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The 2013 Immigration Reform that Wasn't

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ELAINE LEVINE**

Possibly at no other time during the Obama administration, up to now, did it seem more likely that some type of immigration reform might be passed by Congress than in the early months of 2013. On January 28, a bipartisan group of four Democratic and four Republican senators, labeled by the media as “the Gang of Eight,” publically presented their blueprint of a proposal for immigration reform. The next day during a speech in Las Vegas, President Obama spoke, once again, of the need to overhaul the nation’s immigration system and mentioned goals similar to those announced by the eight senators. Two weeks later in his State of the Union Address he also insisted that it was time to pass comprehensive immigration reform. On June 27, 2013, the Senate passed the *Border Security, Economic Opportunity, and Immigration Modernization Act* (S744). Subsequently, five separate bills, each dealing with a specific aspect of immigration policy, were marked up in the House Judiciary and Homeland Security Committees but were never brought to the House floor for a vote. Thus, as 2013 draws to a close immigration reform has once again stalled in Congress.

Many different issues are addressed in the hundreds of pages of proposed legislation. Immigrants come to the U.S. from almost all regions of the world, bringing with them a wide range of educational backgrounds, class structures, languages, and ethnicities, and thus are often classified accordingly. There is a notable division perceived between low-skilled, less educated workers and high-skilled, highly educated professionals. As of the most recent census (USDOC, 2012), over half (53 percent) of the immigrants currently in the U.S. were born in Latin America, almost half of them (29 percent of the total immigrant population) are from Mexico, and many are from Central America, while Asians make up 28 percent of the foreign-born population, and Europeans, 12 percent. Perhaps the most salient division among immigrants today, certainly in the public eye, would be the bifurcation between those

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who do have and those who do not have “legal” authorization to reside in the U.S. Hence, one of the most controversial aspects of almost any and all proposals for reform is how to deal with the estimated 11 million or more unauthorized immigrants. Therefore, in this introductory essay, we mainly focus our attention upon the unskilled and the undocumented Latino population,¹ i.e., the people who make up the majority of the immigrants who face the greatest hardships and insecurity.

Attracting immigrant labor to the United States has been vital to economic growth throughout the nation’s history, and migratory flows have generally more or less responded to changes in the demand for foreign labor. Over the past two decades, Latin American immigrants, in particular, have been an important component of labor force growth in the U.S. Latinos in general were responsible for 54 percent of the increase in the labor force between 2000 and 2010 (Kochhar, 2012), and in 2010 slightly more than half of the Latinos in the labor force (51.1 percent) were immigrants (Motel, 2012). In the latter part of the twentieth century the demand for low-skilled labor to carry out undesirable tasks (in low-skilled services, construction, food processing, and light manufacturing) for low wages rose considerably just as new waves of immigrants from Mexico and other Latin American countries arrived who were more than willing to fill such jobs.

Most recent European and Asian immigrants have high income levels commensurate with their high levels of educational attainment, which in many cases surpass those of the native-born population. Many Asians tend to be concentrated in highly specialized technical and professional areas. Furthermore, the number of unauthorized immigrants from European or Asian countries is quite low. In contrast, the high numbers of unauthorized workers from Mexico and their generally low levels of educational attainment, characteristic of most recent Mexican and Central American immigrants, make them extremely vulnerable in terms of working conditions and salary levels. Salaries deemed insufficient by most native-born workers are enough to attract immigrants from Mexico and Central America as long as there is a demand for their labor.

Mexico has long supplied the largest number of workers from south of the U.S. border. Over the past few decades, the demand for labor in the U.S. and the labor supply from Mexico and increasingly from Central America evolved in such a way that Latino immigrants became the primary source of low-skilled, low-wage workers in several branches of the economy and in various parts of the country. Low-skilled, unauthorized Latino workers have become an ideal source of “disposable labor”

¹ “Latino” has complex usage, and does not appear ideal to describe all immigrants from Latin America, for example, the indigenous. We employ the word here only as a geographical generalization.

that is available “just in time.” They have proven to be readily available and easily expendable. They can be easily attracted or recruited in boom times and are totally expendable when the economy contracts. They can be laid off and even deported with no obligation from, or disadvantage for, their employers.

The severe 2008-2009 recession momentarily stemmed the arrival of new labor migrants, especially the unauthorized. The supply from Mexico and Central America is more or less adaptable –or can be forced to adjust– to demand conditions north of the border. From 2009 through 2013, given the severity of the recession and a climate of growing hostility toward immigrants, in some parts of the U.S., ICE removed an average of 1 000 unauthorized immigrants a day, most of whom were Mexicans or Central Americans. The continued presence of large numbers of unauthorized immigrants, who have been actively recruited and/or readily employed by U.S. businesses and households, and the separation of families and other abuses and hardships suffered by those deported clearly evidence the urgent need for immigration reform in the U.S.

Even though new life was breathed into the immigration debate after the 2012 elections, the extreme partisan divisions that have plagued Obama’s entire presidency prevailed once again and finally thwarted the possibility of achieving immigration reform in 2013. Moreover, lack of action at the federal level has prompted many states to take matters into their own hands. In most cases, states have invoked the argument of federal inaction as a justification for passing their own highly punitive laws to detect and remove unauthorized immigrants. However, there are some recent examples of states and localities that have enacted laws and implemented policies to allow immigrants some measure of rights and protections. We will return to this issue after first analyzing how, in addition to the adverse political context, unfavorable macroeconomic conditions prevailing during and after the recession through to the end of 2013 seem to have gotten in the way and kept the process from moving forward successfully.

GREAT EXPECTATIONS FOR IMMIGRATION REFORM IN 2013

The demand for immigration reform has resounded in the halls of the United States Congress and across the nation since the beginning of this century. Although various proposals have been presented and voted on over the past 13 years, none has been approved by both houses thus far. President Obama was unable to fulfill his campaign promise to achieve immigration reform during his first term in office. Even the DREAM Act (*Development, Relief and Education of Alien Minors Act*) has succumbed to

legislative impasse more than once since it was first proposed in the Senate in 2001. In what many have considered as a more or less desperate move to have at least something to offer to Latino voters in November, Obama implemented the Deferred Action for Childhood Arrivals (DACA) program on June 15, 2012. The U.S. Citizenship and Immigration Services offices began receiving applications for this program on August 15, 2012.

The fact that Obama received 71 percent of the Latino vote in the 2012 elections, as opposed to only 27 percent for Romney, seems to have made an impression on some Republicans with an eye to the future importance of Latino voters. This was the highest percentage of Latino votes for the Democrats since Bill Clinton received 72 percent in the 1996 election. In 2004, George W. Bush received 40 percent of the Latino vote (compared to 58 percent for Kerry), which is the highest percentage achieved by a Republican presidential candidate from 1980 to the present. In 2012, Latinos made up approximately 10 percent of the total electorate, up from 8 percent in 2004 (Pew Hispanic Center, 2012).

By the end of January 2013, Washington was buzzing with talk of immigration reform. In an opinion piece published in the *Huffington Post* on February 5, 2013, Darrell M. West of Brookings summed up the situation as follows:

Last fall, it would have been hard to imagine Republicans and Democrats working together to fix our broken immigration system. . . . But now we have leading Democrats and Republicans who have announced their support of a bipartisan reform package. With the Senate moving toward action, House Republicans indicating we should be open to immigrants, and President Barack Obama making immigration reform a top priority, the country appears close to taking meaningful action on this important issue. (West, 2013)

Among the reasons West cited for this dramatic change are Romney's poor performance in the 2012 elections, "the major driving force behind the changing dynamics of immigration reform"; the fact that "immigrants have moved into the heartland and out to the suburbs," which changes the local electoral landscape in many of these areas; the fact that in the future Republicans may face difficulties winning presidential elections due to changing demographics; the decline in the numbers of persons attempting to cross the U.S.-Mexico border illegally, which in his opinion "shows how the country has made progress on securing its border with Mexico"; and the recent "calls for action on immigration from leading companies being hurt by difficulty recruiting workers" (West, 2013). This is the case for high-tech areas where companies sometimes have difficulties in hiring qualified immigrants under the current rules, as well as for low-paying jobs in "agriculture, hotels, restaurants, and health care,"

where “there are insufficient numbers of [U.S.] Americans willing to work in these areas” (West, 2013). He concluded that “Meaningful immigration reform is vital to the long-term economy and national competitiveness” (West, 2013).

Economists share a more or less generalized consensus that immigration contributes positively to economic growth (Borjas, 2013). Numerous studies show how income earned by immigrant workers is quickly re-injected into the economy as consumer spending, thus generating a multiplier effect. For example, the Americas Society/Council for the Americas website, <http://www.as-coa.org>, provides data on the positive contributions immigrants make to the economy via the housing market and as necessary workers in manufacturing, health care, and agriculture. Immigrants are directly involved in revitalizing many semi-rural or remote suburban areas throughout the country. Other economic studies refer to downward pressures on the wage level, particularly for workers with lower levels of educational attainment (Borjas, 2013). It should be pointed out that this pressure on wages could be alleviated significantly by regularizing the status of immigrant workers who are currently unauthorized.

Who benefits most or which groups of the population may suffer negative effects from the influx of immigrant workers are highly contentious issues. It is probably fair to say that the public in general does not closely follow the facts and figures, nor the complicated subtleties of the economic logic behind most of these discussions, even though many have very fixed ideas about immigrants and the immigration policies they favor or not. In times of crisis or what are perceived as threatening situations, people often try to find someone to blame for the adversities they face. Furthermore, as Manuel Castells has argued, in reference to a different political context, “People tend to believe what they want to believe. . . . They filter information to adapt it to their preconceived ideas. They are much more reticent to accept facts that contradict their beliefs than those which coincide with them” (Castells, 2009: 229-230). That is why we are arguing here that the overall economic climate in the aftermath of the “great recession” is not one thus far that propitiates positive attitudes toward immigration reform.

By the end of 2013, the nationwide economy was looking somewhat better, and offering a bit more hope, but the recovery has been slow and uneven. The recession that began in December 2007 and officially ended in June 2009 was the most severe that the United States economy has experienced since the 1930s. The post-recession recovery has been exceptionally weak and unemployment remains unusually high. Real GDP did not surpass the pre-recession level until 2011. Up until then, and even beyond that point, there have been considerable fears that GDP growth could experience a second significant dip. The Bureau of Labor Statistics (BLS) recognized that

“the employment decline experienced during the December 2007-June 2009 recession was greater than that of any recession of recent decades,” and 47 months after the start of this recession, i.e., in November 2011, “employment was still over 4 percent lower than when the recession began” (USDOL, 2012a). In February 2012, the BLS pointed out that “many of the statistics that describe the U.S. economy have yet to return to their pre-recession values” and that the proportion of long term unemployed (those unemployed for 27 weeks or longer) remained notably high (USDOL, 2012a).

As of July 2012, three years after the recession had officially ended, the unemployment rate stood at 8.3 percent. There were 12.8 million people unemployed and 40.7 percent of these, or 5.2 million, were long-term unemployed. Also, 8.2 million persons involuntarily worked part time because they had failed to secure full-time work. Another 2.5 million were considered to be only marginally attached to the labor force because, although they were available for work and wanted to work, and had looked for a job sometime in the previous 12 months, they had not looked for a job in the 4 weeks prior to being surveyed. Over one-third (34 percent or 852 000) of those counted as marginally attached to the labor force were listed as discouraged workers, persons not actively looking for work because they believe no jobs are available for them. In other words, three years after the recession had ended 23.5 million people, 15 percent of the labor force, were either unemployed or underemployed (USDOL, 2012b).

By November 2013, the situation had improved somewhat but still disappointed expectations. The unemployment rate was 7.0 percent; 10.9 million people were unemployed, and 37.3 percent of these, or 4.1 million, were long-term unemployed. Because they have not been able to find full-time work, 7.7 million involuntarily worked part time. Another 2.1 million were considered to be only marginally attached to the labor force, as defined above. Over one-third (36 percent or 762 000) of those counted as marginally attached to the labor force were listed as discouraged workers. In other words, almost four and a half years after the recession had ended, 20.7 million people, 13.3 percent of the labor force, were still either unemployed or underemployed (USDOL, 2013b).

Furthermore, since the recession began the labor-force participation rate has declined from an annual average of 66.0 percent in 2007 to 63.0 percent in November 2013. The number of persons 16 years old and over who were counted as not in the labor force rose from an annual average of 78.7 million in 2007 to 91.3 million in November 2013 (USDOL, 2013a, 2013b). The total number of persons employed, which was slightly fewer than 144.4 million, has not yet returned to its pre-recession level of over 146 million. The unemployment rate is 2.6 percent higher than it was before the recession began and would be significantly higher if the participation rate had not fallen to the lowest level registered in the past 35 years.

THE RECESSION'S IMPACT ON LATINO IMMIGRANTS

Before the 2008-2009 recession, Mexican and other Latin American immigrants easily found work in several labor market niches where their participation had grown rapidly during the 1990s and the first part of the 2000s: construction, meat packing, poultry processing, crop production, various branches of food processing, plant nurseries and landscaping services, building cleaning and maintenance, and personal care for children or the elderly, among others. The recession brought high levels of unemployment for all. Throughout the economic decline, from the beginning of 2008 until the middle of 2009 and the weak recovery thereafter, unemployment for Latinos, especially Latino immigrants, was consistently higher than the rate for non-Hispanic whites and lower than the rate for blacks, just as it has been since the 1970s or earlier.

After the first year of economic contraction, from the fourth quarter of 2007 to the fourth quarter of 2008, Rakesh Kochhar observed that labor market “outcomes for foreign-born Hispanics were the worst by both key indicators of employment –the percentage change in the number employed and the change in the employment rate” (2009: 4). In contrast, during the first year of recovery, officially beginning in July 2009, “foreign-born workers gained 656 000 jobs while native-born workers lost 1.2 million” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3).

In attempting to explain these differences in employment patterns during the recession and in the initial stages of the recovery Kochhar, Espinoza, and Hinze-Pifer recognize that the reasons behind the observed behavior are not completely clear. They mention various factors that are most likely interacting to produce such results. First of all, “Research suggests that immigrants are more mobile than native-born workers, moving more fluidly across regions, industries, and occupations” (Orrenius and Zavodny [2009] and Borjas [2001], cited in Kochhar, Espinoza, and Hinze-Pifer, 2010: 3). In other words, immigrants tend to be more flexible in terms of when and where they work. Another reason might be simply that immigrants’ employment patterns “are more volatile over the business cycle” . . . registering “sharper losses in the early stages of recessions, but” rebounding “quicker in the recovery” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3).

They also mention demographic changes as possible determinants of employment patterns. In the short run, “the ebb and flow of immigration is sensitive to the business cycle, with economic expansions tending to boost inflows” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3). In September 2010, Passel and Cohn estimated that “coincidental with the economic downturn, the number of unauthorized immigrants in the U.S. labor force fell from 8.4 million in March 2007 to 7.8 million in March 2009” (cited in Kochhar, Espinoza, and Hinze-Pifer, 2010: 3). By the third quarter of 2010, it

seemed that the incipient economic recovery was “attracting immigrant workers back into the U.S.” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3), and therefore into the labor force.

Moreover, “longer-term demographic trends might also be reasserting themselves during the recovery. The immigrant share of the U.S. labor force has been on the rise for several decades, especially since 1990” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3). Over the past two decades the foreign born component of the labor force has grown faster than the native-born labor force and “immigrant employment has tended to rise faster than native-born employment” (Kochhar, Espinoza, and Hinze-Pifer, 2010: 3). Immigrants represented 16.6 percent of the employed civilian labor force in 2011, compared to 9.2 percent in 1990 (Migration Policy Institute, n.d.). Behavior at the beginning of the recovery has been consistent with the longer-run trend: “from the second quarter of 2009 to the second quarter of 2010, the number of immigrants in the labor force increased by 566 000” (Kochhar, Espinoza and Hinze-Pifer, 2010: 3-4), while at the same time the number of native-born persons participating in the labor force actually declined by 633 000.

Furthermore, Kochhar, Espinoza and Hinze-Pifer (2010) confirmed that during the first year of economic recovery, starting in July 2009, the unemployment rate for immigrants began to fall slightly (a decline of 0.6 percent) even though unemployment for native-born workers continued to rise (by 0.5 percent). In spite of this employment growth, the total number of immigrants with jobs in mid-2010 remained below the pre-recession level. This was also the case among Latinos. The unemployment rate for Latino immigrants decreased slightly, from 11.0 percent in the second quarter of 2009 to 10.1 percent in the second quarter of 2010; meanwhile the rate for U.S.-born Latinos continued to rise, from 12.9 percent to 14.0 percent. Thus as the economy began to turn around and growth resumed, it seems that most of the initial gains in employment were for foreign-born rather than U.S.-born Latinos.

