

Tough
Policy Issues
Confronting
Public
Administration

Saltanat Liebert

Virginia Commonwealth University

The Role of Informal Institutions in U.S. Immigration Policy: The Case of Illegal Labor Migration from Kyrgyzstan

Saltanat Liebert is an assistant professor of public administration in the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University. Her research interests include public policy, immigration, and comparative public administration. She previously worked for the World Bank, the International Organization for Migration, and United Nations agencies. Her first book, *Irregular Migration from the Former Soviet Union to the United States*, was published by Routledge in 2009.

E-mail: slieb@vcu.edu

Immigration is a sensitive topic on the American political, social, and economic agenda. Globalization as well as the end of the Cold War have meant that people are on the move worldwide as never before. Millions of people from poor countries migrate to richer ones to provide better lives for themselves and their families through legal and illegal channels. Heated debates surround this subject. A dramatic divide persists between proponents, who equate immigration policy with civil rights, and opponents, who cite the burden of illegal immigration on public education and public welfare systems. The author argues that informal institutions involved in migration processes, such as migrant smuggling networks, explain why the current crisis persists. The role of informal institutions is examined by focusing on those who migrate from Kyrgyzstan to the United States seeking low-wage labor. The author generalizes how formal and informal institutions interact in the processes of migration and how informal institutions decisively influence immigration-related policies in the United States.

Immigration is an acute and sensitive topic on the U.S. political, social, and economic agenda. The heated debates that surround this subject have resulted in a dramatic divide between proponents, who equate immigration with civil rights (Bernstein 2006), and opponents, who cite the alleged burden of illegal immigration on public education, Medicare, Medicaid, and public welfare systems in the United States.¹ The combined effects of globalization and the end of the Cold War have meant that people are on the move like never before. Millions of individuals from poor countries migrate to richer ones in an effort to better provide for themselves and their families through legal channels and, in their absence, illegal ones.

In general, the United States has strict immigration policies; in addition to enforcing existing measures, it has introduced new ones, including the construction of a fence along the Mexico–U.S. border to curb illegal migration into the country. Despite these measures, the number of irregular labor migrants from various countries only seems to be increasing.² Politicians, scholars, and citizens alike pronounce the immigration policy “broken,” as the number of illegal immigrants has reached an estimated 11 million (Papademetriou 2005). With Congress’s failure to pass comprehensive immigration reform legislation in 2006, states and municipalities have taken matters into their own hands. In 2008 alone, 1,305 bills related to illegal immigration were introduced in the United States; 206 laws and resolutions were passed in 41 states (National Conference of State Legislatures 2009). Many of those passed intensify local enforcement of federal immigration laws; deny unauthorized immigrants access to public services, jobs, and housing; ban them from receiving a driver’s license; and institute other restrictive measures.

Why is the immigration policy in crisis, as most scholars and practitioners describe the current state of the immigration system? This article argues that informal institutions involved in migration processes, such as migrant smuggling networks, can explain much of the crisis.

Why is the immigration policy in crisis, as most scholars and practitioners describe the current state of the immigration system? This article argues that informal institutions involved in migration processes, such as migrant smuggling networks, explain much of the crisis. This research project examines the role of informal institutions in the process of migration from Kyrgyzstan to

the United States for low-wage labor. Specifically, it demonstrates how formal and informal institutions interact in the process of migration and how informal institutions influence the effectiveness of immigration and immigration-related policies in the United States.

U S. Immigration Policy

At present, the Immigration and Nationality Act of 1952 and its subsequent amendments regulate legal labor migration into the United States. Under its auspices, the opportunities to migrate vary significantly, and generally they are tied to education level. For example, well-educated foreign nationals who speak fluent English and have skills that are readily transferable to the U.S. labor market can legally migrate under nonimmigrant temporary employment visas. On the other hand, legal avenues of migration for unskilled laborers and workers whose skills are not readily transferable to the American labor market are limited, and presently there are only two categories of visas available.

The first visa category, H-2A, an agricultural worker visa, allows foreign agricultural workers to come to the United States for temporary or seasonal work. There is no annual cap on this category of workers. To bring foreign workers to the United States under this visa, employers must petition the Department of Labor, and although most H-2A certifications are approved, the process is so cumbersome and the necessary certifications are often issued so late (after the peak harvest season) that many employers choose not to go through the process (Waller Meyers 2006). In addition, the H-2A worker program is highly regulated and requires that employers provide free transportation, housing, and meals and pay migrant workers wages prescribed by the authorities. It is likely that some unscrupulous employers prefer to hire undocumented workers with no authorization for employment in the United States because they are more vulnerable to exploitation.

The second visa category available to labor migrants sponsored by American employers is H-2B, a skilled or unskilled worker visa. It allows skilled and unskilled foreign workers to work in the United States to meet the temporary or seasonal nonagricultural needs of employers. Both the job and the worker have to be of a temporary nature, and the workers have to return to their home country after six months in the United States. Employers have to show that qualified U.S. workers are not available for these jobs and must file a petition with the Department of Labor. The annual cap for nonagricultural skilled or unskilled workers is 66,000, which falls significantly short of the estimated 460,000 unskilled workers that U.S. employers need on an annual basis.³

Practically speaking, there is no way for unskilled workers to migrate to the United States for labor through legal channels unless they are sponsored by an American employer. Many employers find the official process extremely inefficient and prefer to hire illegal migrants who are already in the United States. The process of legally importing temporary unskilled workers is complicated and involves a number of U.S. formal institutions: the Department of Labor, which processes and approves labor certification of jobs; the State Department, which issues visas; and the Department of Homeland

Security, which adjudicates petitions and determines the admissibility of workers into the United States (Waller Meyers 2006).

Knowing that there is a substantial demand for unskilled laborers in the United States, and lacking legal channels for migration, thousands of unskilled migrants arrive in the United States every year, either by crossing the U.S. border illegally or by overstaying their visas. Immigration policies designed to curb these abuses clearly are being undermined, oftentimes by informal institutions.

The case of migration from Kyrgyzstan to the United States demonstrates the pervasive role that informal institutions play in enabling and perpetuating irregular migration. This case study. . . illustrates how informal institutions respond to immigration policies that they—and their “clients”—deem undesirable.

Migration from Kyrgyzstan to the United States

The case of migration from Kyrgyzstan to the United States demonstrates the pervasive role that informal institutions play in enabling and perpetuating irregular migration. This case study specifically illustrates how informal institutions respond to immigration policies that they—and their “clients”—deem undesirable.

Legal temporary migration and permanent immigration from the former Soviet republics, including Kyrgyzstan, to the United States for permanent residency is not a new phenomenon.

However, a new trend in temporary, and mostly illegal, labor migration from the Commonwealth of Independent States (CIS) to the United States has emerged in the last decade.⁴ There are typically two categories of labor migrants from the CIS: highly educated individuals with fluent English whose skills are in demand in the American labor market (such as scientists, high-tech professionals, academics, and accomplished athletes), who can officially obtain U.S. work visas, and unskilled (or with skills not in demand in the United States) labor migrants who are either smuggled into the country illegally or overstay tourist or other types of visas. Such illegal labor migrants are primarily employed in unskilled, low-wage jobs, including domestic service, child and elderly caregiving, construction, and sweatshops.

This research focuses on the latter group of migrants. Their lack of or nontransferable skills and education means there are practically no legal channels for migration available; consequently, they are more likely to use informal channels for migration.

