

What We Know About Unauthorized Migration

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Abstract

Unauthorized migration has been an important issue for decades. Because much has changed about this type of migration in the past two decades, this review takes stock of recent scholarship. These studies reveal a new complexity in the unauthorized migration in the early twenty-first century. First, compared with the past, unauthorized migration is more diverse. Whether based on gender, age, or how people enter, there is considerable heterogeneity in the unauthorized migrant population. Second, nation-states approach the issue of unauthorized migration differently than in the past, a fact that has increased the size and prominence of the unauthorized population and is related to the emergence of scholarship emphasizing the social construction of immigrant legal status.

INTRODUCTION

Unauthorized migration has been an issue of great importance for decades. This is evident in many literature reviews and manuscripts published on the topic. Yet because much has changed about this type of migration in the past two decades, it is time—once again—to take stock. Until the early 1990s, most studies focused on the size of the population and described its characteristics. Since then, however, scholars from various disciplines have written about the topic, public policy makers worldwide have become increasingly aware of the population, and the larger media context in which we live regularly depicts undocumented migration as much more than the sum of its parts.

Accordingly, this review focuses on recent studies that reveal complexity in unauthorized migration in the early twenty-first century. It is both an individual attribute and an aggregate process in which the principal actors are defined as illegal, unauthorized, irregular, and/or undocumented.¹ Unauthorized migration to the United States involves not only single men but women, children, and families, and not only Mexican and other Latin American immigrants but those from Asia, the Middle East, and Africa. Although being unauthorized is a social and legal construction, it is one with serious consequences for migrants' life chances (Massey 2007) as well as for origin and destination countries more generally.

In this review, we survey findings from prior studies and ask what is new about unauthorized migration. This body of work suggests two important shifts that we use below to organize this scholarship. First, compared with the past, unauthorized migration has become more diverse. Whether based on gender, age, or how people enter, there is considerable heterogeneity in the unauthorized migrant population. Second, nation-states approach the issue

of unauthorized migration differently than in the past, a fact that has increased the size and salience of the unauthorized population and is related to the emergence of scholarship emphasizing the social construction of immigrant legal status.

Throughout this review, we have several objectives. Our focus is on unauthorized migration to and in the United States because it is the largest destination for migrants worldwide. However, wherever possible we reference studies on unauthorized migration elsewhere as a way to help bridge the scholarship divide between the United States and other continents. Moreover, we review studies across a variety of disciplines that contribute to an understanding of undocumented migration as a social construction involving individual migrants as well as institutional actors and interests. Finally, we rely on Espenshade (1995) as a starting point and emphasize studies published since the early 1990s. By adhering to these objectives, we aim to be as clear as possible and hope to avoid the highly charged debates now evident in many discussions about unauthorized migration.

CHANGES IN THE UNAUTHORIZED POPULATION

Since 1990, unauthorized migration has grown, and in some important ways it has become a more diverse process. As mentioned above, the unauthorized migrant population displays considerable heterogeneity demographically and in the means of entry into the receiving country. Moreover, the experience of unauthorized status in immigrant families is itself diverse: Many families contain mixed legal statuses, with U.S.-born children and unauthorized foreign-born parents. Below we describe the size of the unauthorized population and how its characteristics have shifted.

Current estimates of the unauthorized population have come a long way from those estimated several decades ago. In the 1970s and 1980s, many studies relied on apprehensions data to understand the flows of the unauthorized into the United States, even though they

¹Many terms are used to describe foreign-born persons who enter, reside, and/or work in a country without legal permission to do so. Although no term is perfect, in this review we use "unauthorized" to describe people living and/or working in countries without formal legal status.

were “conceptually inappropriate” because they described those who failed rather than succeeded in crossing the border (Espenshade 1995, p. 198). Some, such as Massey & Singer (1995), attempted to move beyond a reliance on apprehensions data. Using data from the Mexican Migration Project, they estimated the probability of apprehension among Mexicans attempting to cross and then used it to generate estimates of the net undocumented flow into the United States.² Unfortunately, however, they were unable to adjust for the death of undocumented migrants while in the United States or for legal status changes that resulted from U.S. immigration law, including those related to the 1986 amnesty provisions.

