

# Illegal Chinese Immigration Into the United States: A Preliminary Factor Analysis

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**Abstract:** *Since August 1991, a new type of international criminal activity, using oceangoing ships, has appeared. Illegal Chinese immigrants are entering various countries throughout the world, including the United States. This new wave of illegal global migration has promoted several social problems in the countries and areas affected: unauthorized employment, sub-standard housing, political asylum schemes, and related crimes such as murder, kidnapping, ganging, and prostitution. This article will analyze some of the causal factors that lead to the situation. Furthermore, a theoretical explanation of the "demand and supply/pull and push" model will be discussed. Finally, some countermeasures are offered as policy recommendations to combat or curtail this worldwide smuggling operation. Based on a content analysis and personal interviews with illegal Chinese immigrants, the current article suggests that this new crime phenomenon involves transnational criminal groups. It results from the demand for cheap labor in Chinatowns in the United States, the abundant labor supply in China's coastal regions, and the huge profit from such smuggling activities.*

On January 12, 2000, a dozen illegal Chinese immigrants were detected in a soft-top container on a cargo ship near the Port of Seattle, Washington. Three dead bodies were also found inside the container (Murphy, 2000). This incident highlights a growing problem: illegal Chinese immigrants being smuggled into the United States by cargo ships or fishing vessels. Obviously, this new modus operandi of illegal alien smuggling has raised some serious questions for law enforcement agencies as well as policy makers: What characteristics does this new illegal Chinese immigration have? What are the causal factors and theoretical explanations for this new crime phenomenon? What are the countermeasures that can be taken to combat or curtail the oceangoing smuggling operation?

Whereas the smuggling routes by air were briefly discussed in an earlier article (Wang, 1993), an attempt is made in this article to focus on (a) the reasons behind the involvement of Taiwanese oceangoing vessels, (b) the causal factors and theoretical perspectives for the new crime phenomenon, and (c) policy recommendations for countermeasures.

Due to the difficulty and sensitivity involved in obtaining the data regarding the topic, the majority of the information provided in this article comes from five sources: (a) a content analysis of some major English and Chinese newspapers in the United States, (b) personal interviews with illegal Chinese immigrants work-

ing in Chinese restaurants and sweatshops both in the Houston and Los Angeles areas, (c) personal interviews with social workers working with illegal Chinese immigrants who were detained in Immigration and Naturalization Service (INS) detention centers, (d) personal interviews with INS agents investigating illegal Chinese immigration, and (e) personal interviews with Chinese law enforcement personnel during a trip to China in June of 2000.

## **BACKGROUND**

Illegal alien smuggling and related criminal activities have been confronted by U.S. law enforcement agencies for many years. However, this current surge of illegal Chinese immigration bears two new features. First, Taiwanese fishing ships are used for transportation. Second, the vast majority of the illegal Chinese are coming from one area: Fujian (Fukieu) Province of China.

Although many illegal Chinese immigrants were still coming by air beginning in August 1991 (Mydans, 1992), a new type of smuggling operation began to take shape: Taiwanese oceangoing ships were now being used to smuggle illegal Chinese immigrants to the United States. It is suggested that the occurrence of this new type of operation is explained by the reduced overhead, increased profit, and simple logistics involved (no passports and minimal bribery required). Furthermore, this new criminal operation is different from the air smuggling operation in terms of techniques involved, networking used, the number of persons smuggled (about 150 persons per ship), and the amount of money charged (about \$30,000 per head).

In brief, the use of oceangoing ships to smuggle illegal Chinese immigrants seems to be an alternative to smuggling by air, which appeared to have been put into operation in 1991. Nevertheless, the oceangoing smuggling is attributable to more complex causal factors.

## **FACTOR ANALYSIS**

Since August 1991, thousands of Chinese illegal immigrants have made their way to the United States after several months of voyage, enduring tremendous hardship and financial risk. Such an international illegal migration cannot occur without both macro- and micro-causal factors. The former cover historical, economic, and social aspects, whereas the latter include some situational factors that resulted from the political asylum policy of the INS, the Chinese Student Protection Act, and the discontinuation of the use of Taiwanese fishing vessels as described below.

## HISTORICAL FACTORS

Historically, Chinese overseas migration dates back several centuries. Most immigrants were from the Guangdong (Canton) Province and a small portion from Fujian Province. Many of the early immigrants sailed for Malaysia, Thailand, Indonesia, Philippines, Singapore, and other Southeast Asian countries. Many others came to the United States during the California gold rush and the grand railway construction. During those days, immigrants' passage was purchased by their employers who then used their labor to repay the debt. This kind of migration was not considered illegal in the sense that there were no specific regulations to prohibit such labor practices in either the United States or China.

