Living “Illegal”: The Human Face of Unauthorized Immigration

RESOURCES FOR INSTRUCTORS AND DISCUSSION LEADERS

Introduction

• **Side-box: Where is Jessica Colot?**
  - Those who apply for deferred action will not have a path to adjust their status, rather, they will have a two-year reprieve from deportation. It also does not provide any status or path to status for family members.
  - Some versions of the DREAM Acts that are being considered by Congress would establish a type of citizenship that would not allow people who have acquired citizenship through the DREAM Act to subsequently petition for their relatives (currently a right of all citizens of the United States). Consider discussing what it means to offer such a *limited citizenship*, a *different* citizenship to these young people. What are the long-term meanings for the nation and for the meaning of citizenship if such an act gets passed?

• **Immigrants and the media: Discussing the use of language and “illegal aliens”**
  - Immigrants, especially unauthorized immigrants, are frequently portrayed negatively by the media, even when that is not the intention. For example, it is not unusual for well-intentioned even “pro-immigrant” news pieces to use “illegals” or “illegal aliens” to refer to unauthorized immigrants.
    - How an article is framed, and the language that is used to develop an argument can gravely affect the perceptions of those who read or view it. This report from the National Hispanic Media Coalition discusses media portrayals of Latinos and how these reinforce negative stereotypes.
    - Anthropologist Leo Chavez made the argument that that the identity of the Latino-“other” is constructed in opposition to the identity of the United States as a nation in his 2008 book *The Latino Threat: Constructing Immigrants, Citizens and The Nation*. What Chavez calls the *Latino Threat Narrative* portrays present-day Latino immigrants as fundamentally different from previous immigrant waves and unwilling or incapable of assimilating. Chavez identifies the themes of illegality, pollution and invasion as central to the Latino Threat Narrative.
  - Narratives are key to the formation of a national identity. The United States is a country of more than 300 million people and more than 3 million square miles of territory; we must
find something to have in common to make us “a nation.” We have specific narratives that are important to maintaining our identity as a unified nation. Two key national narratives are:

- The United States is a nation of immigrants, and
- The United States is a nation of laws.

- How can an “illegal alien” fit within these narratives? An “illegal alien” is excluded from this narrative, thus he/she can never truly become American. An “unauthorized immigrant” is not only a more accurate description, but it also makes the person acceptable for inclusion. In other words, the unauthorized immigrant can change his or her status and fit within the existing narratives that are foundational to the nation, the “illegal alien” cannot.

- Why do you think Jessica and her parents did not come to the United States with visas or become citizens once they were here?
  - There was little chance for Jessica or her parents to come to the United States with visas, or to regularize their status once they were here.
    - Visas are extremely limited. There are specific visa categories, and they are very limited in numbers. Having the desire to migrate, get a job and follow the law is insufficient. For those who do qualify, the application and approval process can last many years.
    - You can learn more about visa categories by browsing this USCIS page: [http://travel.state.gov/visa/immigrants/types/types_1326.html](http://travel.state.gov/visa/immigrants/types/types_1326.html)
  - If Jessica and her parents crossed the border, then there is no line at all for them once they are here. An individual cannot adjust his/her immigration status (even if they marry a US citizen) if they were not inspected upon arrival in the United States; that is if they did not go through an immigration check-point. In order to go through an immigration check-point, one MUST have a visa of some sort (tourist or work visa). Visas are inaccessible to most people who cross the border, with the exception of asylees, and thus, once they are here they are forever prohibited from adjusting their status.

**Chapter 1**

- The last “amnesty” was in 1986, under the Reagan administration; the law is called the 1986 Immigration Reform and Control Act (IRCA). The IRCA was not a resounding success for a number of reasons.
  - First, because it did not establish a workable guest-worker program that would endure and allow for immigrant flow that was adjustable to the demands of the economy. The economy boomed in the 1990s, and demand for immigrant labor grew.
Second, the IRCA set up the system of verification of eligibility to work through the I-9 form. The enforcement burden, however, falls to employers who are often just happy to have workers. Until recently there were few employer-sanctions actually handed out, as there was no real system in place to police the I-9 stipulation of the IRCA.