Arguing for analytical rather than speculative estimates, Passel (1986) developed an approach based on a residual method that adjusts for migrant mortality (Bean et al. 1983, Passel & Woodrow 1984, Warren & Passel 1987, Passel 1986). Since then, Passel’s estimates of unauthorized migration in and to the United States have become widely cited and accepted. The newest estimates reflect refinements in the residual method by using data from the Current Population Survey and estimating the proportion of persons who left housing units over a 16-month period and therefore were not among those present in follow-up interviews (Van Hook et al. 2006). We present Passel’s newest estimates below.

Since 1990, Passel and colleagues have documented a dramatic increase in the size of the unauthorized population in the United States (3.5 million in 1990, 8.4 million in 2000, 11.1 million in 2005) (Passel & Cohn 2009, Hoefler et al. 2009). Since then, estimates peaked in 2007 at 12 million and then declined to 11.1 million (or 28% of the total foreign-born population) in 2009, due to a drop in the annual flow into the United States (Passel & Cohn 2010). Despite the recent decline, the

number of unauthorized immigrants still grew 32% between 2000 and 2009.

In 2009, the unauthorized immigrant population consisted of more adult men than women, between the ages of 15 and 59 (Passel & Cohn 2010). Mexico was the top country of origin, followed by El Salvador, Guatemala, Honduras, the Philippines, and India. Although dispersed throughout the United States, the majority lived in new and established destination states: California, Texas, Florida, New York, Illinois, Georgia, and Arizona. Yet reliance on average profiles alone masks important shifts between 2000 and 2009. During the first decade of the twenty-first century, for example, the number of adult men and women who were unauthorized immigrants grew by 48.7% and 31.2%, respectively. Adult men increased from 3.9 to 5.8 million and adult women from 3.2 to 4.2 million between 2000 and 2009. In contrast, estimates of the numbers of unauthorized children declined from 1.6 to 1.1 million during the same period.

With respect to children, approximately 5 million lived in households with at least one unauthorized immigrant parent in 2009 (Passel & Cohn 2010). Of that, 4 million were U.S. born and approximately 1 million were born abroad and unauthorized. Moreover, although growth stabilized by 2008, the population of children with at least one unauthorized immigrant parent was 42% larger in 2009 than in 2000 (when it was 3.6 million). Of this population, the number of U.S.-born minors of unauthorized immigrants nearly doubled, and the number of foreign-born children of unauthorized parents declined, between 2000 and 2009. As a result, the share of children whose parents are unauthorized immigrants but who were themselves born in the United States has rapidly grown (from 57% in 2000 to 79% in 2009).

Growth in the unauthorized adult population has consequences for the labor force. In 2009, 7.8 million unauthorized immigrants were in the labor force, representing 5.1% of the total U.S. labor force (Passel & Cohn 2010). This reflects growth from 2000 to 2007,

²Massey & Singer (1995) estimated a chance of apprehension (approximately 1 in 3) consistent with other studies (Crane et al. 1990, Espenshade 1990, Kossoudji 1992).

when the population rose to 8.4 million people; thereafter it declined. Approximately 93% of working-age unauthorized immigrant men were in the labor force in 2009 and 58% of comparably aged women.

One final change in the unauthorized population relates to national origin. During the last decade, the unauthorized became increasingly concentrated from Mexico. Between 2001 and 2009, unauthorized Mexicans grew from 4.8 million to approximately 7 million. In contrast, the share of unauthorized from other national origins in Latin American, Asia, Africa, Europe, and Canada did not increase during the same period. The result is that Mexicans represented approximately 60% of the unauthorized population in 2009.

To sum, the population of unauthorized migrants is demographically complex in the early twenty-first century. In contrast to the iconic single male searching for employment, there are clear signs that unauthorized migration has become a family affair, with more adult men and women and many mixed-status families that include children. At the same time, the unauthorized remain strongly tied to the U.S. labor force and originate largely from Mexico—two attributes that have described the unauthorized population for decades.

SHIFTS IN APPROACH

As we suggest below, growth and heterogeneity in the unauthorized population have set the context for substantial scholarship about the salience of legal status and how it extends well beyond individual migrants. Studies analyze legal status across a variety of spatial scales, from the individual to the household and up to the national and global. In addition, they point to how legal status operates in the lives of migrants and their families, in workplaces, and in nation-states and their legal and political systems.

