

Convergence in the Employment Outcomes of Mexico-U.S. Migrants by Legal Status\*

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### ABSTRACT

Although studies have examined the impact of U.S. immigration policy shifts in the 1980s and 1990s on the employment outcomes of migrants, scholars have paid less attention to how the federal government's shifting approach to worksite enforcement has transformed the conditions in which Mexican migrants work. Consistent with previous research, we find a worsening of conditions for both unauthorized and legal Mexican migrants in the years following the passage of IRCA and that unauthorized status is associated with more unfavorable workplace conditions relative to legal immigrants. However, in the first decade of the 21st century, we also find that unauthorized immigrants' employment outcomes more closely resemble those of legal immigrants now than in the past, suggesting a dramatic shift in the ways that employers treat unauthorized immigrants on the job. This convergence between authorized and unauthorized migrants is consistent with federal policies and practices related to workplace enforcement.

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### 1. Introduction

Prior studies about the employment conditions of Mexican migrant workers reveal a salient finding: the wages of the Mexican born have declined since the 1980s. Yet only a few studies examine how Mexican workers' employment conditions are related to legal status. These show that wages deteriorated for Mexican male unauthorized workers after the implementation of the 1986 Immigration Reform and Control Act (IRCA) and of subsequent policies designed to restrict the entry of the unauthorized (Donato et al. 1992; Donato and Massey 1993; Phillips and Massey 1999; Massey et al. 2002; Massey 2007). Moreover, unauthorized Mexican women experienced more deterioration than men in wages and other labor market conditions (Donato et al. 2008), and unauthorized men from the Dominican Republic and Nicaragua experienced similar wage consequences to those found for Mexicans (Donato et al. 2005).

In this paper, we build on these studies to consider shifts in wages and other employment conditions of Mexican migrants in the U.S. labor force. We ask whether and how recent employment conditions differ from those observed in the past and to what extent they reflect the consequences of exogenous policy shifts since 1986. In particular, we explore how policy shifts and the enforcement strategies underlying them led to changes in the employment conditions of Mexican immigrants by shifting the behaviors of employers and workers.

We begin by describing recent policy shifts, focusing on workplace and other enforcement strategies designed to target employers and their supply of immigrant workers. These policies have led to an inverted-U pattern in employer enforcement since the 1980s, with the highest level of enforcement occurring in the early-to-mid 1990s. Since then, national security concerns have become paramount and enforcement efforts shifted away from worksites

to target workers in critical infrastructure jobs. Several years later, high profile workplace raids began again, but subsequently the Obama administration replaced them by intensifying employer audits leading to criminal and civil charges against employers. Using data from the Mexican Migration Project, we link these shifts to employment conditions and find that, since 2003, there is a trend toward convergence in outcomes between the authorized and unauthorized. Although quite different from prior studies that document labor market penalties to undocumented status, our findings suggest that by the early 21st century employers were treating all Mexican migrant workers in similar ways, irrespective of legal status.

### *1.1 Recent Policy Shifts*

Although not exhaustive, Table 1 lists some of the key policies and practices that have emerged and are related to immigration enforcement. Collectively, these portray a complex landscape of increasing restrictions and intolerance toward unauthorized migrants.

#### TABLE 1 ABOUT HERE

The first time that many voiced large-scale concerns about unauthorized migration was in the 1970s after U.S. policy amendments eliminated national origin quotas in 1965. Thereafter, U.S. immigration became more diversified with many entering from a diverse set of mostly less developed nations and, at the same time, visa demand often exceeding country-specific numerical limits. In 1986, after a long legislative battle, Congress passed the Immigration Reform and Control Act (IRCA) – the first piece of legislation designed to control undocumented migration. IRCA included three important provisions: amnesty, increased border enforcement, and fines (both civil and criminal) against employers who knowingly hired undocumented migrants.

Just a few years after its implementation, IRCA had given permanent residency to approximately three million amnesty applicants with less than two million being Mexican born (Bean et al. 1989). It also increased funding for deterring unauthorized entries at the border and, by doing so, led to a series of intense border operations by the mid-1990s.<sup>1</sup> Full enforcement of IRCA's employer sanctions went into effect in 1988, when employers began to verify the legal status of potential employees by completing a standard I-9 personnel form. The government notified employers not following these hiring practices about the potential civil and criminal charges they faced.

As Figure 1 shows, the U.S. government became quite active in its pursuit of employers. Federal orders sent to employers rose sharply beginning in 1988, peaked in 1994, and remained at high levels until late in the decade. By 2000, however, the number of government-issued notifications had dropped to its 1989 level. What explains the upward and downward shifts in just a decade's time?