- Two good books on the history of immigration and immigration policy in the United States:

- There is an appendix in the book that lists and briefly describes important immigration laws in the United States—this might also be a useful reference resource for discussion.

- List of important terms in this chapter:

Chapter 2

- Some people correctly point out that Mexico enforces its immigration law very harshly, yet we in the United States are not as harsh in our treatment of unauthorized Mexican immigrants—this is an argument that is frequently put forth to advocate harsh immigration enforcement in the US. What is the logic of this argument?
  - Explore the question of whether or not “two wrongs make a right” when it comes to immigration policy.
  - Ask students if they think that the Mexican treatment of Central Americans is just, justified, or humane.
  - Explore the logic of applying this same argument to US immigration policy.

- Side-box: Crossing or Landing?
  - The 1965 Immigration and Naturalization Act makes an important difference between visa over-stayers and those who entered the country without inspection—EWI’s. People who
were not inspected by an immigration officer on arrival, that is, people who crossed the border, may NOT adjust their status. For example, neither Claudia nor Norma (whose crossing stories are told in this chapter) could adjust their status under the current system, not even if they were married to US citizens. Those who overstayed tourist visas can be petitioned by relatives (though they will have to wait years for their cases to be heard) and adjust their status. EWI’s never had “status,” thus, it can never be adjusted under our current immigration system.

- A popular misconception is that people who crossed the border can have children in the US, (pejoratively called anchor babies) that can then petition their parents to remain in the US. This is not true—EWI’s cannot adjust their status by having children in the United States, in other words, their children do not provide any “anchor.”

- The difference between visa over-stayers and border crossers is important not just upon arrival but also upon departure from their country of origin.
  - In order to even qualify for a tourist visa (and therefore have the potential to become a visa-over-stayer) an individual must have access to an upper-middle class income and have a relatively large amount of money in savings. In theory, these people have no need to migrate, and are traveling for leisure purposes (they have incomes that allow them to do so) and thus, it is safer to grant them a visa as they are less likely to want to stay, violate the status of their visa and become unauthorized immigrants. As the Pew Hispanic Center found, however, a lot of unauthorized immigrants are visa over-stayers. Furthermore, virtually all forms of immigration fraud are carried out by visa over-stayers who have the capital to pay an American citizen to marry them for papers. Even if border-crossers had the money to pay someone, their status is not adjustable.
  - Border-crossers have to tap into different forms of capital to be able to migrate (as their bank statements do not reflect the type of financial capital that is necessary to obtain a visa). Potential border-crossers tap into social networks to secure loans to finance their journey and rely on social networks upon arrival to find work, etc.

- What are some of the hardships that unauthorized immigrants face in “new destinations”? If life is so difficult in new destinations, why do they stay?
  - Immigrants stay because they are already “all-in.” They have taken huge risks and usually large loans to be able to come to the United States. Sometimes, houses and land are left as loan collateral, so if immigrants go back, they go back to a deficit. They have invested everything they have. They have taken a gamble to get here and thus they have to play out their hand. To fold at this point means they lose everything.

- The timing of 287(g) is telling: while it has been “on the books” since 1996, it was not implemented until 2002, after September 11. Following the attacks of 9/11 the issue of immigration has been attached to the issue of national security and terrorism, despite the fact that none of the people responsible for the 9/11 attacks crossed the Mexico/US border. The INS became the USCIS under the newly-formed Department of Homeland Security, and programs like 287(g) and Secure Communities began to gain popularity.
Secure Communities and 287(g) increase fear in communities, and generate mistrust of the police and authorities in general. The majority of immigrants who are afraid of the police are not afraid because they are terrorists or criminals, they are afraid because they do not want to be deported. By increasing fear and increasing the number of people who are hiding, it makes it easier for “really bad apples” to hide.