In this section, we review studies that examine how the U.S. government has approached the issue of unauthorized migration. As we demonstrate below, studies reveal a sharp difference in the national approach taken toward

unauthorized migration in the past several decades. The turning point was 1986, when the U.S. Congress passed the Immigration Reform and Control Act (IRCA) designed to curb undocumented migration.

Policies and Their Aftermath

Until the late 1980s, immigration enforcement was concentrated exclusively at the border. Unauthorized migrants were captured either as they crossed the border or soon thereafter (Espenshade 1990). Studies of unauthorized migration largely relied on border apprehension statistics from the U.S. Border Patrol, even though these data were inappropriate because they included the number of attempted border crossings as well as rates of apprehension and enforcement efficiency (Espenshade 1995, White et al. 1990). In general, studies described the U.S. Immigration and Naturalization Service (INS) as simultaneously exerting and avoiding control at the border. In a game of cat and mouse, the Border Patrol arrested migrants and then deported them back to Mexico, permitting them to enter again (Chavez 1992, Kossoudji 1992, Durand 1994, Singer & Massey 1998). Under this scenario, being apprehended had few consequences. In fact, the number of attempts was usually one greater than the number of apprehensions, and all migrants simply tried to enter until they succeeded (Donato et al. 1992b).

The landscape began to shift in the 1980s, with three important developments. First, with the commencement of President Reagan's war on drugs, the U.S. military began collaborating with the U.S. Border Patrol on domestic law enforcement (Dunn 2001). Despite different foci for the military and the Border Patrol, with the former "seeking out and destroying an enemy" and the latter's emphasis "on the legal system and due process considerations" with largely "nonthreatening immigrants," the collaboration meant that the Border Patrol now assisted the military and police in various activities at the border (Dunn 2001, p. 9). At approximately the

same time, the U.S. government began passing down responsibilities and aid to states and their localities to develop policies related to welfare reform, taxes, and more recently, immigration control. Known as the devolution of federal responsibility to states (Liner 1989), giving states more responsibility in policymaking represents an important development in the 1980s and, as we document below, subsequently permitted the emergence and perpetuation of immigration control in states and cities across the United States.

The final development occurred in 1986 when Congress passed IRCA, the first legislation designed to control undocumented migration. IRCA increased funding for enforcement, offered amnesty to migrants already resident in the United States, and established employer sanctions against those who knowingly hire undocumented migrants. By 1989, IRCA resulted in approximately 3 million recipients of amnesty (Bean et al. 1990). Although in theory it bridged all sides of the debate, sponsors of the bill crafted employer sanctions in a largely symbolic way, making it possible for employers to find and exploit loopholes and continue the practice of hiring illegal workers (Calavita 1992). Similarly, Donato & Carter (1999) reported that IRCA often had opposite, contradictory effects even though it was designed to reduce unauthorized migration. One important consequence was that unauthorized migrants experienced deteriorating labor market conditions after 1986 (Donato et al. 1992a, 2005; Donato & Massey 1993).

In the early 1990s, the INS decided to develop public support by concentrating enforcement at highly visible border entry points and allocating new funds to internal enforcement. New programs such as Operation Gatekeeper in San Diego County, California, and Hold the Line in El Paso, Texas, meant more border enforcement personnel, technologically sophisticated detection equipment, and construction of physical barriers (Bean et al. 1994, Dunn 1996, Nevins 2002). Correspondingly, the number of deportable aliens grew. Compared with slightly more than 900,000 in 1989, the number grew to

more than 1.3 million in 1993 and to 1.8 million in 2000 (Hoefer et al. 2009).

As a result, unauthorized migration became more risky as migrants faced higher costs, including injury and death, because they crossed in remote areas (Eschbach et al. 1999, 2001; U.S. Government Accountability Office 1999; Cornelius 2001; Massey et al. 2002). These higher risks led migrants to stay longer in the United States and to return home less frequently (Kossoudji 1992, Espenshade et al. 1997, Reyes et al. 2002, Massey et al. 2002), yet increased enforcement did not affect the chance of migrating from Mexico (Singer & Massey 1998, Donato et al. 2008, Massey & Riosmena 2010). With fewer unauthorized migrants regularly traveling back to their origins and sustained strong inflows of new migrants, the size of the unauthorized population in the United States grew dramatically (Massey et al. 2002).