The United States was chosen as the focus of this case study because immigration policy is presently one of the most important and divisive issues in the country. Its central role in American political life was evidenced during the 2006 congressional elections and, more recently, the 2008 presidential debates. In April 2009, President Barack Obama announced his plan to begin reforming the immigration system, including a path to legalization for presently undocumented migrants (Preston 2009). The example of Kyrgyzstan—U.S. labor migration is important

because it is a microcosm of the larger phenomenon of migration from developing to advanced countries. Given that the immigration problem is not unique to the United States, this study also offers

Practically speaking, there is no way for unskilled workers to migrate to the United States for labor through legal channels unless they are sponsored by an American employer.

an interesting comparative perspective. European countries have been dealing with legal and illegal immigration for decades. Most illegal immigrants to Europe arrive from Africa, Eastern Europe, and Latin America—a composition somewhat different from that in the United States. Western European countries have implemented 15 legalization programs for illegal immigrants in the last 20 years. Spain alone has carried out six legalizations, compared to the United States' one amnesty for illegal immigrants in 1985 (DeParle 2008). This article draws parallels between informal institutions involved in migration in the United States and in the European countries.

Kyrgyzstan was chosen for this case study because it is an example of a post-Soviet transitional country that sends a large share of its population abroad for labor. Kyrgyzstan has few exportable natural resources, which has created a situation in which the country's largest export is its labor force. It is estimated that more than one-third of Kyrgyzstan's labor force is currently working abroad.⁵ In addition, political institutions in postcommunist states such as Kyrgyzstan, largely inherited from the Soviet system, present an interesting challenge to theorists of institutional studies. The disintegration of the Iron Curtain and the collapse of the Soviet Union have presented scholars with an opportunity to study countries that previously were closed to the rest of the world and had institutional arrangements significantly divergent from the Western school of institutional thought.

The Interaction between Informal and Formal Institutions

Why are some immigration policies successful, while others are not? Among the numerous factors that influence the effectiveness of public policies, the rise of informal institutions might have significant explanatory power. The outcomes of formal institutional policies can be undermined—or, in contrast, complemented—by informal institutions.

Institutions are important because they can make or break public policy. The study of institutions, known as institutionalism, has been present in American political science since at least 1887. In his famous essay, Woodrow Wilson (1887) focused on the role of institutions in the United States and in Europe. Many scholars have since studied how formal institutional arrangements, such as constitutional design and electoral systems, influence political and social outcomes (Cain, Ferejohn, and Fiorina 1987; Carey and Shugart 1995; Laver and Shepsle 1996; Lijphart 1994). Recently, some researchers have begun to draw attention to the limitations of studying only formal institutional design because many political outcomes cannot be fully explained by it.

The study of informal institutions is not a new research avenue. Comparative political scientists have long examined patterns of political behavior that diverge from formal rules (Hyden 1983; Jowitt 1983; Price 1975; Riggs 1964). Nevertheless, the leading institutionalism scholars point out that “informal institutions have not been rigorously conceptualized or theorized in comparative politics, and as a result, they remain at the margins of contemporary literature on political institutions” (Helmke and Levitsky 2003, 4). The budding body of research on informal institutions is

interdisciplinary, encompasses many diverse areas, and generally can be categorized according to the effect that informal institutions have on formal institutional outcomes.

A significant body of research argues that informal institutions undermine formal institutions (Hartlyn 1998; Jowitt 1983; O'Donnell 1994). O'Donnell (1994), for example, contends that existing theories of democracy refer to *representative* democracies that exist in highly developed countries. Newer democracies, including those in postcommunist countries, tend to be *delegative* democracies, which rest on the premise that the person who wins the presidential election (the delegate of the nation) is “thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office” (O'Donnell 1994, 59). O'Donnell further argues that delegative democracies are prone to informal practices such as *clientelism*, *patrimonialism*, and *corruption*, all of which undermine formal institutional design.

Other scholars of institutionalism are more ambivalent about the effects that informal institutions have on formal institutional outcomes. Authors of this school of thought argue that while informal institutions might undermine formal rules, they also can exert a positive influence on formal institutions (Collins 2004; Jones Luong 2004; Lauth 2000). For example, Lauth (2000) contends that not all informal institutions of political participation have effects that are harmful to democracy. He argues that informal forms of participation can be “the expression of a positive defensive reaction, designed to hinder the exploitation and occupation of formal democratic institutions” (2000, 45).

A third group of institutionalism scholars posits that informal institutions substitute for ineffective formal institutions (Eisenstadt 2006; Peng 2004). For instance, in the context of China's rural industrialization, Peng (2004) argues that kinship networks functioned to protect private property rights and facilitate the growth of private entrepreneurship when formal property rights laws were ineffective and formal market institutions underdeveloped.

Some informal institutions may alter the substantive effects of formal institutions without directly violating them.

Some informal institutions may alter the substantive effects of formal institutions without directly violating them. Siavelis, for example, argues that a complex network of informal institutions established by political elites in Chile encouraged executive power sharing, which limited the power of Chilean presidents

despite the fact that Chile's 1980 Constitution created “one of the most powerful presidencies in the world” (2002, 81). While the elites could not formally change the institution of presidency, they came up with an informal arrangement that mitigated the effects of a powerful presidency.

Finally, institutionalists contend that some informal institutions can actually enhance the effectiveness or efficiency of formal institutions (Fafchamps 1996; Portes and Schaufli 1993; Stokes 2006). Portes and Schaufli (1993), for instance, argue that informal sector activities are closely linked to the formal sector and that the two are interdependent. In particular, they claim that “the existence of an informal market represents a vast subsidy to formal capitalist enterprises, insofar as it makes labor costs lower than they would be if

such sources of supply did not exist" (1993, 49). The present study also suggests that U.S. industries such as agriculture, hospitality, restaurants, and domestic service, as well as their consumers, benefit from the low cost of migrant labor.

The puzzle for many scholars and practitioners is to understand why similar institutions in various settings produce different outcomes. In search of answers, several authors have looked at the interaction between formal and informal institutions in the economic, political, and social spheres. The interaction between formal and informal institutions is a recent and understudied area of research, and, as Pejovich states, "the relationship between formal and informal rules . . . is by no means a new question. However, what is new is the systematic treatment of the relationship between formal and informal institutions" (1999, 169). Several scholars have attempted to categorize this relationship. Most notably, Lauth identifies three ways in which formal and informal institutions interact: *complementary*, *substitutive*, and *conflicting* (2000, 25). Helmke and Levitsky (2003) build on Lauth's typology and add a fourth category, *accommodating*, thus proposing a fourfold typology of the interaction between formal and informal institutions. The authors identify these types of institutional interaction based on a few studies looking at institutions in limited contexts, and are based on studies that analyze one or a few informal institutions and their influence on a specific formal institution. What is missing in this newly emerging field of research is an empirical study that analyzes the relationship between formal and informal institutions more comprehensively in the context of a specific policy, such as immigration.

In light of the need for a macro-level approach to institutional interaction that addresses how immigration policy is influenced by informal actors on a transnational basis, the present study examines the effect of informal institutions on immigration policy based on a case study of labor migration from Kyrgyzstan to the United States. I begin by outlining the theoretical framework guiding this research and my methodology in conducting the case study. I then examine how informal institutions involved in migration influence formal institutional outcomes. Finally, I conclude by discussing the policy implications of this study and avenues for further research.

Amid numerous suggested definitions of institutions (see, e.g., Carey 2000; O'Donnell 1994), Douglass North's framework dominates the literature. He defines institutions as "the rules of the game in a society or, more formally, . . . the humanly devised constraints that shape human interaction" (1990, 3). Formal institutions, for the purposes of this study, are defined as the "rules, procedures and organizations that are created, communicated, and enforced through channels that are widely accepted as official."⁶ In the context of migration, formal institutions include immigration and border control laws and procedures, law enforcement, immigration and consular authorities, and the laws regulating the employment of aliens. Helmke and Levitsky define informal institutions as "socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels" (2003, 6). Good examples of informal institutions are migrant networks and migrant smugglers. Given the economic nature of migration, this article will explore the relationship between political and economic institutions involved in labor migration.

