

Immigration Reform and Control Act of 1986

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The **Immigration Reform and Control Act** (IRCA), also **Simpson-Mazzoli Act** (Pub.L. 99-603, 100 Stat. 3359, signed by President Ronald Reagan on November 6, 1986) is an Act of Congress which reformed United States immigration law. The Act made it illegal to knowingly hire or recruit illegal immigrants (immigrants who do not possess lawful work authorization), required employers to attest to their employees' immigration status, and granted amnesty to certain illegal immigrants who entered the United States before January 1, 1982 and had resided there continuously. The Act also granted a path towards legalization to certain agricultural seasonal workers and immigrants who had been continuously and illegally present in the United States since January 1, 1982.^[1]

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Legislative background and description

Romano L. Mazzoli was a Democratic representative from Kentucky and Alan K. Simpson was a Republican senator from Wyoming who chaired their respective immigration subcommittees in Congress. Their effort was assisted by the recommendations of the bipartisan Commission on Immigration Reform, chaired by Rev. Theodore Hesburgh, then President of the University of Notre Dame. The law criminalized the act of knowingly hiring an illegal immigrant and established financial and other penalties for those employing illegal aliens under the theory that low prospects for employment would reduce illegal immigration. It introduced the I-9 form to ensure that all employees presented documentary proof of their legal eligibility to accept employment in the United States.

These sanctions would only apply to employers that had more than three employees and that did not make a sufficient effort to determine the legal status of their workers.

The first Simpson-Mazzoli Bill was reported out of the House of Senate Judiciary Committees. The bill failed to be received by the House, however, where civil rights advocates were concerned over the potential for abuse and discrimination against Hispanics, growers' groups rallied for additional provisions for foreign labor, and the Chamber of Commerce persistently opposed sanctions against employers.

The second Simpson-Mazzoli Bill finally passed both houses in 1985, but it came apart in the conference committee over the issue of cost. This year marked an important turning point for the reform effort. First, employer opposition to employer sanctions began to subside, placated at least in part by the "affirmative defense" clause in the law which explicitly releases employers from any obligation to check the authenticity of documents presented to them. Second, agricultural employers shifted their focus from opposition to employer sanctions to a concerted campaign to secure alternative sources of foreign labor. As opposition to employer sanctions waned and growers' lobbying efforts for extensive temporary worker programs intensified, agricultural worker programs began to outrank employer sanctions component as the most controversial element of reform.

The following year, Senator Simpson reintroduced the bill that Congressional opponents were now calling "The Monster from the Blue Lagoon". By September, this Senate version had already passed.

Effect upon the labor market

According to one study, the IRCA caused some employers to discriminate against workers who appeared foreign, resulting in a small reduction in overall Hispanic employment.^[2] Another study stated that if hired, wages were being lowered to compensate employers for the perceived risk of hiring foreigners.^[3]

The hiring process also changed as employers turned to indirect hiring through subcontractors. "Under a subcontracting agreement, a U.S. citizen or resident alien contractually agrees with an employer to provide a specific number of workers for a certain period of time to undertake a defined task at a fixed rate of pay per worker".^[3] "By using a subcontractor the firm is not held liable since the workers are not employees. The use of a subcontractor decreases a worker's wages since a portion is kept by the subcontractor. This indirect hiring is imposed on everyone regardless of legality".^[3]

References

- [^] Coutin, Susan Bibler. 2007. Nation of Emigrants. Cornell University Press, Ithaca, NY. pg 179
- [^] Lowell, Lindsay; Jay Teachman; Zhongren Jing (November 1995). "Unintended Consequences of Immigration Reform: Discrimination and Hispanic Employment" (<http://links.jstor.org/sici?sici=0070-3370%28199511%2932%3A4%3C617%3AUACOIRD%3E2.0.CO%3B2-P>) . *Demography* **32** (4): 617–628. doi:10.2307/2061678 (<http://dx.doi.org/10.2307%2F2061678>) . <http://links.jstor.org/sici?sici=0070-3370%28199511%2932%3A4%3C617%3AUACOIRD%3E2.0.CO%3B2-P>. Retrieved 2007-11-29.
- [^] *abc* Massey, Douglas S. (2007). "Chapter 4: Building a Better Underclass". *Categorically Unequal: The American Stratification System*. New York: Russel Sage Foundation. pp. 143–145.

See also

- Immigration
- DREAM Act
- Foreign Worker Visa
- Alan Simpson
- Romano L. Mazzoli
- Labor economics

External links

- Text of Act (<http://www.oig.lsc.gov/legis/irca86.htm>)
- Summary of the Bill from "Thomas" for the Library of Congress (<http://thomas.loc.gov/cgi-bin/bdquery/z?d099:SN01200:@@@L&summ2=m&ITOM:/bss/d099query.html>)
- Detailed legislative history of Simpson-Mazzoli from introduction to Presidential signature, also from "Thomas" for the Library of Congress (<http://thomas.loc.gov/cgi-bin/bdquery/z?d099:SN01200:@@@SITOM:/bss/d099query.html>)
- Statement on Signing the Immigration Reform and Control Act of 1986 (<http://www.reagan.utexas.edu/archives/speeches/1986/110686b.htm>)
- September 2006 article by Mazzoli and Simpson revisiting the legislation in the current political climate (<http://www.washingtonpost.com/wp-dyn/content/article/2006/09/14/AR2006091401179.html>)
- "Independent Task Force on Immigration and America's Future" (<http://www.migrationpolicy.org/events/050906.php>) [Migration Policy Institute]

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Categories: 1986 in law | Immigration to the United States | Mexican-American history | United States federal immigration and nationality legislation | History of the United States (1980–1991)

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