA immigrants had achieved home ownership at almost the same rate of their native-born counterparts.8 Salvador and Maribel exemplify such positive outcomes. When Salvador first arrived in the country in 1980, he was a construction worker and accepted “whatever they were willing to pay.” Now he is an Electrician First Class at the Avondale Shipyards. Maribel has been cleaning homes since she arrived in the United States in 1981, but soon hopes to find employment as an accountant. They bought their house in Metairie in 1994. During my visit there on a bright Saturday morning in late January, two workers from Mexico were building a patio in their spacious back yard. Maribel told me as she was making them lunch, “They work so hard!”

Although the vast majority of Latino immigrants favored the Democratic ticket in the last presidential race, the Tejedas are dedicated Republicans. They were surprised and disappointed to learn that one of their favorite elected officials, Senator David Vitter (R-LA), has come out against legalization for undocumented immigrants. David Vitter was the first person Maribel remembers voting for after she became a U.S. citizen. When I asked Maribel what she would say to lawmakers about legalizing undocumented immigrants, she said, “Just give them an opportunity. Just be more open. Most of us came here for a better future—to add to this country, not subtract.” Salvador added a security argument for legalization: “When you become legal, they know where you live—you get a Social Security number and pay your taxes. Otherwise, they don’t know who you are.”

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Maribel told me she thinks the Republican Party is a natural fit for most immigrants, because, as she explained, “Republicans support hard workers.” To gain the support of more immigrants, Maribel said that Republican leaders “need to communicate more with immigrants and get involved with the [immigrant] community.” Salvador added, “If you always go against people, they will go against you.”

Though some might argue that IRCA was a failure, families like the Tejedas would vehemently disagree. “I love this country,” Maribel said with her voice cracking with emotion, “This [amnesty] is the best thing that happened to us. I love the people. I am so grateful.”

ENDNOTES

1 Based on March 2005 Current Population Survey and Department of Homeland Security reports, the Pew Hispanic Center estimates that 52 to 58% of the estimated total unauthorized population in 2006 entered the U.S. illegally without inspection from U.S. border authorities: www.pewhispanic.org/2006/05/22/modes-of-entry-for-the-unauthorized-migrant-population/


3 Ibid.


5 Chishti, Meissner, and Bergeron, op. cit.

6 Unlike approximately 21 percent of applicants, the Tejedas did not file their application through a Qualified Designated Entity (QDE). QDE’s included hundreds of community organizations authorized through IRCA to provide education, outreach, and application assistance to immigrant communities and to submit applications for amnesty on behalf of immigrants to the INS. Many of the more than 210 immigration legal services programs currently served by the Catholic Legal Immigration Network, Inc. (CLINIC) can trace their roots to the IRCA era.


8 Rob Paral & Associates, “Economic Progress Via Legalization: Lessons from the Last Legalization Program,” Immigration Policy Center, November 2009 at www.immigrationpolicy.org/special-reports/economic-progress-legalization-lessons-last-legalization-program/. This study defines “IRCA immigrants” as Mexicans who arrived in the U.S. between 1975 and 1981. They justify using Mexican immigrants as a proxy for IRCA immigrants because many of the Mexican immigrants who entered the U.S. in that time period were undocumented and approximately 75% of IRCA beneficiaries were from Mexico.