What it means to be an Undocumented Worker in the United States

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To all those who continue to support and encourage me

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Introduction

This work explores the process by which U.S. immigration law transforms migrant workers into undocumented immigrants, and how this transformation shapes their experiences. The text includes a concise review of scholarship from researchers such as Aviva Chomsky, Tanya Golash-Boza, and Joseph Nevins. The work of these and many other scholars calls for an understanding of "illegal" migration as a modern construction enabling the continued exploitation of Latin American labor. The U.S. government enforces immigration policies that underpin systems of discrimination based on race and national origin, dehumanize and commodify millions of people, and relegate millions of workers to the most vulnerable occupations in exploitative industries.

In the United States, individuals who do not have legal authorization to reside in the country (such as work or student visas) are undocumented immigrants. They are also frequently branded as "illegal immigrants," "illegal aliens," or even "illegals." However, these commonly employed terms are linguistically inaccurate, legally imprecise, and dehumanizing (Rosa 2012). Human beings can commit illegal acts, in the sense of breaking national or international laws, but they cannot be "illegal" people. No human being's existence is criminal, yet this is what terms such as "illegal immigrant" suggest. Rather than describing an individual as illegal, that descriptor should be limited to actions they may take. Groups such as the American Anthropological Association and The Committee for Human Rights have endorsed statements calling for a halt to the use of the term "illegal immigrant" which is neither neutral nor accurate (Rosa 2012). The discussion as to the most accurate and humane term is ongoing, but "undocumented immigrant" is a term commonly utilized by immigrants, organizations serving them, and many scholars. Thus, throughout this work the term undocumented immigrant will be

employed to refer to these individuals and will replace other terms. The only exceptions may be in cases where quoted sources use other terms or there is an implied emphasis on the criminalization of migrants. In the latter case, "illegal" will always appear in quotations for clarity and deference.

Throughout this text, it is important to recall that laws are neither objective nor static. The laws relegating millions of undocumented people to marginalized existences are surmountable. U.S. immigration laws and policies, as all others, are constantly changing and improving—potentially for the better. In other words, policymakers have the power to change unjust laws. Historically, however, they only do so in response to public pressure. Many undocumented people are pushing for this change today, in spite of the obstacles they face. Their struggles can and should serve as motivation for others to mobilize in solidarity with them.

It would be erroneous to describe undocumented migration as an exclusively Latin American phenomenon but, according to Migration Policy Institute (MPI) statistics, Mexican and Central American migrants do compose the largest portion of this population at approximately 71 percent of the tallied sum (accessed 15 February 2016). In the public perception, "undocumented immigrant" often refers to Mexican or other Latino individuals (Chomsky 2014, 14). In reality, undocumented status is not exclusive to Latinos, nor is it correct to assume all Latinos are undocumented. It is important to bear in mind that with an MPI estimated population of nearly 11 million individuals, several million undocumented immigrants in the United States originate from countries outside of Mexico and Central America (accessed 15 February 2016). These immigrants constitute a substantial population of individuals who live as undocumented people in the United States. However, this work will focus primarily on the experiences of undocumented immigrants from Mexico and Central America.

The text begins with a summary of methodology. It continues with a brief history of how and why the U.S. government created the category of "illegal immigrant." Following this is information on why Central American and Mexican people migrate without legal documentation, and what their journey looks like. I then look at some of the repression undocumented migrants face in their journey and after their arrival to the United States. Finally, I consider what it is like to be an undocumented worker in the United States and how some people are countering this reality.

Methodology

Substantial time spent with migrants who were or are undocumented shaped this work. My own identity as a 2nd generation Mexican-American immigrant guided me towards the immigrant community in Nashville, as well as the organizations serving this community. In my experiences, immigrants advocating for themselves, their families and their communities often lead these organizations. Their work is gradually building recognition of Nashville's identity as a city that is home to many immigrants and refugees. According to the 2015 U.S. Census, more than one in ten (or 12.1%) of Nashvillians are foreign-born (accessed 15 March 2015). The immigrant community, along with their allies, has already won substantial victories. In 2008, for example, Nashville voters defeated an "English-only" referendum that would have limited all city government business to that language. This followed a campaign, waged by many Nashville immigrants and their allies, to prevent the implementation of this referendum. Victories aside, the work of this community to ensure Nashville welcomes and supports its immigrant residents is ongoing.

I conducted most of my research in the vein of activist anthropology, so my own contributions as a volunteer could serve the organizations and individuals who abetted my academic work. This research consisted of both formal and informal interviews and discussions with immigrant workers and community activists. Because of the informal nature of some of the discussions referenced in this text, I will not name all of those individuals who served as sources for my work. Many of these discussions took place during large events, such as marches, where formal interviews were difficult to arrange. In one such case from April 2015, included in this work, I spoke with three longtime members of the Congress of Day Laborers in New Orleans. These discussions took place during an action in support of DAPA and DACA, held as hearings on an injunction began in the Fifth Circuit Court of Appeals (an explanation of these terms and events is provided later in this paper).

Special attention is due to Workers' Dignity, one of the Nashville organizations where I spent much of my time in the past year. Workers' Dignity is a workers center steered by its membership base of low-wage workers. The workers, accompanied by members and community allies, wage campaigns to: recover stolen wages; improve working conditions and pay; and otherwise organize collectively for economic justice. The organization, which will celebrate its sixth anniversary in May of 2015, has already recovered over 300 thousand dollars of stolen wages. Workers' Dignity has also increased wages and benefits in seven hotels by over 600 thousand dollars. Most of the organization's paid organizers, as well as its Steering Committee (Board of Directors), originate from its membership. Several of those members, on finding out about my studies, immediately volunteered themselves for interviews. With more time, many more of them would appear in this text. As it is, I have included information from long-time members such as Mariana Pérez in this work. Otherwise, my role as a community ally observing

and participating in the work of the center has been invaluable to my research. As a Workers' Dignity ally I also attended events with organizations including but not limited to the Tennessee Immigrant and Refugee Rights Coalition (TIRRC), the Coalition of Immokalee Workers (CIW) and the Congress of Day Laborers (based in the New Orleans Workers' Center for Racial Justice).

In the summer of 2016 I received Foreign Language and Area Studies (FLAS) funding through the Vanderbilt Center for Latin American Studies for an intensive language course in Maya K'iche'. This course took place in the town of Nahualá, in the province of Sololá within Guatemala. As part of both my course presentation and my ongoing research for this project, I conducted several lengthy interviews with returned migrants. I interviewed five men living in Nahualá who had previously migrated and lived in the United States as undocumented immigrants. Throughout this work, I will refer to these men as interviewees or according to pseudonyms. Several of those interviewed indicated they or their family members hope to migrate with or without visas in the future, and I promised them confidentiality if they shared their stories.

The length of the interviews I conducted in Nahualá ranged from 40 minutes to several hours over multiple days, depending on how much the interviewee wished to share. I simply asked each man to recount the story of his journey from Guatemala to the United States. From there, other than a few questions to clarify points of confusion, I listened to their stories. One man shared his memories of traveling to the U.S. and ended with a brief explanation of the time he lived in the USA until he chose to return to Guatemala. Most of the men elaborated much more on their lives after arriving in the United States. The benefits of this loose interview structure was that it allowed the interviewees to determine what was worth including in their

account. This provided valuable insight on what aspects of the journey proved most memorable for the men. At the time, the focus of my research was the migration journey itself rather than the time migrants spent in the United States. I was fortunate most of the men I interviewed decided to share substantial information about their lives and work they did in the United States. I will reference the histories of these migrants throughout this work.

A brief history of illegality

During a 1980 Republican Party debate, presidential primary candidates George H.W. Bush and Ronald Reagan fielded a question regarding undocumented immigrants. An audience member asked, "Do you think the children of illegal aliens should be allowed to attend Texas public schools free? Or do you think that their parents should pay for their education?" In response, both candidates argued that the issue was broader than public education. Bush admitted he wished to see progress in regards to the "illegal alien problem," but also referred to immigrants as "good people, strong people" who should ultimately, "get whatever it is…society is giving to their neighbors." The Republican politician proclaimed, "As we have made illegal some kinds of labor that I'd like to see legal, we're… creating a whole society of really honorable, decent, family-loving people that are in violation of the law." His opponent Reagan, who would go on to win the year's presidential election, responded in support of opening borders for Mexican people to work legally in the United States of America, encouraging "rather than talking about putting up a fence, why don't we work out some recognition of our mutual problems" (Bush and Reagan 1980). In 2016, one of the leading contenders for the Republican Party candidacy for president launched his campaign with a speech claiming undocumented

immigrants are “bringing drugs and… bringing crime, and they’re rapists. And some, I assume, are good people” (Trump 2015).