#### FIGURE 1 ABOUT HERE

The inverted-U pattern occurred, first, because of deterrence-related initiatives that promoted workplace enforcement in the 1990s, and second, because of a shift away from deterrence to other strategies by the decade's end. Beginning in late 1986, the Immigration and Naturalization Service (INS) spent most of its employer enforcement resources on educating employers about the new hiring regulations. Soon thereafter, several events led to a dramatic increase in workplace raids. In 1991, the INS launched a special initiative to strengthen enforcement of employer sanctions by directing its investigators to spend one-third of their time on sanctions and workplace-related document fraud. Subsequently, President Clinton also

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<sup>1</sup>For example, Operations Gatekeeper and Hold the Line concentrated border enforcement personnel, technologically sophisticated detection equipment, and physical barriers in San Diego and El Paso to reduce unauthorized entries.

emphasized worksite enforcement and sanctions by outlining the industries and employers that relied heavily on unauthorized workers (Siskin et al. 2006).

One year later, Congress allocated additional funds when it passed the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (Weintraub et al. 1998). IIRIRA levied harsher penalties on the unauthorized and their employers than IRCA (Martin and Midgley 2004; Legomsky 1997). It increased the dollar amount of employer fines, introduced a phone system that permitted employers to verify a potential worker's legal status, expedited the removal of unauthorized migrants and barred their legal readmission, and required U.S. sponsors of immigrants to have more income than sponsors had in the past.

Despite these developments, another shift in federal worksite enforcement practices was in place by early in the 21<sup>st</sup> century. Because employer raids created critical public responses, federal notifications to employers dropped to zero by 2000. Replacing raids was a new strategy that “ratcheted up document requirements and increased use of technology” (Crouse 2009: 600).<sup>2</sup> The new approach emphasized personnel record audits but despite the deportation of thousands of migrants, employers only paid fines and did not face criminal charges.

After September 11, 2001, immigration control became linked to national security interests. The Patriot Act, passed in October 2001, created the Department of Homeland Security (DHS). Within it, Immigration and Customs Enforcement (ICE) then implemented a new strategy designed to remove the unauthorized (Crouse 2009). Using the 287(g) provision in IIRIRA, enforcement expanded from federal only to state and local actors who began to check

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<sup>2</sup>In 1999, when the INS began to audit and subpoena I-9 personnel forms and compared this information to data from the Social Security Administration, Operation Vanguard was born. The operation sent do-not-hire letters to meatpacking companies about employees for whom a discrepancy in authorization was discovered; employers had to ask employees to clear up the discrepancy or face an interview with the INS.

the legal status of immigrants (Donato and Armenta 2011; Coleman 2007).<sup>3</sup> One consequence was a significant increase in the number of deportations. 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).

However, even though some tasks went local, workplace enforcement remained organized at the federal level. Initially, few notifications of federal orders were sent to employers after September 11<sup>th</sup> as resources were shifted to investigations related to national security and workers in critical infrastructure jobs (Siskin et al. 2006; Government Accounting Office 2005). But several years later, the federal government began another deterrence strategy using high-profile raids of companies suspected to employ unauthorized migrants. This time employers faced the seizure of corporate assets and criminal charges.<sup>4</sup> Since Obama took office in 2009, his administration has intensified audits rather than continued raids on companies suspected to employ unauthorized workers.<sup>5</sup> In fact, DHS has reported they cannot carry out workplace raids unless they work with federal prosecutors who would prepare criminal cases against the employer (Preston 2011). Since October 1, 2010, more than 2,000 companies have been audited by ICE and to date, \$7 million in fines have been levied, and 157 also faced criminal charges.<sup>6</sup>

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<sup>3</sup>By 2013, ICE will implement the Secure Communities Program designed to facilitate “ICE’s ability to identify and remove aliens who pose a threat to public safety” in all U.S. cities (see U.S. Department of Homeland Security 2011).

<sup>4</sup>In 2008, for example, a fence-building company with a past history of hiring unauthorized migrant workers in 1998 was raided again. It paid nearly \$5 million in fines and its company president and manager faced criminal prosecution, though neither ultimately was sent to prison (Spagat 2008).

<sup>5</sup>See Preston (2010) who describes ICE auditing procedures as “silent raids.”

<sup>6</sup>Concerned about the severity of the penalties, and that the ICE criteria used to determine which company gets audited are not public, a U.S. Chamber of Commerce representative recently commented on the auditing practices for the first time, urging that audits continue “only when based on solid foundation that there is in fact illegal behavior” (Jordan 2011).

These shifts in federal workplace enforcement are also linked to resources. Since the 1990s, INS/ICE resources set aside for worksite enforcement have declined. Dixon and Gelatt (2005) report that the share of INS' total investigation cases dedicated to worksite enforcement declined from nine percent in 1991 to two percent in 2003. The Congressional Research Service estimated that the share of INS work years for employer enforcement began to decline after 1996 (from 15 to four percent in 2003) (Siskin et al. 2006). Recent estimates show that worksite enforcement accounted for less than two percent of ICE's 2009 budget (Meissner and Kerwin 2009). Thus, not only have the ways in which ICE carries out worksite enforcement shifted, but the resources to enforce workplace policies have declined.