Today the geographical feature of immigration (legal or illegal) has reversed. The majority of the illegal immigrants come from Fujian Province and only a few from the Guangdong Province. Almost 99% of those illegal immigrants from Fujian Province come from Changle, Lianjiang, and Minhou counties, a hilly coastal region opposite Taiwan. The people in the region are well known for their hard work and adventures in seeking better fortune.

As a historical tradition in the region, a family feels very proud and is respected if one of the sons can send back from overseas a large sum of money to help build a new house and/or sponsor a village banquet. Thus, for the past two centuries, an individual who migrates (legally or illegally) carries with him or her an entire family's hope for a better future. Such a hope still exists in the area, especially in the three counties in Fujian Province mentioned above. In other words, Fujian Province has been richer than many other parts of China, yet it is commonly believed by the local people that those who migrate do better than do those who stay behind.

Another factor is the term *immigration chain*, where one "seed" individual settles down in the United States and induces other family members or relatives to join him or her. Unfortunately, the quickest method still remains the path of illegal immigration. Thus, it is this immigration chain that promotes the international migration (legal or illegal), which has remained a historical phenomenon in the region.

## ECONOMIC FACTORS

Many of the illegal immigrants are young farmers and fishermen from mountainous villages along the southern coast of the Fujian Province. Cultivated land is so scarce that most families have only a fraction of an acre to farm. The per capita income for farmers in China is only about \$125 per year (Kristof, 1993). At the same time, China's economy is growing at an astounding 14% per year, along with inflation, arbitrary levies, and corruption. The booming economy stimulated by the economic reform in the area provides many opportunities for those young

educated people who have job skills and consequent earning power. On the other hand, young farmers or fishermen who have less education or job skills or no money from abroad frequently find themselves at a disadvantage to compete. Therefore, the legitimate means to obtain legitimate goals is perceived to be blocked or at least limited. As result, many of those who feel disadvantaged in competition and angry at inflation, arbitrary levies, and corruption attempt illegal means to realize their legitimate goals. Though some want more political or religious freedom, most of those who come to the United States or other countries do so in search of economic opportunities that do not exist at home as a consequence of the economic liberalization in China (Fritsch, 1993).

### SOCIAL FACTORS

As the economic reform in China deepens, especially along the coastal regions, it unavoidably undermines the regulatory and integrative functions of certain social institutions (police and village government). As these institutions become less functional, people may suddenly find themselves in a situation in which many new opportunities exist because of the loosening of social controls formerly exercised by these social institutions. First, local governments do not now have the type of tight control over the population that they had formerly. No one has to report if a farmer or fisherman disappears from his village or a worker resigns from his factory job. Second, border controls have been loosened to a great extent due to the more liberal policies toward Hong Kong, Macau, and Taiwan. Regular police and armed police have redirected their efforts to a thriving business—smuggling of cigarettes, drugs, weapons, pornography, and cultural antiques. Individual trips both in and out have become easier, requiring less official permission. Third, the economic boom promotes privatization. Private boats that used to be rare are now owned by many farmers or fishermen, presenting a greater chance of mobility at some off-coast islands that have been heavily used as transit points for smuggling. Finally, the economic reform, unfortunately, has also resulted in growing corruption among local police and government officials. Passports and exit documents can be bought at a price. The new situation has also led to an emergence of Mafia-style criminal syndicates that have contacts in Taiwan, Hong Kong, and Chinatowns in the United States (Booth, 1991, p. 157).

### SITUATIONAL FACTORS

Some situational factors have also played a role in the new surge of illegal Chinese immigration. Situational factors mean that some social events act as catalysts, triggering the overall condition to change in the context of the micro factors.

The first situational factor has stemmed from the INS asylum policy. Under the policy, any alien can apply for asylum if his or her life or freedom would be threatened on account of race, religion, nationality, membership in a particular social

group, or political opinion (Asylum, 1990). According to the policy, Chinese citizens who arrive in the United States, legally or illegally, can apply for political asylum merely by stating their opposition to the family planning policy that started in China in 1979 which allows only one child per family. The INS has accepted this as a legitimate political reason and granted political asylum to illegal Chinese immigrants accordingly. Therefore, more and more Chinese follow this path, claiming that they would face persecution if they were deported. This policy has resulted in a sudden growth of political asylum seeking. From April to May of 1993, at the immigration service's Newark office only, 2,853 Chinese applied for political asylum, more than the total number of Chinese applicants in all of 1992 (Fritsch, 1993). About 80% of Chinese applicants were granted political asylum, compared to about 35% overall in the previous year. Those who were denied asylum could still appeal, winning a few months' grace period. In addition, 30% of the aliens claiming to be seeking asylum in the New York area failed to appear for their court dates (Fritsch, 1993). They simply disappeared.