However, this small hike in immigrant employment was accompanied by a 4.5-percent decline in their earnings, whereas earnings for the native-born population fell by only 1 percent. Furthermore, Latino immigrants suffered the greatest wage losses. Their median weekly earnings decreased 1.3 percent from 2008 to mid-2009 and an additional 5.8 percent by the second quarter of 2010. As Kochhar, Espinoza and Hinze-Pifer’s study indicates, “Hispanics are the only group of workers whose median earnings decreased during both the recession and the recovery”; moreover, “the downward momentum in earnings for Latinos was led by immigrants.” As a result of these changes, by the second quarter of 2010, the median weekly earnings of native-born workers stood at US\$653 and for foreign-born workers at US\$525. At the same time, the median for all Latinos was US\$480 and only US\$422 for Latino immigrants (2010: 20).

Undoubtedly, Latino workers and Latino immigrant workers have directly suffered the effects of the most severe recession in the U.S. since the 1930s. They are among the millions who lost their jobs, or whose family members lost their jobs, and thereafter lost their homes because they could not meet the mortgage payments. Most of the U.S. citizens and legal permanent residents who became unemployed during this recession have received at least some relief from unemployment insurance payments, which are nevertheless surely insufficient to compensate for their losses. Obviously, none of the unemployed, undocumented immigrant workers have received any benefits whatsoever.

Furthermore, the repercussions, both direct and indirect, of this “great recession” for Latino immigrants in particular, and to some extent for Latinos in general, go far beyond the immediate economic impacts. The hard times experienced throughout the country have in some places, especially in some of the southeastern states, generated hostility toward those whom a few years earlier had been sought out and even actively recruited to fill thousands of jobs that local workers would not accept. It seems that various factors have combined to propitiate a hostile climate toward Latin American immigrants, in spite of the important role they have played in the country’s economic dynamism in recent decades, up until the onset of the recession: 1) generalized anti-immigrant sentiments that flourished after September 11, 2001; 2) the growing numbers of immigrants, with greatly increased presence in new destinations; and 3) the severe recession, beginning at the end of 2007, with high and persistent unemployment rates since then.

In several states in the Southeast, these factors interacted with vestiges of racism and intolerance present in the region to exacerbate anti-immigrant feelings and attitudes and facilitate the passing of hostile, punitive state laws that would criminalize undocumented immigrants if they are allowed to take effect. Therefore, it is likely –and also most unfortunate– that the social and political impacts of this deep and prolonged recession will be felt for a considerable time after economic growth has been restored because of the anti-immigrant sentiments that took root in some parts of the country and flourished in the midst of the recession. However, as mentioned earlier, some states and localities have moved in the opposite direction.

SOME CITIES AND STATES ARE FORGING THEIR OWN IMMIGRATION POLICIES

Failure to pass needed immigration legislation by Congress in Washington D.C., although the federal government has the constitutional and legal power to decide

immigration policy, has created vacuum in which states and local governments have been enacting their own immigration laws. Most salient in the eyes of the public and press have been the punitive and draconian immigration laws passed, for example, in Arizona, Georgia, South Carolina, and Alabama. But recently, powerful examples of states and localities enacting laws and policies allowing immigrants some measure of rights and protections have emerged. Some places have enacted laws and policies openly encouraging new settlements of immigrants, often with the goal of combating economic and demographic problems such as industrial decline and population loss. When city populations drop, cities lose political power and federal money, and some politicians and citizens have discovered that immigrants might be the solution to some of these problems.

California has become the primary outstanding recent example for the states. During 2013, Governor Jerry Brown signed into state law multi-bill legislation that established comprehensive protections and legal rights for people without documentation. One of these new laws prohibits enforcement officials from detaining immigrants for ICE when arrested for minor and non-violent crimes. Another law will allow undocumented immigrants to obtain driver's licenses. In addition, immigration attorneys will not be allowed to charge money for services related to immigration law before Congress passes such laws.

Cities that have passed local immigration reform measures to encourage economic development include Baltimore, Chicago, Cleveland, Columbus, Indianapolis, St. Louis, Lansing, and Detroit. According to *The Washington Post*, Baltimore's mayor signed an order "prohibiting police and social agencies from asking anyone about immigration status"; additionally, she "told Latinos, in particular, that she is counting on them to help Baltimore gain 10 000 families within a decade" (Morello and Lazo, 2012). On October 7 2013, *The New York Times* published an essay highlighting immigration reform policies in Dayton, Ohio, and, although the program was still in the beginning stages, the early results were positive (Preston, 2013a). City officials claimed that such policies were not designed to attract undocumented immigrants, but that law enforcement would not seek out for arrest law-abiding individuals without authorized status.

By the end of 2013, various states and cities had to some extent endeavored to pass legislation designed to protect immigrants against deportation or punishment and promote a healthy work force. On the other hand, other locations remained adamantly anti-immigration. Perhaps hope exists that the progressive states and cities will become examples of success that others will follow. In the past, states have enacted laws when the federal government has failed, sometimes becoming examples that other states and perhaps Washington eventually follow. Past examples where state

policy has influenced national policy would include California's environmental laws and Massachusetts's health care laws. The new laws to tax and allow the sale of marijuana in Colorado may influence other states that are currently considering such laws. To be sure, local and regional differences and needs make it difficult for all states and cities to aspire to the same legislation. Economists and others should watch for the outcomes and consequences of laws already passed to see how effective these policies prove to be in promoting economic development and social stability.

The Southeast is a specific geographic region of the United States, well known for its history of a slavery-based economy, post-slavery black and white segregation, and contemporary Red state politics. The U.S. "South" includes Texas and Oklahoma, and sometimes the essays in this special edition speak of the South in general. The southern states passed some of the earliest and toughest laws on immigration. No doubt the South continues to be complicated by the vestiges of its past, but the degree to which the southern past relates to current southern reaction to Latino immigration is difficult to establish. Does the South's historic racism influence southern feelings toward Latinos and immigrants? In her study of anti-immigrant feelings in Georgia, Elaine Levine (2012) found the evidence for old-style southern particularism mixed and inconclusive. The South, at least, appears less blatantly racist than during the decades before the 1970s. Moreover, pockets of nativism and racism exist throughout the United States. Regine Jackson notes, for example, that "unlike the South of old, this transformed zone holds no distinction as the bastion of racism in [U.S.] American life" (2011: 29). The South regionally, however, undeniably stands out for its rates of poverty, income inequality, and lackluster efforts to promote general prosperity for working-class citizens. It would appear unlikely that draconian state-level immigration laws are helping to overcome the region's problems.

IS A PATH TO CITIZENSHIP NECESSARY AT THIS POINT?

While the federal government, state and local governments, and civil society non-governmental actors variously struggle and compete for power and influence, many thousands of undocumented immigrants continue living precarious lives. As noted above, immigrants come from various education backgrounds, class structures, geographic regions, and ethnicities, but one salient divide can be drawn between those who do have and those who do not have documented authorization to reside in the United States. People without authorization –it should be safe to say in general– hold the possibility of eventual U.S. citizenship to be less important than gaining the security of jobs and monetary income to provide for their daily survival. However,

advocating for eventual citizenship has been standard for most immigrant-rights groups, often under the logic that legalized but non-citizen workers would create permanent underprivileged groups that could be easily taken advantage of, which would be detrimental to the ideals of the United States.

In *The New York Times*, Julia Preston (2013b) reported that immigrants were divided on the importance of obtaining U.S. citizenship, but that for many of the undocumented more important were necessities such as driver's licenses and the fear of being deported. A Pew Research Center report released in December found that "while lopsided majorities of Hispanics and Asian Americans support creating a pathway to citizenship for unauthorized immigrants, two new surveys from the Pew Research Center also show that these groups believe it is more important for unauthorized immigrants to get relief from the threat of deportation" (Lopez, et al., 2013: 4). Indeed, when the undocumented are given a chance to speak, we find that far more profound a consideration than citizenship is the danger, indignity, hardship, and uncertainty faced each day.

Alan LeBaron's conversations with the undocumented would substantiate their preoccupation with daily survival, and not eventual citizenship. Inside the Maya Heritage Community at Kennesaw State University, he maintains close relations with Maya-indigenous from Guatemala, and the following four examples "of what they think" give some insight into the thinking of the most vulnerable of the undocumented. The first two examples are two men who were deported back to Guatemala several years ago. Before deportation, he had known them for approximately 10 years. The second two, brother and sister, continue to live without authorized papers in the United States, and Alan has known them for about five years. In meeting and discussing the issues of immigration with them, it became clear that what was most important to them was security from imprisonment and separation from families, and work. All four were relatively uninterested in the path to citizenship, which seemed far out of reach anyway.

He visited with Juan in Guatemala in August 2013. Sitting at a café in the colonial town of Antigua, Alan told him that activist groups were working hard to bring about comprehensive immigration reform with a solid path to citizenship. Juan startled Alan when he proclaimed with bitterness, "We just want a job. Give us work." Juan had observed activists, he said, especially Latino activists who organized marches and encouraged or coerced immigrants without papers to join the protest crowds. In his opinion, such activities had often given the hard-working immigrant a bad image. He had once joined a protest trip to D.C. while he was working in the United States, and he said people taking part in the protest "behaved badly," for example, walking on the grass and flowers. Juan believed that such marches and group rallies had turned

people against the immigrants, which helped bring about his deportation. "If people knew we just wanted work they would let us stay." Juan had worked for the same employer for most of the 10 years he stayed in the United States, and they communicated regularly by telephone. His ex-boss, Juan said, would drive to the border to pick him up if he came back, and also told Juan, "Whites won't work; they smoke, talk on the telephone, and they're slow." Juan agreed that citizenship might be nice, but what he really wanted was a chance to work.

Several days later Alan met with Nicolas, a married man, three of whose children were born U.S. citizens while he worked in the United States. Nicolas had found happiness in being re-united, after deportation, with relatives and friends, but he was constantly thinking of returning to the United States. He had applied for asylum in the second year of his migration, and while his case was pending, for over eight years, he provided well for his family. His major crisis during the eight years was the slow death of his mother from cancer, during the time that he could not depart from the United States without having his work permit revoked. Eventually, after he and his family were deported, he and his brother bought land and invested in calves and coffee. But the coffee land he had purchased had become diseased, and his calves had not yet matured enough to produce milk. He had depleted his savings from the United States before he could finish building his house. During the deportation proceedings the judge had warned him that if he returned without documents, he would lose the possibility of becoming a citizen after his children had grown. Nicolas's brother had recently tried reaching the United States and was apprehended and was currently in detention, and the family had lost the US\$5 000 investment in the failed journey. Nonetheless, Nicolas was thinking strategically about the best way to return to the U.S. He told Alan, "There is no work in Guatemala, and I'm going to lose my land. If I can work [in the U.S.] for another few years, I can finish my house."

The other two examples are of a brother and sister who continue to live in the United States, although not with each other. The sister's husband left her, and she has two small children, both born in the United States. She shares an apartment with another family, and takes taxis every morning and evening from work. She has baby sitter expenses and makes less than minimum wage for the hours she works. But she wants to stay in the United States as long as possible, because life in Guatemala as a single woman would be far worse and less secure. The debates over the path to citizenship are not something she follows; understanding how to keep her children in school and how to apply for her children's benefits are already extremely complex. The brother's case illustrates the calculated risks taken by immigrants when they are desperate to stay in the United States. His daughter, born in the United States, has been recovering from cancer, and in order to find work that paid full and reliable

wages, he purchased a fake identification and social security card, paying US\$8 000. He understands that, if apprehended, he will spend time –possibly a lot of time– in jail. Citizenship, he said, is not as important as the ability to work without the danger of imprisonment and separation from his family.

We co-editors remain convinced that the U.S. economy and society would grow and prosper better if Washington D.C. established comprehensive reform to create a simple and viable path to citizenship, but if the fastest method of decriminalizing and giving daily security to the millions of undocumented would be legislation achieved through step-by-step, or piecemeal measures that may not include paths to citizenship in the short run, so be it. We are not advocating that undocumented workers be put into temporary worker programs, although we realize that temp programs might become a limited part of any comprehensive program. Indeed, we wrote in a previous special issue of *Norteamérica*, “temporary worker programs will produce their own basket of problems” (Levine and LeBaron, 2011: 20). Perhaps activists and academics should work more closely with the Republican leadership and the Republican business wing, where space for common ground appears to exist. Another strategy is taking what we can on the federal level and working to create more states like California and more cities like Dayton and Detroit.

But we should not leave this essay in deep gloom just yet. Positive conditions have been emerging as well, such as the improving economy in many areas and recent polls showing that the majority of U.S. Americans now accept some kind of path to citizenship. Previously, during the good economic times before the recession, passage of significant comprehensive reforms on the federal level seemed plausible. Perhaps after several years of slow recovery and widespread recognition that immigrants can help the economy further, the year 2014 might be a little better, hopefully for all, and maybe even for immigration reform.

THE ARTICLES IN THIS SPECIAL ISSUE OF *NORTEAMÉRICA*

The articles that appear in this special issue of *Norteamérica* were first presented as papers at the 4th Conference on Immigration to the Southeast, held in metropolitan Atlanta, Georgia, in October 2012. The conference promoted interdisciplinary approaches and considered the concept of “immigration studies” that included the interlacing studies of race, education, public policy, migration history, international relations, and human rights. Problem solving and conflict management were conference themes. Given the fact that no visible progress was made in 2013 toward overhauling the country’s currently faulty immigration system, the ideas and analysis presented

in these articles are just as valid and timely as they were a little over a year ago when the conference was held.

In her essay on "Institutional Racism in the Enforcement of Immigration Law," Doris Marie Provine posits that in the U.S., "race and immigration law are, perhaps inevitably, intertwined." While recognizing that "over time, the role of race and racism in immigration law has changed," she argues, nonetheless, that, despite the fact that "race-neutral rules" have apparently or supposedly "found favor" in recent years, the existing "mix of federal, state, and local law and policy . . . institutionalizes racism by facilitating ethno-racial profiling, hyper-surveillance, abusive stops, problematic searches, and unwarranted detention of suspected unauthorized immigrants." Furthermore, Provine maintains that "the targets of these actions are disproportionately Latinos because U.S. Americans, including members of the law enforcement community, have been conditioned to see the problem of unauthorized entry and residence in racial terms, as a Mexican and Central American phenomenon."

After denouncing current federal deportation practices where, "despite an avowed policy of concentrating resources on serious criminal violators, the record is of escalating deportations made up mostly of residents with little or no involvement in crime," she turns her attention to the case of Arizona. She explains how "beginning in 2004, voters embraced a series of initiatives to eliminate rights that unauthorized residents had long enjoyed, including in-state tuition. . . . Around 2005, . . . county Sheriff Joseph Arpaio began to undertake workplace raids and 'crime suppression sweeps' in predominantly Latino neighborhoods in the Phoenix metropolitan area." She provides several examples of how state laws, including of course SB1070, have been used to unjustifiably harass Latinos in Arizona. However, as she points out, in response, "Latino immigrants and their supporters are creating significant political pressure for changes," which may lead to some sort of immigration reform at the national level.

In her essay on "The Biopolitics of Asylum Law in Texas: The Case of Mexicans Fleeing Drug Violence in Juarez," Ariadna Estévez states that while labor migration from Mexico to the U.S. has noticeably declined over the past few years, the number of Mexicans seeking asylum there has grown considerably. She cites sources ascertaining that "two percent of the Mexican population (over 1.6 million people) has been forcibly displaced by criminal violence." Furthermore, she maintains that in the twin cities of the northern border region many individuals and families affected by the rise in drug related violence have sought refuge in the U.S., especially in Texas. As a result, "By 2010, Mexico was responsible for one of the highest numbers of asylum requests in the United States, second only to China." She also points out that "acceptance rates, on the other hand, are practically non-existent."

The author applies Michel Foucault's concept of biopower as she "examines the role of asylum law" in controlling Mexican migration to the U.S. One of the main objectives is to "show how instruments intended for the administration of international justice, such as the Refugee Covenant included in the INA (*Immigration and Nationality Act*), are used for the regulation of immigration to the U.S." Estévez provides many examples to illustrate the ways in which "biopolitical tactics" are used to facilitate "migration control." More specifically she argues that extremely narrow interpretations of asylum law are frequently used "as a means of denying this option to people fleeing violence." The central conclusion is that "there is evidence suggesting that the U.S. American government is using asylum law biopolitically" in order "to prevent Mexicans from being granted asylum."