In November 2014, President Barack Obama announced plans for Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The administration announced the executive action following years of movement pressure for a path to citizenship for undocumented migrants. DAPA is a program of “temporary administrative relief from deportation” for a limited segment of the undocumented population. It is similar to the previously implemented Deferred Action for Childhood Arrivals (DACA) program (American Immigration Council 2016, 1). DAPA does not approach the scope of past pathways to legalization, such as that included in the Immigration Reform and Control Act (IRCA) of 1986. The program grants immigrants **deferred status** from deportation— not citizenship or any similar status—and three year renewable work permits. Eligible individuals are required to prove the following: they are the parent of a U.S. citizen or permanent resident; they have been in the country continuously since at least January of 2010; and they meet other qualifications (American Immigration Council 2016, 1). Despite its limited scope, the program is currently under injunction pending the completion of legal action. Soon after the administration announced DAPA (and an expanded form of DACA), several states filed a lawsuit challenging the legality of the president’s executive action. The Supreme Court will review and rule on the case in the next several months (American Immigration Council 2016, 3).

For the past decades, United States news media, politicians and other public figures have expounded on the problem of undocumented migration. Over time, they have spoken about undocumented immigrants with increased frequency and hostility. The U.S. political climate, as regards undocumented immigrants, is such that in recent years it is unusual for national

politicians to endorse broad legalization programs. Yet, while it is difficult to envision in 2016, just 30 years ago President Ronald Reagan signed the Immigration Reform and Control Act that included a pathway to citizenship for more than 3 million undocumented immigrants (Nevins 2010, 104). Although President Reagan's administration treated undocumented immigrants as a threat to national security, millions of undocumented people were able to gain a path to citizenship during his presidency (Nevins 2010, 84). In fact, "since at least 1956, every U.S. President has granted temporary immigration relief to one or more groups in need of assistance" (American Immigration Council 2016, 6). It is evident, then, that U.S. policies have shifted perceptibly against undocumented immigrants in the last several decades. Beyond this, the U.S. government only recently created "illegal immigration" and classified some migrants as "illegal."

For several centuries, "the United States benefited from its place in the global industrial economy, and white people in the United States benefited from their place in the racial order" (Chomsky 2014, 9). Legal systems such as colonialism and slavery allowed for the exploitation of people of color for profit (2014, 9). The U.S. government treated only European arrivals as immigrants, because citizenship was reserved for white people (2014, 10). People of color in the United States served primarily as cheap labor, not as citizens with full rights.

However, over the years, the U.S. government adapted overtly racist legal systems in response to social movements and other pressures. In 1868, the fourteenth amendment guaranteed citizenship for all human beings, regardless of race or ethnicity, born on U.S. territory. In place of denying them citizenship, the U.S. government denied citizens of color equal rights (Chomsky 2014, 35). Following the end of slavery, for example, the government legalized segregation against people of African descent by way of Jim Crow laws (Alexander

2010, 35). Congress also ratified legislation, such as the Chinese Exclusion Act of 1882, intended to prevent "undesirable" groups from gaining the rights of citizenship (Nevins 2008, 88). Thus, the U.S. government continued to deny people of color the full rights of citizenship. Systems of discrimination based on race, nationality and citizenship openly co-existed (Chomsky 2014, 35).

Then, the Civil Rights movement significantly improved the lives of black people—and by extension, all people of color— in the United States. Black people in the United States fought back against discriminatory systems precluding them from exercising their full civil rights due to their race (Alexander 2010, 37). At the same time, people throughout the world were opposing racial discrimination and colonialism. After the second World War, "the blatant contradiction between the country's opposition to the crimes of the Third Reich against European Jews and the continued existence of a racial caste system in the United States was proving embarrassing, severely damaging the nation's credibility as a leader of the 'free world'" (Alexander 2010, 35). For these reasons, as well as others elucidated by Alexander's scholarship, it was no longer sensible to discriminate against individuals for explicitly racist reasons.

However, the U.S. government continued to discriminate against people based on their nationality and immigration status. At the same time, "once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class white" (Alexander 2010, 56). Legislators initiated the war on drugs and promoted new tough-on-crime policies. These laws targeted first time, non-violent, overwhelmingly Black drug users for arrest and incarceration.

The war on drugs continues disproportionately affecting Black and Latino individuals, who comprise 90 percent of those incarcerated for drug offenses despite average drug use (Alexander 2010, 56). However, "the mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate. The New Jim Crow was born" (Alexander 2010, 56). Nowadays, millions of people arrested for nonviolent drug use are convicted felons who live as second-class citizens (Alexander 2010, 92). The U.S. government legally denies such citizens the right to vote, as well as a wide range of public benefits (Alexander 2010, 153). It is also legal for schools, employers and property owners to discriminate against this population of "criminals." Black people compose the largest segment of this ostracized population. Ultimately, the New Jim Crow "turns people of color into criminals. Then you can discriminate against them because of their criminality, rather than because of their race" (Chomsky 2014, 16).

Chomsky argues that the application of illegality parallels the function of the New Jim Crow: criminalization for the purpose of exploitation. Immigration laws criminalize (largely Latino) undocumented people and exclude them from U.S. democracy (Chomsky 2014, 16). The U.S. judicial system also incarcerates many undocumented people in private for-profit detention centers, similar to the mass incarceration of Black individuals (Chomsky 2014, 18). Ultimately, the concept of illegality operates to criminalize immigrants and facilitate their exploitation.

The solidification of borders, criminalization of human migration, and creation of a category of "illegal people" are newer political realities in the United States (Chomsky 2014, 1). Geographer Joseph Nevins, who affords an excellent history of the U.S.-Mexico border, writes

> The very making of the U.S.-Mexico boundary and the larger border region has always involved the effective deployment of power to include and exclude, and of violence—both physical and structural; it has always had life and death implications. This was as true in 1848 when the international divide was first delineated as it is today. Nonetheless,

> the nature of the divide between Mexico and the United States has changed dramatically over the more than 150 years since it was established in its present geographical expression. There was nothing inevitable about these changes. (Nevins 2008, 77)

Instead, the U.S. government designed immigration laws to exclude large communities from the rights and benefits of citizenship.

Mexicans, in particular, have a long history of movement within the land of modern-day United States. Even without taking into account indigeneity and reformed national boundaries, Mexicans have continuously migrated between Mexico and the United States. For many years, the U.S. government did not regard Mexican people who entered the country as immigrants. This resulted from both the transient nature of Mexican migration and the safeguarding of citizenship for people of European descent. At the time, the majority of Mexican migrants would enter the United States for work, travel with the harvest seasons, and return to Mexico rather than settling in the U.S. (Chomsky 2014, 10). In fact, after the Chinese Exclusion Act of 1882 the U.S. increased its dependence on Mexican labor (Chomsky 2014, 120). The expectation was that Mexican workers—unlike Chinese workers—would not remain in the U.S. and have United Statian families. They composed a flexible and expedient core of workers within the dual-labor system.

The dual-labor system is defined by Chomsky as a structure in which "some workers began to become upwardly mobile and enjoy the benefits of industrial society, while others were legally and structurally stuck at the bottom" (2014, 9). This system exists on a global as well as national scale, and governments sustain it through legalized discrimination. In the past, governments have upheld it by, for example, exploiting the labor of slaves and colonized people. Nowadays, the dual-labor system is largely sustained through "subtler" discriminatory systems such as criminalization through migration.

The U.S. government has continually discriminated against Mexicans, justifying this discrimination with both racism and xenophobia. Before the government legally restricted Mexican migration, they simply did not define Mexicans as immigrants. Paradoxically "because they were not considered immigrants, Mexican were also permanently deportable and were, in fact, singled out for mass deportations in the 1930s and 1950s" (Chomsky 2014, 10). The mass deportations of the 1930s, "Operation Wetback," were a blatant episode of scapegoating of Mexican people. The economic pressures of the Great Depression invigorated the U.S. government search for an expedient political target. At the same time, Mexican workers had become involved "in militant unions and often participated in strikes, strikes that local authorities—in conjunction with the growers—frequently repressed with great violence" (Nevins 2008, 95). Previously industrious and "docile" Mexican workers were fighting back against abhorrent labor conditions, and becoming communist threats in the eyes of U.S. legislators. The 1930s operation ultimately deported between 500 thousand and one million people of Mexican descent through reprehensible means (Nevins 2008, 95). Soon after the Second World War began, migrants were once again welcome enthusiastically to the U.S. to fill labor shortages (Nevins 2008, 95). This cycle of public ambivalence would repeat itself, with brief periods of patent animosity towards Mexican migrants followed by public eagerness for Mexican workers. Throughout this time, however, the U.S. government did not truly restrict the entrance of Mexican migrants.

In the 1960s and 1970s, however, the U.S.-Mexico border began to be a continuous subject of political debate (Nevins 2008, 99). Years of political rhetoric, and programs such as the War on Drugs, characterized the border region as a dangerous point of entry. Another economic depression, with the accompanying need for a political scapegoat, transpired in the

1970s. The Chicano civil rights movement of the late 1960s also "led many American elites to fear the rise in the U.S. Southwest of an 'American Quebec'—a reference to the secessionist movement in the Canadian province" (Nevins 2008, 99). Many white United Statians regarded people of Mexican descent as interlopers.

In 1965 "numerical immigration restrictions were applied for the first time to the Western Hemisphere" and migration that had always been legal was suddenly outlawed (Chomsky 2014, 35). Suddenly, Mexican people could be immigrants. Most Mexicans who had already been moving between the two countries could not "legally" migrate, and so many Mexicans became undocumented immigrants. In reaction to the criminalization of their migration patterns, more Mexicans began to settle in the United States (Chomsky 2014, 12). These individuals were now "illegal immigrants" living continuously in the United States in a state of exclusion.