## **2. Consequences of Policy Shifts and Expectations**

It is clear that the larger context of policies and initiatives designed to enforce worksites represent a now muddled landscape in which workers and employers live. While these efforts should have raised the costs of unauthorized migration and reduced its benefits, and by doing so, lowered the volume of unauthorized persons entering the country, undocumented migration – even during this period of economic recession – continues. Since 1990, the unauthorized population has dramatically grown (from 3.5 to 8.4 to 11.1 million in 1990, 2000, and 2009, respectively) (Passel & Cohn 2010). Between 2000 and 2009 alone, the number of unauthorized immigrants grew 32%.

Below we review prior studies that examine the impact of policy shifts on immigrant labor market conditions. On the whole, the studies reveal a significant deterioration in the labor market conditions faced by Mexican migrants, especially those without legal documents, after IRCA's passage in 1986 (Massey et al. 2002; Phillips and Massey 1999; Donato and Massey 1993; Donato et al. 1992; Sorensen and Bean 1994). The post-1986 policy shifts worsened the

working conditions of unauthorized Mexican migrants, who received lower wages, worked more hours, and were more likely to work for less than the minimum wage after 1986. Moreover, these negative consequences were gendered, with women migrants experiencing more negative and precarious employment conditions than men (Donato et al. 2008), and they extended to immigrants from the Dominican Republic and Nicaragua (Donato et al. 2005).

The negative effect of unauthorized status on labor force outcomes has persisted well beyond the period immediately following IRCA's passage in 1986. One recent study that examines differences by legal status surveyed low-wage workers in Chicago, Los Angeles, and New York City in 2008 (Bernhardt et al. 2008). In that year, more unauthorized workers (37 percent) reported working for less than minimum wage than legal migrants (21 percent), and immigrant unauthorized women were most likely to experience minimum wage violations compared to men and the U.S. born. In addition, approximately 43 percent of Latino immigrants experienced workplace violations compared to 30 and 10 percent of immigrant blacks and whites, respectively. Using data from the Survey of Income and Program Participation, Hall et al. (2010) also demonstrate a wage penalty for unauthorized Mexican migrants, even when holding human capital and occupational characteristics constant. Together, this work suggests that the labor market position of unauthorized migrants has, in response to policy shifts, become increasingly tenuous since the mid 1980s.

Unauthorized migrants responded to the more restrictive policy environment by using fraudulent documents. Soon after IRCA's passage in 1986, journalists' reports suggested that migrants could buy drivers' licenses and social security cards in many U.S. cities and in a few Mexican origin communities. More than a decade later, the use of these documents has become so commonplace that DHS noted significant challenges to combatting the use of fraudulent entry

documents in one of their factsheets (U.S. Department of Homeland Security, 2006). In 2005 alone, more than 84,000 persons were apprehended when trying to cross the border with fraudulent claims of citizenship or false documents at U.S. ports of entry.

Studies also suggest that immigrant employers have responded to this increasingly restrictive policy environment in at least two ways. First, because greater enforcement may mean more penalties related to the hiring of unauthorized migrants, employers outsource the hiring of migrant workers to avoid federal sanctions (Amado 2006; Griffith 2006). Second, sanctions have affected how employers treat all Latinos workers. The General Accountability Office (1990) found that approximately 20 percent of surveyed employers reported discriminatory treatment on the basis of Hispanic origin after 1986 (GAO 1990: 3). In addition, employers who reported discriminatory practices hired fewer Hispanic workers than did other employers (Lowell et al 1995), and those unable to find legally authorized workers discriminated by verifying legal documents of only those persons that appeared looking foreign (U.S. Department of Labor 1991). Some concluded that employer sanctions operated as a tax against both unauthorized and authorized Latino workers by lowering labor demand and wages (Bansak and Raphael 2001; Cobb-Clark et al. 1995), and others suggested that the threat of sanctions led some employers to discriminate against migrant workers by mistreating them and lowering their wages (Phillips and Massey 1999; Massey et al. 2002).

Yet, after decades of shifting exogenous policy conditions, a strong supply of unauthorized migrants, and concomitant employer demand for migrant labor, the cumulative effect is that employers are confused about how to meet labor and ICE demands at the same time.<sup>7</sup> One consequence, we argue, is that employers are now applying hiring standards in a

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<sup>7</sup>This confusion is clearly stated on many web sites offering immigration legal services to employers. One example is found at: <http://www.bostonimmigrationattorney.com/worksite-compliance.html>.

uniform way to all Mexican immigrant workers irrespective of legal status. They complete their I-9 paperwork by verifying social security cards and legal visas, and once hired, whether authorized or not, they receive the same wages and work in the same employment conditions. Obviously, this is just one of a myriad of responses by employers but it is likely because those who view the federal government with the responsibility to document legal status believe the existing visa allocation system is woefully inadequate to meet their needs (see Gorman 2005; Preston 2008; Preston 2011). For example, Mehta et al. (2003) found that businesses continued to employ workers who they suspected to be using fake Social Security numbers because they would not be able to fill those positions otherwise.