Mikhail Lyubansky, Paul A. Harris, William E. Baker, and Cameron D. Lippard, in their essay "'One Day on the Red Hills of Georgia': The Effects of Immigration Status on Latino Migrants' Experiences of Discrimination, Utilization of Public Services, and Attitudes toward Acculturation," compare documented and undocumented Latino immigrants "regarding their experience of discrimination, utilization of services, identity preferences, mental health, and beliefs in five domains: vulnerability, injustice, distrust, superiority, and helplessness." The authors provide solid background on immigration into Georgia and describe the public attitudes and political debates that influence and shape immigrants' lives. Despite the difficulties, immigrants remain vital to Georgia's economy, and "neither the lack of English fluency nor other obstacles to employment (e.g., documentation) seem to be keeping Spanish-speaking migrants in Georgia out of the work force." But the absence of documents creates real problems for immigrants, including treatment by the general public, blatant discrimination, and the stress and anxiety that come from the danger of arrest and deportation.

In order to examine the differences between documented and undocumented immigrant lives, the authors arranged interviews with 127 Spanish-speaking adults, 49 percent undocumented and 51 percent documented. To promote trust and accuracy, survey participants were recruited and the surveys administered by Catholic Charities social workers. Carefully constructed questions that included topics concerning identity, acculturation, discrimination, service utilization, and mental health demonstrated that in many respects documented and undocumented experiences, as might be expected, had significant differences. For example, undocumented respondents reported "significantly more personal helplessness and significantly less life satisfaction." But the authors found no significant differences between the two groups in terms of identity or acculturation variables, and that both kinds of immigrants had similar levels of aspirations to become assimilated and acculturated into

U.S. society and culture. Given that immigrants appear in general good for the economy and that they want to assimilate, “lawmakers should feel confident that neither the U.S. economy nor the nation’s social fabric would be harmed by amnesty.”

In his article “Shaping Twenty-First-Century Civil Rights Advocacy: Latinos in Metro Atlanta,” David A. Badillo “chronicles the Mexican American Legal Defense and Educational Fund’s civil rights history in Atlanta and the Southeast from 2000 to 2009 and beyond.” He maintains that “during the 1970s and 1980s, MALDEF had emerged on the national stage as a feared and powerful defender of Mexican-Americans, mounting vigorous litigation campaigns that enervated lingering *de facto* school segregation the Southwest and granted greater access to voting rights while challenging discriminatory redistricting schemes.” In subsequent years, this organization “became the voice of non-citizens and non-Mexican Latinos as well.” By the end of the twentieth century, it seemed evident that the time had come for MALDEF to consider “the possibility of expanding the reach of the organization into the Southeast.”

“Of all the possible locations for a southeastern office, Atlanta turned out to be best.” Ensuing events led MALDEF to shift their attention from desegregation and voting rights issues to defending the “civil rights of unauthorized immigrants.” Badillo explains how “the first decade of the twenty-first century proved to be a trying time for MALDEF –nationally and for its Atlanta office– as a more restrictive civil rights climate emerged in the aftermath of September 11, 2001, which contributed to diminishing MALDEF’s resources even as it enhanced the need for advocacy.” Despite the organization’s intentions and its desire for greater presence in the Southeast, a variety of events led to “the closing of the Atlanta regional office in April 2009.” As the author’s analysis shows, the current situation in the Southeast, as well as in other regions, requires more not less local presence and involvement from organizations like MALDEF.

Richard Vengroff, in his article “Immigration Policy at the Sub-National Level in North America: Quebec and Georgia in Comparative Perspective,” compares Canadian and U.S. immigration policies, and in particular the Canadian province of Quebec and the U.S. state of Georgia. The differences are striking, and their comparisons should lead to deeper understandings of the problems and the efforts for solutions in both nations. Vengroff describes how Canadian provinces, and especially Quebec, have obtained significant participation in the recruitment, selection, and integration of new immigrants. In the United States, immigration policy remains overwhelmingly with the federal government, although the individual states have made strong efforts in the last decade to exert state authority, especially regarding undocumented immigration. Vengroff explains that although indices have been developed to measure and compare national-level immigration policies, the means to compare sub-national levels have been lacking. His article especially looks at the

comparative success of integration and naturalization for new immigrants in Georgia and Quebec. Success is greater in Canada, where the governments have taken strong, positive steps to insure immigrants' integration, and much less so in the United States, where the federal government offers little help or publically funded integration services. Vengroff notes that "global competitiveness now dictates that in addition to sovereign countries," regional governments such as states, provinces, and cities must work to attract and retain the most creative talent.

One of the immigration variables examined by Vengroff is the status of having official documents or not having documents. Canada has done more to bring in and to integrate skilled laborers who already speak French or English than has the United States. Although "illegal" immigration is also problematic and controversial in Canada, "overall, public opinion in Canada remains generally quite favorable to immigration especially when compared to the U.S. and other western democracies." In the case of Georgia, Vengroff notes that when labor needs became severe, it was private business that recruited undocumented workers from south of the border and other U.S. states in the absence of either federal or state help with fulfilling those needs. Both regions are continually in flux and change, as political, economic, and demographic factors unfold, but apparently the United States could learn from some of the policies enacted in Canada and Quebec.

For her special contribution on "Teaching immigration: Informing and Elevating the debate," Margaret M. Commins conducted extensive surveys of university classes in the Southeast and found that relatively few courses included the study of immigration. Commins notes that "public discourse about immigrants and immigration reform is laden with negative terms and stereotypes," and university students are immersed in this discourse. However, results from the survey of 50 colleges and universities in the Southeast demonstrate that undergraduate courses dealing with immigration are rare, and the classes which are taught are "almost always done so from a particular disciplinary perspective." Thus, not only are more courses needed on immigration, but given the complexity and newness of the national immigration question, they should be interdisciplinary and based on problem solving, critical thinking, and community engagement. Well-designed courses on immigration might promote "a sense of social responsibility, strong intellectual and practical skills, and the ability to apply them in real-world settings."

Central to the Commins article is her argument that interdisciplinary and problem-based courses must be designed to effectively teach about the complexities of contemporary immigration, because research on immigration must be "fundamentally interdisciplinary" to include "history, politics, foreign policy, sociology, economics, law, and a range of other disciplines." She offers various perspectives and sugges-

tions on how the difficulties and controversies associated with immigration research can be excellent teaching and learning opportunities and makes a special case for integrating service learning and undergraduate research and gives an example of her own experience in teaching immigration. Other examples of service learning and community engagement with immigration classes, taken from a conference roundtable organized by Commins, are also discussed.

In their special contribution "Research and Praxis on Challenging Anti-Immigration Discourses in School and Community Contexts," Martha Allexsah-Snyder, Cory A. Buxton, and Ruth Harman examine theoretical perspectives and give case examples in research and praxis that challenge anti-immigration discourse and practice in schools and communities. In 2012, the authors were co-editors of the special issue on immigration for the *International Journal of Multicultural Education* (IJME), and the eight research studies from that special IJME edition, along with a selection of classic and recent work on immigration and education, are discussed and compared in this essay. The authors first discuss critical discourse analysis (CDA) as applied to the issues of immigration, "where focus is placed on the analysis of inequitable power structures and transformative social change." CDA becomes the theoretical and methodological framework that can help educators and researchers challenge anti-immigration beliefs. "Our purpose," explain the authors, "is to provide readers with a working knowledge of how CDA might be applied in critical and transformative ways when challenging current immigration policies and practices." The authors explore several research studies using CDA, one of which is a case example of an arts-based program conducted with a collaborative team of teachers and researchers who "over the course of a year and a half included the sequential use of performance, storytelling, collective voting and writing, as well as conference presentations."

In the second section of their article, Allexsah-Snyder, Buxton, and Harman discuss examples of critical race theory (CRT) as applied to critical thinking on race, identity, and power. As with CDA, CRT becomes an effective means to challenge anti-immigration concepts and develop new praxis. The authors explain that CRT acknowledges that race and racism is inherent in educational institutions and governmental policies, and teachers and students could use CRT to better understand the debates over immigration as well. In order to contend with these problems in race and power as applied to immigration, the authors review theories on culture and advocate for "resource pedagogies" that would recognize that "linguistic, cultural, and literacy tools that all students bring to the classroom can be used advantageously to develop the knowledge and skills that are most valued in academic settings." For example, the authors describe the "Language-Rich Inquiry Science with English Language Learners Project," which utilized resource pedagogy to "support equitable education for

immigrant students." Overall, Allexaht-Snyder, Buxton, and Harman describe some strong activist approaches to academic research and teaching.

Thus, as 2013 draws to a close, the immigration question in the United States remains complex and unresolved, and comprehensive reform providing a path to citizenship for undocumented immigrants seems continually out of reach. No doubt the debate on immigration reform will continue in 2014. Therefore we invite you to consult the call for papers that appears at the end of this issue and to consider participating in the next conference which will be held at the University of Florida in October 2014.

BIBLIOGRAPHY

AMERICAS SOCIETY, COUNCIL OF THE AMERICAS

2013 <http://www.as-coa.org/>, accessed December 6, 2013.

BORJAS, GEORGE

2013 "Immigration and the American Worker. A Review of the Academic Literature," Center for Immigration Studies, http://cis.org/sites/cis.org/files/borjas_economics.pdf, accessed April 9, 2013.

2001 "Does Immigration Grease the Wheels of the Labor Market?" *Brookings Papers on Economic Activity*, no. 1, pp. 69-119.

CASTELLS, MANUEL

2009 *Comunicación y poder*, Madrid, Alianza Editorial.

JACKSON, REGINE O.

2011 "The Shifting Nature of Racism," in Cameron D. Lippard and Charles A. Gallagher, eds., *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, Boulder, Colorado, First Forum Press, pp. 25-51.

KOCHHAR, RAKESH

2012 "Labor Force Growth Slows, Hispanic Share Grows," <http://www.pewsocialtrends.org/2012/02/13/labor-force-growth-slows-hispanic-share-grows-2/>, accessed February 13, 2012.

2009 "Unemployment Rises Sharply among Latino Immigrants in 2008," Washington, D.C., Pew Hispanic Center, February 12.

KOCHHAR, RAKESH, C. SOLEDAD ESPINOZA, and REBECCA HINZE-PIFER

- 2010 "After the Great Recession: Foreign Born Gain Jobs; Native Born Lose Jobs," Pew Hispanic Center, Washington, D.C., October 29, <http://www.pewhispanic.org/2010/10/29/after-the-great-recession-brforeign-born-gain-jobs-native-born-lose-jobs>.

LEVINE, ELAINE

- 2012 "Sentimientos antiinmigrantes en el estado de Georgia," in Mónica Vereá, ed., *Anti-immigrant Sentiments, Actions, and Policies. The North American Region and the European Union / Sentimientos, acciones y políticas antiinmigrantes. América del Norte y la Unión Europea*, Mexico City, CISAN-UNAM, pp. 175-189.

LEVINE, ELAINE, and ALAN LeBARON

- 2011 "Immigration Policy in the Southeastern United States: Potential for Internal Conflict," *Norteamérica*, year 6, special issue, pp. 5-31.

LOPEZ, MARK HUGO, PAUL TAYLOR, CARY FUNK, and ANA GONZALEZ-BARRERA

- 2013 "On Immigration Policy, Deportation Relief Seen as More Important than Citizenship: A Survey of Hispanics and Asian Americans," Washington, D.C., Pew Research Center, December 19, http://www.pewhispanic.org/files/2013/12/hispanics-asians-immigration-legislation_12-2013.pdf.

MIGRATION POLICY INSTITUTE

- n.d. Immigration Data Hub, "2011 American Community Survey and Census Data on the Foreign Born by State" Section The United States, Workforce characteristics, <http://www.migrationinformation.org/datahub/state3.cfm?ID=US#1>, accessed December 2013.

MORELLO, CAROL, and LUZ LAZO

- 2012 "Baltimore Puts out Welcome Mat for Immigrants, Hoping to Stop Population Decline," *The Washington Post*, July 24, <http://www.washingtonpost.com/local/baltimore-puts-out-welcome-mat-for-immigrants-hoping-to-stop-population-decline/2012/07/24>, accessed November 4, 2013.

MOTEL, SETH

- 2012 "Statistical Portrait of Hispanics in the United States, 2010," Washington, D.C., Pew Hispanic Center, <http://www.pewhispanic.org/2012/02/21/statistical-portrait-of-hispanics-in-the-united-states-2010/>, accessed February 21, 2012.

ORRENIUS, PIA M., and MADELINE ZAVODNY

2009 "Tied to the Business Cycle: How Immigrants Fare in Good and Bad Economic Times," Migration Policy Institute, Washington, D.C., November.

PASSEL, JEFFREY S. and D'VERA COHN

2010 "U.S. Unauthorized Immigration Flows Are Down Sharply since Mid-Decade," Pew Hispanic Center, Washington, D.C., September 1.

PEW HISPANIC CENTER

2012 "Latino Voters in the 2012 Election," November 7, http://www.pewhispanic.org/files/2012/11/2012_Latino_vote_exit_poll_analysis_final_11-07-12.pdf.

PRESTON, JULIA

2013a "Ailing Cities Extend Hand to Immigrants," *The New York Times*, October 7, pp. A-1, A-17.

2013b "Illegal Immigrants Are Divided over Importance of Citizenship," *The New York Times*, November 21, pp. A-1, A-3.

USDOC (U.S. DEPARTMENT OF COMMERCE, CENSUS BUREAU)

2012 "The Foreign-Born Population in the United States: 2010," American Community Survey Reports, May, <http://www.census.gov/prod/2012pubs/acs-19.pdf>.

USDOL (U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS)

2013a "Labor Force Statistics from the Current Population Survey, Table 1. Employment Status of the Civilian Noninstitutional Population, 1942 to Date," last modified February 5, <http://www.bls.gov/cps/cpsaat01.htm>, accessed December 6, 2013.

2013b "Economic News Release, The Employment Situation-November 2013," December 6, <http://www.bls.gov/news.release/empsit.nr0.htm>, accessed December 6, 2013.

2012a "Spotlight on Statistics, The Recession of 2007-2009," February, <http://www.bls.gov/spotlight/2012/recession/>.

2012b "News Release, The Employment Situation-July 2012," Friday, August 3, http://www.bls.gov/news.release/archives/empsit_08032012.pdf.

2008 "Employment and Earnings," vol. 55, no. 1, <http://www.bls.gov/opub/ee/empearn200801.pdf>, accessed July 9, 2013.

WEST, DARRELL M.

2013 "How the Politics of Immigration Reform Have Changed," *The Huffington Post*, February 5, <http://www.brookings.edu/research/opinions/2013/02/05-immigration-reform-west>, accessed February 7, 2013.



ENSAYOS / ESSAYS

*Institutional Racism in Enforcing
Immigration Law*
Doris Marie Provine

*The Biopolitics of Asylum Law in Texas:
The Case of Mexicans Fleeing
Drug Violence in Juárez*
Ariadna Estévez

Institutional Racism in Enforcing Immigration Law

DORIS MARIE PROVINE*

ABSTRACT

The United States is committed to aggressive efforts to remove unauthorized immigrants while honoring its commitment to race neutrality. Yet immigration enforcement has disproportionately targeted Mexicans and Central Americans. The racial bias can be found at both the federal and local levels, where local police are becoming increasingly involved in locating unauthorized immigrants. The local example featured here is Arizona because of its historical relationship with Mexico and its enthusiasm for immigration enforcement. I find that the current mix of federal and local enforcement discriminates racially through profiling, hyper-surveillance, abusive stops, problematic searches, and unwarranted detention.

Key words: immigration enforcement, ethno/racial profiling, pretextual stops, devolution, plenary power.

RESUMEN

Estados Unidos se ha comprometido a realizar importantes esfuerzos para sacar a los inmigrantes no autorizados de su territorio, al mismo tiempo que mantiene su compromiso con la neutralidad racial; sin embargo, la institución encargada de hacer cumplir las leyes de inmigración se han ensañado de manera desproporcionada contra los mexicanos y centroamericanos. El prejuicio racial se puede encontrar tanto en el nivel federal como en el local, donde la policía cada vez se involucra más en ubicar a los inmigrantes no autorizados. El ejemplo que en este artículo analizamos es el de Arizona, debido a su relación histórica con México y a su vehemencia en la persecución de inmigrantes. Se muestra cómo el trabajo conjunto de las agencias locales y federales resulta racialmente discriminatorio debido a los perfiles que elabora, así como por la vigilancia exagerada, los retenes abusivos, los registros problemáticos y las detenciones arbitrarias.