Why do people migrate without "papers"?

Although we know Mexican and Central American individuals comprise 71 percent of undocumented immigrants, this population encompasses people of eight different nationalities. Mexican citizens, with a lengthy history of migrating to the United States, make up the largest portion of this populace. However, the number of people emigrating from Mexico decreased considerably in recent years. Since 2013, according to the MPI, more immigrants enter the U.S. from China and India than do so from Mexico (accessed 15 March 2016). In contrast, an increased number of people are migrating from Central America countries such as Guatemala, Honduras and El Salvador. The augmented migration from these three countries stems from volatile political situations. Along with shifts in the political and economic situations of the countries of this region, come changes in patterns of migration.

The spread of neoliberalism has exacerbated inequality throughout the world. Neoliberalism, in brief, is

> A theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. (Harvey 2005, 2)

The reality of neoliberalism is far more complex, and its policies ultimately "creates favorable conditions for investment by allowing the currency to fluctuate and removing protections for workers and the environment" (Golash-Boza 2015, 12). Neoliberal governments emphasize policies such as free trade without restriction, privatization of state entities or resources, and the dismantling of state welfare systems (Golash-Boza 2015, 11-12). The "elimination of a safety net ensures a compliant labor force" as poor people **must** work in available but exploitative occupations in order to survive (Golash-Boza, 12).

In Mexico, the North American Free Trade Agreement (NAFTA) triggered one of the most significant wave of emigration. NAFTA, a well-known example of neoliberal economic reform, eradicated trade restrictions between Mexico and the United States. The free trade agreement triggered an "economic downturn in rural Mexico caused by the importation of cheap U.S. agricultural goods [which] raised the level of unemployment in Mexico and stimulated the flow of migrants to the United States" by destroying the livelihood of many small farmers (Sheridan 2009, 21). The farmers displaced by NAFTA could not support themselves without migrating to Mexican cities or to the United States (Bacon 2012). Thus, neoliberal governments transformed previously self-sufficient farmers into cheap labor for international corporations in urban Mexican areas or in the United States. However, free trade agreements are only one of many policies enacted by neoliberal governments that have facilitated "the process of

displacement that forced people to migrate to survive" (Bacon 2008, vi). In countries throughout the world, governments have transformed economies to "enable corporate and elite extraction of wealth… [by way of] economic reforms…imposed by wealthy countries and institutions like the World Bank and the IMF (Bacon 2008, 69).

Neoliberalism is often antithetical to democracy. When people endeavor to resist neoliberal policies, governments violently suppress their efforts. Neoliberalist entities are inherently

> Profoundly suspicious of democracy. Governance by majority rule is seen as a potential threat to individual rights and constitutional liberties. Democracy is viewed as a luxury, only possible under conditions of relative affluence coupled with a strong middle-class presence to guarantee political stability. Neoliberals therefore tend to favour governance by experts and elites. A strong preference exists for government by executive order and by judicial decision rather than democratic and parliamentary decision-making. Neoliberals prefer to insulate key institutions, such as the central bank, from democratic pressures. (Harvey 2005, 66)

Thus, neoliberal governments restrict or suppress social movements in regions such as Central America largely populated by poor people.

U.S. intervention and policies in Mexico and Central America have exacerbated political instability. The War on Drugs, a joint project of the U.S. and Mexican governments, has destabilized Mexico. Researchers report, "no other country in the hemisphere has seen such a large increase in the number or rate of homicides over the last decade" (Heinle, Molzahn and Shirk 2015, vi). The majority of this violence is directly attributable to organized and drug crime (Heinle, Molzahn and Shirk 2015, vi-vii). Paradoxically, operations to capture or kill cartel leaders are "significant in garnering public support as well as support from the United States, from whom the Mexican government receives substantial financial and institutional contributions, [but] these disruptions to the power structure of these organizations often appear to lead to increased instability resulting from infighting among splinter organizations" (Heinle,

Molzahn and Shirk 2015, 28). This violence has altered the lives of Mexicans. Because of increased homicides after 2005, previous life expectancy gains for Mexican men were reversed (Aburto et al. 2016, 88).

Similarly, U.S. intervention in Central American governments aggravated political violence. The Reagan administration, for example, enacted "counterrevolutionary foreign policy in Central America [which] led to a significant refugee exodus northwards from the region into the United States" (Nevins 2010, 85). The purported goal of this intervention was to prevent the spread of communist policies. For many years the "hundreds of thousands of Central Americans who had fled death squads in Guatemala and El Salvador while the United State was giving military aid to those governments… faced deportation" (Zinn 2005: 648). United States intelligence agencies helped install and sustain brutal regimes in the region (Zinn 2005: 648).

Today, violence in Guatemala, El Salvador and Honduras "has reached war zone levels. Central authority has effectively collapsed in some areas, and transnational gangs have taken over, ruling their territories with terrifying violence" (Fleming 2016). Notably, many gang members are former refugees deported from prisons in the United States. While the rates per country fluctuate, the region of Central and South America has the highest rate of homicide in the world (Fleming 2016). Guatemala, El Salvador and Honduras rank within the top five countries for overall murder rate as well as murder of women (Fleming 2016). At one point in 2015, El Salvador briefly surpassed Honduras as the "murder capital" of the world with an average of one murder each hour, and an overall homicide rate 20 times that of the USA and 90 times that of the United Kingdom (Watts 2015). Thousands of migrants are fleeing this violence. In fact, data from the Vanderbilt University Latin American and Public Opinion Project found that individuals in El Salvador and Honduras "who have been victimized by crime are

considerably more likely to consider migration as a viable option than their non-victim counterparts" (Hiskey et al. 2016, 6). In Honduras, 28 percent of the general population versus 56 percent of crime victims surveyed intended to migrate (Hiskey et al. 2016, 6).

An increasing number of organizations and individuals advocate for the treatment of Guatemalan, Honduran and Salvadorian immigrants as refugees (Lee 2016). At this time, most migrants cannot submit applications for refugee status from within the United States (Lee 2016). Instead, per the Department of Homeland Security, migrants must apply for asylum if they are living in the United States but otherwise qualify as refugees (accessed 1 March 2016). Up until recently, however, the U.S. refugee program accepted a maximum of 3000 individuals (in addition to some minors) from all of Latin America and the Caribbean (Lee 2016).

In January 2016, Secretary of State John Kerry announced an expansion of the U.S. refugee program. The expanded program will accommodate up to 9000 eligible migrants from Guatemala, Honduras and El Salvador (Kerry 2016). This expansion came about because of substantial political pressure in the wake of a series of deportation raids. These raids began on 31 December 2015 and principally targeted Central American women and children (Preston, Herszenhorn and Shear 2016). In one of many instance, the Southern Poverty Law Center (SPLC) and the Georgia Latino Alliance for Human Rights (GLAHR) released a report on the Atlanta raids. The report avowed the raids were unconstitutional, with violations including but not limited to the following: failure to obtain warrants; threats to individuals who attempted to refuse entry to immigration officials; denial of access to lawyers for those detained; deportation of individuals who had permission to remain in the country (2016, 4-5).

In sum, many people are unable to survive and thrive in their home countries. Mexicans and Central Americans with limited resources and education cannot obtain visas to live in the

United States (Bacon 2012). They are unable to migrate legally to countries with a demand for laborers. Faced with the need to survive, many of them choose to migrate without authorization in spite of the risks. If migrants are able to arrive in the United States, they typically become low-wage workers. Employers habitually abuse these workers, who are distinctly vulnerable to exploitation because they are undocumented (Bacon 2012). Undocumented migrants cannot realize vital (but poorly paid) occupations with the same legal protections given to other workers. Therefore "the same economic system benefiting from the changes causing displacement in [countries such as] Mexico also benefits from the labor displacement produces, especially undocumented labor" (Bacon 2008: vi). Few Mexicans and Central Americans have the "right to stay home" (Bacon 2014).

Broadly, these global realities have spurred Mexican and Central American undocumented migration into the United States. The specific backgrounds and histories motivating people to migrate vary by areas of origin, by year, and by individual. It is important to remember there is no single immigrant story.

What is it like to migrate to the United States?

In the early 2000s, Xwan decided he would migrate *para el norte* (to the United States) because he wanted to work. Like many others in Nahualá, Xwan's family supported itself through commerce at various town markets. Their economic well-being depended on the sales of the cloth the entire family produced. At the time Xwan made his decision, his family was struggling to sell enough cloth to support their household. They were in debt, and there was little prospect of paying that debt. In a poor economy with few available jobs, many men in Nahualá had already been migrating. Xwan had recently bid farewell to several of his friends as they each

migrated to New York City. He would suddenly stop encountering an acquaintance, and then hear through local gossip that they were now working in the United States. Knowing he could do the same and send valuable income home to his family, Xwan decided to speak to his parents about migrating.

When Xwan approached his parents to consult them about migrating to the United States, his father refused to continue the conversation. In Nahualá several generations of family members share one home, and Xwan was accustomed to being surrounded by his family. His parents, upset at the prospect of their son leaving, forbade him from migrating. He was conflicted, because he did not want to leave his family, but felt it was the best option. Nevertheless, Xwan continued to press the issue. His family's finances had no hope of improving, and he was of little economic help to them while living in Guatemala.