Others suggest that the lines between legal and unauthorized have become blurred. For example, Menjivar (2006: 1002) argues that immigration laws have created vulnerable and precarious migrant populations, such as El Salvadorans, who have Temporary Protective Status that must be renewed annually...and creates “gray areas of incertitude.” Jiménez (2008) describes how in immigrant destinations that receive many Mexican immigrants, attributes such as race, skin color, and Spanish surname become cues for nativity and legal status. Based on these cues, non-Mexicans often assume that people of Mexican origin are foreign born and unauthorized. Also compelling is Telles and Ortiz’ (2009) description of the signals sent to Mexican co-ethnics given that so many are unauthorized in the United States. These signals reflect the stereotyping and racialization of all Mexican Americans and they have other consequences that suggest convergence between authorized and unauthorized migrants; both populations reported similarly heightened fears of deportation (Arbona et al. 2010) leading to eligible immigrants withdrawing from the Medicaid program (Hagan et al. 2003). Along these

lines, Berhardt et al. (2009: 9) report that the employment violations reported by low-wage workers in her tri-city sample were “not limited to unauthorized immigrants.”

Finally, Massey and Gelatt (2010) describe how foreign-born Mexican wages fell relative to native whites and to Mexican Americans after the 1970s. They show that the wage gap is not due to education because education levels of foreign-born Mexicans have been rising and the gap between natives and foreign born Mexicans has not grown. However, the gap may be related to changes in the U.S. labor market given findings that suggest reduced wage returns to immigrant human capital, such as education, length of U.S. residence, and English ability, during the last few decades, especially between 2000 and 2007. The authors conclude by suggesting that the growing unauthorized population has led to more negative treatment of all Mexican immigrant workers. Such negative treatment is found in the weakened returns to education and English language ability among legal Mexican immigrants (Gentsch and Massey 2011), unauthorized Mexican immigrants (Hall et al. 2010), and Latino immigrants overall (since the mid-1990s (Hall and Farkas 2008)).

Together these findings lead to several hypotheses examined in the analysis below. First, consistent with earlier studies, we expect that legal status affects the labor market conditions of Mexican migrants such that the unauthorized will earn less than the authorized. Second, reflecting the intensified and more complex immigration landscape in the United States since 1986, we expect period differences in Mexican migrant employment outcomes. Compared to before 1987, migrants will earn less per hour and will be more likely to earn less than the average wage for all U.S. workers. Finally, we expect that workplace conditions for different periods of entry vary by legal status. We expect that differences by legal status will narrow over time, especially post-9/11 as government policies and practices shifted and employers reacted to

avoid criminal and civil fines, and that employment outcomes by legal status will differ from the consistent deterioration observed in the past. If these expectations are supported, they will mark a new phase in the Mexico-U.S. migration story whereby incoherent, inconsistent policies and practices have led to racialized outcomes such that authorized Mexican migrants are being affected by policies meant to deter the employment of the unauthorized. We return to this point in the conclusion.

### **3. Data and Methods**

In this paper, we examine whether the deterioration in labor market outcomes observed for Mexican migrants after 1986 extends to the first decade in the 2000s. Using Mexican Migration Project (MMP) data, we ask three related questions. First, to what extent do employment outcomes differ by legal status? Second, are there period differences in these outcomes, especially before and after the early 2000s? Third, do the employment conditions of legal and unauthorized Mexican migrants converge over time?

#### *3.1 Data*

The present study relies on data from Mexican Migration Project; it offers retrospective migration and employment histories from more than 100,000 Mexicans in 128 communities (<http://mmp.opr.princeton.edu/databases/instructions-en.aspx>). This is a well-established data source derived from randomly selected households in 128 Mexican communities. The data offer information about demographics, family composition, labor histories of household heads and spouses, and their assets. It also offers detailed data on migration to the mainland United States, and on multiple aspects of U.S. trips, i.e. when the trip occurred, U.S. work experience, legal status, and duration.

For this paper, we use MMP data from 124 of the 128 communities because they have comparable migration data. These communities ranged in population from very small towns to large cities, with sample sizes typically consisting of approximately 150-200 households except in a small number of places where fewer households were sampled. In most communities, households were randomly selected from sampling frames generated from a house-to-house census. In large urban areas where this was not possible, specific neighborhoods were sampled. As a result, the average sampling fraction in the 124 communities was 31.3, with a refusal rate of seven percent.

The data were then supplemented with non-random surveys of outmigrants located in the United States. These data partially control for biases that originate from selective migration, whereby migrants who remain in the United States for prolonged periods tend to be relatively more successful economically than those who returned home early (Massey 1987; Borjas 1985). While collecting data in Mexico, interviewers found out where in the United States migrants had settled permanently and then located and interviewed them in those areas. The goal is a U.S. sample that represents approximately 10 percent of the sample from each community; however, it was slightly higher (13.5 percent) for migrant households.