Palabras clave: agencias de regulación de la inmigración, perfiles etnoraciales, detenciones pretextuales, descentralización, poder plenario.

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INTRODUCTION

Race and immigration law are –perhaps inevitably– intertwined. The desire to separate people by race, and sometimes by religion, has often animated campaigns for exclusionary laws. These campaigns are sometimes successful, as in the adoption of what became known as the Chinese Exclusion laws in the late nineteenth century. Californians ardently campaigned for these laws, designed to discourage Chinese migrants from settling or remaining in the United States. Supporters justified these laws on the basis that Chinese people are inherently incapable of assimilation into the U.S. American way of life. The U.S. Supreme Court bought this logic and upheld the legislation in a series of precedent-setting cases (see, for example, Park, 2004; Chin, 2005).

Over time, the role of race and racism in immigration law has changed. Laws that explicitly target particular groups for inclusion or exclusion can no longer be justified on eugenic grounds (Gomez, 2007). Yet immigration laws and policies that leave room for race to play a significant role in enforcement are not only tolerated, but often embraced by immigration restrictionists (Sinema, 2012). They typically feature a large measure of discretion for the front-line officials who determine when surveillance occurs and what cases get priority. Safeguards to prevent abuses are generally lacking.

The enduring relationship between race and immigration law can be traced to popular fears and anxieties about racial “others” and the fragility of national allegiances, which depend on a sense of fellow feeling among “members” (Omi and Winant, 1994; Bosniak, 2006; Kanstroom, 2007). As Benedict Anderson suggests, one’s membership in a national body is in reality “an imagined community” of people who believe that they belong together. This abstract sense of membership leaves a lot of room for the exclusion of people who seem different, and perhaps not suitable for assimilation (Anderson, 1983; Kanstroom, 2007; Zolberg, 2006). It is thus not surprising that much of the pressure for exclusion comes from citizens themselves, not from the top, where commercial interests and international diplomacy may dictate a more cosmopolitan approach. In Europe, for example, populist parties have made sharp restrictions on immigration a central plank in their platforms.

The question is not so much *why* race matters to citizens who feel threatened by rapid demographic change, but rather *how* the law adapts to racial anxieties. In a time when race-neutral rules have found favor, how does racial disadvantage persist? This essay offers a two-part explanation, based on the U.S. experience. Latinos in the United States, particularly immigrants of Mexican and Central American origin, have been disproportionately targeted for deportation (Provine and Doty, 2011). The pattern is evident in popular stereotypes about immigrants, in the spending and

construction that are taking place on the southern border with Mexico, and in the racial/ethnic patterns associated with deportation.

This essay first details the role that race plays in federal immigration-enforcement operations, and then turns to the local level, where, under a federal policy of devolution, local law enforcement agencies are being asked to assist in enforcing federal immigration law. Arizona's participation is highlighted here because the state stands out for the enthusiasm with which it has embraced deportation as the solution to unauthorized residence and for its effort to supplement federal enforcement with its own laws and policies. The mix of federal, state, and local law and policy that I describe here institutionalizes racism by facilitating ethno-racial profiling, hyper-surveillance, abusive stops, problematic searches, and unwarranted detention of suspected unauthorized immigrants. The targets of these actions are disproportionately Latinos because U.S. Americans, including members of the law enforcement community, have been conditioned to see the problem of unauthorized entry and residence in racial terms, as a Mexican and Central American phenomenon (Chavez, 2008; Ngai, 2004). Ironically, those who demand more enforcement invariably ignore these problems in order to focus on the illegality of the immigrant's actions in remaining without authorization. The much more significant story in a nation that honors the rule of law is the failure of government to adhere to its own high standards.

THE FEDERAL GOVERNMENT AND RACIALIZED IMMIGRATION ENFORCEMENT

The actions of the federal government would indicate to any casual observer that the nation's primary immigration concern is with illegal entry from Mexico. For over a decade the porosity of the southern border has been the focus of contentious rhetoric and continually increasing spending on personnel and equipment. Though visa overstayers are estimated to make up approximately 40 percent of the unauthorized population resident in the United States, their presence has provoked much less attention, much less outrage from politicians and the public, and much less spending.

In one sense, it is not surprising that the spotlight has focused on Mexicans and persons from further south who have illegally crossed the southern border. This border was for a long time relatively open, in deference to border communities and U.S. employers desiring temporary Mexican labor (Kang, 2010; Ngai, 2004). Past porosity and the historic relationship between the two nations have set the stage for continued illegal immigration from Mexico because would-be migrants rely upon their connections with already-resident family and friends as a form of social capital (Massey, Durand, and Malone, 2002). The problem of illegal entry or re-entry is exacerbated by the dif-

faculty of gaining work or visitation visas in Mexico and by the extremely lengthy wait requirements for legal immigration from Mexico.

The upshot is that Mexicans constitute slightly over half of the unauthorized population within U.S. territory, giving law enforcement some reason to focus on people who appear to them to be from Mexico or Central America. To the extent that this logic informs enforcement, however, the federal government, through the weight of its authority, paints the face of illegal immigration as Mexican or Central American. Lost in the translation of policy into practice is the reality that persons without legal status can be found in all colors and among all classes and every nationality.

Federal Immigration Stops and Searches: The Ethno-racial Dimension

The hardening of the federal position on immigration from Mexico began with Operation Gatekeeper and Operation Hold-the-Line in the mid-1990s. These programs fortified the border in populated areas, while relying on the inhospitable desert and the reality of dehydration and death to discourage immigration from more remote areas (Nevins, 2002; Doty, 2010). Over 85 percent of U.S. Border Patrol agents are currently deployed along the southern border, and they have been supplemented by the National Guard, federal investigators, and federal drug-control agents (Haddal, 2010). Expensive technologies (drones, satellites, remote sensors, and aircraft) have also been deployed, and a massive construction project to build a wall between the two countries is underway.

Federal enforcement priorities at the southern border pay little heed to basic rights or dignity (see Danielson, 2013). In November 2013, for example, the head of U.S. Border Patrol announced that his agents would continue to use deadly force against rock-throwers and assailants in vehicles despite the recommendation to end these practices in a government-commissioned review (Spagat, 2013). That review was provoked by the shooting deaths of 20 people by Border Patrol since 2010, including an unarmed Mexican who died from stun gun wounds at San Diego's San Ysidro port of entry.

The courts have not proven effective in protecting the rights of migrants to constitutionally guaranteed due process. Federal judges in districts on the southern border have seen their courtrooms inundated with people charged with federal crimes under Operation Streamline, a program to prosecute those caught crossing the border. The process begins with apprehensions of people caught crossing illegally by the Border Patrol or another policing authority. Those caught are held in detention

until time can be found for a court hearing. Some will not be charged because the court cannot handle the caseload. So detainees wait, not knowing whether they will be among those criminally charged or not. Those charged are arraigned and processed in groups of up to 10 at a time. They face a lengthy prison term unless they plead guilty to the crime of unauthorized entry, which gives them a criminal record. The criminal record makes them felons, which in turn helps to justify stronger enforcement measures against “dangerous” criminals (Trevizo, 2013).

Federal activities inside the country have also been ramped up in recent years in ways that tend to target Latinos. For a time, federal agents staged highly publicized workplace raids, mostly directed against immigrants from Mexico and Central America working in meatpacking and other physically exhausting low-wage jobs. The usual charge was using false identity documents. This policy included some legally indefensible actions against immigrants, such as the federal raid of a meatpacking plant in Postville Iowa, where the U.S. Supreme Court handed down a unanimous opinion rebuking prosecutors for over-charging the largely Guatemalan defendants in order to get guilty pleas (*Flores-Figueroa v. US*, 2009; Camayd-Freixas, 2008). Workplace enforcement continues, but has become less public. Federal immigration agents now audit company records, leading employers to fire workers with questionable legal status.

The National Fugitive Operations Program offers another route to deportation that tends to target Latinos. Created in 2003, the program’s mandate was to locate, arrest, and remove immigrants with old deportation orders, focusing particularly on fugitives who threaten national security or endanger communities. That requirement was soon dropped as the size and scope of the program steadily increased. Now 129 enforcement teams operate across the country, often conducting house raids that involve questioning the legal status of the entire household and arresting anyone who cannot prove their legal status (ICE, 2013).

Researchers have found a decided tendency of these teams to ignore Constitutional requirements against breaking into homes without legal authority, searching without a warrant, seizing innocent people, and racial profiling of Latinos. In two locations studied by researchers from the Benjamin Cardozo School of Law, collateral arrests of Latinos outstripped targeted arrests by over 20 percent, suggesting that non-targeted arrestees were stopped and questioned on the basis of appearance alone (Chiu et al., 2009). An analysis by the Migration Policy Institute found that over 70 percent of those apprehended had no prior criminal convictions (Mendelson, Strom, and Wishnie, 2009).

Enhanced federal enforcement efforts have also targeted legal permanent residents in a way that tends to focus on Latinos. The context includes action by the U.S. Congress to greatly increase the number of crimes resulting in deportation of legal

permanent residents, and, at the executive level, an increased commitment to enforcing this policy. The law provides no exceptions for the number of years that have passed since the crime was committed or the circumstances surrounding the conviction. Until recently, there was no obligation on anyone's part to inform defendants that negotiating a plea of guilty to achieve a lesser sentence or fine could result in deportation (*Padilla v. Kentucky*, 2010).

According to a Human Rights Watch study (2009), Mexican-origin residents have been vastly over-represented in the pool of persons deported for past criminal convictions. The report found that these legal permanent residents made up 78.2 percent of the total over the 10-year period the group studied. Although the Criminal Alien Program has been advertised as a means of removing dangerous felons from U.S. neighborhoods, only 2 percent of those detained were charged with felony offenses; 98 percent of the cases involved only misdemeanors (Gardner and Kohli, 2009).

Federal Partnerships with Local Police

As it increased its own interior-enforcement efforts, the federal government for the first time created formal, on-going immigration-enforcement partnerships with local police, a policy that casts local police as a "force multiplier" to enhance federal enforcement (Decker et al., 2011). Congress created a legal structure for such partnerships in 1996 within the Illegal Immigration Reform and Immigrant Responsibility Act. Under an arrangement stipulated there, cooperating agencies sign a formal memorandum of understanding to train local officers either to assist in the identification of arrested suspected unauthorized immigrants while they are booked in jail, or to question and detain such immigrants in the course of street patrol. The program, which became known as "287(g)" after its legislative moorings, drew little interest at first, but some law-enforcement organizations began to sign on after the 2001 terrorist attacks on the World Trade Center and the Pentagon. Pressure on local law enforcement to become involved increased with a 2003 Justice Department decision to add civil immigration data, such as outstanding deportation orders, to databases that local police use in pursuing criminal suspects across state lines (Gladstein et al., 2005). Federal spending was also increased to embed more federal immigration agents into local departments.

Although these partnerships have been touted as a way to control serious crime, the evidence is strong that the real priority has been to increase the numbers of immigrants detained and deported, which are now at historic highs. The General Accounting Office found in a 2009 report that some police departments were routinely

using their 287(g) authority on people arrested for minor traffic violations (GAO, 2009; and see Shahani and Greene, 2009: 16). A 2011 report by the Migration Policy Institute found that half the cases resulting in deportation involved low-level misdemeanor or traffic cases. Federal officials have ignored such evidence of widespread racial profiling and pretextual stops. Failure to safeguard against these abuses has led to recommendations that the program be cancelled from various observers, including the Inter-American Commission on Human Rights, an arm of the Organization of American States (Semple, 2011).

The 287(g) Program, however, has been overshadowed by a much more comprehensive and far-reaching initiative: Secure Communities. The concept behind Secure Communities is sharing data: local jails make all their booking data available to the federal government, and in return they receive information on immigration violators and criminal matters. The information sharing facilitates federal imposition of “holds” that bar the release of arrested persons for at least 72 hours, in order to determine if deportation might be warranted. This mandatory program has been implemented without safeguards against illegal arrests (Kohli, Markowitz, and Chavez, 2011).

There are already indications that Secure Communities, like previous federal programs designed to focus on dangerous offenders, is not achieving its ostensible goals. A study by the *Arizona Republic* found that, nationwide, 60 percent of those deported were either low-level criminals or had no criminal record at all. In Arizona, the rate was 66 percent, mostly thanks to the efforts of Maricopa County sheriff’s office, which leads the nation in both the number of (almost entirely Latino) immigrants arrested and in the number deported (Gonzales, 2011; Hensley, 2013).

Nor is the federal government’s own practice reassuring. In 2012, as in every previous year during the Obama and recent Bush administrations, record numbers of people were approved for deportation. Over 400 000 people were deported that year, many with deep roots in the United States. Since then the number has decreased only slightly. Despite an avowed policy of concentrating resources on serious criminal violators, the record is of escalating deportations made up mostly of residents with little or no involvement in crime.

RACIALIZED IMMIGRATION ENFORCEMENT AT THE LOCAL LEVEL: THE CASE OF ARIZONA

The federal government’s initiatives for devolving immigration enforcement authority to the local level, at first voluntary through the 287(g) program and then mandatory with Operation Secure Communities, have come without regulatory strings that would

prevent racial profiling, pretextual stops, or other forms of racialized policing. This is a significant omission. Policing is highly discretionary work with ample opportunities for stereotypes of various kinds to find their way into enforcement decisions (Brown, 1988; Chambliss, 1994). The dangers of racially biased immigration policing are particularly great in a state like Arizona, where geography, history, and changing demographics tend to fan fears of an “invasion” of poor Mexicans who will deplete government resources and impoverish the state (Chavez, 2008).

Latino Immigrants in Arizona

According to data from the 2010 U.S. census, Arizona is the second-fastest growing state in the nation. Latinos now make up nearly 30 percent of state residents, up from just over 25 percent in 2000. Much of this growth has occurred in small towns outside of the Phoenix metropolitan area, which remains, by far, the largest urban concentration of Latinos in the state. Unauthorized residents, primarily of Mexican origin, make up about 9 percent of the population and 10 percent of the state’s labor force (Passel and Cohn, 2010).

A significant Latino presence in Arizona is not new. The United States acquired part of the Arizona territory in 1853 as part of the Gadsden Purchase. Mexicans residing in the new territory were entitled to U.S. citizenship and were officially declared “white” in order to satisfy naturalization requirements in place at that time. Neither the formal status of citizenship nor their legal whiteness, however, eliminated systematic discrimination against them by Anglos, who increased their dominance as their numbers increased (Gomez, 2007).

During the 1910 Mexican Revolution, large numbers of Mexican citizens moved to Arizona to escape the violence in their country and to seek employment in the booming mining industry. Their labor, however, earned less than half the Anglo wage (Gordon, 2001). During harsh economic times, immigration raids against Latinos were common. Local law enforcement removed over 1 000 foreign workers from Bisbee, Arizona in 1917, sending them in boxcars to the New Mexico desert (University of Arizona, 2011). During the Depression of the 1930s, many Mexican and Mexican-American workers and their families were deported from Arizona by the federal immigration service.

The situation eventually stabilized in Arizona, which remained racially segregated by law until the 1950s, when courts began to overturn statutes and ordinances mandating segregation in schools and public services. This period also spelled the end of restrictive covenants in deeds of real property designed to keep the races apart.

The state began to enter a newly restrictive era, however, when the federal government closed popular urban crossing points in California and Texas in the 1990s. Determined migrants began crossing through the desert regions of Arizona much more frequently. The changes were alarming to many and calls to “do something” about the illegal flow of people into the state became increasingly frequent.

Local law enforcement officials were also under pressure from local and federal sources to respond more actively to the presence of residents without legal status. In 1997 the Chandler police, working with federal immigration officials, conducted a week-long series of immigration raids that generated national attention. In what became known as the “Chandler Roundup,” officials stopped and questioned dozens of Latinos on the basis of their physical appearance, leading to unjustified arrests and a successful lawsuit based on civil-rights violations (Romero, 2006; Romero and Serag, 2004). Despite this victory, the possibility of deportation was becoming a real risk in many minds. Scholars reported, for example, that victims of domestic violence had become afraid to contact local police for fear of deportation of a loved one or other immigration-related consequences (Menjivar and Salcido, 2001).