Although applicants asking for political asylum still have to wait for their turn on the INS's long waiting list, the Chinese Students Protection Act of 1992 provided an across-the-board approach that smuggling groups were quick to abuse. The Act, first issued as an Executive Order on April 11, 1991, and then passed by the U.S. Congress on October 9, 1992, permits any Chinese national who arrived on or before April 16, 1990, to apply for permanent residence status (a green card) due to the Tiananmen Square incident. The implementation of the Act started on July 1, 1992, and ended 1 year later. Usually, a permanent residence status can only be obtained after several years of waiting, plus several thousands of dollars of legal fees. Given this golden opportunity, many illegal immigrants, so long as they were in the United States, could simply make a false claim and provide false documents, stating that they arrived before April 11, 1991. This situational factor explains the sudden increase of illegal Chinese immigrants coming to the United States from 1992 to 1993.

The boom in the illegal Chinese immigration was also fueled when Taiwan prohibited fishing with drift nets in 1992. Without providing any alternative, this policy change drove several hundred owners of such ships out of business and created a new business—smuggling groups purchased these ships and refitted them for carrying illegal immigrants. The majority of the vessels used for smuggling are converted Taiwanese drift net fishing vessels. Some have been converted to general cargo vessels, whereas others have kept their rigging for fishing. These vessels carry flags from a variety of countries, such as Panama, the Dominican Republic, or Honduras.

In brief, the flow of illegal immigration from China to the United States is due neither to a one-time nor a single cause action. Instead, the flow can be characterized by several waves of migration impacted by the historical, economic, social/political, and situational factors in both China and the United States.

### THEORETICAL PERSPECTIVE

It is still premature to offer a comprehensive theoretical perspective to explain the new wave of illegal Chinese immigration to the United States. Even so, it can be theorized that the supply-demand or pull-or-push hypothesis largely accounts for the new crime phenomenon.

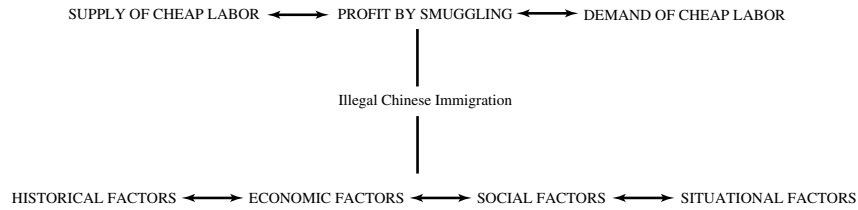
Since the 1920s the economic mainstay of American Chinatowns has been largely dependent on two types of industrial subsections—the tourist industry and the manufacturing industry. The main units in the tourist industry consist of restaurants, meat and fish markets, groceries, laundry shops, curio stores, import bazaars, and sidewalk stalls, which line the main thoroughfares of American Chinatowns. The manufacturing industry, on the other hand, basically refers to garment factories or sweatshops. Since the 1990s, competition for the tourist dollar both within and outside Chinatowns has become very keen. Therefore, to survive, owners of these retail businesses have no other choice but to find job seekers willing to work longer hours under inferior working conditions and at lower wages. As a result, there has been an increasing demand for such cheap labor among the small businesses in major Chinatowns in the United States. Such employment, however, cannot be readily found in the general labor market.

Illegal Chinese immigrants are ideal candidates for such jobs for several reasons. First, they have no work permits so they cannot bargain over wages. Second, they speak the same dialects (Fujianese or Cantonese) as their employers and are thus easy to control. Third, as new arrivals, they know little about their work rights, such as minimum wage and medical insurance. Finally, they cannot report any exploitation to the authorities owing to their illegal status.

In China, on the other hand, the abundant supply of those seeking a better life constitutes the other driving force in the current alien smuggling business. In other words, whereas the need for cheap labor among small businesses in Chinatowns in the United States serve as potential labor market (the demand or the pull), many young fishermen and farmers in the Fujian Province who want to come to the United States looking for a “fortune” provide a rich source for the growing demand in the United States (the supply or the push). However, the two cannot be connected without the linking component—smuggling groups.