### *3.2 Methods*

For this analysis, we use data from all migrant household heads and spouses (men and women) who reported working while on their last U.S. trip. Starting in 2007, the MMP also collected detailed migration histories from another individual in the household with migration experience if the household head was not a migrant. Therefore, to maximize our analytic

sample, we also include these respondents in our sample. The final analysis is based on 5,324 respondents for whom we have complete data.<sup>8</sup>

We examine four employment outcomes. (Appendix Table 1 in the on-line supplement presents a complete description of all the variables used in the analysis, and is available as an online supplement.) The first is logged hourly wages reported by migrant heads and spouses on their most recent U.S. trip, converted into 2005 constant dollars using consumer price indices. The remaining three dependent measures are binary indicating whether migrants 1) earned below the U.S. average hourly wage as reported by the Bureau of Labor Statistics (equals 1, 0 otherwise); 3) received wages in check form (equals 1, 0 equals wages received in cash); and 4) had federal income taxes or Social Security taxes withheld from their pay (equals 1, 0 otherwise). The dependent variables indicating whether respondents received wages in check form and had taxes withheld from their pay are intended as measures of formal integration into the labor market, as an unauthorized worker using fraudulent documents may be on the official payroll (and thus be paid by check and have taxes withheld) even if they lack legal authorization to work.

In the models, we control for many variables demonstrated by prior studies to be important when predicting employment conditions. Therefore, the models contain measures for legal status measured as a dummy variable where 1 equals unauthorized and 0 authorized.

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<sup>8</sup> For one dependent variable, hourly wages, observations for approximately 18 percent of the sample are missing. Two other variables also had high rates of missing information: nine percent of the sample had missing data for being paid in cash and 14 percent had missing data for having taxes withheld. Given these missing data are restricted to the dependent variables, both deterministic and multiple imputation methods of recovering data are unsuitable because they create increased sampling variability (Allison 2009; Von Hippel 2007). Diagnostic tests suggest that the primary difference between cases with missing and valid wage values is related to place of interview. Respondents interviewed in the United States were less likely to have missing data than those interviewed in Mexico. However, given we control for a variety of demographic and migration-related variables that account for differences between respondents interviewed in the United States and in Mexico, we follow Allison (2002) and view the assumption that data are missing at random (MAR) as having been met and that the missing data mechanism, e.g. where the survey was conducted, is ignorable. Note that missing data is not a problem for the predictor variables, which vary in missing data from .5 to 4.5 percent.

Migrants are unauthorized if they entered without legal authorization or were employed after entering on a tourist visa. We also include controls for time as a set of dummy variables that capture the period of last U.S. trip, e.g. 2003-09, 1997-2002, 1987-96, and 1976-86 (the reference category); the number of U.S. trips; and type of occupation the respondent reported on the last U.S. trip. We measure the latter with a set of four occupational groups: agricultural, low skilled, blue collar skilled, and professional/high skilled (the reference category). These reflect some of the skills and knowledge acquired in the migration process (Massey and Espinosa 1997) and influence labor market outcomes (Aguilera and Massey 2003; Donato and Massey 1993; Donato et al. 1992). We also include demographic attributes, e.g. gender (equals 1 if female, 0 otherwise), age in the final year of last U.S. trip, and measures of human and social capital, such as a continuous measure of years of education because this variable is linked to productivity and therefore wages (Becker 1975), rural origin in Mexico, and whether respondents were in the U.S. sample. Because regional annual differences in employment opportunities may be linked to labor outcomes, we also include a measure of unemployment based on the U.S. state of destination and year of most recent U.S. trip.<sup>9</sup>

#### **4. Results**

Below we begin by examining variation in employment outcomes, by legal status and by period of entry. We then model each of the four employment outcomes and present results from

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<sup>9</sup>Although multi-level modeling may be a more appropriate strategy for this analysis because we include state-level unemployment to capture shifts in local work opportunities, it is not feasible given the sample's distribution of migrants in destination states. Approximately 60 percent of migrants were in California on their last U.S. trip, 10 percent were in Texas, another 10 percent were in Illinois, and the remaining 20 percent were spread around other states. 43 states and the District of Columbia are represented in the sample, and of the represented states 16 have a sample size of 10 respondents or less. Therefore, we do not have enough cases per U.S. state, assuming it represents the second level. The only other geographic unit that may work for multi-levels models is region, but a detailed measure of region does not offer a second-level sample size large enough to insure against biased estimates. We do, however, utilize robust standard errors that adjust for within-household and U.S. state of residence cluster correlations.

ordinary least squares models for wages and from logistic regression models for the other dependent variables.