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Acts. These laws strengthened some of the provisions that first appeared as part of IRCA, expanded the number of crimes for which all migrants could be deported, permitted the retroactive application of laws so that previous offenses also led to deportation, and removed the right to appeal deportation orders via judicial review. It also permitted cooperation between federal immigration authorities and local/state law enforcement via IIRIRA's 287(g) provision. Thus, the shift toward the criminalization of immigrants began (Simon 1998, Miller 2002, Welch 2003, Stumpf 2006).

After the 9/11 terrorist attacks, immigration control became inextricably linked to national security, and deportations related to internal removals (not apprehensions at the border) dramatically increased. Enforcement also expanded to local actors (Coleman 2007). The Department of Homeland Security Immigration and Customs Enforcement (ICE), created in 2002, used legislative tools from the 1996 laws to work with localities to check the legal status of immigrants. As a result, in 2009 approximately 350,000 deportable immigrants

were housed in detention facilities, and more than 60% arrived after immigration checks at federal, state, and local jails (Schriro 2009). Studies document that deportees do not have the usual right to legal counsel (Miller 2002), they are often housed with general inmates in state and municipal jails (Hernández 2006), and they are subject to excessive use of force by local and federal law enforcement authorities (Phillips et al. 2006).

Another consequence of the shift in enforcement to localities relates to crime reporting behavior by immigrants themselves. Garcia (2010) evaluated migrants' crime reporting behavior in California communities with and without 287(g) agreements and found that both authorized and unauthorized immigrants were less likely to report crimes to the police in localities with a 287(g) program because doing so might lead to deportations. This finding is also supported by police reports on the topic (Appleseed Found. 2008, Shahani & Greene 2009, Weissman et al. 2009, Nguyen & Gill 2010).

Going Local

As the nation's approach to the treatment and handling of unauthorized migration shifted toward restriction, criminalization, and deportation, studies began to interrogate the growing participation of state and local governments (Spiro 1997, Pham 2007, Coleman 2007, Varsanyi 2010, Varsanyi et al. 2010). Studies describe contemporary immigration control as governed by the devolution of authority whereby local actors become involved in determinations of an immigrant's legal status. This idea has also been discussed in Europe to describe how the nation-state brings in more local actors to monitor immigration (Lahav 1998, 2000; Money 1999; Guiraudon & Lahav 2000; Van der Leun 2003, 2006; Lahav & Guiraudon 2006; Lavenex 2006; Ellermann 2009).

In addition to the devolution of federal immigration authority, states and local governments are increasingly creating immigration policies that lack federal approval (Arizona's SB

1070 is one example). Along these lines, studies suggest that subnational and restrictionist anti-immigrant policies are more likely to emerge in Republican areas (Chavez & Provine 2009, Ramakrishnan & Wong 2010). In addition, Hopkins (2010) finds that local anti-immigrant policies are most likely in communities that experienced a sudden growth in the immigrant population and when national rhetoric about immigration is most salient and threatening.

As a result of the local politicization of immigration, scholars have become interested in understanding how local law enforcement responds to unauthorized immigrants. Decker et al. (2009) found substantial variation in officers' inquiries about immigration status by whether cities and/or police departments had policies about unauthorized migrants. In particular, when cities had no official city or police policy, there was greater variation in enforcement practices. Armenta (2010) also documents variation in how officers respond to immigration according to the police department's institutional culture and whether police view unauthorized immigration status as a crime they are required to enforce. Another study of three cities in the Phoenix, Arizona, area described ordinances that prohibit soliciting employers for work in public areas, a process described as immigration policing "through the back door" (Varsanyi 2008, p. 29).