Theoretical Framework and Research Questions

This article examines a set of questions in the context of international labor migration: (1) How do informal and formal institutions involved in labor migration interact with each other? (2) How do informal institutions affect formal policy outcomes? (3) What happens when institutions in developing and developed countries interact with each other? These questions are prompted by the newly emerging theory of interaction between formal and informal institutions, most fully articulated by Helmke and Levitsky (2003). In their framework for studying informal institutions (shown in table 1), they differentiate between effective and ineffective formal institutions, defining effectiveness as the "extent to which rules and procedures that exist on paper are enforced or complied with in practice" (2006, 13). For operationalization purposes, I consider institutions ineffective when actors repeatedly violate formal rules and the probability of their enforcement is low.

Another dimension of the Helmke-Levitsky framework is the compatibility of actors' goals—"what they seek to accomplish through a particular informal institution and their expectation about the likely outcomes generated by formal institutions" (Helmke and Levitsky 2003). In some cases, the actors' goals are compatible with expected formal institutional outcomes, while in others, they are in conflict with those outcomes. Bringing all of the aforementioned arguments together, Helmke and Levitsky propose a fourfold typology of interaction between formal and informal institutions: *complementary*, *accommodating*, *competing*, and *substitutive*.

The complementary type denotes the type of interaction in which informal institutions coexist with effective formal institutions and enhance the performance or efficiency of the latter. In situations in which the actors' goals are at odds with expected formal institutional outcomes, the type of interaction is accommodating. This type is described as "a 'second best' strategy for actors who dislike outcomes generated by the formal rules but are unable to change or openly break those rules" (Helmke and Levitsky 2003). The competing type refers to interaction involving informal institutions and weak or ineffective formal institutions. In this type of interaction, actors choose to use informal institutions, even if such action is in violation of formal rules. Finally, the substitutive type of interaction refers to the scenario in which informal institutions are substitutes for ineffective formal institutions.

This study will examine a range of interactions between informal and formal institutions involved in migration through the prism of the Helmke-Levitsky typology. Although quantitative hypothesis testing should not be applied to qualitative data (Yin 1994), the following hypotheses were useful in guiding the research:

H1: U.S.-based informal institutions involved in migration undermine the American formal institutions engaging in a competing interaction. I expect that informal institutions

Table 1 A Typology of Interaction between Formal and Informal Institutions

	Effective Formal Institutions	Ineffective Formal Institutions
Compatible Goals	Complementary	Substitutive
Conflicting Goals	Accommodating	Competing

Source: Adapted from Helmke and Levitsky (2006, 14).

based in the United States, such as intermediaries facilitating migration and employment agencies and migrant networks, undermine the formal institutions involved in migration by arranging passage for would-be migrants and/or by finding employment for migrants without work authorization.

H2: Informal institutions substitute for ineffective formal institutions. Quality formal child care in the United States is in notoriously short supply, and, when found, it is often unaffordable. I anticipate that a large share of female migrants are involved in the provision of child care services, thus providing an alternative to the ineffective formal child care system.

It is important to note that because the theory of interaction between formal and informal institutions is still in its inception stages, this study also relies on preliminary field data to guide the project through grounded theory (Glaser and Strauss 1967). While the foregoing hypotheses served as a guide for this research project, they are not inclusive of all types of relationships that exist between formal and informal institutions.

Methodology

This project embraces a case study research method relying on multiple data sources, including interviews with labor migrants from Kyrgyzstan in the United States, migration intermediaries, Kyrgyz migration officials, and American consular personnel, as well as an analysis of migration laws and regulations in the United States and Kyrgyzstan. The initial phase of data collection involved archival research. To understand the role of formal institutions involved in migration processes, I reviewed the migration-related laws and procedures of Kyrgyzstan and the United States. This was important because such laws and regulations are a codification of formal rules. The main part of the field research involved interviewing migrants from Kyrgyzstan working in the New York metropolitan area and in Philadelphia.⁷ The purpose of the migrant interviews was to map out all of the institutions involved in irregular labor migration from Kyrgyzstan to the United States and to identify their roles in order to analyze how formal and informal institutions interact. I conducted 30 in-depth, semistructured interviews with labor migrants selected by the snowball sampling method through referrals.⁸

To complement the review of migration laws and to understand the migration policies that are not apparent from official rules and regulations, I interviewed policy makers and migration officials in Kyrgyzstan. These interviews were important to understand the informal rules relevant to migration and migration policies that are hidden from view. Although U.S. migration policies are more transparent and could be gathered from readily available laws and immigration procedures, I chose to also interview an employee of the American consulate in Kyrgyzstan to identify the policies and procedures used on the ground when dealing with Kyrgyz labor migrants.⁹

I was able to secure interviews with individuals who previously had been involved in facilitating migration from Kyrgyzstan to the United States. They provided invaluable information about how some Kyrgyz migrants obtain U.S. visas and other details about the transnational cooperation of informal institutions in this context. Based on descriptions I heard during the initial interviews with migrants, which indicated that many used the services of employment agencies to find work in the United States, I decided to visit a few such agencies to investigate their strategies. These field visits resulted in valuable insights into the workings of an important informal institution involved in migration. It also would have been useful to interview employers who hire undocumented migrant workers, but because of the sensitive nature of the inquiry, such interviews were not secured.

Analysis and Findings

This study identified more than 40 formal and informal institutions taking part in the process of labor migration from Kyrgyzstan to the United States. In the interest of conciseness, the discussion will focus on a select few of the institutional interactions. An analysis of the interaction between informal and formal institutions participating in the process of labor migration through the prism of the Helmke-Levitsky typology reveals that the following types of interaction are present in this case study: competing, substitutive, and complementary. It is noteworthy that the informal institutions involved in migration influence not only immigration-related formal institutions in the United States, but also child care, elderly care, housing regulations, and other formal systems as discussed in the following section.

Competing Interaction

As hypothesized, a multitude of informal institutions are actively involved in the process of irregular migration, all of which engage in a competing relationship vis-à-vis formal institutions and undermine them in various ways. The role that some of them—namely, migration intermediaries, employment agencies, and informal hostels—play in the migration process is discussed here.

Migration intermediaries play a critical role in the process of labor migration by enabling migrants from Kyrgyzstan to obtain tourist and other types of visas. Migration intermediaries, usually operating as a *turisticheskoe agentstvo* (travel agency) in Kyrgyzstan, have established partnerships with intermediary firms in the United States. The U.S.-based intermediaries supply letters of invitation from U.S. citizens and companies to prospective migrants in Kyrgyzstan for fees ranging from \$150 to \$2,000. In almost all cases, such invitations are fraudulent: even if they are signed by individuals and companies that exist, these actors do not know the prospective migrants and have no intention of hosting them in the United States. There appear to be hundreds of entities in the New York metropolitan area supplying invitations to prospective migrants. As a former migration intermediary reported, “Here [in Brooklyn, New York] you can get those invitations on every corner, even in law firms. If you pay them, they’ll arrange for an invitation.”¹⁰ Similar informal networks arrange for the migration of Kyrgyz nationals to the United

This project embraces a case study research method relying on multiple data sources, including interviews with labor migrants from Kyrgyzstan in the United States, migration intermediaries, Kyrgyz migration officials, and American consular personnel, as well as an analysis of migration laws and regulations in the United States and Kyrgyzstan.

Kingdom. As the Institute for War and Peace Reporting reports, “a common method of these agencies is to strike deals with people residing in Britain who are prepared to issue private invitations, pretending to be friends or relatives of the prospective visitor, in return for a fee” (Toraliyeva 2005). Migrants reported paying \$2,000 to an agency for an invitation and an additional \$1,000 to obtain a visa to the United Kingdom.