The heritage of discrimination and lack of educational and economic opportunities, in tandem with police surveillance and intimidation, have had profound effects. The threat of deportation affects citizens as well as non-citizens because many families and friendship groups are of mixed legal statuses. The long history of discriminatory treatment has also had an impact on the development of strong Latino leadership in the state, which in turn has affected Latino turnout at elections. Inability to strike back forcefully at the polls has made this population vulnerable to hostile legal initiatives sponsored by politicians ready to cash in on the fears and antipathies of white voters unprepared for demographic change (see, for example, Singer, Hardwick, and Brettell, eds., 2008; Zúñiga and Hernández León, eds., 2005).

The Rise of State-level Anti-immigrant Legislation and Policing

Within Arizona, demands for a change in the enforcement *status quo* started with complaints of federal inaction, but soon shifted toward proposals for state legislation to discourage unauthorized immigrants from remaining in the state. This movement began with legislation requiring the use of English in government transactions and restricting welfare or public benefits to those who could prove legal status. Then, beginning in 2004, voters embraced a series of initiatives to eliminate rights that unauthorized residents had long enjoyed, including in-state tuition for those satisfying residency requirements. In 2007, the legislature approved the denial of bail to unauthorized

immigrants accused of serious crimes. In 2008 it adopted an employer sanctions law to punish employers who knowingly hire unauthorized workers.

Around 2005, encouraged by the pervasive anti-immigrant atmosphere, Maricopa County sheriff Joseph Arpaio began to undertake workplace raids and “crime suppression sweeps” in predominantly Latino neighborhoods in the Phoenix metropolitan area. The raids, marketed to the public as efforts to remove criminals, in reality were aimed at detecting and deporting unauthorized residents. Day laborers, many of whom are Latinos, have also felt the brunt of aggressive law enforcement. Some municipalities have prohibited them from congregating in public areas to offer labor services. Law enforcement agencies in Arizona have occasionally enforced these ordinances, arresting Latino men who, despite being U.S. citizens, are subjected to stops on the basis of their use of language, their attire, or choice of location (Varsanyi, 2008). Checkpoints have become another form of intimidation against Latino workers and their families, as these operations tend to be launched only in immigrant communities or work areas during regular commuting hours.

Such law-enforcement initiatives remind Latino residents, regardless of their immigration status, of the power that police and sheriff deputies have over their lives. The Sheriff Arpaio’s continued popularity and the stream of anti-immigrant rhetoric and legislation from the state legislature reinforce a pervasive sense of intimidation. For example, a study of Latina immigrant women’s sense of safety in Phoenix and Tucson revealed widespread fear of leaving home, even among women with secure legal status; Sheriff Arpaio and his deputies were cited more often than anyone as the source of this pervasive sense of fear (McDowell and Wonders, 2010).

Arizona’s Employer Sanctions Law

Arizona’s Legal Arizona Workers Act, commonly referred to as the state’s “employer sanctions law,” prohibits businesses from knowingly or intentionally hiring an “unauthorized alien.” The law also requires employers in Arizona to use the E-Verify system, a free web-based Department of Homeland Security service to verify the employment authorization of all new employees. While business owners initially opposed the measure in court, enforcement practices soon revealed that the real target of this law was unauthorized workers. Only two companies have been penalized since the sanctions law entered into effect in 2008. One was Waterworld, an amusement park that had already closed and filed for bankruptcy before any determination of wrongdoing, and the other was a sandwich shop that was ordered to close its doors for only one day: Thanksgiving. The employer sanctions law has instead been used to justify employ-

ment-site raids against businesses believed to hire undocumented immigrants. Most cases arise from tips from disgruntled employees or managers within the companies themselves. Sometimes citizens report seeing “illegals” on the business’ premises, their suspicions aroused by hearing “Mexican” music or Spanish being spoken between staff members. The Maricopa County Sheriff Office and the county attorney have responded to these reports as credible enough to open official investigations.

Details of arrests in the Waterworld case, gleaned from case files, indicate problematic police behavior (Provine and Sanchez, 2012).¹ In one instance, although there was no public stop and search, highly intrusive surveillance was utilized. Undercover officers followed five Latina employees suspected of being undocumented to and from work for several days even before their employment eligibility was verified. The women were shadowed as they drove to their children’s schools, visited relatives, shopped for groceries, and attended church. The officers justified their intrusive surveillance as necessary to ensure their own safety.

In another instance, the police stop clearly seems to have been unnecessarily violent. Celia Alvarez, a janitor and mother of four U.S.-born children, was arrested when sheriff’s officers burst into the landscaping firm she had worked at for five years, acting on a tip from a “concerned” supervisor who allegedly reported that the company hired undocumented workers. Alvarez described in court testimony how deputies wearing ski masks entered the building, warning the occupants they were looking for “illegal aliens.” The officers found Alvarez hiding under a table, “lifted her off her feet, and slammed her face into a wall,” causing injuries to her face, jaw, and teeth. Another officer allegedly hit her with a clipboard for trying to speak to another detainee.

A third lawsuit involved a stop and detention based on ethno-racial profiling, followed by a gratuitously humiliating detention. Julian Mora, one of Alvarez’s co-workers, was detained during the same operation in which she was arrested. Mora, a legal permanent resident, was on his way to work when two Maricopa County sheriff’s vehicles blocked his progress. The deputies arrested Mora and his son, a U.S. citizen, who was accompanying him. The officers handcuffed them and held them without explanation for three hours. Mora, a diabetic, was not allowed to use the restroom, but was eventually granted permission to urinate by the side of a truck as deputies watched. He and his son were eventually released. The lawsuit that the American Civil Liberties Union filed on the Moras’s behalf alleges that father and son were stopped because officers interpreted Julian Mora’s skin color and the denims he was wearing as indicators of illegality.

¹ The three cases discussed below, as well as details regarding stops under Arizona’s human smuggling law were compiled by Dr. Gabriella Sanchez, who was a co-author with me of an article published in Provine and Sanchez (2012).

Policing Human Smuggling through Stops And Prosecution of Smuggled Latino Immigrants

A similar pattern of ethno-racial profiling can be seen in the enforcement of Arizona's unique human-smuggling statute. In 2005, in response to public concern over increased smuggling of drugs, weapons, and humans through the state, the Arizona legislature approved an anti-human trafficking law. The statute established prison terms for the men and women involved in the transportation of people known or presumed to lack legal status to be in the state. It also expanded the definition of human smuggling, allowing for the detection and arrest of those suspected to be engaged in smuggling activities. With this vague definition, Arizona officials began to prosecute undocumented immigrants entering the country with the assistance of a human smuggler or *coyote*. In short, "smuggles" became human smugglers under Arizona law.

Over 1 000 undocumented Latino immigrants, many of whom had been victims of border violence, had been successfully prosecuted under the statute by mid-2011. The prosecutions have continued despite legal challenges. The volume of cases is great enough to create backlogs in court processing. An immigrant charged with conspiracy to be smuggled into Arizona can expect to wait an average of three months in custody before the case will be heard; state law prevents pre-trial release. If convicted, these people face deportation as well as possible federal criminal charges if their presence in the country is determined to be the result of an illegal re-entry.

The importance attached to the issue of human smuggling has justified aggressive anti-smuggling interventions in predominantly low-income Latino sections in the Phoenix metropolitan area. In March 2009, for example, a human-smuggling investigation led to the stop and detention of Refugio Serna, who was handcuffed and driven around the cities by state police officers for 11 hours. Serna, a U.S. citizen and an employee of the Department of Homeland Security, was picking up his brother-in-law at a parking lot in a predominantly immigrant neighborhood in Phoenix. The police report cited Serna's "bold and very confident demeanor while driving a truck [and] playing Mexican music very loud" as sufficient probable cause for stopping and questioning him.

A detective handcuffed Serna and put him in the back of a police vehicle, alleging concerns for his own safety. Serna spent the rest of the day handcuffed in the police vehicle. The officers told him that he was not under arrest, suggesting that he could get out and go home if he so desired as they drove through a desolate area. Serna's frustration was evident in his statements to court investigators. They reveal the embarrassment and pain he felt while the officers paraded and questioned him in public, especially when he was later ridiculed in front of his very concerned family and

neighbors. He was forced to resign from his job as a result of the criminal investigation launched against him, though no charges were filed (Provine and Sanchez, 2012).

The human smuggling law has also led to police roadblocks and patrols that engage in questionable stops in areas designated as “human smuggling corridors.” Sheriff’s deputies frequently conduct “smuggling interdiction patrols” along heavily transited areas near the border with Mexico in an attempt to detect groups of undocumented immigrants in transit. A survey of probable-cause statements used in the prosecution of cases arising out of these patrols reveals a disturbing pattern of justifications for stops.

Deputies often cite minor traffic violations to justify their stops, but their descriptions of these situations include characterizations of these drivers and their passengers as foreign, undesirable, and potentially criminal (Sanchez, 2011). Some probable-cause statements refer to Latino suspects as “smelling like illegal aliens,” or cite as reasons for suspicion as “speaking only Spanish” or “looking dirty and soiled.” One statement cited “fail[ing] to make eye contact with [the officer] while on the freeway” as a justification for further investigation. These references appear alongside pre-fabricated, boilerplate narratives designed to increase the odds that the probable-cause statement will hold up in court (Provine and Sanchez, 2012).

The justifications for stopping and detaining individuals described here smack of ethno-racial profiling and stereotyping that uses physical appearance to make assumptions about legal status and behavior. These practices also suggest that local law enforcement is taking on some of the powers of the Border Patrol, which is not limited by the reasonable-suspicion requirement and has broader latitude in considering ethnic/racial characteristics (*US v. Brignoni-Ponce*, 1975). The blending effectively removes the 100-mile limit on the more intrusive stops that Border Patrol agents are authorized to conduct and reallocates border-specific federal enforcement powers to the interior of the state of Arizona.

SB1070

The 2010 adoption of SB1070, The Support Our Law Enforcement and Safe Neighborhoods Act, cemented the state’s reputation as a trendsetter in immigration enforcement. Among its 10 provisions, the most notable is Section 2b, requiring that a police officer ascertain the legal status of anyone he or she stops if the officer suspects that person might be undocumented. If suspicions persist, the officer must detain the individual and contact federal immigration authorities. A department’s failure to enforce SB1070 is grounds for a citizen-initiated suit for damages. This law expands the powers to stop and search and offers a blueprint for other states to express their determina-

tion to fight unauthorized immigration by deploying municipal police in the effort. A few other states, including Alabama and Georgia, have followed Arizona's lead.

SB1070 is distinctive among the steady stream of Arizona laws directed at unauthorized immigrants in focusing its requirements on police agencies. The requirement that every police unit in the state actively participate in immigration enforcement was intended to force the hand of city governments and urban police departments that were attempting to be more welcoming toward immigrants by overlooking immigration status when possible. SB1070 thus signaled how a state legislature could override local opposition while forcing the federal government's hand to take a more aggressive role in enforcement.

The political message resonated with the Arizona electorate. Republican politicians in the state had cultivated a sense of crisis about illegal immigration for years, but the rhetoric in this period was particularly lurid, with (false) stories about headless bodies in the desert and other atrocities allegedly produced by Mexican drug cartels and human smugglers. The passage of SB1070 in April 2010 seemed to offer a meaningful response to such criminal activities and resulted in the entire Republican slate being swept into office in statewide elections in November of that year.

SB1070 provoked immediate lawsuits from civil-rights organizations and from the federal government. One of these challenges was adjudicated by the U.S. Supreme Court, which reached a closely divided decision in July 2012. The Court upheld Section 2b, the law's most controversial provision, while striking down three others (*U.S. v. Arizona*, 2012). The Court did put two important limits on the almost unfettered discretion of local police, requiring that stops not be prolonged beyond the norm for the offense in question, and requiring federal approval before a suspected unauthorized immigrant could be detained.

In its decision, the Court appears to have attempted to strike a middle ground, reasserting the federal government's plenary power in every aspect of immigration policy, including enforcement, but permitting Arizona a limited role in the process. The problem, critics assert, is that ample room remains for local law enforcement to engage in racial profiling and pretextual stops. These issues provoked renewed efforts to overturn the law's provision allowing local police to question immigration status (ACLU, 2013).

The effort to restrain racial profiling of Latinos in Arizona also continues within the federal government. After years of complaints about racial profiling, federal officials withdrew authority to make immigration arrests from five Arizona jurisdictions, though it left in place their authority to assist the federal government in identifying already-arrested immigrants for possible deportation.² The Justice Department

² The cooperative arrangement grew out of legislation authorizing memoranda of understanding between officials in ICE and local law enforcement agencies. These documents, dubbed "287(g) agreements" after

was also able to claim victory in a case charging Sheriff Arpaio with racial profiling after eight years of litigation (*Ortega Melendres et al. v. Arpaio et al.*, 2013).

It is important to note the specificity of Arizona's efforts. The state is relatively welcoming to refugees and legal immigrants from all over the world. Unauthorized immigration from Mexico, however, has made the state uneasy since territorial days and the damage suffered by citizens and legal permanent residents who are mistaken for illegal immigrants has long been treated as a collateral issue. There are signs, however, that business and political leaders are recognizing that the state's reputation is also at stake. In 2011 state legislators rejected a bill to require teachers to report the immigration status of their students and their parents, a bill to require landlords to check immigration status before leasing, and a proposal for special birth certificates for the babies of unauthorized residents.

CONCLUSION

Pressure is building for immigration reform at the national level. The inspiration is not a sense of collective guilt about past and current racism in the enforcement of current immigration laws. Rather the impetus comes from the victims of this discrimination, who are speaking out and organizing for legislative reform. Latino immigrants and their supporters are creating significant political pressure for changes that will create legal status for most of the approximately 11 million people currently living in the United States without legal status. This would do much to improve the quality of life for Latino immigrants and their families, but it would not deal a mortal blow to racism in immigration enforcement. It would only close the open wound.

Even with legalization of resident immigrants' status, immigration laws would require enforcement. The mechanisms that have been relied upon in the current push to increase deportations are unreliable and unfair. Enforcing immigration law through appearance-based criteria is inherently racially discriminatory: it will inevitably negatively affect all members of groups that are presumed to have the greatest number of unauthorized immigrants (see, for example, Bowling and Phillips, 2007).

There is no way to eliminate excess stops and surveillance through monitoring or reporting requirements. Law enforcement officers must be free to exercise a wide measure of discretion to be effective in their work. The problem is that whatever

their location in the federal statute, are of two types. "Jail" authorization allows officers involved in booking suspects to handle immigration-related paperwork. "Patrol" authorization provides local officers with the power to make immigration arrests, previously a power reserved to ICE personnel. In 2011, after more than five years of high-volume arrests, Sheriff Arpaio's "patrol" authority was revoked.

prejudices and stereotypes are prevalent in the general population are likely to be reflected in police work. The effects go beyond those stopped by law enforcement officers, especially when local police are involved. The ability of police and sheriffs to effectively protect immigrants and their neighborhoods is seriously compromised by immigration-enforcement duties, which breed distrust and unwillingness to call the police as a witness or victim of crime. The only solution is to de-escalate the rhetoric about the dangers of unauthorized immigrants living in our midst and to revamp immigration enforcement to focus on concrete evidence of lack of legal status in employment records or other materials. No stop or arrest should occur without some evidence that the law has been broken. This is standard procedure for citizens and legal permanent residents. It should be standard procedure for everyone.

BIBLIOGRAPHY

(ACLU) AMERICAN CIVIL LIBERTIES UNION

2013 “*Valle del Sol v. Whiting et al.*: Challenging SB 1070-Arizona’s Racial Profiling Law,” <https://www.aclu.org/immigrants-rights/valle-del-sol-v-whiting-et-al>, accessed 8 November 2013.

ANDERSON, B.

1983 *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, New York, Verso.

BOSNIAK, L.

2006 *The Citizen and the Alien: Dilemmas of Contemporary Membership*, Princeton, Princeton University Press.

BOWLING, B., and C. PHILLIPS

2007 “Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search,” *Modern Law Review*, vol. 70, no. 6, pp. 936-961.

BROWN, M. K.

1988 *Working the Street: Police Discretion and the Dilemmas of Reform*, New York, Russell Sage.

CAMAYD-FREIXAS, E.

2008 “Interpreting after the Largest ICE Raid in U.S. History: A Personal Account,”

<http://graphics8.nytimes.com/images/2008/07/14/opinion/14ed-camayd.pdf>, accessed November 8, 2013.

CHAMBLISS, W.

1994 "Policing and the Ghetto Underclass," *Social Problems*, vol. 41, no. 2, 177-94.

CHAVEZ, L. R.

2008 *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*, Palo Alto, California, Stanford University.

CHIN, G. J.

2005 "Che Chan Ping and Fong Yue Ting: The Origins of Plenary Power," in D. A. Martin and Schuck, eds., *Immigration Stories*, New York, Foundation Press.