After several months, Xwan's mother (*nan* Talin or Doña Talin) began to understand that he would not change his mind. She saw how important the possibility of migrating was to Xwan, and she knew it would help their family. One day, *nan* Talin approached Xwan to have a conversation. She told him she had sold a small plot of land she had inherited from her father. In Nahualá, plots of agricultural land are especially valued because they provide space for families to grow *milpa* (typically corn, beans and squash). From the *maize* grown on this land, Nahualeños make the tortillas and tamalitos that form the core of the Maya K'iche' diet. Nan Talin had sold a plot of this land, and she gave Xwan the money from the sale to finance his journey to the United States. The money served as a deposit for the cost of the trip, with a small amount reserved for Xwan's personal use on the journey. A few weeks later, Xwan departed for the United States.

The Nahualeños who recounted the stories of their migration, Xwan included, described many travails. They would walk so long their feet would be blistered and swollen, but they would have no choice but the continue walking. Their *coyotes* only provided them with small amounts of water and food (in one case a gallon of water and a pack of tortillas) for several days' passage through desert terrain. They would often go days without food and water. Mexican *federales* captured several of the migrants when they were already various days or weeks into their journeys. One man successfully crossed the desert and made it over the U.S. border only to be detained a short distance into the United States. All of the men interviewed eventually arrived successfully to the United States, but several made more than one attempt.

Wel discussed how close-knit his group became; they did their best to ensure everyone arrived. The only woman in the group steadily lost the strength and desire to continue the journey. She eventually asked the rest of them to leave her behind. Instead, they all encouraged and helped her to continue. The group stopped to rest, sharing their little remaining water and food with her. They waited two hours for her to recover, so that she was also able to complete the journey.

Another migrant, Tun, shared a very different experience. Tun's interview was the shortest of those I conducted in Nahualá, as he was a rather quiet man who provided a less detailed summary of his trip than others did. Many of the small details Tun volunteered pertained to his memories of a woman who died on his journey to the United States. He remembered she was 19 years old, and she was migrating to reach a husband now living in the United States. The woman's husband had taken a new wife, who (she told the other migrants) had warned her that if she insisted on making the journey she would die and remain there on the path. Tun told me that

the woman became ill, unable to recover or continue. He distinctly remembered having to leave her behind in the desert to die.

Each year, a substantial number of migrants en route to the United States are unable to complete the journey due to capture, injury, or death. Although available statistics are imperfect, it is estimated that at least one person dies each day attempting to cross the US-Mexico border (Golash-Boza 2015, 61). This statistic already does not include the thousands of people who die crossing the southern Mexican border. Nor does it include those traveling from countries within the Caribbean who die at sea (Golash-Boza 2015, 61). Arizona's Pima County is the only region in the country that provides accurate digital tracking of **known** migrant deaths. Pima's Custom Map of Migrant Mortality has recorded 2596 known deaths in just one county since 2001 (accessed 8 March 2016). In fact, the number of fatalities has increased in recent years even as overall migration has decreased or stabilized. This increase is attributed to "increased border enforcement… which has only succeeded in pushing immigration flows into more remote regions… [and] resulted in a tripling of the death rate at the border" (Massey 2005, 1).

Many migrants die due to harsh climate conditions, but risks extend far beyond the elements. Migrants asphyxiate while traveling in hidden car compartments, often "dumped by smugglers after crossing the border and finding they had died" (Marosi 2014). Drug cartels increasingly utilize migrants for profit by kidnapping or extorting people (see the following section for more on this). These cartels massacre thousands of migrants, burying them in mass graves throughout Mexico (Vogt 2013, 765). In the first half of 2011, for example, there were an estimated 10,000 kidnappings of people migrating through Mexico (Golash-Boza 2015, 61).

Women are victims of rampant sexual abuse, with some sources at migrant shelters estimating "a staggering 80 percent of Central American girls and women crossing Mexico en

route to the United States are raped along the way" (quoted in Bonello & McIntyre 2014). Many women preemptively employ contraception to avoid pregnancies due to rape (Bonello & McIntyre 2014). The nature of possible death, injury or other perils for undocumented migrants traveling to the United States is extensive.

Perhaps the most significant feature of the migrant journey is the way it functions to actively commodify and dehumanize migrants. Academic Wendy Vogt writes, "As drug and migrant routes…are more heavily controlled, migrants are funneled into more-isolated, dangerous routes that often overlap those used by organized criminals transporting drugs north. The markets for humans, drugs and weapons become intertwined and create new avenues for profit and violence" (2013, 774). For example, "Central American women in particular are highly sexualized objects in Mexico, and the sex industry is highly profitable, as women and children can be sold more than once" (Vogt 2013, 774). Migrants tell stories of people kidnapped to demand ransom from their U.S. relatives, of migrant bodies mined by organ traffickers, and of countless other ways migrants become objects for the profit of others (Vogt 2013, 774).

The agents of this exploitation are not just individuals and gangs, but also entities such as governments and corporations. Western Union has been "condemned…for [their] complicity in the kidnappings of migrants, as people who must pay ransoms in exchange for the release of their loved ones are often asked to send money orders through Western Union" (Vogt 2013, 775). As recently as February 2016, "families of American citizens killed in Mexico, who alleged that the bank helped drug cartels launder money to run their businesses and thus, can be held responsible for the deaths" filed a lawsuit against HSBC Holdings (Shankar 2016). HSBC Holdings previously paid nearly $2 billion following a 2012 investigation into this illegal money laundering (Shankar 2016).

Throughout the perilous journey, there are few sources of relief. Until 2011, the act of providing aid to migrants in Mexico was illegal. This criminalized agencies such as *casas de migrantes* or migrant shelters (further described in the following section), and forced them to operate without legal backing. In 2011, the Mexican government passed laws that converted irregular migration into an administrative rather than criminal infraction. The government also decriminalized aid for undocumented migrants and provided them with further legal protections such as visas. However, the government has failed to effectively enforce or fund the enactment of protective measures (Inter-American Commission on Human Rights 2013, 119-124,163). In the case of kidnappings, for example, the Inter-American Commission on Human Rights reported that for the Mexican government "despite the magnitude of the problem, it is unclear how many persons have been disappeared, have gone missing or are absent, nor is it clear which agency is responsible for keeping these record" (2013, 74).

As Vogt stresses, the journey to the United States is an important phase in the physical and economic commodification of migrants (2013, 765). Sheridan emphasizes that "crossing a border is more than a physical journey; it is part of a psychological transformation of self. A migrant's understanding of self is challenged when, suddenly, the migrant is subject to a whole new categorization system that automatically defines and establishes the migrant's identity within the context of life in the new country" (2009, 142). This transformation occurs even before migrants arrive in the USA. The dehumanizing process of migration is crucial to this commodification.

Migrant stories reflect this transformation. When they described their journeys, the interviewees in Nahualá spoke about themselves in thought-provoking words. Wel shared that, in order to fit on a truck on one segment of the journey, everyone in his group was required to

throw and stack themselves like *si* or firewood. Another migrant said his group traveled part of the way in a truck, stacked in a cramped compartment alongside produce. Everyone interviewed in Nahualá mentioned seeing their *coyotes* pay bribes to the *federales* who would conduct immigration raids or examine documents at checkpoints. A group of criminals threatened to kill one migrant's group if their smuggler did not hand over thousands of pesos. Mexican police detained and deported one interviewee on his first journey from Guatemala. The group's local guide, they learned after they were detained, was also smuggling drugs.

It is difficult to understate the dangers undocumented migrants face in attempting to enter the United States. Despite the hazards "risk [does not] constitute an intervening obstacles to migration, largely because 'personal circumstances' tended to offset the risk" (Sheridan 2009, 167). Rosa Hernandez Cruz, one of many people who have migrated without legal documentation, recounts "one [U.S. Border Patrol] agent asked me why I was crossing. 'Necessity,' I said. 'Do you think I'd be here if I didn't need to be? I know it's dangerous'" (quoted in Sheridan 2009, vii). Cruz's story illustrates the desperation inherent to the decision of many migrants to leave their homelands. It emphasizes the critical rationalizations people have for braving the dangers. Ultimately, it leads back to the underlying systems that warrant risking death through undocumented migration. Unfortunately, regardless of their motivations for migrating, undocumented migrants endure considerable repression during and after migration

What repression do undocumented immigrants face?

Throughout the last several decades U.S. media and legislators have branded migrants as "threatening, as populations that need to be guarded against, as the polar opposite as what is deemed to be the ideal American" (Nevins 2008, 174). They have characterized the border as a

danger zone necessitating a wall between the United States and all the "others." In reality, however, today's border is necessary because of increased global inequality. As Golash-Boza writes

> It may appear ironic that global capitalism has facilitated the transnational flow of goods while countries like the United States restrict the transnational flow of labor. However, upon closer consideration, it becomes clear that the sustainability of a system wherein workers in one country earn $10 an hour and those in a neighboring country earn $5 a day depends on the enforcement of national borders. (2015, 256)

If they can realize the better lives not possible in their homelands, then people will continue to migrate to the United States.