Some studies describe how federal policies are differentially implemented depending on local political pressure. For example, Wells (2004) shows how informal agreements between city officials and INS employees resulted in practices that were less restrictive than mandated federal policies. Her study describes how raids on employers led to the arrest and detention of unauthorized immigrants, but as a result of community pressure, the INS then narrowed its efforts to focus only on finding those with felony convictions. Ellermann (2009) documents variation in the capacity of bureaucrats to deport migrants. In Germany, immigration bureaucrats are more insulated from external pressures than in the United States, where publicly elected officials pressure bureaucrats

not to implement deportation orders, making it difficult for them to comply with federal policy. In the Netherlands, Van der Leun (2003) describes variability in how employees in different sectors implement national policies toward illegal migrants. For example, police officers who worked in immigration enforcement were selective and pragmatic about whom to detain and deport. Moreover, workers in education and health sectors found loopholes in the law and provided services to undocumented immigrants, contradicting policy directives.

The Social Construction of Legal Status

As the nation's approach to unauthorized migration has shifted, scholars have become more likely to recognize that legal status is both dynamic and relational and, by definition, socially constructed. This is not to say that the studies focusing exclusively on migrants in one category of legal status, such as highly skilled or temporary agricultural migrants with work permits, have disappeared, but scholars of the work we review below have pointed to shortcomings in these forms of emphasis. Therefore, although studies that compare authorized to unauthorized migrants may yield interesting differences, those that treat legal status only as a dichotomous variable may help to reify illegality rather than understand it as a social construction.

The studies we review define authorized and unauthorized statuses in relation to each other, as other important categories of social stratification often are. In addition, the studies incorporate a dynamic component whereby legal status distinctions shift and depend on where migrants reside, the time period of entry and residence, and the immigration legacy and policymaking specific to that place and time. Studies suggest that unauthorized as well as authorized migrants have become aware of the fluid and contextual nature of their status as they attempt to integrate in their destinations without full access to the rights and privileges of native-born populations.

In this section, we describe findings from these studies, and by doing so, we map a multidisciplinary shift in scholarship that identifies unauthorized migration as a dynamic social construction that involves institutional actors and that changes over time. As we describe below, most scholars define and/or assume unauthorized status using a framework that emphasizes difference and fluidity. We begin by examining citizenship studies that have long defined immigrants and the unauthorized based on who they are not (Calavita 2005) and illustrate how immigration policies design nations and their members (Zolberg 2006). We then review findings from studies that move beyond a binary conceptualization of legal status. Finally, we review studies that document shifts in unauthorized status contingent not just on time but also on place.

Many prior studies of citizenship have implicitly included unauthorized migrants by emphasizing immigrant difference (see Calavita 2005).³ Early theoretical studies attempted to understand the citizen-member in relation to the immigrant-outsider (see Simmel 1950, Carens 1987, Bourdieu 1991, Brubaker 1992, Honig 2001). The dichotomy—between foreigners and citizens or between partial and full members of society—includes the unauthorized. Recent studies conceive of citizenship in a more substantive way, as offering rights, political participation, identity in a national community, and legal status. Within this body of work are two groups of studies that offer “competing ideas” about citizenship in the twenty-first century (Calavita 2005, p. 16) and establish unauthorized migrants as the “prototypical marginalized workers” (Calavita 2005, p. 15).⁴

One group of studies blurs the lines between foreigners and citizens and argues that the meaning of citizenship has shifted. They

³In this section, we draw heavily from Calavita's (2005) review of citizenship studies.

⁴Empirical studies on migrant labor also describe low-skilled migrant workers as marginal, unauthorized and likely to work in the informal sectors of national economies (see Piore 1979, Castles & Kosack 1973, Cornelius & Bustamante 1989).

suggest a narrowing of the difference between citizen and noncitizen (Soysal 1994, Hollifield 1992); recognition of a continuum of membership among citizens, authorized and unauthorized migrants (Schuck 1998, Cohen 1991, Brubaker 1992); and a citizenship that goes beyond the boundaries of nation-states (Ong 1999; Bloemraad 2000, 2006; Wimmer & Glick Schiller 2002, 2003).

The other group of studies emphasizes the limits of citizenship and argues that it is bounded by nationality (Bosniak 2000, 2006). Therefore, because it varies across time and space, unauthorized status is subject to national contexts. Nonetheless, unauthorized migrants who are technically not citizens may still be granted rights and membership because they are present in the same time and space as other immigrants (Bosniak 2006). The unauthorized may also be urban citizens in which access to voting in local elections, state drivers' licenses, in-state tuition, and political participation grants them membership in the local polity (Varsanyi 2006).