Table 2 presents means and standard deviations for the four dependent variables in this analysis by legal status and period of entry. We emphasize legal status differences by comparing means for migrants legally authorized to work to those working without authorization, and shifts by comparing means for the post-1986 periods to those in 1976-86. The total columns reveal the sample reported an average hourly wage of \$9.11, 90 percent earned less than the average U.S. worker, approximately 77 percent were paid via a check, and three-quarters reported having federal taxes withheld from their paychecks. (Appendix Table 2 in the on-line supplement describes variation in the independent variables by legal status and period).

#### TABLE 2 ABOUT HERE

Table 2 also shows that all the dependent measures differ significantly by legal status. Compared to the unauthorized, legally authorized migrants earned more per hour, fewer earned less than the average wage of U.S. workers, more were paid with a check, and more had federal taxes withheld from their paychecks. In particular, the unauthorized earned approximately \$2 less per hour; they were more likely to be paid less than the average U.S. worker (93 vs. 83 percent), less likely to receive wages in check form (73. vs. 89 percent), but less likely to have federal taxes withheld (72 vs. 92 percent). These differences are consistent with our first hypothesis, e.g. worse outcomes for unauthorized than authorized migrants, although the average federal tax withholding rate for unauthorized migrants is much higher than many might expect.

Period differences are also evident when looking down the columns of Table 1. Beginning with the total column, we see that average hourly wages were significantly lower immediately after IRCA's and IIRIRA's passage (in 1987-96 and in 1997-2002) than in 1976-86,

before shifts in the policy context began. Interestingly, in 2003-09, hourly wages recovered and were comparable to migrants on their last U.S. trip in 1976-86. In contrast, only one period difference was significant with respect to the chance of being paid less than the average U.S. wage: 93 percent reported wages at less than the U.S. average compared to 90 percent in 1976-86. In addition, migrants were less likely to be paid by check in 1987-96, but more likely in 2003-09, than in 1976-86, and the chance of having taxes withheld from paychecks in all periods was greater than in 1976-86.

Period differences among legally authorized migrants are quite different from those for the entire sample. The one exception is for hourly wages. Like the shifts observed for the total sample, hourly wages of legal migrants were significantly lower in the post-IRCA and post-IIRIRA eras (1987-96 and 1997-02) than in 1976-86, but they were comparable in the 2003-09 period. The only other labor outcome that varied significantly is being paid less than the average U.S. wage. Compared to 1976-86, the chance of being paid less than the average U.S. wage was significantly greater in all three post-1986 periods. All other outcomes were comparable across these periods among legally authorized migrants.

Period differences are also remarkably different by legal status, and the 1987-96 and 2003-09 periods stand out for their differences from 1976-87. Among the unauthorized, 1987-96 is significantly different from 1976-86 for all four outcomes. In 1987-96, migrants earned less (\$7.87 vs. \$9.08), they were also less likely to be paid with a check (65 vs. 76 percent) and less likely to have federal taxes withheld (66 vs. 72 percent). But among the unauthorized in 2003-09, more received wages with a check (83 vs. 76 percent), and more had federal taxes withheld from paychecks (82 vs. 72 percent). In contrast, 96 percent reported receiving wages less than the U.S. average worker in 2003-09 compared to 92 percent in 1976-86, and wages across the

two periods were comparable. Taken together, these results suggest some interesting legal status and period differences that we now interrogate in a multivariate framework.

Table 3 presents OLS results predicting logged hourly wages (in 2005 constant dollars). It contains three models: one for the total sample, and two separate models for legally authorized and unauthorized migrants. Our rationale for separate models is based on Chow test results, which reveal that coefficients for the authorized differ significantly from the coefficients for the unauthorized.

We begin by summarizing the coefficients in the pooled model. As we expected, net of other attributes, being unauthorized significantly lowered wages. In addition, relative to wages for migrants working on their last U.S. trip in 1976-86, migrant earned less in the periods immediately after the passage of IRCA and IIRIRA. By 2003-09, however, their wages were no different than those for migrants on their last trip before 1986. Other migrant attributes operate in expected ways. With more U.S. trips, hourly wages rose, and compared to high skilled professional jobs, working in skilled blue collar, low skilled, and agricultural jobs lowered hourly wages. Coefficients for the demographic controls are also consistent with expectations. Being female lowered wages but they rose with more years of education. Hourly wages were no different for migrants from rural vs. urban origins but for those interviewed in the United States, wages were higher. Finally, hourly wages dropped somewhat as unemployment in U.S. destination states rose.

#### TABLE 3 ABOUT HERE

Table 3 also reveals different processes of wage determination for legally authorized and unauthorized Mexican migrants. For both groups, period effects show the same patterns as that for the total sample. Relative to 1976-86, migrants earned less if their last trip occurred in 1987-

96 or in 1997-2002, but if they worked on their last trip during 2003-09, their wages were comparable to those working in 1976-86. Wages also rose with more U.S. experience, and compared to skilled professionals, wages were lower for blue collar, low skilled, and agricultural workers. In contrast, coefficients for the demographic controls reveal substantial differences between legally authorized and unauthorized migrants. Among legal migrants, being female, age and age squared, education, rural origin, and being in the U.S. sample had significant effects. Among unauthorized migrants, however, only being female and education were significant: the former depressing, and the latter increasing, wages. Rural origin was marginally significant and positive, and growth in state unemployment rates depressed wages but again only among the unauthorized.