Upon receipt of an invitation, visa applicants are coached by intermediaries in Kyrgyzstan to memorize an invented story that will be recited to the U.S. consul, including how they know the individual or firm that is inviting them and the purpose of their visit. A former travel agent who supplied letters of invitation to potential migrants in Kyrgyzstan estimated that 30 percent of her clients received visas to the United States. Once a client received a visa, the Kyrgyz intermediary would call her American counterpart, who would then meet the client at the airport upon their arrival in the United States. As this example demonstrates, migration intermediaries in Kyrgyzstan and the United States engage in transnational interaction. Collectively, these intermediaries undermine U.S. policies intended to prevent illegal immigration. Their cooperation ranges from simple operations, such as supplying invitations from U.S. citizens and firms to Kyrgyz migrants, to more complex ventures that involve bringing large groups of Kyrgyz migrants to the United States on H-2B visas issued for nonagricultural unskilled workers. On several occasions, an American intermediary firm submitted the necessary paperwork to the U.S. Departments of Labor and Homeland Security to bring unskilled workers from Kyrgyzstan. These formal institutions approved the firms’ petitions for migrant workers, at which point their Kyrgyz counterpart recruited would-be workers in Kyrgyzstan. At least one group of 30 migrant workers brought to the United States through this channel “mysteriously disappeared” upon arrival at an airport in the United States. The two partner firms drew the attention of the U.S. consulate in Kyrgyzstan when the entire group of migrant workers did not return from the United States upon expiration of their visas. The State Department responded accordingly: subsequently, when these two intermediaries submitted visa applications on behalf of another group of 30 migrant workers, the U.S. consulate in Kyrgyzstan denied visas to the entire group (Informant 2006).

Over a third of the respondents in this study had found work in the United States through New York–based employment agencies. Such agencies are important informal institutions that help migrants find jobs even when they do not have authorization for employment in the United States. I classify these employment agencies as informal because they are not licensed by the New York City Department of Consumer Affairs,¹¹ which is a violation of the provisions contained in Article 11 of the New York General Business Law (§§ 170–191). There are hundreds of employment agencies that match migrants with employers. Most of these employment agencies seem to be located in neighborhoods with a high concentration of immigrants and cater to specific ethnic or linguistic groups. For example, employment agencies in the Brighton Beach community of Brooklyn, New York, cater to Russian-speaking migrants and are staffed and run by individuals from the former Soviet Union. Such employment agencies play a prominent role in integrating migrants into the informal labor market in the United States. Agents at such employment firms not only match migrants with employers, but

also coach migrants on how to conduct themselves while interviewing with potential employers and even advise migrants what to wear to interviews. Interestingly, there are similar informal employment agencies in Italy and the United Kingdom; however, they operate much more clandestinely than their American counterparts (Düvell and Jordan 2006; Triandafyllidou and Kosic 2006).

There are numerous informal institutions that cater to migrants, ranging from networks of money transfer agents such as Indian *hundi*, Pakistani and other Muslim countries’ *hawala*, and Thai *poey kuan* (Wucker 2004), to fraudulent document manufacturers and distributors and informal hostels. While some of these informal institutions do not interact directly with immigration-related formal institutions, they nevertheless undermine other formal institutions and serve as an important link in the migration chain. One informal institution that is actively used by migrants in the United States is a network of informal hostels. When migrants arrive in the United States, they typically do not have much financial resources and cannot afford to stay at a hotel. In response, many informal hostels, typically run by other immigrants, function as lodging where migrants can sleep for \$10–\$15 a night. These hostels range from neat bedrooms (rented out by families living in the same apartment) to overcrowded rooms or basements that accommodate 10–15 individuals sleeping on mattresses on the floor. Similar informal hostels exist in the United Kingdom, and some are even referred to as “Polish houses” because they serve Polish immigrants (Düvell and Jordan 2006, 55). It is noteworthy that migrants stay at such informal hostels not only upon arrival in the United States, but also throughout their stay. For example, female live-in domestic workers and caregivers usually have one unpaid day off per week. They are expected to leave their employers’ residences on their days off, but without anywhere else to go, they often resort to spending a night at one of the informal hostels. Many of the informal hostels violate the local housing maintenance codes (restrictions pertaining to occupancy limits in residential dwellings), and are unlikely to report their income to the Internal Revenue Service. In interacting with formal rules such as housing maintenance codes, the informal hostels disregard the rules, and by evading taxation of their rental income, they also undermine the rule of law in the United States.

Substitutive Interaction

The second hypothesis guiding this study speculated that informal institutions also substitute for ineffective formal institutions in the context of migration. Illustrative examples of such substitutive interaction involve informal child care and elderly care providers.

As many studies report, there is a substantial shortage of good-quality, affordable child care in the United States (Blau 1993; Gordon and Chase-Lansdale 2001; Johansen, Leibowitz, and Waite 1996; Kisker and Ross 1997). The shortage of child care options is an often-cited impediment to women’s participation in the formal labor force and to a manageable balance between work and family (Gordon and Chase-Lansdale 2001). The demand for affordable formal child care that provides learning opportunities for children far outstrips the supply. Hondagneu-Sotelo argues that many middle-class families are deeply prejudiced against formal child care centers, “perceiving them as offering cold, institutionalized, and second-class child care” (2001, 4). As a result, many parents turn to informal child care,¹² much of which is provided by female migrant workers.

Twenty percent of female interviewees in this study were live-in caregivers for children.¹³ Their responsibilities included numerous other household chores, such as cleaning, cooking, doing laundry, and ironing. An additional 26.7 percent of women were child caregivers at some point, but later moved on to jobs that involved only housekeeping duties. Overall, almost half of the women interviewed were child care workers at the time of the interviews or at some point during their employment in the United States. I argue that affordable female migrant labor providing child care allows more American women to participate in the formal labor force, and thus enhances the effectiveness of the formal economy. This relationship represents an example of a substitutive interaction between informal and formal institutions in which migrant labor substitutes for ineffective formal child care system in the United States.

Similarly, the responsibility of caring for the elderly is increasingly being transferred from immediate family members to hired workers, who are often migrants (Pratt 1999). The capacity of public assistance programs to provide for the elderly is limited: federally funded health care covers only acute health conditions requiring skilled medical assistance (Bass and Noelker 1987). Many elderly individuals do not want to live in nursing homes and cannot afford to live in expensive retirement facilities. They might not require medical assistance on a daily basis, which makes them unqualified for federally subsidized programs, but they do need help with personal care. In such cases, the only in-home care options for the elderly are daily assistance from family members (if it is available) or privately purchased care. Although traditionally, families provided the bulk of care for elderly individuals (Bass and Noelker 1987), purchased care is becoming a more attractive option for primary caregivers given the significant physical and emotional care-related stress and the availability of inexpensive migrant labor. It is estimated that half of the disabled elderly using in-home services rely exclusively on privately purchased care (Bass and Noelker 1987). A quarter of the female migrants interviewed in this study reported working as live-in caregivers to the elderly, providing round-the-clock care, typically with only one unpaid day off per month. Migrants working in these positions helped their elderly clients with bathing, dressing, moving, and also performed housekeeping duties. Migrant workers willing to work as live-in caregivers to the elderly relieve the burden from immediate family members. This arrangement of caring for the elderly represents a substitutive interaction in which migrant labor substitutes for the ineffective formal elderly care system.

Complementary Interaction

Not included in the original hypotheses, but consistent with the Helmke-Levitsky typology of institutional interaction, this study uncovered relationships between informal and formal institutions that are complementary in nature.

More than 80 percent of the female migrants interviewed in this study were domestic workers, including housekeepers and child care and elderly care providers. Migrant workers in the United States relieve many Americans (mostly women) of a significant share of child care and elderly care duties, and thereby enable more women to participate in the formal labor force.¹⁴ In essence, as Hondagneu-Sotelo puts it, "the work of cleaning houses and caring for children gradually left the hands of wives and mothers and entered the global marketplace" (2001, xii). In the domestic service industry, female

immigrant workers have replaced African American women, who traditionally performed paid housework and have since moved into the formal economy with somewhat better wages, regulated work hours, and, sometimes, health benefits. This author contends that migrant labor enhances the U.S. economy by enabling an arrangement in which Western-educated American women can participate in the formal labor force, while less-skilled migrant workers take care of domestic chores and responsibilities. The relationship between migrant labor and the formal economy represents a complementary type of interaction in which the former contributes to the effectiveness of the latter. This situation is not unique to the United States; European economies are heavily dependent on migrant labor as well. In Italy, for example, it has been argued that the domestic labor provided by immigrant workers is "essential to the functioning of Italy's formal economy" (Triandafyllidou and Kosic 2006, 109).