Rather than focus on citizenship, other studies are more ethnographic and describe the process of obtaining legal status. One early examination is by Hagan (1994), who argued that becoming legal was stratified by gender. Based on field work in Houston, Hagan found that Maya women were less likely than men to fulfill the requirements for IRCA's amnesty program. Women's decisions to apply for amnesty depended on their jobs, marital status, social networks, and length of residence. Those most successful were married and had more access to their husband's social networks and the information these networks provided.

Coutin (2000) also describes the legalization experience, but she focuses on Salvadoran immigrants after they arrived in the United States in the early 1980s. Her findings underscore how the legal process and immigration law affect migrants whose legal status only became relevant at certain points, i.e., when encountering an immigration official or changing jobs. Therefore, on a day-to-day basis, the separation between those with and without legal status was blurred,

but when having to navigate the legal system, migrants moved into "nonexistence" (Coutin 2000, p. 40).

New work attempts to estimate the prevalence of immigrants shifting from unauthorized to authorized status. Jasso et al. (2008), relying on the New Immigrant Survey and administrative data, reported significant numbers of immigrants who obtained legal status despite previous illegal experience. Of the new legal immigrants in 1996, approximately 19% of the cohort entered without inspection, another 12% overstayed visas, and 11% worked without authorization. Moreover, of those with illegal experience, 61% were entries without inspection and 38% overstayed visas.⁵ That almost one-third of new legal immigrants in this cohort "overcame illegality" with assistance from a wide swath of actors suggests more tolerance toward illegality than we might expect given restrictive politics and policies (Jasso et al. 2008, p. 841).

Other studies also disaggregate unauthorized status by describing the paths into and out of various forms of legality. In Europe, typologies of irregular migration include legal and illegal entry, legal and illegal residence, and legal and illegal employment. Together they combine to produce different forms of irregularity (Tapinos 2000, Van der Leun 2003). Goldring and colleagues (2009, p. 239) describe the precarious status of immigrants in Canada who have different forms of "irregular status and illegality." In Germany, unauthorized foreigners may be tourists from Eastern Europe who then find temporary work in agriculture, construction, or services (Martin 2004). That some unauthorized immigrants arrive legally and then stay and work without authorization also occurs in the United States. Out of approximately 6 million unauthorized young adults aged 18–34 in 2008, 40% of them entered with authorization and overstayed their visas (Hoefler et al. 2009).

⁵This estimate is consistent with data from the U.S. Department of Homeland Security (2002).

Menjívar (2006) illustrates the fluidity of legal status. She uses the concept of liminal legality to describe the impact of Temporary Protective Status (TPS), an in-between status that allows Salvadoran and Guatemalan immigrants to live and work legally in the United States for designated periods of time because conditions in their countries of origin prevent them from returning home safely (Menjívar 2006, p. 1000). Even though TPS benefits are frequently extended, each extension requires that migrants navigate a bureaucratic application process that does not lead to legal residence, resulting in permanent temporariness (Bailey et al. 2002).

Studies also suggest that what unauthorized status means and how it is experienced vary across the life course. For example, although unauthorized children have universal access to public education up through high school, as they transition into young adulthood undocumented youth face significant obstacles (Abrego & Gonzales 2010). These include smaller everyday inconveniences as well as major barriers such as severely limited prospects for employment, the lack of access to federal financial aid to attend college, and state mandates to pay nonresident tuition because universities define these students as international. Moreover, even with a college education, unauthorized young adults face a limited set of employment options.