The United States government cannot prevent all undocumented migrants from entering the country. It would be physically impossible to accomplish this task, just as it is impossible to deport all undocumented people now living in the United States (Golash-Boza 2015, 8). Ultimately, the U.S. would not economically benefit from removing all undocumented immigrants even if it **were** physically possible. Undocumented immigrants form a "deregulated and flexible workforce" that sustains the U.S. economy (Golash-Boza 2015, 256). These migrants comprise much of the class of subordinate workers within the modern U.S. dual-labor system (39). Slavery is no longer legal in the United States, but other systems for ensuring a source of cheap labor persist. Illegality is one of those systems, ensuring the maintenance of a class of people denied full rights and forced to work for lower wages and worse treatment. In order to keep the undocumented exploitable, however, it is necessary for the U.S. government to continuously police migrants.

The U.S. government regulates undocumented immigrants in two strategic manners: making migration more difficult to limit the number of people able to access higher-paying jobs in the United States; and continuously deporting undocumented people living in the U.S. to

ensure a deportable and compliant workforce. As long as governments restrict movement between countries, the vast majority of people in the global south must continue working for significantly lower wages (Golash-Boza 2015, 257). The current worldwide restriction on human movement is analogous to global apartheid (Chomsky 2014; Golash-Boza 2015; Nevins 2008). Chomsky argues that

> Restricting freedom of movement, as in apartheid, is a way of enforcing domination and maintaining inequality. This is true whether the restriction is based on something defined as religion, race, or the arbitrary fact of birthplace. On a global level, patrolled borders prevent the poor of the world from escaping the poverty they were born into and gaining access to the jobs, education, and health and welfare that are reserved for those fortunate enough to be born in the wealthy countries that border them. Global apartheid is enforced with walls, stadium lights, and guns. And global apartheid never talks about race, only nationality. (2014, 36)

Strict immigration laws in countries such as the U.S. isolate populations in the countries suffering most under globalized neoliberalism. These people are "typically forced to subsist in places where there are not enough resources to provide sufficient livelihood, or in order to overcome their deprivation and insecurity, to risk their lives trying to overcome ever-stronger boundary controls put into place by rich countries that reject them" (Nevins 2008, 184).

The U.S. government has deliberately criminalized and impeded the process of migration to enforce global apartheid. In recent decades, U.S. lawmakers have routinely prepared for or responded to waves of migrants and refugees with operations to deter or deport them. In 1988, the Reagan administration executed one such detention and deportation operation in the Rio Grande Valley. This operation, at that time the largest immigration enforcement effort in more than three decades, responded to the influx of Central American refugees (Nevins 2010, 85). The 1994 Operation Gatekeeper "coincided with, and perhaps responded to, the signing of the North American Free Trade Agreement" (Sheridan 2009, 21). The operation undertook "prevention through deterrence" principally by way of a surge in the use of surveillance technology.

Immigration enforcement agencies expended substantial resources to capture migrants before they were able to enter the United States. This operation supplemented previous efforts to apprehend immigrants within the United States (Nevins 2010, 2).

In the past decade, many more migrants have died en route to the United States. These increased fatalities are not "unfortunate byproducts" of harsher border enforcement. They are the result of calculated efforts to narrow the population of immigrants arriving in the United States. The U.S. government has undertaken strategies of "prevention through deterrence," such as the aforementioned Operation Gatekeeper, which are killing more would-be immigrants. Ostensibly intended to deter undocumented migration, these strategies focus on shifting migration to harsher areas. In these areas, usually desert regions, migration is more difficult because of treacherous terrain or climate (De Leon 2015, 29). Yet, after two decades, research continues to indicate these "security practices have effectively and systematically funneled people toward violent terrain and made the process more deadly" rather than deterring migration (De Leon 2015, 37). Following the implementation of Operation Gatekeeper, for example, at least four times as many migrants have died attempting to cross Arizona deserts (Sheridan 2009, 22). Ultimately "as the policies and practices of U.S. border management have become stricter, opportunities for a safe crossing have diminished, and more…migrants have experienced physical injury, psychological trauma, or even death" (Sheridan 2009, 166). We have previously touched on some of the experiences of the migrant journey, but now we will look more at legal and illegal repression they face en route to the United States.

In recent years, it is standard for Mexican criminal groups to target migrants for exploitation. Drug cartels, experienced in smuggling illicit objects across borders for profit, have become human traffickers. Cartels often exploit migrants for any money they may have as well

as for ransom. Reports point to “a shift in tactics among organized-crime groups to different means of obtaining revenue... some Mexican organized-crime groups are now increasingly seeking revenue by preying on ‘non-combatants,’ such as Central American migrants (Heinle, Ferreira and Shirk 2015, 46). Undocumented migrants must travel through increasingly hostile countries to arrive in the United States. Oftentimes in their attempts to migrate, the undocumented are detained, deported, robbed, kidnapped, maimed or killed. Central American migrants, whose nations of origin necessitate crossing multiple countries, are especially vulnerable (Golash-Boza 2015, 61).

As previously touched upon, within Mexico federal, military and local police forces are often complicit with organized crime entities exploiting Central American migrants. Even in cases where they are not, they are often corrupt in their own right. Mexican officials regularly financially extort migrants, sexually assault women, and otherwise act as agents of oppression rather than protection (Infante et al. 2012). As a report of the Inter-American Commission on Human Rights noted, “the Mexican State has frequently not acted with the diligence necessary to protect migrants within its territory; worst still is the fact that at times the State authorities themselves have, directly or indirectly, violated the human rights of the migrants and their defenders” (2013, 11). Mexican organizations conjecture that the government’s failure to protect migrants is strategic because “allowing organized crime to operate freely on the migratory route is part of alternative forms of control of migratory flows, through the current warlike means, the bloodiest of all” (Fernanda Sánchez Soler and Jacques y Medina 2013).

The United States government also fails to protect migrants throughout their journeys. U.S. law enforcement agencies often deport migrants in distress who call 911 (Lo 2015). Before deporting undocumented people, ICE provides them with checks to subsidize travel home.

However, migrants usually cannot cash those checks. Many migrants cannot even utilize their U.S. debit cards to sustain themselves (Garcia 2015; No More Deaths 2014). U.S. agents also frequently physically and verbally abuse or otherwise traumatize undocumented migrants (see below for information on Border Patrol abuses). They often contribute to psychological trauma by treating migrants as people unworthy of dignity (Sheridan 2009, 69).

Nevertheless, a few people and organizations do help migrants along the way. *Casas de migrantes* (or migrant shelters) function as rare, underfunded and precarious attempts to provide the protection lacking in state efforts. Migrant shelters were "established throughout Mexico [as well as a few in U.S.borderlands] to provide humanitarian aid to migrants in transit," and depend primarily on private donations and volunteers (Vogt 2013, 775). These shelters are an attempt by private entities to protect migrants when the state will no longer do so (Vogt 2013, 775). Other people also assist migrants individually or on behalf of organizations. One Nahualeño, Sis, fondly remembered receiving succor from some of these people in 2001. While he rode by on the cross-country train known as *la bestia*, local Mexican people would gather at certain points on the journey and throw up fruits and other foods for them to eat.

In November 2014, criminals killed two people who worked in affiliation with Mexican NGO *Ustedes Somos Nosotros* (We Are You) in Huehuetoca (Kahn 2014). Each day Adrian Rodriguez Garcia and Wilson Castro traveled to a nearby freight train stop and "would be there with hot coffee and sweet bread in the morning, or a hot meal in the afternoon—rain or shine" (Kahn 2014). Rodriguez Garcia had been doing this work for 10 years, motivated in great part because of his belief in the shared humanity of migrants. One journalist who met him recounted "he told me he was a transvestite, and maybe that's why he related so much to the cast-aside migrants; he, too, felt he was an outsider" (Kahn 2014). Castro, on the other hand, had begun

working with Garcia two years before. He was a former irregular immigrant who finally received a visa to remain in Mexico shortly before his death. Criminals killed Rodriguez Garcia and Castro because they had prevented the abduction of a group of migrants several months before, and reported the attempt to local law enforcement (Kahn 2014). The perpetrators were released, as most are in a country where few crimes are reported and only 5 percent of those reported lead to convictions (Heinle, Rodríguez Ferreira, and Shirk 2014, 38). Law enforcement promised the activists protection that they never provided. The perpetrators eventually killed Castro and Rodriguez Garcia for attempting to protect a few of the migrants they assisted each day (Kahn 2014).

Researchers report an overall decrease in the undocumented population over the past several years. More immigrants are deported or voluntarily leave than enter the United States (Inter-American Commission on Human Rights 2013, 34). The Obama administration has deported a record number of undocumented immigrants, surpassing the entirety of all people deported before 1997 (Golash-Boza 2015, 5). The United States government has also made concentrated efforts to harden its southern border with Mexico. Likewise, they have politically pressured and financially compensated the Mexican government to police their southern border with Guatemala and Belize (Hiskey et al. 2016, Nazario 2015). Notoriously corrupt law enforcement officials pursue migrants throughout the country with the economic blessing of the U.S government.