This complementary relationship between migrant labor and the formal economy may partially explain why the employment of large numbers of immigrant workers without proper work authorization in private American households is tolerated by immigration authorities. The need for unskilled workers to perform domestic work and care for children and the elderly is enormous and will only increase as the baby boom generation ages and requires caregiver assistance.¹⁵ It is not hard to imagine the disruption caused to the professional lives of Americans (mainly women), especially in metropolitan areas, if they were to become unable to employ migrant workers to perform domestic work. Are there other reasons why formal policy rhetoric and informal practice seem to be coexisting? The likely answers to this questions are multifold. First, combating the unauthorized employment of migrants in the homes of private American citizens presents significant challenges related to enforcement, resources, and constitutional rights.¹⁶ Second, industries such as agriculture, hospitality, restaurants, and landscaping have powerful interest groups lobbying for temporary migrant labor. The agricultural sector in particular depends heavily on seasonal migrant labor, as few American workers are willing to work in physically strenuous jobs, hand-picking fruit and vegetables with no benefits, long hours, and often substandard living conditions. As a result of intensified border apprehension and deportation activities, the already shrinking seasonal labor force has become further strained, with fruit and vegetable growers around the country suffering from lost revenues and lost harvests when they are unable to find enough pickers.¹⁷ It is likely that these actors have an interest in maintaining the status quo, in which government authorities do not strictly enforce formal regulations when it comes to employment of undocumented migrants in the United States. While there have been a few raids on farms, construction sites, and restaurants (Cave 2008; U.S. Immigration and Customs Enforcement 2008), Immigration and Customs Enforcement does not have enough resources or perhaps the political will to initiate large-scale immigrant employment verification enforcement efforts.

Interestingly, I did not find any incidences of an accommodating relationship between institutions, in which the informal institution alters formal outcomes without directly violating formal rules (Helmke and Levitsky 2003). A possible explanation for the lack of such relationships is that when it comes to a restrictive immigration regime, actors engaging informal institutions often seek outcomes (i.e., irregular migration) that are markedly divergent from formal

institutional goals (i.e., restricted immigration).¹⁸ By choosing to follow informal rules, actors inevitably violate the formal rules.

Conclusion

This study of how informal institutions influence formal institutional outcomes in the process of migration demonstrates that (1) informal institutions undermine formal institutions and policies, including those designed to control illegal immigration; (2) informal institutions also substitute for ineffective formal institutions, most notably, formal systems of child care and elderly care; (3) some informal institutions actually enhance the effectiveness of formal institutions; and (4) informal institutions in the United States have established transnational partnerships with their counterparts in Kyrgyzstan and cooperate fairly effectively to find avenues for the migration of Kyrgyz nationals.

This study explains how migration intermediaries, unlicensed employment agencies, and individual employers seeking domestic help, child care, and elderly caregivers all engage in activities that ultimately undermine policies designed to prevent illegal immigration. Individual employers are largely unaffected by immigration enforcement, and many businesses still employ unauthorized migrant workers even though the probability of detection of such employment by law enforcement authorities has increased.¹⁹ It is likely that actors and interest groups benefit from preserving the status quo because of the critical role that immigrant workers play in the U.S. economy.

In the context of post-9/11 immigration policy in the United States, procedures to obtain entry visas have become much stricter,²⁰ and consequently, the number of visa denials has increased significantly (Informant 2006). The unintended consequence of this restrictive immigration regime has been a shift from temporary migration to permanent immigration. Similar trends have been observed in Europe, where scholars note that “[t]he further away the country of origin and the stricter the immigration restrictions are, the more likely it is that initially mobile migrants, who otherwise may have come and gone, stay and become undocumented population” (Düvell 2006, 189). Many migrants in this study feared being unable to return to the United States in the future should a need arise, and thus decided to stay indefinitely. Such decisions are consistent with “the new economics of migration,” a migration theory that argues that a decision to migrate is often made not by individual migrants but by their families to guarantee an external source of income (remittances) should economic conditions in the country of origin deteriorate (Massey et al. 1993).

Further research focusing on the role of informal institutions in immigration from major migrant-sending countries would contribute to a better understanding of the dynamics of informal-formal institutional interaction. It would be especially interesting to compare how informal institutions emerge and operate in states sharing a border with the United States, such as Mexico, and in far-off countries such as China. Conducting in-depth interviews with employers who hire undocumented migrant workers, though a challenging undertaking

because of the sensitive nature of such research, would add much value to our understanding of the dynamics of the interaction between individual employers and the formal rules designed to prevent unlawful employment of aliens. Another area for future research would be to examine how business interests (especially in industries that depend on migrant labor) shape the current immigration reform agenda. It is known that high-tech companies such as Microsoft have long been lobbying (largely unsuccessfully) for an increase in annual quotas for highly skilled migrant workers. Are similar pressures being applied by employers in need of unskilled workers? How influential are these interest groups compared to the anti-immigration lobby, and what are the dynamics of their interaction with the legislature?

A number of policy implications emerge from this study. Inasmuch as any democratic government is largely unable to control or prevent the emergence of informal institutions, the most effective

This study explains how migration intermediaries, unlicensed employment agencies, and individual employers seeking domestic help, child care, and elderly caregivers all engage in activities that ultimately undermine policies designed to prevent illegal immigration.

way to counteract their competition might be by addressing the demand for low-wage labor through the expansion and streamlining of regularized temporary guest worker programs. Much of temporary migration is turning into long-term or permanent immigration because migrants are unable to return home for fear of never being allowed to reenter the United States. Effective guest worker programs would establish a degree of certainty in how long migrants could work in the United States, allow them to travel back and forth to maintain ties to their home countries, provide the U.S. government with another source of tax

revenue,²¹ and, most importantly, address the demand for unskilled and semiskilled labor.

Migrants from the former Soviet countries are highly educated and skilled as a result of the free universal education provided by the Soviet government—80 percent of irregular migrants interviewed for this study had university degrees; four were former medical doctors and two were college professors. It seems self-evident that it would be advantageous for the U.S. government to maximize this pool of qualified labor. In general, it stands to gain a lot from developing programs to efficiently and effectively integrate immigrants who have already settled in the United States into the high demand sectors of the labor market. If successful, such programs would increase labor productivity through a more effective allocation of skill sets. The U.S. government would also gain economically from an expanded tax base. Migrants, in turn, would benefit from preserving or improving their professional qualifications. For example, the government or the private sector could create programs to place former medical doctors in jobs requiring geriatric care, a major growth industry. In addition, it might be advisable to strategically tailor guest worker programs by targeting sectors that are experiencing labor shortages and to select migrant workers with appropriate skills. For example, the elderly care industry would benefit from recruiting migrant workers with medical or nursing degrees, a large pool of whom are available in the former Soviet states, including Kyrgyzstan.²² While these workers would not be making medical decisions on their own, the elderly would benefit from caregivers who have a medical background. In its projections of future immigration policy in light of the aging population in Western countries, Deutsche

Bank Research specifically states, “the recruitment of qualified and highly qualified labour as well as labour in growth sectors, such as nursing care, could become crucial” (2006, 22). Considering that one in five Americans will be over the age of 65 by 2030 (Roberts 2008), the United States might find itself in a situation in which it has to compete with Europe for a qualified migrant labor force.

Informal institutions play an active and important role in the implementation of immigration policy. They obviously influence the effectiveness of immigration policy and should be considered an important variable in the evaluation of immigration and other policies. The emergence of informal institutions in response to societal demands accentuates the need for dynamic formal institutions that are responsive and can adjust to ensure that their effectiveness is not undermined by informal institutions. Our understanding of how informal institutions influence formal policies is still in a nascent state, and it is hoped that this study will contribute to the advancement of knowledge in this important arena.