The huge profit generated by smuggling illegal immigrants has attracted many crime groups. As a matter of fact, *snakeheads* (smuggling leaders) in smuggling groups are also encouraged by the low risk of penalties, even if smugglers are caught (*Committee Hearing of INS Testimony*, 1991, p. 27). On average, snakeheads charge from \$30,000 to \$60,000 per person depending on the method (e.g., air, oceangoing ships, or container ships), routes, and number of people in the group. Those illegal immigrants have to pay from 5% to 10% as down payment, which they borrowed from relatives or criminal groups.

In summary, the demand-supply hypothesis suggests that as long as there exists a demand for cheap labor, an abundant supply of such cheap labor, and a profitable smuggling in-between that can take advantage of various social oppor-



**Figure 1**

tunities, a surge of illegal immigration will likely continue to occur. Simply stated, the rise of the new transnational criminal activity can be better understood in terms of new economic opportunities combined with the absence of countervailing constraints that could prevent or inhibit such opportunities (Williams, 1995). Figure 1 shows the summary for a theoretical framework proposed by this inductive study.

It is also proposed here that the above theoretical framework calls for further quantitative data for testing and modification. It is hoped that the theoretical attempt can promote a better understanding of the new crime phenomenon under discussion.

### POLICY IMPLICATIONS

The smuggling organizations have earned hundreds of millions of dollars in profit and have grown in size, complicity, and sophistication. Even more disturbing is a documented trend toward a transnational criminal cooperation among triads and gangs from the United States, China, Taiwan, and Hong Kong (*Committee Hearing on Statement*, 1991, p. 4). Their purpose is to perpetuate the criminal operation. This in turn presents alarming implications for the law enforcement community. Equally disturbing is the latest development that illegal Chinese immigrants are being smuggled into U.S. western coastal areas in containers of cargo ships (Young, 2000) and into British Columbia, Canada (Brooke, 1999).

Because illegal Chinese immigration has become a transnational crime, some comprehensive countermeasures to address this new crime phenomenon are required to further strengthen the current federal strategies. First, the INS should conduct more routine inspections of work sites suspected of hiring undocumented workers in Chinatowns. In other words, an effort should be made to cut demand in job markets for illegal immigrants. If the number of undocumented workers can be reduced, many new jobs will be open for those citizens and aliens who are legally entitled to them. At a minimum, frequent checks of employers who realize

the INS may come knocking at the door unannounced should be a way to discourage the practice of hiring illegal immigrants. In a word, frequent inspections by the INS, if done properly and without abuse, are necessary tools in cutting down job markets for illegal immigrants. This internal sanctioning system works well because it punishes employers who hire illegal immigrant workers largely for economic reasons (Snowden, 1998).

Second, the INS might increase the fine for employers who knowingly employ undocumented workers. As illustrated earlier, by hiring illegal immigrants who are desperate for work, these small business owners are able to pay subminimum wages with few, if any, benefits. The lack of opportunity for unskilled illegal Chinese immigrants makes them easy prey for exploitation (Pennsylvania Crime Commission, 1990). In view of such ruthlessness, the rationale for tougher policies is necessary to deal with employers to avoid creation of an underground community of second-class residents compelled to live on the fringe of society (substandard housing) and who are consequently likely to resort to criminal activities to survive (Chen, 1988).

Along the same line, a new supplementary sanction is needed for the INS, permitting it to fine any person who provides assistance to smuggling of illegal immigrants, ranging from lending money to providing housing or shelter. The purpose of this measure would be to deter illegal immigrants from obtaining any assistance from their relatives in the United States, thus making the illegal immigration chain more difficult to sustain. Third, the INS should reevaluate its current screening practice for political asylum in terms of the one-child policy and the Falun Gong policy. The latter refers to the recent situation in which the Chinese government has declared the Falun Gong an illegal cult in China. Falun Gong is a powerful mind/body cultivation practice based on some religious belief. In many reports, however, applicants or attorneys present fake information to have asylum granted due to the two above sociopolitical situations in China about which INS officials lack understanding.

Next, the INS should implement joint efforts with law enforcement agencies in China to produce a series of TV programs. The purpose of the TV campaign would be to let people know the actual life that illegal immigrants have experienced in the United States. This effort would make it more difficult for recruiters of smuggling groups to attract and cheat potential illegal immigrants.

Fifth, given the number of illegal immigrants, the current detention capacity of the INS is inadequate. Even when illegal immigrants are caught, they often are released pending further hearings, due to the lack of detention holdings. As a consequence, a large percentage simply disappear and fail to appear in court. Some of them are even coerced into an underworld of forced labor, drug dealing, prostitution, and gang-related activities. For these reasons, extradition treaties with countries and areas concerned (including China) are essential to facilitate deportation proceedings. Obviously, rapid deportation would send a clear message to prospective illegal immigrants, serving as another deterrent factor.