Moreover, recent sources attribute some of the official decrease in immigrants entering the United States to increased militarization of the southern Mexican border. Estimates of undocumented immigrants entering Mexico range up to 400,000 people each year (Inter-American Commission on Human Rights 2013, 31). A recent report in the *National Journal*

indicates the number of child migrants captured at the USA-Mexico border has decreased, but the number of migrants being turned away from or detained within Mexico has increased (Fox 2015). In 2015, Mexican border patrol captured at least 200 percent more migrants than the previous year (Fox 2015). This follows previous substantial increases such as that from 2011 to 2012, when Mexico deported 30 percent more Central American migrants (Inter-American Commission on Human Rights 2013, 32). Reporter Lauren Fox asserts, "what has significantly shifted is Mexico's investment to secure its own southern borders with Belize and Guatemala. What were in previous years more-porous crossing sites have now been reinforced with stringent security" (2015). Many migrants continue attempting to migrate, for many of the same reasons. However, as one advocate noted "the Mexican government is essentially 'doing our dirty work for us'" as the Obama administration works to decrease concerns over the magnitude of undocumented migration (quoted in Fox 2015).

Throughout their journey in Mexico, undocumented people are dehumanized. Criminals and government officials victimize them. Private entities and individuals can only provide limited assistance in attempts to ensure their survival. When undocumented migrants do not survive, private organizations also work to recover their bodies, as government agencies place little importance on the retrieval of dead undocumented migrants (Lo 2015). In spite of this, migrants continue to make the trip. Ultimately, all of the above tactics do not necessarily deter immigrants from migrating. Instead, they make it difficult for migrants to survive the journey. Once they arrive in the United State, the U.S. government continues to police them.

Certainly, people of color who are undocumented face greater discrimination because of the intersection of their race, ethnicity and other social identities with their citizenship status. We observe this among black migrants, of any ethnicity, who compose a small portion of

undocumented migrants but are a disproportionate percentage of those deported. In fact, "black immigrants are detained and deported at five times the rate of other populations of undocumented people" (Paulos 2015). It is undeniable that anti-black racism exists within entities policing immigrants as it does in all others, and people who are most subject to general over-policing are targets in immigration policing (Golash-Boza 2015, 143. This is particularly true because of the common collusion between agencies such as Immigrations and Customs Enforcement (ICE) and municipal criminal enforcement units (Golash-Boza 2015, 144). In fact, 97 percent of migrants deported by the Obama administration have been from the Americas, and almost 90 percent have been men (Golash-Boza 2015, 167). In 2012, 64.4 percent of detainees were Mexican and 25.7 percent were Central American (Reagan 2015, xvi). The bulk of deportees are black and/or Latino men, the same populations who are subject to greater criminalization in the U.S.(Golash-Boza 2015, 174; Dreby 2015, 167).

People of color, already characterized as "the other" in the United States, are more likely to be perceived as occupying a space "illegally." U.S. media stereotypes Latinos as undocumented immigrants and vice versa. These stereotypes, in conjunction with habitual xenophobia and racism, rationalize immigration enforcement overwhelmingly targeting Latinos. Arizona's SB 1070 law authorizes police to require detained individuals to provide proof of authorization to be in the United States. Police can require this authorization if they have "reasonable suspicion," whatever that should be, to believe someone is undocumented (Campbell 2011, 1; Nill 2011, 38). Opponents note that any suspicion based only on visual observations is based on racial profiling.

Immigration officials frequently target Latinos for detention, deportation or policing regardless of their nation of origin. Jacqueline Stevens, a Northwestern University professor

whose research focuses on individuals who have been detained by ICE, indicates "thousands of U.S. citizens each year and tens of thousands in the course of a decade will be detained for substantial periods of time in absolute violation of the law and their civil rights" including some who are deported (quoted in Robbins 2011). In 2012, a border patrol agent murdered Valeria "Munique" Tachiquin, a mother of five children, several miles from the US-Mexico border (Goodman 2012b). Witnesses to Tachiquin's murder reported the agent, who was standing on the sidewalk, killed her while she was reversing her car. The agent claimed to have killed Tachiquin from the hood of her car after she crashed into him (Garske & Gomez 2014). He was out of uniform and several miles from the US-Mexico border when he killed Tachiquin (Goodman 2012b). Border Patrol had previously disciplined the agent for misconduct. Per the Southern Border Communities Coalition tracker, Border Patrol agents have killed at least 42 individuals in the past six years. They have also severely injured—by shooting, beating even to the point of brain damage, tasing, and triggering to miscarriage—at least 20 other people (accessed 15 March 2016; Goodman 2012a).

Nowadays, immigration enforcement agencies such as the U.S.Border Patrol and ICE have increased jurisdiction. The American Civil Liberties Union (ACLU) reports that in 2008 the Department of Homeland Security (DHS) established a 100-mile border zone. In any area along the U.S. border, defined as **100 miles** from all country borders, DHS authorizes border protection agencies to stop and search vessels (American Civil Liberties Union 2015, 1). DHS habitually ignores legal limitations to these and other border patrol activities. In practice, DHS authorizes agents to search private property without warrants. They routinely disregard constitutional protection against unreasonable search and seizure. The ACLU reports that the 100-mile border zone, effectively exempt from the fourth amendment guarantee against searches without warrant,

encompasses most major cities and almost two-thirds of the U.S. population (American Civil Liberties Union 2015, 1). Immigration enforcement officials are eroding the rights of U.S. citizens as well as undocumented people.

Constant threats of policing are a way of life for undocumented immigrants. As previously mentioned, the Obama administration has deported more people than all those deported before 1997 or by any other administration (Golash-Boza 2015, 5). Since 2010, the deportation quota for ICE has been a minimum of 400,000 people each year (Regan 2015, xvi). In years such as 2012, the agency has surpassed this goal by various means of questionable legality (Regan 2015, xvi). In 2012, ICE also held 477,528 people in detention centers— an average of 31,000 each day (Regan 2015, xvi). These detention centers are typically private owned and overseen. The federal government operates only nine immigration detention centers (Regan 2015, xvi). Regan's 2015 book *Detained and Deported* includes stories of detained immigrants who have committed suicide, faced imprisonment with children as young as infancy, or been confined for years while awaiting rulings on applications for asylum.

Widespread detainment and deportations significantly affect immigrant families. In 2013 the Inter-American Commission on Human Rights expressed its concern that "by 2010 approximately 4.5 million children born in the United States had at least one parent living in an irregular migratory situation in the United States…With the stricter enforcement of immigration laws in the first half of 2011, over 46,000 fathers and mothers of United States-born children and adolescents were deported" (2013, 34-35). Alarmingly, immigration agencies are targeting more long-term immigrants with children born in the U.S. for deportation (Reagan xxiii). In the 2010 *Divided by Borders,* Joanna Dreby chronicles many cases of families divided between Mexico and the United States. These people encounter unique difficulties in maintaining transnational

families while unable to travel between countries. Dreby's work, however, focuses on children living in Latin America with parents working in the United States. In the first half of 2011, the U.S. deported 46,000 immigrant parents whose children remained behind in the United States. Many of these children end up in foster care when no other family members can care for them (Reagan xxiii).

Deportation ultimately functions as a form of social control. It is not physically possible to deport all of the undocumented, but it is possible to use the deportation of some as a tool to keep all undocumented people deportable and thus vulnerable (Golash-Boza 2015, 8). Even when undocumented families do not actually experience the deportation of one or more of their members, the possibility of deportation is enough to alter their lives. The Pew Hispanic Center reports that 52 percent of Latinos, 68 percent of foreign-born Latinos, and 84 percent of undocumented Latinos worry they or a close relative or friend will be deported (accessed 10 March 2015). Ultimately "as enforcement efforts intensify, the threat of deportation creates a culture of fear among immigrants" which changes the way they live (Dreby 2015, 26). Immigrants are afraid, and so often they withdraw from their communities and social circles. They often fear utilizing available social services for themselves or their U.S.-born children. They experience significant psychological stress, and their quality of life and confidence in the future is lowered (Dreby 2015, 26). These are only some of the documented impacts of illegality.

What does it mean to be an undocumented worker?

Mariana Pérez is a long-time member of Workers' Dignity. When she arrived at the workers center in 2010, she had been living in Nashville as an undocumented immigrant for several years. For much of that time, she had worked in a factory operating machinery. Pérez

valued that job because her supervisor treated her well, even though she was aware Pérez was undocumented. One day, Pérez recounted, her manager had asked her "how her situation was." Pérez had responded that it was "the same as everyone else." Eventually, however, the company requested proof of work authorization that Pérez was unable to provide.

Afterwards, Pérez began working with a man who did not ask for papers. In this job, she cleaned apartments before new residents moved in. At first, Pérez was happy with the job. Her boss assured her that when she learned the swing of things she would be able to earn money according to her pace of work. However, Pérez recalled spending eight hours on a single apartment one day. Another day her manager assigned her a bathroom so dirty that two hours of cleaning made little difference. No matter how much time Pérez spent cleaning an apartment, her boss only paid her 50 dollars per apartment (often adding up to far less than the federal minimum wage). When she complained one day, her boss told her she was under punishment and could not work until the following week.