Acknowledgments

I want to thank David H. Rosenbloom for his constructive suggestions on an earlier draft. The author is also grateful to three anonymous *PAR* reviewers for their insightful comments that have helped sharpen the article.

Notes

1. In fact, immigrants are ineligible for most welfare programs. The Personal Responsibility and Work Opportunity Reconciliation Act bars legal immigrants (lawful permanent residents) who entered the United States after August 22, 1996, from receiving a range of federal welfare benefits, including Supplemental Security Income and food stamps. Certain groups of legal immigrants, such as U.S. military personnel and immigrants who have worked in the United States for at least 10 years, are exempted from this ban. Refugees and asylees are eligible for federal benefits only for the first seven years upon arrival in the United States. Legal immigrants are also ineligible for benefits jointly funded by federal and state governments, such as nonemergency Medicaid, Temporary Assistance for Needy Families, and the state child health insurance programs, for the first five years they reside in the United States. Undocumented migrants and legal migrants without permanent resident status (foreign students, visitors, temporary workers, and many other groups) are not eligible for any of these benefits, with the exception of emergency Medicaid. As far as state-funded public benefits are concerned, states have the discretion to determine the eligibility of immigrants for welfare assistance and benefits (Zimmermann and Tumlin 1999).
2. An irregular migrant is defined as “[s]omeone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country’s admission rules and any other person not authorized to remain in the host country (also called clandestine/ illegal/undocumented migrant or migrant in an irregular situation)” (International Organization for Migration 2004, 34). Throughout the article, I use the terms “irregular,” “illegal,” and “undocumented” interchangeably.
3. The Department of Labor estimates that the demand for low-skilled workers requiring only “short-term on-the-job training” will grow from 52.3 million in 2006 to 56.9 million in 2016, a net increase of 4.6 million jobs/workers. These categories of workers include janitors and cleaners, child care workers, home health aides, manual laborers, landscaping and groundskeeping workers, manual packers and packagers, combined food preparation and serving workers including fast food, and maids and housekeepers (U.S. Department of Labor 2007). Many of these jobs are currently filled by immigrant workers.

4. The Commonwealth of Independent States was created in December 1991 shortly before the official disintegration of the Soviet Union. It now includes all former Soviet republics with the exception of the three Baltic states and Georgia. Georgia withdrew from the CIS in August 2008 in the aftermath of its military confrontation with Russia over South Ossetia, a pro-Russian breakaway region located in Georgia (Barry and Barnard 2008).
5. There was also a practical consideration in choosing Kyrgyzstan for the case study. Migrant workers, some of whom might be undocumented or out of status in the receiving countries, are traditionally a difficult population to access. Having been born and raised in Kyrgyzstan, I hoped (rightly so, as it turned out) that Kyrgyzstani migrants, some of whom might be in the United States illegally, would be more likely to agree to an interview and share their stories with a compatriot.
6. This definition is adapted from Helmke and Levitsky (2003, 5)
7. Selection of persons to interview was purposive—I only interviewed migrants who arrived legally or illegally in the United States after 1991 and who are or were employed in unskilled, low-wage positions. I limited the inquiry to migrants who arrived in the United States after the collapse of the Soviet Union in 1991. Prior to 1989–91, migration out of the Soviet Union was restricted, and with few exceptions, and the emigration of Soviet citizens was not allowed (see, e.g., Shevtsova 1992). All interviews were anonymous. I chose the New York metropolitan area as a field research site because it has a large immigrant population of former Soviet citizens, which naturally attracts labor migrants from Kyrgyzstan because of linguistic and cultural links. In addition, New York City traditionally absorbs large numbers of illegal migrant workers.
8. This sampling methodology might raise generalizability problems. However, the objective of this case study is analytical generalizability rather than statistical generalizability (Yin 1994).
9. Because of the sensitive nature of the information shared by this individual, his name is not disclosed in the text, and he is referred to simply as “Informant.”
10. Anonymous migrant worker, interview with the author, Brooklyn, New York, December 4, 2005.
11. I was able to check whether an agency had a license through the New York City Department of Consumer Affairs. That office offers public access to a database allowing an instant check of licenses issued to various businesses, including employment agencies in New York metropolitan area (see https://a069-webapps1.nyc.gov/dca_new/index.cfm). Content analysis of a single issue of the Russian-language newspaper *Russkaya Reklama* (Russian Advertisements), which focuses on advertisements and regularly is used by Kyrgyz migrants, revealed that out of 36 employment agencies that advertised in that particular issue, only four were licensed by the New York City Department of Consumer Affairs.
12. Formal child care includes child care centers or family child care homes that are regulated by state authorities. Informal child care is performed in unregulated home settings (Kisker and Ross 1997).
13. The percentages are used as a descriptive statistic and are not intended to be statistically generalizable to the entire population of migrants from Kyrgyzstan.
14. It is a widely known fact that the responsibility of caring for the elderly is disproportionately borne by women (Bass and Noelker 1987; Ettner 1996).
15. The Department of Labor projects that the need for home health aides and personal care aides will increase nearly 50 percent between 2006 and 2016 (U.S. Department of Labor 2007).
16. Incidences of Immigration and Customs Enforcement agents breaking into private homes of Americans to arrest illegal alien domestic workers are likely to result in public outrage.
17. California pear farmers alone lost an estimated \$10 million in one season because of unpicked harvest in 2006 (Preston 2006).
18. A similar institutional analysis of other policies for which the goals of actors and formal institutions are not so drastically divergent might reveal accommodating relationships between informal and formal institutions.

19. In 2006, the Immigration and Customs Enforcement unit of the Department of Homeland Security began a massive campaign of immigration raids at worksites, which resulted in 4,900 arrests in fiscal year 2007 alone, representing "a 45-fold increase in criminal worksite arrests compared to fiscal year 2001" (U.S. Immigration and Customs Enforcement 2008). However, considering that the number of illegal immigrants in the country is estimated at about 11 million, 4,900 immigration arrests is a drop in the ocean.
20. All visa applicants are now required to appear for a personal interview with American consular officers, who review visa applications with much more scrutiny than before (Farnam 2005). The funding for American consular operations abroad has increased significantly, and consular personnel are now able to carry out thorough background checks on visa applicants.
21. Inasmuch as most irregular migrants work in the informal economy and do not have Social Security numbers, it is unlikely that their employers withhold the mandatory payroll taxes.
22. By the end of the Soviet era, medical institutions and hospitals in Kyrgyzstan were relatively well developed, medical care was provided at no cost to patients, and there was one physician for every 291 persons in Kyrgyzstan (Tabyschalieva 2005). By comparison, there was one physician for every 417 persons in the United States in 2006 (OECD 2008).