CHIU, B., L. EGYES, P. L. MARKOWITZ, and J. VASANDANI

2009 *Constitution on ICE: A Report on Immigration Home Raid Operations*, New York, Cardozo Immigration Justice Clinic.

CRUZ, E. H.

2012 "Unearthing and Confronting the Social Skeletons of Immigration Status in Our Criminal Justice System," in C. E. Kubrin, M. S. Zatz and R. Martínez, eds., *Punishing Immigrants: Policy, Politics, and Injustice*, New York, New York University Press, pp. 91-112.

DANIELSON, M. S.

2013 "Documented Failures: The Consequences of Immigration Policy on the U.S.-Mexico Border, Nogales, AZ: Kino Border Initiative," http://www.jesuit.org/jesuits/wp-content/uploads/Kino_FULL-REPORT_web.pdf, accessed November 8, 2013.

DECKER, S., P. G. LEWIS, D. M., PROVINE, and M. W. VARSANYI

2011 "Immigration and Local Policing in Smaller Municipalities: Results from a National Survey of Law Enforcement Executives," February 18, <http://ccj.asu.edu/research/immigration-research-section/current-project/immigration-and-local-policing-in-smaller-municipalities-results-from-a-national-survey-of-law-enforcement-executives/view>, accessed November 8, 2013.

DOTY, R. L.

2010 "SB 1070 and the Banality of Evil," *Z Magazine*, October 9, <http://www.zcommunications.org/sb1070-and-the-banality-of-evil-by-roxanne-doty>, accessed July 31, 2011.

GAO (GENERAL ACCOUNTING OFFICE)

2009 "Immigration Enforcement: Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws," U.S. Government Accountability Office, January.

GARDNER, T., and A. KOHLI

2009 "Racial Profiling in the ICE Criminal Alien Program," September 2009 Policy Brief, The Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity, Berkeley, University of California Law School.

GLADSTEIN, H., A. LAI, J. WAGNER, and M. WISHNIE

2005 "Blurring the Lines: A Profile of State and Local Police Enforcement of Immigration Law Using the National Crime Information Center Database, 2002-2004," Migration Policy Institute, December.

GOMEZ, L.

2007 *Manifest Destinies: The Making of the Mexican-American Race*, New York, NYU Press.

GONZALES, D.

2011 "Senate Bill 1070: 1 Year Later," *Arizona Republic*, April 23, pp. A1, A 10.

2010 "Poll: Many Say Migrant Debate Stirs Racism," *Arizona Republic*, August 2, pp. A1 and A4.

GORDON, L.

2001 *The Great Arizona Orphan Abduction*, Cambridge, Massachusetts, Harvard University Press.

HADDAL, C. C.

2010 "Border Security: The Role of the U.S. Border Patrol," *Congressional Research Service Report*, March 3, www.crs.gov, RL32562.

HENSLEY, J. J.

- 2013 "Maricopa County Jail Leads U.S. in ICE Holds," *The Arizona Republic*, February 26, <http://www.azcentral.com/news/articles/20130225maricopa-county-jail-leads-us-ice-holds.html>, accessed March 8, 2013.

HUMAN RIGHTS WATCH

- 2009 *Forced Apart (by the Numbers)*, New York, Human Rights Watch.

ICE (IMMIGRATION AND CUSTOMS ENFORCEMENT)

- 2013 "Fact Sheet: ICE Fugitive Operations Program (July 2, 2013)," <http://www.ice.gov/news/library/factsheets/fugops.htm>, accessed November 8, 2013.

KANG, D. S.

- 2010 "Crossing the Line: The INS and the Federal Regulation of the Mexican Border," in B. Johnson and A. R. Graybill, eds., *Bridging National Borders in North America*, Durham, Duke University Press, pp. 167-198.

KANSTROOM, D.

- 2007 *Deportation Nation: Outsiders in American History*, Cambridge, Massachusetts, Harvard University Press.

KOHLI, A., P. L. MARKOWITZ, and L. CHAVEZ

- 2011 "Secure Communities by the Numbers: An Analysis of Demographics and Due Process," Berkeley, Berkeley Law School, University of California.

MASSEY, D. S.

- 2007 *Categorically Unequal-The American Stratification System*, New York, Russell Sage.

MASSEY, D. S., J. DURAND, and N. J. MALONE

- 2002 *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*, New York, Russell Sage.

McDOWELL, M., and N. WONDERS

- 2010 "Keeping Migrants in their Place: Technologies of Control and Racialized Public Space in Arizona," *Social Justice*, vol. 7, no. 2, pp. 54-72.

MENDELSON, M., S. STROM, and M. WISHNIE

2009 "Collateral Damage: An Examination of ICE's Fugitive Operations Program," Migration Policy Institute, February.

MENJIVAR, C., and O. SALCIDO

2001 "Immigrant Women and Domestic Violence: Common Experiences in Different Countries," *Gender & Society*, vol. 16, no. 6, pp. 898-920.

NEVINS, J.

2002 *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*, New York, Routledge.

NGAI, M. M.

2004 *Impossible Subjects: Illegal Aliens and the Making of Modern America*, Princeton, Princeton University Press.

NGUYEN, T.

2005 *We Are All Suspects Now: Untold Stories from Immigrant Communities after 9/11*, Boston, Beacon Press.

OMI, M., and H. WINANT

1994 *Racial Formation in the United States: From the 1960s to the 1990s*, New York, Routledge.

PARK, J. S. W.

2004 *Elusive Citizenship: Immigration, Asian Americans, and the Paradox of Civil Rights*, New York, New York University Press.

PASSEL, J. S., and D. COHN

2010 *U.S. Unauthorized Immigration Flows Are Down Sharply since Mid-decade*, Washington, D.C., Pew Research Center.

PROVINE, D. M.

2012 "Local Immigration Policy and Global Ambitions in Vancouver and Phoenix," in M. Varsanyi, ed., *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, Stanford, California, Stanford University Press, pp. 217-238.

PROVINE, D. M., and R. D. DOTY

- 2011 "The Criminalization of Immigrants as a Racial Project," *Journal of Contemporary Criminal Justice*, Special issue: *Between Black and White: Theorizing Racial Democracy, Crime, and Justice*, vol. 27, no. 3, pp. 261-277.

PROVINE, D. M., and G. SANCHEZ

- 2012 "Suspecting Immigrants: Exploring Links between Racialized Anxieties and Expanded Police Powers in Arizona," *Policing & Society*, vol. 21, no. 4, pp. 468-479.

PROVINE, D. M., M. W. VARSANYI, P. G. LEWIS, and S. H. DECKER

- 2012 "Growing Tensions between Civic Membership and Enforcement in the Devolution of Immigration Control," in C.E. Kubrin, M. S. Zatz, and R. Martínez, eds., *Punishing Immigrants: Policy, Politics, and Injustice*, New York, New York University Press, pp. 42-61.

ROMERO, M.

- 2006 "Racial Profiling and Immigration Law Enforcement: Rounding Up of Usual Suspects in the Latino Community," *Critical Sociology*, vol. 32, nos. 2-3, pp. 447-473.

ROMERO, M., and M. SERAG

- 2004 "Violation of Latino Civil Rights Resulting from INS and Local Police's Use of Race, Culture and Class Profiling: The Case of the Chandler Roundup in Arizona," *Cleveland State Law Review*, vol. 52, no. 1, pp. 75-96.

SANCHEZ, G.

- 2011 "Border Crossings: Smuggling Operations in the Southwest," unpublished Ph.D. dissertation.

SEMPLER, K.

- 2011 "Immigrant Detentions Draw International Fire," *The New York Times*, March 18, <http://www.nytimes.com/2011/03/18/us/18detain-1.html>, accessed July 31, 2011.

SHAHANI, A., and J. GREENE

- 2009 "Local Democracy on Ice: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement," *Justice Strategies*, February.

SINEMA, K.

- 2012 "No Surprises: The Evolution of Anti-immigration Legislation in Arizona," in C. E. Kubrin, M. S. Zatz and R. Martínez, eds., *Punishing Immigrants: Policy, Politics, and Injustice*, New York, New York University Press, pp. 62-90.

SINGER, A., W. S. HARDWICK, and C. BRETTELL, eds.

- 2008 *Twenty-first Century Gateways: Immigrant Incorporation in Suburban America*, Washington, D.C., Brookings.

SPAGAT, E.

- 2013 "US Border Patrol Rejects Curbs on Force," *The Boston Globe*, November 7, <http://www.bostonglobe.com/news/nation/2013/11/06/exclusive-border-patrol-rejects-curbs-force/OBfZryfyJ2dLeR2TJeeywM/story.html>, accessed November 7, 2013.

TREVIZO, PERLA

- 2013 "'Operation Streamline' Takes Hard Line on Illegal Border Crossers," *Arizona Daily Star*, March 24, http://azstarnet.com/news/local/border/operation-streamline-takes-hard-line-on-illegal-border-crossers/article_35cb6dc5-45e3-55e5-b471-c1dd2a72bc31.html, accessed February 1, 2014.

UNIVERSITY OF ARIZONA

- 2011 *The Bisbee Deportation of 1917*, <http://www.library.arizona.edu/exhibits/bisbee/>, accessed July 31, 2011.

VARSANYI, M. W.

- 2008 "Immigration Policing through the Backdoor: City Ordinances, the 'Right to the City' and the Exclusion of Undocumented Day Laborers," *Urban Geography*, vol. 29, no. 1, pp. 29-52.

ZOLBERG, A. R.

- 2006 *A Nation by Design: Immigration Policy in the Fashioning of America*, Cambridge, Massachusetts, Harvard University Press.

ZÚÑIGA, V., and R. HERNÁNDEZ LEÓN, eds.

- 2005 *New Destinations: Mexican Immigration in the United States*, New York, Russell Sage.

CASES

Flores-Figueroa v. US, 556 U.S. 646 (2009).

Ortega Melendres et al. v. Arpaio et al., no. PHX-CV-07-02513 (2013), https://www.aclu.org/files/assets/arpaio_decision.pdf, accessed November 8, 2013.

Padilla v. Kentucky, 559 U.S. 356 (2010).

U.S. v. Arizona, 567 US (2012).

US v. Brignoni-Ponce, 422 U.S. 873 (1975).

The Biopolitics of Asylum Law in Texas: The Case of Mexicans Fleeing Drug Violence in Juárez¹

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ABSTRACT

Using Michel Foucault's concept of biopower, this article examines the role of asylum law in the control of Mexican migration to the U.S., arguing that U.S. authorities are using asylum law as a new means of regulating Mexican immigration. The article relies on theoretical input and empirical data to prove that there are extra-legal and technical legal issues allowing for the biopolitical use of asylum law, usually linked to sovereign power.

Key words: asylum law, immigration, drug violence, biopolitics, Mexico-U.S. relations, socio-legal studies.

RESUMEN

A partir del concepto de biopoder de Michael Foucault, este artículo examina el papel de las leyes de asilo para controlar la migración mexicana hacia Estados Unidos. Se argumenta que las autoridades estadounidenses están usando las leyes de asilo como un nuevo medio para regular la inmigración mexicana. Se basa en herramientas teóricas y datos empíricos para demostrar que existen tecnicismos legales y otros aspectos no circunscritos al ámbito legal, generalmente ligados al poder soberano que permiten el uso biopolítico de la ley de asilo.

Palabras clave: ley de asilo, inmigración, violencia a causa del narcotráfico, biopolítica, relaciones México-Estados Unidos, estudios sociolegales.

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Thousands of people have fled the war against drug trafficking in Mexico (2006-2012); over 700 000 persons have been displaced, 230 000 from the Juárez Valley in Chihuahua alone (Benavides and Patargo, 2012). Of those who left the Juárez Valley, 150 000 are now in the United States (Displacement Monitoring Centre and Norwegian Refugee Council, 2011), and hundreds of asylum applicants have been unsuccessful because U.S. courts systematically reject their petitions. Certain empirical studies suggest that the denial of asylum is linked to economic and political interests, since the U.S. government either does not wish to question the authority of its trading partner or does not want to open the door for the migration of nationals from countries that already represent a migration threat, as is the case of Mexico (Rosenblum and Salehyan, 2004; Ramji-Nogales, Schoelholz, and Schrag, 2007; Camp and Holmes, 2009).

However, the focus of this article is not the empirical evidence that makes the case for identifying the political and economic interests leading to the denial of asylum to Mexican citizens. Instead, it will focus on the role of asylum law in the biopolitics of U.S. migration control and how it helps sustain those interests. It will argue that systematic rejection is related to the tactical use of asylum law in the migration *dispositif* (apparatus) of U.S. biopolitics, which treats Mexicans as a threat. It uses both theoretical input and empirical data (interviews with asylum seekers' attorneys and asylum advocates) to advance its central argument. The case study used for analysis is international forced displacement in the Ciudad Juárez, Chihuahua-El Paso, Texas border region.²

The article will therefore first characterize and contextualize the broader migration panorama, the phenomenon of Mexican asylum seekers in the U.S. in general and El Paso, Texas, in particular. It will then discuss how biopolitics is a suitable framework for analyzing the managerial use of asylum law for regulating immigration into the U.S. Finally, it will discuss the legal and extra-legal components of asylum law that are used as a biopolitical tactic in the Fifth Circuit migration courts to regulate Mexican political migration.

² El Paso has been taken as case study since most asylum applications here are related to the problems dealt with here. Although in the U.S. the details and nature of cases are confidential, some activists and academics have revealed that, while many of the California cases involve indigenous people fleeing traditional political harassment in Oaxaca and Chihuahua and gender and sexual orientation-based persecution in conservative parts of Mexico, most cases registered in Texas, and particularly in El Paso, are related to violence resulting from the war on drugs in Ciudad Juárez.

CHARACTERIZING AND CONTEXTUALIZING MEXICAN ASYLUM CLAIMS AS PART OF THE BROADER PHENOMENON OF MIGRATION

The U.S. government and Pew Hispanic Center have agreed that the flow of undocumented Mexican immigrants has slowed in recent years: in January 2008, there were an estimated 11.9 million undocumented immigrants in the country, but by January 2009, that number had dropped by almost one million, possibly due to the fact that immigrants had decided to return to their countries of origin due to the economic recession. By 2012, the migration rate from Mexico had dropped to zero percent according to the Pew Hispanic Center, which stated, "The standstill appears to be the result of many factors, including the weakened U.S. job and housing construction markets, heightened border enforcement, a rise in deportations, the growing dangers associated with illegal border crossings, the long-term decline in Mexico's birth rates, and broader economic conditions in Mexico" (Passel, Cohn, and Gonzalez-Barrera, 2012).

While undocumented crossings by Mexicans have decreased, in this period a new migration trend has appeared: forced displacement and asylum, especially in the context of twin border cities such as Ciudad Juárez-El Paso. Drug-related violence in the Juárez Valley, among other cities considered strategic for the illegal drugs business, such as Nuevo Laredo, Morelia, Veracruz, and Monterrey, has led to shootouts, people being caught in the crossfire, decapitations, and the use of car bombs against government authorities and rival gangs. In addition, kidnappings, extortion, forced disappearances, and the execution of civilians have become daily occurrences. The human toll of this violence has been devastating, with the loss of over 100 000 lives (Ramírez de Alba, Solís, and De Buen, 2012) and the forced disappearance of 26 000 people (Amnistía Internacional, 2013). As for displacement, between 2010 and 2011 some 700 000 people had to leave their homes as a consequence of generalized violence throughout the country and two percent of the Mexican population (over 1.6 million people) has been forcibly displaced by criminal violence (Benavides and Patargo, 2012). In the Juárez Valley alone, 230 000 people have been forced to abandon their homes with the majority seeking refuge in the U.S., especially Texas (Benavides and Patargo, 2012; Displacement Monitoring Centre, and Norwegian Refugee Council, 2011).