Finally, illegal immigration is a transnational crime. It is therefore important to seek international cooperation among law enforcement agencies. It is necessary to establish liaison offices in the countries and areas concerned to quickly exchange intelligence information. This effort could help combat smuggling operations at their source. However, U.S. law enforcement is at a distinct disadvantage in terms of investigation because few agents can speak northern Fujianese. In this sense, law enforcement agencies at both federal and local levels should purposely strive to recruit personnel who can speak the dialect of northern Fujian. In addition, it is suggested that the citizenship requirement for a sworn officer position be exempted for a language specialist. Alternatively, an individual with the language skill may be initially hired under a civilian status if she or he has a permanent residency status.

Further precautions are in order due to some new trends. First, the Canadian west coast route is being explored by smuggling groups. As the U.S. Coast Guard has tightened interception in American territorial waters around Guam during 1998 and 1999, smuggling groups have shifted their targets toward the Canadian west coast, namely the Vancouver area. On July 20, 1999, the first Chinese ship was intercepted in the Vancouver area. The Canadian authorities in Vancouver released 74 illegal immigrants, pending resolution of their petitions for refugee status. Within a month, 51 had disappeared, presumably for the United States. The release of illegal immigrants promoted a series of landing attempts in the area in the following months. In the summer of 1999, four trawlers were intercepted by the Canadian Navy off British Columbia and 600 undocumented Chinese were detained. The selection of the Canadian west coast route was an extension of past targets along the west Pacific Rim after the Los Angeles, San Francisco, and Seattle areas.

The Vancouver area is being used as a transit point for illegal immigrants to go to the United States for the following reason: Vancouver has a large Chinese population. It has been estimated that 20% are ethnic Chinese. Therefore, it is much easier for illegal Chinese immigrants to find shelter, legal service, and employment in this area.

In addition, since 1999, other countries (e.g., Russia, Great Britain, Germany, Holland, Yugoslavia, Croatia, Italy, Japan, Australia, and some Latin American countries) have begun to see an increase of illegal Chinese immigrants. Some of these countries (Croatia and Italy) are being used simply as transit points on the way to the western European countries or the United States.

There is some evidence that new illegal immigrants are being recruited from other provinces in China, such as Wenzhou in Zhejiang Province. Also, smuggling groups are targeting women and minors because they will receive lower penalties in the United States if apprehended and also be in greater demand for prostitution.

Since off-loading points on the west and east coasts and land-crossing points along the American-Mexican border have been used by smuggling groups, alternative landing points will likely appear around the four U.S. territories, namely,

American Samoa, Puerto Rico, Virgin Islands, and Guam. As a matter of fact, Guam was utilized as a transit point during 1998 and 1999.

Finally, smuggling groups have begun to smuggle people first to the Caribbean countries, such as Jamaica, the Dominican Republic, or Haiti, and then fly the illegal immigrants to Miami, using either fake or genuine Japanese tourist passports because there is a treaty on visa exemption between the United States and Japan. Actually, smuggling groups can even use these passports repeatedly because of an identification problem: Americans have difficulty differentiating people of Asian descent. (To Americans, all Asians look alike.)

### CONCLUSION

The smuggling by oceangoing ships represents a major expansion of the small groups of Chinese laborers coming to the United States by air through Canada and Central America. It is believed that those intercepted are only the tip of the iceberg. Some American officials think that 100,000 Chinese are now being smuggled into the United States each year. Even if the conducive situational factors no longer exist, it is impossible to predict whether this wave will come to an end soon. On the contrary, several cargo ships with illegal Chinese immigrants have been intercepted near Long Beach, Los Angeles, and Seattle since May of 1999 (Verhovek, 2000). Moreover, it has been suggested that other crime syndicates may follow the same route, such as those in India and Pakistan (*Testimony From Kenneth Yates*, 1992, p. 17).

The recent tide of illegal Chinese immigration has begun to attract international attention. The operation is transnational in that smugglers have to hire recruiters, sailors, corrupt officials, drivers, document forgers, employment agents, and gangs in mainland China, Hong Kong, Taiwan, the United States, and other involved countries. The smuggling of illegal Chinese immigrants by sea has gone beyond just an immigration issue. Obviously, the illegal Chinese immigration is a manifestation of Asian organized crime groups that are committing transnational crime.

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