Shortly after Pérez began working, her boss no longer paid her the full amount he owed her. He would make excuses each time, explaining away missing amounts. Her supervisor would claim he needed to deduct the cost of insurance, or there was a clerical error, and she would receive the full amount in the following paycheck. Sometimes, Pérez would not argue with the pay cuts because she was unsure of her legal rights. After some time, she was unable to pay her bills for the month because her employer did not pay her salary. Pérez quit the job, and asked for her final paycheck. A month later, she was still waiting. At one point, her former employer attempted to settle with her by paying less than a third of what he owed her.

Pérez remembered that she had missed a significant warning sign when she came on the job. Her employer had bragged that workers could not sue him because they were technically

independent contractors. He claimed that one worker had tried to sue him and been deported by immigration. At the time, Pérez did not consider this a problem because she did not intend to sue her boss. She remembered wondering why anyone would sue him if he paid them for their work. Now she understood that he did not, in fact, pay workers. At this point, Pérez was ready to give up and write off the money. However, a friend who had heard of Workers' Dignity accompanied her to the center.

At Workers' Dignity, Pérez successfully waged a campaign to recover her stolen wages. In the process, she discovered a love for the work of the organization. On one of her first days, Pérez accompanied other members to a meeting where their former employer paid their stolen wages. This greatly encouraged her to believe she would win her own campaign, and she eventually did. Afterwards, Pérez began to act as an advocate and supporter for other workers, accompanying them on their own campaigns. She found that she loved to *animar* or encourage and motivate other workers. Pérez was also happy to be able to help workers in spite of not speaking English. She felt worthwhile, and she realized that other workers respected and looked to her for advice. Pérez learned from other members how to approach bosses who did not pay their workers. She supported several members who won their cases, and she learned more about her own rights as a worker. Pérez began to notice that the more workers joined to fight a case, the more likely they were to win. Eventually, Workers' Dignity hired Pérez as one of the first paid staff organizers for the workers center. Over the years, Pérez has held almost every role in the organization. Recently, she supported a new member fighting against the same boss who stole her wages years ago.

Pérez is still a low-wage worker, typically working in factories, but she is now legally able to work in the United States. Following an experience with domestic abuse, Pérez received a

u-visa (a visa intended for victims of crime) because of her work with law-enforcement to convict the perpetrator. When asked if she wished for her name to be included with her story, Pérez responded "of course. I am not afraid anymore." She shared, however, that most of the workers she meets are afraid. She noted "the ones that don't return, I see them with fearful faces." Workers' Dignity does not ask workers about their immigration status. However, the process for recovering wages is a public campaign that many undocumented people are afraid to undertake. Mariana remembered one woman refusing to wage the (public and possibly lengthy) campaign because she was terrified her husband would find out. Bosses often also threaten workers with deportation or other retaliation. I saw several cases of this in my own time volunteering with Workers' Dignity. Advocates must continually motivate workers in the face of threats, and this is especially true of undocumented workers.

As both Chomsky and Nevins emphasize, global apartheid does not function as absolute separation. Rather, it works as it did in South Africa where "the production and maintenance of the privilege enjoyed by white South Africans necessitated interaction with non-whites—in a highly exploitive manner" (Nevins 2008, 185). Tactics such as deportation reinforce "the limited mobility and enhanced vulnerability of black and brown labor" (Golash-Boza 2015, 16). Ultimately, the most important function of illegality is to maintain a population of vulnerable low-wage workers. Illegality largely determines the work lives of the undocumented in the United States.

The most exploitive industries employ many undocumented workers. A Pew Research Center study estimates 62 percent of undocumented workers occupy "lower-skill jobs." This is twice the percentage of people with work authorization who fulfill these jobs (Passel and Cohn 2015, 5). This proportion also holds true for specific industries. The agricultural industry

employs 5 percent of undocumented workers versus 2 percent of documented workers. The leisure and hospitality industry (which includes people who work in hotel maintenance) employs 18 percent of undocumented workers compared to 10 percent of documented workers. The construction industry employs 16 percent of the undocumented population versus 6 percent of authorized workers (Passel and Cohn 2015, 11). The Pew Hispanic Center demonstrates that most undocumented people in the United States work as farmworkers, janitorial and other maintenance staff, and construction workers (Passel and Cohn 2015, 11).

These industries are often criticized for safety issues and violations of worker rights, such as those documented in the following reports. In November 2015, the New York Times scrutinized several years of reports of construction accidents in New York City. Investigators found that "the rise in deaths and injuries- mostly among undocumented immigrant laborers—far exceeds the rate of new construction over the same period. It is stark evidence of the view increasingly held by safety inspectors, government officials and prosecutors, that safety measures at these jobs sites are woefully inadequate" (Chen 2015). Another report found that "Immigrant and Latino workers are disproportionately at risk of dying in construction… Additionally, in 60 percent of OSHA fall from elevation fatalities, the worker was immigrant and/or Latino" (New York Committee for Occupational Safety and Health 2015, 5). The report attributes some of the risks of workplace injury to the proliferation of non-union employers. New York City is not the only metropolitan area with similar statistics. Construction booms in many cities come at the cost of the wellbeing of many immigrant workers. Historically, construction in cities such as Houston and Las Vegas has been possible because of the exploitation of undocumented workers (Chomsky 2015, 131).

In Texas, the Workers' Defense Project and the University of Texas at Austin conducted a report of the state's construction industry. Workers' Defense Project reports, "more construction workers die in Texas than in any other state. One in every five workers surveyed reported suffering a workplace injury that required medical attention" (Workers' Defense Project 2013, ii). Beyond this, statistics indicate employers have denied 22 percent of workers payment and 50 percent overtime even when they worked up to 80 hours per week (Workers' Defense Project 2013, 13).

In Nashville, a preliminary report on labor conditions in the hospitality industry found that "nearly 10% of all surveyed workers [most of whom are women of color] make less than the federally-mandated minimum wage of $7.25/hour" (Workers' Dignity 2016, 4). Otherwise, employers fail to pay 89 percent of workers the lawful time-and-a-half for overtime (Workers Dignity 2016, 13). In terms of safety, 27 percent of workers have been injured on the job. Of those workers, employers denied 79 percent emergency medical care (Workers' Dignity 2016, 14-16). These statistics are particularly alarming for Nashville where "the hospitality sector is experiencing a tremendous boom of prosperity and growth, outpacing all other 50 large tourist economies in the country" (Workers' Dignity 2016, 4).

Lastly, farmworkers labor in one of the industries that is most dependent on vulnerable undocumented workers. Most agricultural workers are exempt from labor laws, including "the minimum wage, overtime and child labor provisions of the Fair Labor Standards Act; the union-organizing and collective-bargaining rights in the National Labor Relations Act; and the unemployment compensation system" (Oxfam America 2004, 38). Some employers pay agricultural workers by the hour, but most pay them according to a "piece-rate" requiring workers to harvest considerable amounts of produce to earn minimum wage (Oxfam America

2004, 12). In the case of Florida tomato pickers, the Coalition of Immokalee Workers (CIW) spent years winning a 5-cent increase in the piece-rate, up to 50 cents per bucket of tomatoes. Each bucket is approximately 32 pounds (Oxfam America 2004, 12). Beyond this, work conditions in the agricultural industry remain among the worst of any industry. More than half of all farmworkers in the United States are undocumented immigrants (Oxfam America 2004, 4). We see, then, some of the industries that depend on exploiting low-wage undocumented workers. These are some of the working conditions undocumented people encounter each days.

Even in the midst of the classification of millions of workers in the U.S. as "illegal immigrants" to keep them exploitable, people continue to resist—and not without victories. Low-wage workers in New Orleans, a large number of them undocumented, have had considerable success in recent years. Chomsky references the experiences of migrants in New Orleans, recounting

> Only days after Hurricane Katrina hit, the federal government waived employer sanction provisions, allowing employers to hire workers without documents. Soon after, it waived prevailing federal wage standard requirements for contractors working on federally funded reconstructing projects… [setting] the stage for an influx of low-paid, undocumented workers…overall undocumented workers made up a quarter of the workforce in New Orleans in the months following the hurricane….unsurprisingly, undocumented workers faced lower wages and poorer working and living conditions than those with documents. (2014, 132)

On April 17, 2015, the Fifth Circuit Court of Appeals in New Orleans began hearings in the injunction against the expansion of DACA and implementation of DAPA. The Congreso de Jornaleros de Nuevo Orleans (Congress of Day Laborers) hosted an action in support of DACA and DAPA. The Tennessee Immigrant and Refugee Rights Coalition assembled a busload of people, myself included, to attend the action. I was thus able to better my understanding of the New Orleans history I had previously studied.

In conversation with members of the Congress, I heard some of the city's history from people who lived it. Many members of the organization arrived in New Orleans after Hurricane Katrina as workers (sometimes undocumented) in pursuit of the widely available reconstruction work. Many day laborers would congregate in locations where contractors would arrive to collect them each morning. However, employers often exploited these workers. Several members of the congress shared their experiences with wage theft. They would complete work and contractors would often refuse to pay them. At the time, workers could not do much to recover their wages. Local law enforcement often deported undocumented workers who reported workplace abuse or wage theft. Workers created the Congress of Day Laborers in response to the unbridled legalized abuse of undocumented workers after Hurricane Katrina. Members spoke of the (then nine years old) organization with great pride.