In 2007, a year after the war on drugs was declared, 9 545 Mexicans requested asylum, an increase of 41 percent compared to the previous year. Between 2006 and 2010, 44 019 Mexicans applied, 13 700 of them in the United States and 30 142 in Canada. Until 2007, most Mexican asylum seekers chose Canada (74 percent) and to a lesser extent the United States (24 percent). However, by 2010, this trend had changed. The number of Mexican asylum claims in the United States increased in 2008 to 2 487; in 2009 it remained almost the same, but in 2010 the number almost doubled (4 225) (United

Nations High Commissioner for Refugees 2007, 2008, 2009, 2010). In contrast, in Canada the number of Mexican asylum claims reached 9 413 in 2008, although by 2010 this number had dropped to 1 198, evidently due to the new visa requirement imposed on Mexican citizens (United Nations High Commissioner for Refugees, 2007, 2008, 2009, 2010). While in 2001, only 50 Mexicans requested asylum in the United States, by 2007 the number had jumped to 1 830. In 2008, it rose to 2 487, and in 2009, to 2 422. In 2010, the figure shot up to 4 225 (United Nations High Commissioner for Refugees, 2007, 2008, 2009, 2010); by 2011, the claims had soared to 8 906, and in 2012, to 11 477 (United Nations High Commissioner for Refugees, 2011, 2012). By 2010, Mexico was responsible for one of the highest numbers of asylum requests in the United States, second only to China, and followed by Haiti, Guatemala, and El Salvador (USDOJ, 2011).

According to the Transactional Records Access Clearinghouse (TRAC), in 2012 over one-third of the court backlog of asylum applications were those of Mexicans (113 829 out of a total of 305 556), followed only by China, Honduras, El Salvador, and Guatemala. Except for the courts in Guam, in 2012 every U.S. American state processed applications from Mexicans; 60 percent of the cases were recorded in just four states: California, Texas, Illinois, and Arizona (2012a). Acceptance rates, on the other hand, are practically non-existent: in 2010, only 143 of 2 320 cases of affirmative asylum requests were granted (6.2 percent).³ The number of successful affirmative cases decreased overall between 2008 and 2010 with 176 in 2008; 191 in 2009; and 143 in 2010. In 2010, asylum was granted in just 49 of the 3 231 cases (1.5 percent). With respect to defensive asylum, the number of successful applications also dropped between 2008 and 2010 with 72 in 2008; 62 in 2009; and 49 in 2010. A total of 85 percent of all asylum claims lodged between 2008 and 2010 were denied (Dzubow, 2012).

In El Paso, Texas, where hundreds of the cases linked to the war on drug trafficking are to be found, Judges William L. Abbott and Thomas C. Roepke are responsible for some of the highest denial rates in the country and have become even tougher since Mexicans rose to among the top of the asylum application lists (TRAC, 2012b, 2012c). Abbott had a 65.7 percent denial rate in 2010, when nationals from Burma made up 19.7 percent of his caseload,⁴ but his denial rate rose to 74.6 percent in 2011 when Burma nationals were replaced by Mexicans, who represented 14 percent of his caseload. For his part, Abbott rose in the national denial rankings from position 113 to 77 (TRAC, 2012c).⁵ In his 2010 report, Roepke denied asylum in 96.7

³ The differences between affirmative and defensive asylum and how they constitute a managerial aspect of asylum law and policy are dealt with later in this article.

⁴ Nationals from Burma were followed by nationals from El Salvador (10.7 percent), China (9 percent), Mexico (8.2 percent), and Ethiopia (6 percent) (TRAC, 2012c).

⁵ Other nationalities following Mexicans are El Salvador (13.5 percent), Burma (9.8 percent), China (6.2 percent), and Somalia (6.2 percent) (TRAC, 2012c).

percent of cases; Mexicans represented 12.4 percent of his caseload.⁶ In his most recent report (TRAC, 2012b), the number of applications from Mexicans rose to 19 percent,⁷ and his denial rate remained at 96.7 percent, although he did move up in the national rankings from fourth to third place on a list of 256 judges (TRAC, 2012b).

So, who are these Mexican asylum seekers whose cases are systematically rejected? They are mostly local government authorities such as mayors and city councilpersons from all political parties who flee after colleagues and/or relatives have been killed in Ciudad Juárez or small towns in the Juárez Valley, which covers the municipalities of Praxedis Guerrero and Guadalupe Distrito Bravo. They also include police officers who have refused to participate in drug-related corruption; journalists the Mexican government is either unable or unwilling to protect; human rights and women's rights activists persecuted by both criminals and state authorities; average citizens who have witnessed atrocities perpetrated by the army or drug gangs; women threatened by former partners who are drug traffickers; and small business owners from the Juárez Valley who openly refuse to pay extortion or quotas.

These people are anything but wealthy. Even those who do own property and capital flee suddenly, empty-handed, with nothing but the clothes on their backs and a couple of blankets if they are lucky. Neighbors or friends later notify them that their property or businesses have been vandalized or looted by armed men after their departure. At the end of the day, rich and poor alike arrive in El Paso with nothing more precious than their threatened lives. In order to apply for asylum some of these people manage to pay for a lawyer—not that there are many lawyers willing to take their cases. However, those who do find proper legal aid are among the *pro bono* cases of attorney Carlos Spector, one of the few lawyers willing to defend what his colleagues and local legal NGOs believe to be lost causes. Many of these are the clients of local NGOs dealing with migration issues, such as Las Americas Immigrant Advocacy Center or the Diocesan Migrant and Refugee Services, which run group workshops on how to fill out the I-589 form (the application for asylum and withholding of removal). They claim they cannot handle the work load—at least one family arrives every week—and that most cases will not succeed in court.

People without relatives in El Paso or Las Cruces who have managed to avoid detention—they hold visas and apply for affirmative asylum—, or were released immediately on humanitarian parole, spend their first couple of months in shelters where food is scarce and not always good quality since it is often charity, essentially

⁶ They are followed by Guatemala (10.7 percent), Honduras (10.7 percent), El Salvador (9.1 percent), and Jamaica (6.6 percent) (TRAC, 2012b).

⁷ This number is followed by Honduras (10.5 percent), El Salvador (9.8 percent), Guatemala (9.8 percent), and Colombia (5.2 percent) (TRAC, 2012b).

leftovers provided by local businesses. In some cases, large families live in tiny flats in some of the poorest areas of El Paso, Texas, or Las Cruces, New Mexico.

The systematic denial of asylum to Mexicans is related to what Anna Jessica Cabot, managing attorney for Las Americas Immigrant Advocacy Center, claims to be “this feeling that when you start letting in Mexican citizens that experienced drug violence, then you’re opening the doors to hundreds of thousands of Mexican citizens because drug violence is so pervasive in Mexico” (2012). Officials in Washington share this fear and support the use of biopolitical tactics, according to Carlos Spector, attorney-at-law and legal representative of dozens of Mexicans seeking asylum in El Paso. He claims that cartels are acting as state agents and that victims as well as asylum authorities are aware of it. However, granting asylum to Mexicans would be tantamount to opening “Pandora’s Box,” he claims (2012).

To sum up briefly, data indicates that, while undocumented migration has slowed, a new migration trend related to drug violence has begun: application for asylum. While thousands of people have fled to other towns in Mexico, many others seek asylum in the U.S. These are not wealthy Mexicans, but Mexicans who are regularly disciplined through security controls and are now biopolitically regulated through asylum law. That is, Mexicans are now regulated through the managerial use of asylum law, as will be discussed below.

EXPLAINING BIOPOLITICS AND ITS LINKS TO ASYLUM LAW

While it was not Foucault’s intention to write a theory of power, he did venture an analytical philosophy of power that establishes how it works and its capabilities for subjection (Castro, 2004: 204). This analytical work focuses on differentiation systems, instrumental modalities, and how power is institutionalized. For Foucault, power is the conduct of conduct, since it is not exercised directly on people but by inducing, facilitating, hindering, limiting, and preventing their actions. Power relations become relations of domination when blocked using techniques that permit complete domination of the actions of others. Foucault identified the use of three types of power in European history: sovereign power, disciplinary power, and biopower, and all three historical types of power overlapped rather than replaced each other (Foucault, 2000, 2004; Foucault, Senellart, and Davidson, 2007). Whereas sovereign power is exercised through legal apparatuses and disciplinary methods, biopower is enforced through a very different set of objectives, objects, rationality, apparatuses, strategies, and struggles or resistances.

Biopower modifies the sovereign's right to let live and make die, essentially inverting the relationship: instead of *letting live* and *making die*, the state now exercises the right to *make live* and *let die*.⁸ Through the use of these techniques the state does not replace disciplinary power, but incorporates it and takes it to another level or sphere of action where different devices are used. It addresses human life not in its individual dimension but as a whole (the population as a species), which is fragmented in terms of race and ethnicity. While disciplinary power is focused on individual bodies (anatomy-politics), biopower focuses on processes specific to life itself, such as birth, death, reproduction, mobility, and disease. In biopower, the technologies used are also different: medicine, statistics, birth control policy, or anything intended for use as a means of population control (Castro, 2004; Foucault, 2000, 2006a; Foucault, Senellart, and Davidson, 2007). Those who "threaten" the survival of the majority are left to die by their omission as objects of policy and other technologies (for instance, the banning of primary health services for undocumented migrants).

The rationality of biopower is governmentality—in modern Western societies this is liberal governmentality—, which includes the set of institutions, analyses, calculations, and tactics focused on population as the main objective, while political economy gives it shape, and security apparatuses are its main instruments (Castro, 2004: 130-131). Governmentality is not exclusive to the state since these techniques control the possible actions of other subjects, or self-directed actions for the domination of pleasures and desires. In order to differentiate political governmentality from other types of governmentality, Foucault referred to the first as "governmentalization of the state." This process has turned the justice state—the sovereign state ruled by law—into the managerial state (Castro, 2004: 130-131), which administrates life through its specific techniques. This is why the regulation of migration, the policy intended to define who is allowed to enter and remain in a territory and who is not, is a fundamental subject of biopolitical analysis.

In fact, biopolitics has become a widespread analytical tool for the examination of migration policy as an instrument of contemporary neoliberal governmentality (Bastos, 2008; Bigo, 2002; Bolaños, 2009; Ceyhan and Tsoukala, 2002; Fitzgerald, 2010; Kalm, 2005; Kelly, 2004; Kunz, 2008; Vaccotti, n/d; Yuing, 2011). Many of these works are based on Roberto Esposito's re-interpretation of Foucault's biopolitics (2005), in which he makes an analogy between the politics of life and the human body's immune system, saying that the latter fights exogenous threats the same way biopower

⁸ Evidently a discussion of biopolitics and its complex relationship with the historical development of capitalism and liberalism could be more extensive and sophisticated, but such a discussion would move beyond the scope of this article. The interested reader should refer to more extensive and specific sources such as Foucault (2000, 2004, 2006a, 2006b); Foucault, Senellart, and Davidson (2007); Castro (2004); and Lemke (2010: 190-207).

fighters “pathogen” forms of life threatening the majority. He then distinguishes between politics *over* life and politics *of* life. What we face today is a politics *over* life, which works as an immune system defending the body –the population– through negative means that eventually turn against the system itself, excluding other types of life from the community. Migration policy is therefore a form of immunization against the threat of pathogenic groups (migrants and asylum seekers) (Esposito 2005).

Biopolitics has also been effective in examining the management of precarious lives –to paraphrase J. Butler– in migration and asylum policies in Europe, Australia, and the U.S. (Darling, 2009; Edkins and Pin-Fat, 2005; Muller, 2004; Owens, 2009; Tyler, 2010; Zylinska, 2004). The work of Giorgio Agamben has been fundamental in the latter line of research. Agamben returns to the reflections of Foucault on biopolitics and compares it to biological life using the Greek concept of *Zoe*, that is, the simple life separate from, and opposed to, *Bios*, or political life. Agamben identifies the origin in the inclusion of *Zoe* in political power in the figure of *homo sacer*. The *homo sacer* is a political-legal figure from the ancient world that refers to a person who has been judged and accused of a crime; while they cannot be sacrificed, anyone who kills them will not be accused of homicide. These people are left completely unprotected by the law and their inclusion is solely a result of their exclusion. The bare life of *homo sacer* is subject to the political only by exception. For Agamben, *homo sacer* as the person who can be killed but not sacrificed is the first figure to establish the biopolitical power of the sovereign since it subjectivizes the bare life not through its inclusion in the legal order except through its exclusion (Agamben, 1998). For Agamben, refugees serve as the best representation of the contemporary *homo sacer*, since they are only included in the political and legal domains by means of their exclusion and can be killed without it being considered homicide. The refugee embodies the concept of the bare life, purely biological human existence with no political value, and for this reason the protection of this life is removed from the political sphere and becomes a strictly humanitarian concern. Detention camps for refugees are therefore the new concentration camps and serve to express the totalitarian sophistication of contemporary biopolitics.

I agree with the idea that the migration apparatus serves U.S. American biopolitics and is essentially a “defense” against the “threat” of Mexican migration. I also believe that asylum seekers embody the idea of the *homo sacer* since they are people who exist only because they are outside the law (Agamben, 1998); and that migrants and asylum seekers are a pathogen against which immunization (immigration and asylum policy) is enforced. However, the focus of this article is different, since it concerns more specifically an examination of the use of asylum law in the biopolitics of migration in the U.S. The article therefore analyzes the biopolitical use of law in practice.

In Foucauldian terms, law pertains to complementary sovereign and disciplinary powers: while the first results in legal codes, the second implements these codes institutionally (Foucault, 2006; Foucault, Senellart, and Davidson, 2007). Nevertheless, law is strategically used in biopolitics due to the development of biopower, and norms become more important than the judicial system itself. This does not mean that law or its institutions tend to disappear, but that the law increasingly serves as a norm intended to impose conformism and homogenize, and that judicial institutions are more integrated into a continuum of apparatuses with regulatory functions (Castro, 2004: 219). It is a regulatory mechanism in the politics of life and death, even if law is used to carry axiological content in the sovereign state, such as the law protecting refugees.

The article will therefore argue that even though asylum law should not form part of biopower, it does. Through its legal texts, asylum discourse in the United States serves as a tactic for the regulation of migration, which in turn has economic and political objectives: to defend U.S. American territory from the threat of Mexican migration and maintain the credibility of security cooperation between Mexico and the U.S.

THE BIOPOLITICAL ROLE OF ASYLUM LAW

According to Foucault, the ideal vehicles of power are discourses, elements, or tactical blocks used in power relations to construct subjectivities (Castro, 2004: 219), and they operate through apparatuses (*dispositifs*, or the non-discursive instruments linked to discourses) maintained through a variety of strategies. Several legal categories exist in asylum discourse that construct the persecuted subject, and these are codified in various legal texts. Asylum is defined in terms of the United Nations Convention Relating to the Status of Refugees (1951) and its Protocol (1967); withholding of removal implements the obligation of *non-refoulement* established in the Convention of Refugees; and prevention of deportation due to a well-founded fear of being the subject of torture, is enforced as complementary means of protection under the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

A *dispositif*, or apparatus, is a set of social relationships built around a discourse: institutions, laws, policies, disciplines, scientific and philosophical statements, concepts, and moral propositions. As part of the migration apparatus, asylum discourse is produced and distributed under the control of large political and economic technologies such as courts, immigration offices, and law firms (Castro, 2004). Through these, asylum discourse in the migration apparatus excludes a subject of asylum a

priori if he/she has participated in the persecution of others in connection with one or more of the five protected grounds; stayed in the U.S. for over a year at the time of the application; or resettled successfully in another country.

Once a person is eligible for asylum, his/her claim will be successful if he/she manage to prove, in terms of the politics of truth in asylum discourse established by the Immigration and Nationality Act (INA 101[a] [42]), that he/she has a well-founded fear of persecution due to the government's unwillingness or inability to protect the victim from his/her persecutors; and that this persecution is motivated by the victim's race, nationality, religion, political opinion, or membership of a particular social group. These two concepts (the government's unwillingness or inability to protect and the motivation) determine the scope of the construction of the subject of asylum law.

As part of the U.S. migration apparatus, asylum discourse is enforced managerially, although its reproduction, signification, and power techniques resemble those of sovereign power, such as courts. In the words of Gibney, "The United States essentially has had no refugee policy as such—only an immigration policy disguised as a refugee policy" (2000: 53). Two features of asylum law and its enforcement are central to its biopolitical use: the extralegal aspects surrounding its enforcement, and the technical legal issues derived from interpretation.

Extralegal Issues

As stated above, in biopolitics the law serves justice, but it is used to homogenize populations. In this case, openly managerial features exist in the enforcement of asylum law that show how instruments intended for the administration of international justice, such as the Refugee Covenant included in the INA, are used to regulate immigration to the U.S. The biopolitical tactics facilitating migration control are as follows: splitting the system into affirmative and defensive procedures and the quasi-legal character of migration administration of justice that leaves ample room for subjective and arbitrary decisions. Firstly, the division of asylum into affirmative and defensive procedures allows for differential treatment of claimants according to their socioeconomic status and gender, which supposedly determines their criminal proclivity. Affirmative applicants are those who enter the country with a valid visa, or those who overstay their visas and therefore hold no documents authorizing them to remain in the country. These claims are reviewed by an asylum officer from the U.S. Citizen and Immigration Services (USCIS) and if not approved, they are referred to an immigration judge of the Executive Office for Immigration Review (EOIR), a branch of the U.S. Department of Justice that fails to operate as a proper

court, as will be seen later. Only at this time is the applicant transferred to removal proceedings, although his/her application has not been yet rejected. The denial letter explains, "This is not a denial of your asylum application. You may request asylum again before the immigration judge and your request will be considered (without additional re-filing) when you appear before an immigration judge at the date and time listed on the attached charging document."