References

- Barry, Ellen, and Anne Barnard. 2008. Georgia Says Russian Troops Still Fighting Despite Accord. *New York Times*, August 13.
- Bass, David M., and Linda S. Noelker. 1987. The Influence of Family Caregivers on Elder's Use of In-Home Services: An Expanded Conceptual Framework. *Journal of Health and Social Behavior* 28(2): 184–96.
- Bernstein, Nina. 2006. In the Streets, Suddenly, an Immigrant Groundswell. *New York Times*, March 27.
- Blau, David M. 1993. The Supply of Child Care Labor. *Journal of Labor Economics* 11(2): 324–47.
- Cain, Bruce, John Ferejohn, and Morris Fiorina. 1987. *The Personal Vote: Constituency Service and Electoral Independence*. New York: Cambridge University Press.
- Carey, John M. 2000. Parchment, Equilibria, and Institutions. *Comparative Political Studies* 33(6–7): 735–61.
- Carey, John M., and Matthew S. Shugart. 1995. Incentives to Cultivate a Personal Vote: A Rank Ordering of Electoral Systems. *Electoral Studies* 14(4): 417–39.
- Cave, Damien. 2008. States Take New Tack on Illegal Immigration. *New York Times*, June 9.
- Collins, Kathleen. 2004. The Logic of Clan Politics: Evidence from the Central Asian Trajectories. *World Politics* 56(2): 224–61.
- DeParle, Jason. 2008. Spain, Like U.S., Grapples with Immigration. *New York Times*, June 10.
- Deutsche Bank Research. 2006. International Migration: Who, Where and Why? In *The Migration Reader: Exploring Politics and Policy*, edited by Anthony M. Messina and Gallya Lahav, 15–23. Boulder, CO: Lynne Rienner.
- Düvell, Franck. 2006. Undocumented Migration in Europe: A Comparative Perspective. In *Illegal Immigration in Europe: Beyond Control?* edited by Franck Düvell, 171–96. New York: Palgrave Macmillan.
- Düvell, Franck, and Bill Jordan. 2006. Documented and Undocumented Immigrant Workers in the UK: Changing Environments and Shifting Strategies. In *Illegal Immigration in Europe: Beyond Control?* edited by Franck Düvell, 48–74. New York: Palgrave Macmillan.
- Eisenstadt, Todd A. 2006. Mexico's Postelectoral *Concertaciones*: The Rise and Demise of a Substitutive Informal Institution. In *Informal Institutions and Democracy. Lessons from Latin America*, edited by Gretchen Helmke and Steven Levitsky, 227–48. Baltimore: Johns Hopkins University Press.
- Ettner, Susan L. 1996. The Opportunity Costs of Elder Care. *Journal of Human Resources* 31(1): 189–205.
- Fafchamps, Marcel. 1996. The Enforcement of Commercial Contracts in Ghana. *World Development* 24(3): 427–48.
- Farnam, Julie. 2005. *U.S. Immigration Laws Under the Threat of Terrorism*. New York: Algora.
- Glaser, Barney G., and Anselm L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine.
- Gordon, Rachel A., and P. Lindsay Chase-Lansdale. 2001. Availability of Child Care in the United States: A Description and Analysis of Data Sources. *Demography* 38(2): 299–316.
- Hartlyn, Jonathan. 1998. *The Struggle for Democratic Politics in the Dominican Republic*. Chapel Hill: University of North Carolina Press.
- Helmke, Gretchen, and Steven Levitsky. 2003. Informal Institutions and Comparative Politics: A Research Agenda. Working Paper no. 307, Northwestern University, Kellogg School of Management. <http://kellogg.nd.edu/publications/workingpapers/WPS/307.pdf> [accessed February 12, 2010].
- , eds. 2006. *Informal Institutions and Democracy: Lessons from Latin America*. Baltimore: Johns Hopkins University Press.
- Hondagneu-Sotelo, Pierrette. 2001. *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence*. Berkeley: University of California Press.
- Hyden, Goren. 1983. *No Shortcuts to Progress: African Development Management in Perspective*. London: Heinemann.
- Informant, U.S. consular personnel. 2006. Interview with the author, Bishkek, May 25.
- International Organization for Migration. 2004. International Migration Law No. 1—Glossary on Migration. http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf [accessed February 12, 2010].
- Johansen, Anne S., Arleen Leibowitz, and Linda J. Waite. 1996. The Importance of Child-Care Characteristics to Choice of Care. *Journal of Marriage and the Family* 58(3): 759–72.
- Jones Luong, Pauline, ed. 2004. *The Transformation of Central Asia: States and Societies from Soviet Rule to Independence*. Ithaca, NY: Cornell University Press.
- Jowitz, Ken. 1983. Soviet Neotraditionalism: The Political Corruption of a Leninist Regime. *Soviet Studies* 35(3): 275–97.
- Kisker, Ellen E., and Christine M. Ross. 1997. Arranging Child Care. *The Future of Children* 7(1): 99–109.
- Lauth, Hans-Joachim. 2000. Informal Institutions and Democracy. *Democratization* 7(4): 21–50.
- Laver, Michael, and Kenneth A. Shepsle. 1996. *Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies*. New York: Cambridge University Press.
- Lijphart, Arend. 1994. *Electoral Systems and Party Systems*. Oxford: Oxford University Press.
- Massey, Douglas S., Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor. 1993. Theories of International Migration: A Review and Appraisal. *Population and Development Review* 19(3): 431–66.
- National Conference of State Legislatures. 2009. State Laws Related to Immigrants and Immigration in 2008. <http://www.ncsl.org/IssuesResearch/Immigration/StateLawsRelatedtoImmigrantsandImmigration/tabid/13058/Default.aspx> [accessed February 12, 2010].
- North, Douglass C. 1990. *Institutions, Institutional Change, and Economic Performance*. New York: Cambridge University Press.
- O'Donnell, Guillermo. 1994. Delegative Democracy. *Journal of Democracy* 5(1): 55–69.
- Organisation for Economic Co-operation and Development (OECD). 2008. OECD Health Data 2008—Frequently Requested Data.
- Papademetriou, Demetrios G. 2005. *Reflections on Restoring Integrity to the United States Immigration System: A Personal Vision*. Washington, DC: Migration Policy Institute.



- Pejovich, Svetozar. 1999. The Effects of the Interaction of Formal and Informal Institutions on Social Stability and Economic Development. *Journal of Markets and Morality* 2(2): 164–81.
- Peng, Yusheng. 2004. Kinship Networks and Entrepreneurs in China's Transitional Economy. *American Journal of Sociology* 109(5): 1045–74.
- Portes, Alejandro, and Richard Schauffler. 1993. Competing Perspectives on the Latin American Informal Sector. *Population and Development Review* 19(1): 33–60.
- Pratt, Geraldine. 1999. From Registered Nurse to Registered Nanny: Discursive Geographies of Filipina Domestic Workers in Vancouver, B.C. *Economic Geography* 75(3): 215–36.
- Preston, Julia. 2006. Pickers Are Few, and Growers Blame Congress. *New York Times*, September 22.
- . 2009. Obama to Push Immigration Bill as One Priority. *New York Times*, April 9.
- Price, Robert M. 1975. *Society and Bureaucracy in Contemporary Ghana*. Berkeley: University of California Press.
- Riggs, Fred W. 1964. *Administration in Developing Countries: The Theory of Prismatic Society*. Boston: Houghton Mifflin.
- Roberts, Sam. 2008. In a Generation, Minorities May Be the U.S. Majority. *New York Times*, August 14.
- Shevtsova, Lilia. 1992. Post-Soviet Emigration Today and Tomorrow. *International Migration Review* 26(2): 241–57.
- Siavelis, Peter. 2002. Exaggerated Presidentialism and Moderate Presidents: Executive-Legislative Relations in Chile. In *Legislative Politics in Latin America*, edited by Scott Morgenstern and Benito Nacif, 79–113. New York: Cambridge University Press.
- Stokes, Susan C. 2006. Do Informal Rules Make Democracy Work? Accounting for Accountability in Argentina. In *Informal Institutions and Democracy: Lessons from Latin America*, edited by Gretchen Helmke and Steven Levitsky, 125–39. Baltimore: Johns Hopkins University Press.
- Tabyshaliev, Anara. 2005. Kyrgyzstan. In *History of Civilizations of Central Asia*, edited by Chahryar Adle. Paris: United Nations Educational, Scientific and Cultural Organization.
- Toralieva, Gulnura. 2005. Kyrgyzstan: Illegal Migrants Head for UK. Reporting Central Asia no. 339, Institute for War and Peace Reporting.
- Triandafyllidou, Anna, and Anika Koscic. 2006. Polish and Albanian Workers in Italy: Between Legality and Undocumented Status. In *Illegal Immigration in Europe: Beyond Control?* edited by Franck Düvell, 106–37. New York: Palgrave Macmillan.
- U.S. Department of Labor. 2007. *Employment Projections: 2006–16*. Washington, DC: Department of Labor.
- U.S. Immigration and Customs Enforcement (ICE). 2008. ICE Arrests 63 Illegal Aliens Employed by California Restaurant Chain. News release, May 2.
- Waller Meyers, Deborah. 2006. Temporary Worker Programs: A Patchwork Policy Response. In *Insight*, edited by Migration Policy Institute. Washington, DC: Migration Policy Institute.
- Wilson, Woodrow. 1887. The Study of Administration. *Political Science Quarterly* 2(2): 207–22.
- Wucker, Michele. 2004. Remittances: The Perpetual Migration Machine. *World Policy Journal* 21(2): 37.
- Yin, Robert K. 1994. *Case Study Research: Design and Methods*. 2nd ed. Thousand Oaks, CA: Sage Publications.
- Zimmermann, Wendy, and Karen C. Tumlin. 1999. *Patchwork Policies: State Assistance for Immigrants under Welfare Reform*. Washington, DC: Urban Institute Press.