Table 4 presents selected coefficients from logistic regression models that predict earning less than the average U.S. worker, receipt of wages by check, and federal tax withholding. Again in the full models we see a significant effect for legal status: being unauthorized increased the likelihood of earning less than the average U.S. worker, but lowered the likelihoods of receiving wages by check and having federal taxes withheld. Interestingly, the period effects differed somewhat for these three outcomes. Relative to 1976-86, the likelihood of earning less than the average U.S. worker was greater in all three periods. However, period effects were quite different in the other two models. While migrants were less likely to be paid with a check in 1987-96, by 2003-09 they were more likely, relative to 1976-86. In addition, while they were less likely to have federal taxes withheld in 1987-96, by 2003-09 they were more likely, relative to 1976-86.

TABLE 4 ABOUT HERE

The separate legal status models in Table 4 also reveal important differences. Although the authorized model predicting earning less than the average U.S. worker shows significant period effects, with those migrating since 1986 being more likely to earn less, comparable models for payment by check and tax withholding suggest few significant period effects. The only exception is for 2003-09: the likelihood that migrants were paid by check was significantly higher in this period compared to 1976-86. Among the unauthorized, the likelihood of earning less than the U.S. average worker rose in 1997-02 and in 2003-09 compared to earlier. However, with respect to being paid by check and having federal taxes withheld, migrants were less likely to have experienced both in 1987-96 but more likely in 2003-09, compared to 1976-86.

So far, we have observed period effects that vary across legal status groups. In the unauthorized models that predict tax withholding and wages in check form, effects for the most recent period are significant and in a different direction than those for earlier periods. Different results appear for the other two outcomes, hourly wages and earning less than the average hourly wage. In the legal and unauthorized models predicting the former, the effect for 2003-09 stands out because it is not negative and significant (in contrast to effects for earlier periods), suggesting that migrant hourly wages in this period were no different from those in 1976-86. Moreover, when predicting the latter, period coefficients suggest consistent treatment, with greater likelihoods of earning less than the average U.S. hourly wage among both groups.

To visualize how the four employment outcomes vary by year of last trip for the two legal status groups, we estimate new multivariate models that measure period with a continuous measure of year of last trip and its square counterpart to capture its curvilinear effect.<sup>10</sup> (These models are found in Appendix Table 3 in the on-line supplement. From these models we derived

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<sup>10</sup>Including a curvilinear term in these models significantly improves variance explained (results available upon request).

predicted probabilities for each of the outcomes by year of last trip and legal status, with the rest of the variables at their means; these probabilities are presented in Figures 2-5.

#### FIGURES 2-5 ABOUT HERE

Taken together, the figures depict a pattern toward convergence for three of the four employment outcomes, whereby differences between authorized and unauthorized migrants have narrowed over time. For example, in 1976, unauthorized migrants had an 88 percent chance of earning less than the U.S. average wage, and authorized migrants had a 75 percent chance. Thereafter the gap between these two groups narrowed. By 2009, unauthorized migrants had just a 97 percent chance of earning less than the U.S. average wage and authorized migrants had a 94 percent chance. Furthermore, results from the 95% confidence intervals calculated for the predicted probabilities of earning less than the U.S. average wage reveal significant differences between legal and undocumented workers until 2008 and 2009, when predicted probabilities of legal and unauthorized immigrants were no longer significantly different from each other.<sup>11</sup> I

With respect to the chance of receiving wages in check form, we also see a dramatic convergence across the two legal status groups. In 1976, legal migrants had a 94, and unauthorized migrants had an 85, percent chance of receiving their earnings in check form. Over the next two decades, this gap grew but eventually narrowed. By 1990, the gap grew to 85 percent among legal, and 70 percent among unauthorized, migrants. Thereafter, however, it narrowed so that by 2009, legal migrants had a 95 percent chance, and the unauthorized had a 90 percent chance, of receiving wages with a check. Results from confidence intervals (see footnote 10) suggest that while these trends are shifting toward convergence, the probabilities of receiving wages in check form for legal and unauthorized immigrants remain significantly different from each other in all years.

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<sup>11</sup>All confidence interval results are available upon request.

The final outcome for which predicted probabilities between legal and authorized migrants narrowed was having federal taxes withheld. Here we see a similar gap pattern that we saw for receiving wages with a check. After 1976, the gap grew but eventually it narrowed. In 1976, the legal-unauthorized gap was approximately 12 percentage points, ranging from 94 to 82 percent, respectively. By 1990 it grew to 20 percentage points (90 to 70 percent), and then in 2009, it was only 7 points (97 vs. 90 percent). Although the legal and unauthorized gap narrowed, the probabilities of having taxes withheld by legal status differed significantly from each other for all years.