De Genova (2002) interrogates the concept of migrant illegality rather than examining the effects of unauthorized status. His emphasis is on how migrant illegality is legally produced. Similarly to Ngai (2004), he argues that the foundations for contemporary illegality are rooted in the 1965 Immigration and Nationality Act amendments. It abolished national origin quotas but, at the same time, set country limits on the number of visas, an action that helped to drastically reduce the number of visas available to Mexicans, the largest national origin immigrant group in the United States. Moreover, based on studies that examine the everyday lives of unauthorized migrants, De Genova (2002, p. 429) concludes that immigration law has created unauthorized status to

include, rather than exclude, undocumented migrants under conditions of “enforced and protracted vulnerability.” Calavita (1998) came to similar conclusions when examining immigration laws in Spain, arguing that immigration laws control the lives of immigrants rather than controlling immigration. Because of the way Spanish immigration laws were written, it is almost impossible for people to maintain regular status; for example, work visas lasted for nine months but could only be renewed one year after they were issued. Laws in Spain ensure that the nation had a ready supply of exploitable workers who inevitably slip into irregularity. Therefore, there is nothing accidental about the illegality of undocumented migrants.

To sum, shifts in the U.S. government’s approach to unauthorized immigration have generated a body of scholarship that examines the unauthorized migrant in relation to the authorized citizen and analyzes shifts into and out of unauthorized status. Most studies recognize that U.S. immigration laws are both national and local and help to construct legal status categories that are not fixed entities. Therefore, recent studies reveal that legal status is a dynamic social construction that extends well beyond a binary concept, rooted in the production of laws with wide-ranging effects that are mediated via other social and economic mechanisms.

FUTURE RESEARCH

Our review of prior studies reveals an inextricable link between immigration laws and the production of unauthorized status in the United States. One obvious question for future research to consider is how this relationship affects the incorporation of immigrants in the first half of the twenty-first century. What does the relationship mean for the lives of immigrants, especially during a period of economic contraction? More specifically, how do immigrants manage the rising fear and risk of deportation given increased immigration enforcement efforts? How will family members share these risks, as suggested by new institutional economic theory (Stark 1991), and in

what ways? Have unauthorized immigrants become even more marginal in U.S. society, and if so, what consequences might that have for the many children of unauthorized parents who represented close to 7% of students enrolled in U.S. elementary and secondary schools in 2008 (Passel & Cohn 2009)? And are U.S.-born children living with unauthorized parents better or worse off than foreign-born children with authorized parents?

Future work must also investigate the consequences for unauthorized migrants at different points in the life course. What effect does unauthorized status have for the transition into adulthood? Testimonies from young adults supporting passage of the Dream Act suggest massive consequences of not offering them an opportunity to regularize their status (Gonzalez 2011). For unauthorized adults working full-time, their legal status often means no health insurance because the unskilled jobs they have do not offer such benefits. At retirement, unauthorized status means no access to social security benefits, even though most migrants pay into the system. They are also less likely to have private retirement benefits because the unskilled jobs they will retire from do not offer such benefits. What effects will such consequences of unauthorized migration have for poverty and economic and social mobility?

Among the important topics that future research must continue to address are local responses derived from the strong link between laws and the production of unauthorized status. Studies of local responses must occur at different spatial scales, from the individual, to the institution, to the global. New work suggests varying responses to immigrants

across institutions such as schools, libraries, hospitals, and police departments. Described as a process of bureaucratic incorporation, studies suggest that some institutions have been substantively more responsive to the needs of Hispanic newcomers than expected based on immigrants' political power (Jones-Correa 2007, Lewis & Ramakrishnan 2007, Marrow 2009). Nonetheless, expanding internal enforcement into communities across the United States has led to large-scale disruptive effects on immigrant families (Hagan et al. 2010).

Together, the studies reviewed here suggest a context of reception that is more complex and contradictory for unauthorized migrants than in the past. For example, unauthorized migrants are protected by U.S. labor laws, can pay federal taxes each year with a tax identification number, and if they are children, have rights to a public education. Moreover, many cities provide sanctuary and/or have organizations that help immigrants despite their unauthorized status. Yet at the same time, the federal government does not offer them a path to regularize their status, most states exclude them by restricting access to drivers' licenses, localities implement 287(g) programs, and some local actors find ways to exclude immigrants even without the authority to do so. Because at the time of this writing the U.S. polity displays limited political will to address these contradictions, they are likely to persist in the short run, despite the large-scale mobilization of immigrants in 2006. However, in the long run, after Congress passes successful comprehensive immigration reform, we expect that the process of unauthorized migration and the lives of unauthorized migrants and their families will dramatically change.

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