Workers spoke of New Orleans as a city where worker exploitation was very common. Tied into this reality was discussion of its history of egregious deportations of undocumented people. At one time Louisiana had the highest per-capita deportation and immigration arrest rate of any non-border state in the United States and "local ICE officials granted prosecutorial discretion [to stay deportation] less frequently than most other states" (Alexander-Bloch 2013). Police, Congress members narrated, often arrested workers who reported employer abuse rather than the employers who stole their wages.

This strategy is not unique to New Orleans. Historically, "as early as 1928 growers [in California's Imperial Valley] threatened striking workers with deportation if they did not return to work, and succeeded in getting some union organizers deported to Mexico. This appears to have been a common tactic in the decades that followed" (Nevins 2008, 68). Around the time of "Operation Wetback" (discussed in previous section), Mexican workers were mounting "large-

scale and ideologically diverse unionization efforts" (Nevins 2008, 50). Agricultural workers across ethnic and racial groups mounted unionizing efforts. Five thousand lettuce and vegetable workers carried out one of the largest strikes of the time. Authorities and growers defeated the strike through violent means including beatings, prolonged detentions, incinerations of worker homes, and threats of "deportation of pro-union workers of Mexican origin" (Nevins 2008, 51).

In recent years, U.S. law enforcement and employers continue to use the threat of deportation to suppress worker resistance. Bacon writes about similar mass deportations that occurred in 2006. U.S. immigration officials "targeted workplaces where people were organizing unions, trying to enforce labor-protection laws, fighting to improve wages and benefits, or otherwise standing up for their rights" (Bacon 2008, 2). Officially, immigration officials conducted the raids to ensure only authorized people worked at each company. However, employers were aware of and unconcerned with the immigration status of workers for years beforehand (Bacon 2008, 6-7).

In at least one of the 2006 cases, the employer circuitously initiated an ICE investigation of undocumented workers who pursued legal action. The ICE investigation eventually led many workers to abandon their reinstated jobs and their homes out of fear of deportation (Bacon 2008, 7-11). In this way, even workers who had previously resisted and won a legal case were suppressed into compliance. In another case, immigration officials deported more than 40 workers. They also charged and convicted nearly half of the workers with identity theft (Bacon 2008, 12). The effects of those deportations "swept outwards from the factory through the barrios...leaving behind children missing mothers or fathers. Parents were afraid to go to work or send their kids to school. The terror it inspired dealt a body blow to the plant's union-organizing

drive as well, just when it was making real progress...workers were just beginning to lose their fear" (Bacon 2008, 13).

It was not coincidental that these deportations occurred when workers were collectively organizing for change. This was a strategic and effective utilization of illegality. Workers who have no legal status have little security. Without security, it is difficult or impossible for workers to take the necessary risk to improve their lives. At any point, employers are easily able to report workers as "criminals" and have them deported. Undocumented workers are often left the choice of accepting work "as-is" despite exploitation, or risking deportation to their home countries. Workers understand that deportation may entail separation from their families, the loss of higher wages, and the forfeiture of their personal safety. The U.S. government has shaped immigration law "with the express purpose of creating this new status of illegality, because it served the purpose of keeping workers exploitable" (Chomsky 2014, 19).

Teresa Mina is a former undocumented immigrant who supported her family by working in the U.S. for several years (Bacon 2013, 220). In an account to Bacon, Mina relates she once filed a complaint after being sexually harassed and the company she was working with "took me off the job… I called the union and asked them to help me. After that, the company called me a problematic person, because I wouldn't be quiet and fought for my rights" (quoted in 2013, 220-221). Eventually she was due disability because of an injury, and the company refused to pay her without the provision of valid immigration papers (Bacon 2013, 221). After the company continued to pressure her to drop the case, Mina decided to simply return home (Bacon 2013). She requested her last paycheck for time worked and vacation but "they only paid me sixty hours, though they owed me eighty-two." The employer knew she would not remain in the country long enough to fight them for her stolen wages (quoted in Bacon 2013, 222). Mina notes,

“many people are frightened now. They don’t want to complain or fight about anything because they’re afraid they might get fired. They think if we keep fighting, the immigration will pick us up. They have families here. What will happen to their children? Nobody knows. They worry that what’s happened to me might happen to them” (quoted in Bacon 2013, 222).

This experience also relates to another shared by Xwan. When Xwan first arrived in the U.S. he worked for three months as a construction worker. His employer paid him the first weeks he worked, and he sent almost all of the money to his family in Guatemala. However, his employer did not pay him the remainder of his wages. For several months, Xwan continued working and living frugally with the expectation of being paid. However, he was never received his wages. Xwan eventually ran out of money, and struggled to secure a new job.

Xwan narrated that when *Nan* Talin helped him to pay for his journey, she asked him not to forget his family. In Nahualá, he explained, some families will lose touch with their relatives once they migrate to the United States. Migrants are overwhelmed by the available vices and fall into alcoholism, gambling or other problems. When Xwan failed to continue sending money home, his family feared he had fallen into alcoholism and would be lost to them. His debt accrued substantial interest, his family assumed the worst, and he was ashamed to explain what had happened to him. He was not alone, as when immigrant “men are not economically productive, they tend not to communicate with family members at home” (Dreby 2010, 203). Xwan’s account of his experience emphasized the sense of shame and powerlessness he felt. He did not know how to force his employer to pay, and he did not feel comfortable aggressively pushing the matter. Xwan was new to the U.S., and he was conscious of the need to avoid deportation. He was never able to recover his stolen wages.

As we can see, within the United States, "lack of legal status is used to keep people vulnerable, to criminalize and punish them when they try to improve their conditions" (Bacon 2008, vi). Undocumented Workers simply cannot fight back against exploitation in the same way or with the same frequency as other workers. However, they continue to find new ways to resist exploitation and reclaim their humanity. Janice Fine's 2006 book *Worker Centers* describes some of the challenges and accomplishments of worker centers across the country. These centers, of which there are more every day, are continuously finding ways to struggle alongside the most vulnerable communities of workers—including the undocumented. Nevertheless, it is difficult to understate the challenges of improving working conditions for people who do not have legal authority to live in the United States. For the undocumented, organizing for change requires a challenging balance of creativity and caution.

The accomplishments of the Congress of Day Laborers continue to serve as sources of hope for other groups. Nowadays, the Congress has won considerable local support. Members spoke proudly of how, after a 3-year campaign, various organizations were able to push through a law criminalizing employers who do not pay workers. Unfortunately, it is still difficult to collect unpaid wages from employers. Nevertheless, workers continue slowly recovering the millions of dollars of wages stolen in the years since Katrina. Organizations such as the Congress continue to work to advance the rights of the undocumented. Their work demonstrates the possibility of worker organizing and resistance in spite of the restrictions of illegality.

Conclusion

When we consider the history and the ramifications of immigration laws and of "illegality," it is difficult to justify the current system. It is impossible to conceive of sufficient

moral grounds to justify discriminating against people based on where they were born, whether they have moved, and how they have done so. Understanding the extent to which immigration laws disproportionately marginalize Mexican, Central American and Black immigrants demonstrates that these laws are not color-blind, but rather reinforce old structures of oppression based on new legal foundations (Chomsky 2014, 14). Many times, U.S. immigration enforcement agencies enforce laws selectively, benefiting businesses and hurting immigrants struggling for better lives (Bacon 2008, 13). Being classified as undocumented immigrants "justifies their location in the lowest ranks of the labor force" (Chomsky 2014, 19).

The creation of "illegality" and of "illegal people" is a political act, and "the openness or restrictiveness of the border changes with the political tides" (Hendricks 2010, 12; Nevins 2008, 94). One of the clearest illustrations of this ensued when

> In May of 2003, U.S. legislators wanted to trade Mexican petroleum for policy reform on unauthorized migration. Legislators suggested that if Mexico were to privatize the government petroleum company (PEMEX) to allow for U.S. investment, the United States would begin addressing the issue of unauthorized migration and rights for Mexican workers in the United States. Thus U.S. legislators were treating Mexican workers as a commodity or political token, to be traded like oil. (Sheridan 2009, 153)

Bacon succinctly observes "'illegal' describes a social reality—inequality—… 'illegal' is all about social and political status. 'Illegal' says society is divided into those who have rights and those who don't, those whose status and presence in the United States is legitimate and those whose status is illegitimate, those who are part of the community and those who are not" (2008, vi). In addition, "once naturalized, the status neatly hides the human agency that forces workers into this marginalized status" and many individuals fail to question the legitimacy of the notion of denying rights to people born outside of a particular territory (Chomsky 2014, 39). In order to begin to counter the effects of illegality, we must collectively challenge the idea that any human being is illegal (2014, 21). Undocumented people continue to live without the security of legal

status, and yet some of them lead resistance calling for "*ni una más deportación*" (not one more deportation) and "*justicia ahora*" (justice now). They are **meant** to be afraid, but at times, they risk everything. At times, they mobilize and declare themselves "undocumented and unafraid-sin papeles, sin miedo."

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