Chapter 3

- **What government assistance or benefits do unauthorized immigrants qualify for?**
  - Public school: It is a frequent complaint that children of unauthorized immigrants and children who are themselves unauthorized have access to tax-funded public education. Plyer v. Doe, a 1982 Supreme Court decision, struck down a proposed fee of $1,000 that was to be charged to unauthorized children, setting the precedent for the availability of public education for unauthorized children thereafter.
    - Do immigrants (unauthorized or not) pay property taxes? Do immigrants pay sales taxes?
    - What would denying access to education to immigrant children mean for their assimilation and that of their parents?
    - What are the pros and cons of having immigrant children sharing the classroom with non-immigrant children?

- **Important Assimilation Terms**
  - Important assimilation terms:
    - Segmented assimilation, downward assimilation, straight-line assimilation, dissonant assimilation

Chapter 4

- Although this chapter highlights case studies of churches, the subtext is a larger question about how the US is dealing with the presence of immigrants and the way immigrants are impacting American society. In this context, consider the meaning of assimilation as a two-way street.
- Religion is one of the least negotiable areas for people, yet these examples demonstrate to varying degrees of success individuals who are forced to begin this negotiation process when they are faced with the changes that come with immigration. If people can negotiate their most deeply held beliefs and practices to make room for immigrants in Church, what does this suggest about the larger issues of immigration and integration?
• This chapter does not shy away from the difficulty of integrating communities. Well-meaning people of faith who want to open their churches to newcomers struggle to make the necessary adjustments, and this is also true of immigration and immigrant integration: it is a process that involves constant negotiations of the meaning of “community” and the boundaries of inclusion in it.

Chapter 5

• What do you understand by “the politics of fear” (p. 206)? Who is afraid? The natives? The immigrants? What consequences do their fears have?
  o Consider the following graph to “map out” both fear, and its consequences:

  ![Diagram showing the relationship between natives, immigrants, and fear]

  Natives fear immigrants because they are different and won't assimilate
  Reaction to fear: Immigrants "hunker down" and do not participate openly in American society

  Immigrants fear being deported and feel rejected by host society
  Reaction to fear: Tough enforcement laws

• Side-box: Arizona SB1070
  o The DREAMers wrote their phone numbers in permanent marker because they were fully aware of the state of immigration politics in Arizona—they knew that they could get arrested at any moment because they had “come out” as unauthorized. The controversial SB1070 launched Arizona’s governor and several of its sheriffs into the national limelight. Several states followed Arizona’s path, but like Arizona’s SB1070, these state-level immigration policies have been challenged in courts.
Conclusion

- The United States is both “A nation of laws” and “A nation of immigrants”—How can unauthorized immigrants fit within this narrative?
  - Note to instructor—revisit the question about what citizenship means, and what second-class citizenship means for the future of the US.
- What is “attrition through enforcement”? What impact has it had on the lives of the people featured in this book? Has it had the intended effect? What unintended effects has it had?
  - Hiding in the shadows: Immigration and national security are collapsed in this one place (attrition/enforcement), but how successful is it? Does it make it easier or harder to hide? It certainly deepens and extends the shadows.
- Do you think that the immigration reform imagined in this conclusion is politically feasible? Is it a simple proposal? Some argue that we should just “deport them all,” is that proposal more or less feasible? Is it simpler?
  - Hopefully through the course of the book readers have learned about the complexity of the problem.
  - A “simple solution” does not fit the problem—the “deport them all” solution does not solve the problem—it does not address the root causes of migration, it does not prevent future migration (a 10ft. wall will generate a lot of 11ft. ladders), it does not recognize the pull factors, it does not address the problems of mixed-status families, etc.
    - How will we prevent immigrants from coming back?
    - What will we do about US-born children whose parents are deported?
    - How will the price of agricultural products be impacted by mass-deportations?
    - How will naturalized immigrants, especially Latinos, feel about mass deportations? How will they react? How will this affect social relations in this country?
    - How does the bottom-segment of the segmented labor market fill its jobs without immigrants?
    - What will mass-deportation do to the Mexican economy, and how will that affect future migration?
  - A simple solution is a deceptive solution—it is doomed to fail because in order for a solution to be appropriate it has to acknowledge and address the whole (complex) problem.
- Is the type of reform proposed here “amnesty”?
  - No, it is not. The type of reform that is proposed here includes penalties, fines and requirements for people to fulfill before they can begin the path to citizenship.