

# Immigration Reform and Control Act of 1986

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The **Immigration Reform and Control Act (IRCA)**, Pub.L. 99–603 (<http://legislink.org/us/pl-99-603>), 100 Stat. 3445 (<http://legislink.org/us/stat-100-3445>), enacted November 6, 1986, also known as the **Simpson-Mazzoli Act**, signed into law by Ronald Reagan on November 6, 1986, is an Act of Congress which reformed United States immigration law. The Act<sup>[1]</sup>

- required employers to attest to their employees' immigration status;
- made it illegal to hire or recruit illegal immigrants knowingly;
- legalized certain seasonal agricultural illegal immigrants, and;
- legalized illegal immigrants who entered the United States before January 1, 1982 and had resided there continuously with the penalty of a fine, back taxes due, and admission of guilt; candidates were required to prove that they were not guilty of crimes, that they were in the country before January 1, 1982, and that they possessed minimal knowledge about U.S. history, government, and the English language.

At the time, the Immigration and Naturalization Service estimated that about four million illegal immigrants would apply for legal status through the act and that roughly half of them would be eligible.<sup>[2]</sup>

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## Immigration Reform and Control Act of 1986



<b>Acronyms</b> (colloquial)	IRCA
<b>Nicknames</b>	Simpson–Mazzoli Act
<b>Enacted by</b>	the 99th United States Congress
<b>Effective</b>	Signed into law by Ronald Reagan on November 6, 1986
<b>Citations</b>	
<b>Public Law</b>	Pub.L. 99–603 ( <a href="http://legislink.org/us/pl-99-603">http://legislink.org/us/pl-99-603</a> )
<b>Statutes at Large</b>	100 Stat. 3445 ( <a href="http://legislink.org/us/stat-100-3445">http://legislink.org/us/stat-100-3445</a> )
<b>Legislative history</b>	
<ul style="list-style-type: none"> <li>▪ <b>Introduced in the Senate as S. 1200</b> (<a href="https://www.congress.gov/bill/99th-congress/senate-bill/1200">https://www.congress.gov/bill/99th-congress/senate-bill/1200</a>) <b>by Alan K. Simpson on May 23, 1985</b></li> <li>▪ <b>Committee consideration by Senate Judiciary, Senate Budget</b></li> <li>▪ <b>Passed the Senate on September 19, 1985 (69–30)</b></li> <li>▪ <b>Passed the House on October 9, 1986 (voice vote after incorporating H.R. 3810</b> (<a href="https://www.congress.gov/bill/99th-congress/house-bill/3810">https://www.congress.gov/bill/99th-congress/house-bill/3810</a>), passed 230–166)</li> <li>▪ <b>Reported by the joint conference committee on October 14, 1986; agreed to by the House on October 15, 1986 (238–173) and by the Senate on October 17, 1986 (63–24)</b></li> <li>▪ <b>Signed into law by President Ronald Reagan on November 6, 1986</b></li> </ul>	

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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 engaging in a "pattern or practice" of knowingly hiring an "unauthorized alien"<sup>[3]</sup> and established financial and other penalties for those employing illegal immigrants under the theory that low prospects for employment would reduce undocumented immigration. Regulations promulgated under the Act introduced the I-9 form to ensure that all employees presented documentary proof of their legal eligibility to accept employment in the United States.<sup>[4]</sup>

These sanctions would apply only to employers that had more than three employees and 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 and Senate Judiciary Committees. The bill failed to be received by the House, but 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 U.S. Chamber of Commerce persistently opposed sanctions against employers.

The second Simpson-Mazzoli Bill finally passed both chambers in 1985, but it came apart in the conference committee over the issue of cost. The year marked an important turning point for the reform effort. Employer opposition to employer sanctions began to subside, partly because of the "affirmative defense" clause in the law that explicitly released employers from any obligation to check the authenticity of workers' documents.

Also, 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.

## Impact

### On 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. There is no statistical evidence that a reduction in employment correlated to unemployment in the economy as a whole or was separate from the general unemployment population statistics.<sup>[5]</sup> Another study stated that if hired, wages were being lowered to compensate employers for the perceived risk of hiring foreigners.<sup>[6]</sup>

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".<sup>[6]</sup> "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".<sup>[6]</sup>

## On illegal immigration

## See also

- Immigration
- Immigration to the United States
- DREAM Act
- Foreign Worker Visa
- Alan Simpson
- Romano L. Mazzoli
- Arnoldo Torres
- Labor economics
- History of immigration to the United States

## References

- <sup>1</sup> ^ Coutin, Susan Bibler. 2007. *Nation of Emigrants*. Cornell University Press, Ithaca, NY. pg 179
- <sup>2</sup> ^ Branigin, William (March 3, 1987). "U.S. Migrant Law Falls Hard On Jobless in Central Mexico" (<http://search.proquest.com/docview/139205337/B77867CD247C4490PQ/2?accountid=46320>). *The Washington Post*. p. A1.
- <sup>3</sup> ^ See section 101 of the Immigration Reform and Control Act of 1986, amending the Immigration and Nationality Act to create a new section 274A, codified as 8 U.S.C. section 1324a.
- <sup>4</sup> ^ 8 C.F.R. sec. 274a.2.
- <sup>5</sup> ^ Lowell, Lindsay; Jay Teachman; Zhongren Jing (November 1995). "Unintended Consequences of Immigration Reform: Discrimination and Hispanic Employment". *Demography* (Population Association of America) **32** (4): 617–628. doi:10.2307/2061678 (<http://dx.doi.org/10.2307%2F2061678>). JSTOR 2061678 (<https://www.jstor.org/stable/2061678>).
- <sup>6</sup> <sup>a</sup> <sup>b</sup> <sup>c</sup> Massey, Douglas S. (2007). "Chapter 4: Building a Better Underclass". *Categorically Unequal: The American Stratification System*. New York: Russel Sage Foundation. pp. 143–145. ISBN 0-87154-585-3.

## External links

- Summary of the Bill from "Thomas" for the Library of Congress (<http://thomas.loc.gov/cgi-bin/bdquery/z?d099:SN01200:@@L&summ2=m&%7CTOM:/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:@@S%7CTOM:/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>)
- "Full text of Pub. L 99-603" (<http://www.uscis.gov/ilink/docView/PUBLAW/HTML/PUBLAW/0-0-0-15.html>)

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| United States federal immigration and nationality legislation | History of the United States (1980–91)

| United States statutes that abrogate Supreme Court decisions

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