## **5. Discussion and conclusion**

While prior studies have used data from the Mexican Migration Project to examine the impact of U.S. immigration policy shifts in the 1980s and 1990s on migrant employment outcomes, scholars have paid less attention to the most recent policies and practices and their impacts on Mexican workers' labor market conditions. This analysis builds on previous research to investigate how the U.S. government's shifting approach to worksite enforcement has transformed the conditions in which Mexican migrants work. Consistent with other studies, we find a worsening of conditions for both unauthorized and legal Mexican migrants in the years following the passage of IRCA and that unauthorized status is associated with more unfavorable workplace conditions relative to legal immigrants. However, in the first decade of the 21st century, we also find that unauthorized immigrants' employment outcomes more closely resemble those of legal immigrants now than in the past, suggesting a dramatic shift in the ways that employers treat unauthorized immigrants on the job. That is, after September 11th, 2001, the employment gap between legal and unauthorized migrants began to close. One way to explain the shift toward convergence is that employers are treating all Mexicans the same,

irrespective of legal status. With workplace raids and audits leading to employers facing civil and criminal charges as well as migrant workers losing their jobs and/or being deported, employers are likely to be risk averse and treat all Mexicans the same no matter what their legal status.

We recognize that the emphasis on employer behavior is not directly observed, and therefore we caution readers from concluding that changes in the behavior of employers' account for the observed effects in 2003-09. Unfortunately, mechanisms related to employer behavior are extremely difficult to observe directly. While some qualitative research has successfully interviewed employers about labor market conditions (Donato and Bankston 2008; Kirschenman and Neckerman 1991), acquiring any data from employers of Mexican migrants about labor market conditions and practices is almost impossible given the scrutiny that employers face under current regulations, their fears of criminal prosecution, and more generally, the heated national debate regarding immigration. Therefore, not having such data is a limitation of this study. However, consistent patterns in our findings for a variety of employment outcomes strongly suggest that employers of Mexican migrants have altered their hiring practices in response to a constantly changing, and more developed, federal immigration enforcement system.

Therefore, our interpretation is that unauthorized Mexican migrant workers have become institutionalized in the U.S. labor force. As they respond over and over again to shifting federal policies and procedures regarding the hiring foreign born workers, employers may have set into motion a process of managerialization of legal status whereby they adopt a managerial strategy and treat legal workers like the unauthorized in an attempt to minimize ICE audits and achieve maximum profits and efficiency. Whereas immediately after IRCA's passage workplace

conditions for unauthorized immigrants deteriorated as employers began to make distinctions between legal and unauthorized workers for the first time, workplace enforcement now is much more consequential and has created a situation where employers are more worried about having the correct paperwork filled out by a Mexican immigrant employee rather than what his/her true documentation status. As a result, employers are more likely to pay their unauthorized Mexican workers using checks rather than cash and withhold taxes from those checks because doing so allows employers to comply with federal immigration guidelines and still satisfy their labor needs. Thus, employers are managing legal status such that the workplace conditions of legal and unauthorized Mexican migrants have begun to converge.

Although there is some reason for optimism given findings about the unauthorized hourly wages by period – namely that unauthorized immigrants’ wages have recovered somewhat after declining in the late 1980s and early 1990s – the majority of our findings as well as those from other studies suggest worsened outcomes for Mexican migrants since 1986. For example, Massey and Gelatt (2011) suggest that a growing gap between the earnings of Mexican migrants (both legal and not) and the rest of the labor force. Therefore, while employment outcomes of legal and unauthorized immigrants are converging, this shift toward convergence has not led to gains for Mexican migrants relative to the U.S. workforce because migrant wages still lag behind those of nonmigrants. Moreover, although our analysis finds that labor market conditions of legal and unauthorized immigrants have begun to converge, the wage gap between the two groups persists indicating that unauthorized status remains salient in the employment experience of Mexican workers.

These findings have serious implications for future research. For example, interviews from a systematic sample of employers may help reveal how they perceive and treat legal and

unauthorized Mexican workers in light of the shifts in federal policies, practices, and regulations that govern how they are hired. Other research questions may be answered by using mixed methods and uncovering what the wage gap between legal and undocumented Mexican workers means for intergenerational mobility and family poverty. These are especially relevant queries given projections that suggest the foreign-born population will comprise approximately one-quarter of the working-age adult population by 2050 (Passel and Cohn 2008), and that Mexican-born persons will make up the largest share. As a result, the employment conditions of Mexican immigrants will continue to figure prominently in social stratification processes for decades to come and must be an important topic of study for researchers going forward.

In sum, this study highlights another chapter in a long monograph that describes negative impacts from shifting policy practices designed to deter unauthorized immigration. Its findings have significant implications for the future prospects of Mexican immigrants and their families. Together, they suggest a new resilience on the part of workers and employers in the U.S. economy early in the 21st century.

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