**ASPA Announces its
2010 Professional Development Webinars**

Registration is Now Open! Limited Availability!

Advance your career with ASPA's new professional development webinars. There are now seven webinars for topics in public administration and public service, all designed based on member feedback. Check it out at:

<http://www.aspanet.org/scriptcontent/PDFs/2010webinars.htm>

Senior-Junior
Exchange: The 2010
Meaning of "Public" in
Public Administration

349 Shifting Boundaries between the Public and Private Sectors: Implications from the Economic Crisis

By Stephanie Moulton and Charles Wise

361 Order Beyond Crisis: Organizing Considerations Across the Public Service Configuration Life Cycle

By Eva M. Witesman

What are the differences between the public and private sectors, and what are their inter-relationships in light of the recent financial crisis? Has the recent global economic crisis fundamentally shifted the boundaries between the two sectors? Stephanie Moulton and Charles Wise of the Ohio State University examine the nature and extent of the shift by analyzing the Troubled Asset Relief Program (TARP). They highlight the massive transformations taking place and introduce lessons for future policy initiatives. Eva M. Witesman of Brigham Young University responds to Moulton and Wise's analysis by critiquing the dimensions they use as organizing guides in the delivery of public services through public and private institutional configurations. Witesman proposes a modification to the framework and provides suggestions for future research.

Tough Policy Issues
Confronting Public
Administration

367 Evaluating Racial Disparities in Hurricane Katrina Relief Using Direct Trailer Counts in New Orleans and FEMA Records

By Thomas Craemer

Are charges of racial disparities in the Federal Emergency Management Agency's (FEMA) relief efforts in New Orleans following Hurricane Katrina accurate? The author compares data on the distribution of FEMA trailers in New Orleans to an on-site trailer count and to a complete trailer count from aerial photographs of New Orleans. The results show that the majority-black Lower Ninth Ward in Orleans Parish had significantly fewer trailers than neighboring Arabi, a predominantly white community in St. Bernard Parish. To control for administrative differences between parishes and socioeconomic factors, two affluent neighborhoods within Orleans Parish, Pontchartrain Park (majority black) and Lakeview (majority white), are also compared. The author's conclusion: racial discrepancies remain large and substantial.

378 The Essence of the "Market Army"

By Yagil Levy

Western armies have undergone substantial organizational and cultural transformations since the end of the Cold War. Two main themes have been suggested to describe these transformations: post-modernity and post-Fordism. Yagil Levy of the Open University of Israel analyzes these profound shifts. He portrays the new Western army as a "market army," distancing itself from the "citizen army," and envisions a continuum between these extreme types. The market army emulates market practices in order to adapt to modern strategic, economic, political, and cultural constraints. What typifies the market army is the subjection of military doctrine to the market, a post-Fordist structure, a network-centric hierarchy, market values borrowed by the military profession, the convergence of military and civilian occupations, the commodification of military service, and new contractual forms of bargaining between soldiers and the military. Israel serves as a critical case with which to develop the theory of the market army.

390 The Role of Informal Institutions in U.S. Immigration Policy: The Case of Illegal Labor Migration from Kyrgyzstan

By Saltanat Liebert

Immigration is a sensitive topic on the American political, social, and economic agenda. Millions of people from poor countries migrate to richer ones—through legal and illegal

channels—to provide better lives for themselves and their families. A dramatic divide persists between immigration proponents, who equate immigration policy with civil rights, and opponents, who cite the burden of illegal immigration on public education and public welfare systems. Saltanat Liebert of Virginia Commonwealth University argues that informal institutions involved in migration processes, such as migrant smuggling networks, explain much of the current crisis. Focusing on those who migrate from Kyrgyzstan to the United States seeking low-wage labor, the role of informal institutions is examined. The author generalizes how both formal and informal institutions interact within the processes of migration and how informal institutions decisively influence immigration-related policies in the United States.

401 Recipes for Pork and Other Delicious Offerings for the New Administration

By Stuart Kasdin

Is pork produced by feeble budgetary processes? By fixing weak budgetary procedures, can wasteful spending and opportunities for corruption be reduced? Stuart Kasdin looks at three varieties of pork: earmarked, ad hoc, and presidential pork. What can be done to curb the excesses of each one? By examining the problem of congressional earmarking, this timely article proposes a new process for controlling “earmarked” pork through a new (constitutional) presidential line-item veto/reprogramming. “Ad hoc pork,” generated by emergency or stimulus bills, is also analyzed. Its downsides can be fixed by slowing down the appropriations process, which jeopardizes the quality of spending oversight and competitive bidding. Finally, “presidential pork” derives from chief executives rewarding congressional allies and from government agencies allocating program resources so as to engender support from congressional members. This third variety of pork can be controlled if agencies improve their operational transparency and strengthen their procedures for selecting projects.

412 Civil Rights, Federalism, and the Administrative Process: Favorable Outcomes by Federal, State, and Local Agencies in Housing Discrimination Complaints

By Charles M. Lamb and Eric M. Wilk

Some theorists argue that cooperative intergovernmental relations are critical to policy implementation in the United States. This assertion is explored in the context of fair housing enforcement by comparing favorable administrative outcomes in fair housing complaints at the federal, state, and local levels from 1989 to 2004. What conclusions can be drawn from this systematic comparison of intergovernmental enforcement in one policy area over an extended period of time? First, cooperative federalism works well in fair housing enforcement. Second, of special significance, state civil rights agencies resolve complaints in favor of complainants nearly as often as the Department of Housing and Urban Development, and localities sometimes do so even more frequently.

422 Averting Environmental Justice Claims? The Role of Environmental Management Systems

By Daniel (David) Edwards, Jr., and Nicole Darnall

Today, more regulatory provisions are in place for protecting low-income minority populations who shoulder disproportionate environmental risk. Recognized as communities of “environmental justice,” industrial facilities located in such areas bear greater legal liabilities and societal scrutiny of their environmental impacts. Daniel (David) Edwards, Jr., of the University of North Carolina at Chapel Hill and Nicole Darnall of George Mason University offer compelling evidence that in order to avoid regulatory and societal claims that they are disproportionately harming minority and ethnic populations, businesses operating inside environmental justice communities tend to adopt environmental management systems. The authors probe whether industries actually improve the environment as a consequence of adopting such systems, or whether environmental management systems are used to avoid greater governmental scrutiny without necessarily reducing overall environmental risks.

Administrative Profile
Norma M. Riccucci,
Editor

434 Bill Gibson and the Art of Leading Across Boundaries

By Ricardo S. Morse

As director of a regional council for more than 30 years, Bill Gibson is instrumental in facilitating “boundary-crossing” collaborations that increase public value. This Administrative Profile examines three cases of regional, cross-sector collaboration catalyzed by Gibson’s leadership. Characteristics of entrepreneurship, attention to “relationship capital,” and a humility derived from ego strength, combined with the context of working for a boundary organization, help explain his success.