Many Mexicans who pass through El Paso courts are in defensive asylum, although they began affirmative procedures. Immigration officers who deny asylum to Mexicans in affirmative proceedings do not give in-depth legal arguments when informing them of their decisions. They only state that the applicant has failed to prove past or future persecution, but do not explain why. In defensive claims a migration officer places the applicant in removal proceedings, and the case goes directly to the EOIR. Typically, claimants who opt directly for defensive asylum are those who do not have a visa and state their intention to seek asylum to an immigration officer at a port of entry. In these situations, asylum seekers are sent to detention centers where they are held until an immigration court makes a decision, which could take up to five years. While awaiting the judge's decision,⁹ applicants can request a "credible fear" interview, that is, an interview in which they have to provide evidence that their fear of persecution is well founded. The judge then either grants or denies asylum and proceeds to removal (Rottman, Fariss, and Poe, 2009).

The success of the claimant's credible fear interview depends entirely on the judge's perception. This prerogative is granted by the 1996 *Real ID Act*, which, according to Cabot, gives judges the "negative credibility decision, with which he can decide that asylum seekers are not credible based on any inconsistencies in the story, even inconsistencies that have no bearing on the actual claim of asylum (the color of a house, the time of day that something happened, etc.). This kind of subjective assumption is sufficient for a judge to justify dismissing asylum seekers' testimony." Cabot also claims that inconsistencies such as these are frequent in the case of Mexican asylum seekers, given that "they haven't seen attorneys, and also many people flee the border, actually run to the border; we have people who have been shot and [they] take them to the hospital when they get to the border, [they are] cleaned up, drugged up, on painkillers, and sent back to the border for their interview; they're on painkillers, hours after being shot, and say things that are mildly consistent with things they say in the future, their testimony gets discarded" (2012). She goes on to say that

⁹ In December 2009, President Barack Obama determined that asylum seekers able to prove "credible fear" of persecution by their country's government, or by a group the government did not want to control or was unable to control, could remain in the U.S. until such time as the asylum application process was completed. The problem, however, comes when people are required to demonstrate "credible fear."

this is an important determining factor in the rejection of cases because, “if you have a judge with the preconceived notion that Mexican people should not be given asylum, and with the power to decide that the asylum seeker is just not believable based on [small] things . . . then it is incredibly easy for that judge just to say . . . ‘your testimony is not credible’” (2012).

Crystal Massey, a human rights advocate and former researcher at Carlos Spector’s law firm, which deals with most Mexican cases, claims that the affirmative/defensive divide has no other objective than to serve as a filter for the type of Mexicans who can access the asylum system; this does not mean they are granted asylum, just access to the system. Massey argues that people with visas are usually middle class, well-informed Mexicans with the means or the knowledge to obtain a border crossing document, or know that stating an interest in asylum at the border will lead to them being placed in detention. Massey also claims that young men spend more time in detention (men are associated with the drug business or gangs in the biased mind of U.S. civil servants or judges). In detention, people are mistreated (they are forced to remain in degrading and uncomfortable conditions for long periods) or harassed (they are separated from young children and told they could remain separated for a very long time) to pressure them to drop their asylum claims.

Secondly, U.S. immigration courts are administrative, managerial bodies that administrate migration, rather than disciplinary bodies in charge of controlling sovereign power. The quasi-legal or quasi-administrative character of immigration courts makes decision-making subjective and arbitrary. In the U.S., they are not constitutional like civil or criminal courts where people can claim rights. According to Cabot, immigration courts are “something that is court-like; it’s actually an administrative body, and the administrative body says okay, immigration benefits are such important things to people that we should give people a place that looks like a court basically in order to make sure that their rights are more likely to be appealed in this area” (2012). Their decisions are appealed with the Board of Immigration Appeals, whose published decisions are law only for the circuit where the claim was based. Only when the asylum-seeker appeals a judge’s decision to the Supreme Court does his/her case enter a constitutional field. Although these administrative bodies look like courts, law enforcement is relaxed and discretionary. In fact, says Cabot, the law “can be changed based on the judge who oversees the court. . . . Each particular judge can alter the rules within their own court, and so this gives the judges much more discretionary powers than judges in other courts in the U.S., criminal courts, civil courts . . . to change the rules to suit their own biases and preconceptions than they do in another arenas” (2012).

Interviewees claim that judges evaluating Mexican asylum seekers in the Fifth Circuit (Texas, Louisiana, and Mississippi), in detention or at liberty, are tougher

than judges in other circuits. According to Iliana Holguín, executive director/attorney at law, at the Diocesan Migrant and Refugee Services, Fifth Circuit judges deny asylum in 95 percent of cases, while Ninth Circuit judges (California) grant asylum in over 50 percent of cases (2012). Not only that, Fifth Circuit judges have made asylum restrictions even tougher, as can be seen in their decisions to narrow particular social groups (see below). According to Cabot, judges in the Fifth Circuit are extremely conservative and believe that granting asylum to some Mexicans will open the door for all Mexicans fleeing violence. This argument, she claims, is easily refuted because even if judges admit “people fleeing drug violence” as a group for the purposes of asylum, these people still have to prove they are being persecuted, and that this persecution is by the state. Furthermore, since “immigration judge decisions are not law, they’re not precedential published decisions, so one immigration judge that starts to give asylum to people from Mexico fleeing violence doesn’t mean that by law the whole border is now open; it’s still a decision-by-decision thing” (2012).

Another tactic judges use to prevent access to the system is the one-year bar. Petitioners become ineligible for asylum if they apply after having been in U.S. territory for over a year. People submit their asylum application (form I-589) together with their testimony and evidence during their first meeting with judges, at their “master hearing.” Because judges handle so many cases, there is a delay in case review of over two years (some petitioners who arrived in 2012 will not have their master hearing until 2014). According to Holguín, case review is faster in the detention court, basically because detention centers are privately-run and the government has to pay for every asylum seeker detained there, so they try to speed up the process to save money. However, cases are often dismissed because no legal advice was provided and the one-year bar was ignored. Holguín claims that due to their awareness of this situation, judges are now willing to review cases more quickly. In fact, she says, they have made a commitment to review three cases in three and half hours, something that also makes it clear that “they already know in what terms they’re going to make their decision” (2012).

Technical Legal Issues

In the second place, although extralegal techniques are key to defining the managerial status of asylum law, legal texts play a fundamental role in the regulation of Mexican migration. Asylum law has truth effects concerning what constitutes an act and a victim of persecution, as well as the context in which persecution occurs. It has created a politics of truth (the establishment of subjectivities, objects, and concepts that

separate true from false) in which the definition of state attribution, responsibility, context, and victim excludes many subjectivities, objects, and concepts. The narrow interpretation of two legal categories serves as a biopolitical technique for regulating Mexican flows: 1) a well-founded fear of present or future persecution due to the state's unwillingness or inability to protect them; and 2) that they are or could be the victims of persecution because of their nationality, race, religion, political opinion, or membership in a particular social group.

Firstly, fear of persecution is defined as a fear of serious harm and the failure of the state to provide protection *vis-à-vis* this possibility. Persecution could be understood as "the sustained or systematic violation of human rights demonstrative of a failure of state protection" (Price, 2006). The level of harm must be severe. In order to demonstrate persecution, a person's experience must be more than simple unpleasantness, harassment, or even basic suffering. According to the UN Asylum Handbook, persecution could be an action by the state or the result of the state's inability to control the criminality of non-state actors (García, 2011; Pickering, 2005). Two interpretations exist of persecution by non-state agents in the face of which the state is willing but unable to provide protection. One, the view of protection, in which the definition is extended to cover situations where the state of origin is incapable of providing the necessary protection, and two, the view of accountability, which establishes that only when persecution emanates from the state can the person be considered a refugee (Bruin, 2002).

However, the involvement of non-state actors is not the main problem facing Mexican asylum seekers, as Cabot explains: "That issue, in my opinion at least, is not the most pressing issue because in some ways in asylum law this 'unwilling or unable clause,' it doesn't even matter for asylum law whether the police are involved or not, to some extent because, whether they're involved, maybe they're unwilling to stop the violence; if they're not, maybe they're unable to stop the violence" (2012). The non-state actor issue is in fact problematic for protection provided under the Convention against Torture since protection is only for people who have been tortured or could be tortured by state officials, or with the acquiescence of the state. If a claimant cannot prove persecution on account of one of the five protected grounds, this possible avenue of protection is also banned if there is no state involvement.

According to Cabot and fellow attorney Nancy Oretskin, for Mexican claimants, the main issue is to prove the Mexican government's inability or unwillingness to protect its citizens from persecution or torture by state authorities or criminals. As Oretskin puts it, in the end, "the key always is, no matter whether political opinion or social group, the government or representative of the government is incapable or unwilling to protect you. You have to have a tie to the government. . . . So the tying

with the cartels, in the missing piece of the U.S. denying to Mexico is the refusal to recognize the cartels as the government” (2012).

In terms of asylum law, the difficulty of proving the Mexican government’s complicity with drug cartels has to do with such factors as law enforcement officials being on the payroll of cartels, even though the state enforces the Mérida Initiative. In order to prove the state’s inability or unwillingness to fight drug cartels, claimants’ lawyers submit recommendations to the USCIS or EOIR from Mexican human rights commissions or news clippings reporting that law enforcement officials or soldiers directly participated in, or ignored, murders related to the case. However, these are not always forthcoming and testimony may be the only available proof. In response, asylum authorities use evidence of Mexican or bilateral policy on the fight against drug trafficking. In Cabot’s words, “Because there is involvement of the state, but clearly the state in Mexico is not a monolithic actor; the state doesn’t just do one thing or another; there are loads of different actors within the state itself, you know, the office of the president and the military could be saying conflicting things . . . because there is so much conflicting action within the government, I mean obviously the government is fighting itself at some level, just saying that there is involvement doesn’t prove that there is involvement in a specific person’s case” (2012).

Secondly, given the characteristics of the Mexican situation, arguing motivation is never straightforward either. As Cabot claims, “When you’re dealing with people who are fleeing from drug violence, there’s no obvious group, no obvious ground . . . you know, it’s not their race, religion, nationality, so those go out the window” (2012). Therefore asylum claimants have only two category options: political opinion and membership in a particular social group. However, given the characteristics of the war on drugs, the connections to political opinions or social groups are clear only in the most traditional cases.

Political opinion refers to “any opinion on any matter in which the machinery of the State, government, and policy may be engaged” (Buchanan, 2010: 44). Even if the applicant has not expressed his/her opinions yet, the strength of his/her convictions leads to the assumption that the applicant will eventually express them and will enter into conflict with authorities (Buchanan, 2010). To address this possibility, Spector has created the political association Mexicans in Exile, designed to speak out against impunity and demand justice for the murders or disappearances of relatives of Mexican asylum seekers. Given that the asylum process could take up to five years, if people prove political involvement in Mexicans in Exile, they might be able to argue future persecution.

So far, however, people who have managed to demonstrate a well-founded fear of persecution due to their political opinions are those expressing a political opinion

in terms of the INA and the UN Convention, that is, typical asylum seekers. In the words of Cabot, “For some people fleeing Mexico, there’s political opinion; that actually works for them, but that’s usually politicians, journalists, or human rights activists. So that’s specifically for people who speak out and doesn’t apply just to the normal person fleeing violence” (2012). For instance, in September 2010, the U.S. government granted political asylum to journalist Jorge Luis Aguirre, director of *La Polaka.com*, when he managed to flee Ciudad Juárez just a few hours after the execution-style murder of journalist Armando “Choco” Rodríguez and after having received an anonymous phone call warning him, “You’re next.” Aguirre offered a political rather than legal defense of his case before the U.S. Senate Subcommittee on Crime and Drugs in Washington during a hearing in March 2009.

Another, similar, case is that of Alejandro Hernández Pacheco, a journalist who was also granted political asylum. In August 2011, the Court ruled in his favor after he demonstrated credible fear of persecution by federal authorities for denouncing their failure to protect him from a drug cartel. In 2010, he had been kidnapped after reporting that Gómez Palacio, Durango, jail authorities released prisoners at night so that they could carry out cartel-ordered assassinations. Hours after his release, federal police informed him he would be meeting then-President Felipe Calderón. However, he was instead taken to a press conference where his face and identity were revealed to the national media. Another case is that of human rights activist Cipriana Jurado, who managed to demonstrate she was persecuted by army officials due to her activism in favor of a family seeking justice for two of its members (two women) who were reported missing in the Juárez Valley in 2009. She was granted political asylum in June 2011.

Mexican law enforcement officials also have a good chance of making a case for political asylum: “Police officers can argue that by reason of their political opinion to not associate or cooperate with the drug trafficking business, they have been persecuted or have a fear of persecution. This is a plausible argument given that the concept of political opinion is defined broadly and that some drug trafficking cartels are effectively a political force in that they continuously seek to infiltrate government institutions, particularly law enforcement departments” (Buchanan, 2010).

Nevertheless, people who speak out against the drug cartels and are consequently persecuted by *sicarios* (hit men) face the greatest difficulties, such as the Morín Brothers.¹⁰ Since 1989, the Morín brothers have owned a public transport company in Ciudad Juárez, Chihuahua, and shortly after its founding they joined a PRI-affiliated union confederation. In addition to the three brothers, another five family members

¹⁰ The author had access to the legal files of all the cases described here, but the claimants’ identities will not be disclosed to protect the safety of the families in question and that of the author.

went into the business. In 1997, they operated 10 buses and by 2005 they had received another 10 bus concessions. From then on, they began to hire drivers, since prior to that they had done the driving themselves.

In June 2008, a drug cartel began to extort them, making death threats and warning they would burn their homes and buses if they failed to pay the cartel Mex\$5 000 a week. The brothers tried to organize union members to avoid making these payments and to stage a public protest. However, they were warned that if they continued to organize others against the cartel's interests, their buses would be incinerated. One of the brothers suggested the group organize a general strike and refuse to provide bus services, thereby exerting pressure on the police. The union members present agreed to take action but ultimately were afraid, and so no group action was taken at the meeting. A phone call was later received saying that a bus had been set on fire and that if they continued to advocate strikes and resist extortion the cartel would kill a family member. Shortly thereafter, the son of one of the brothers was murdered execution-style in a Juárez bar, and in March 2011 the Morín family fled to El Paso. Calling publically on others to organize a united front against extortion qualifies as political opinion, according to attorney Carlos Spector, who also believes that the Morín brothers were not persecuted on an individual basis but as a family with strong political opinions. However, the Morín brothers have been denied affirmative asylum and find themselves in defensive proceedings.

There are other cases that appear more like typical cases of political opinion but that have nevertheless been rejected, probably due to the general context of drug-related violence. This is the case of a local *perredista* (a member of the Party of the Democratic Revolution, or PRD) who applied for asylum based on a well-founded fear of persecution due to his political opinions and the Mexican government's unwillingness or inability to protect him. He claimed,

I believe I would be harmed because of my political opinion. I believe this because of what I have seen: soldiers who block roads and yank people from their cars and beat them, abusing their rights. They have killed people. . . . If a person asks for help or seeks justice, that person turns up dead. I believe that either the Mexican government or military has intended to send me a message that based on my political position as a councilman that opposes the actions of the Calderon government I am at great risk of being killed, disappeared, tortured, or kidnapped.

He applied for asylum as part of affirmative proceedings, but his application was denied in May 2012 because he allegedly failed to prove past or future persecution. He was immediately placed in removal proceedings because his visa had expired in

January 2012 and he had remained in the country. He entered through Fabens, Texas, in March 2011, and appeared before an immigration judge on July 17, 2012. This local *perredista* was a friend of the Reyes Salazar family,¹¹ who he had met during protests against the Sierra Blanca nuclear waste dump. Both he and the Reyes Salazar family headed the protest. When in the summer of 1998 a 19-year-old mother and *maquila* worker disappeared, the Antinuclear Coalition started working on the case, and her body was found a week later. Their demands for justice led to the detention of a man who had also killed another young woman. Josefina Reyes Salazar then set up the Committee for Human Rights in the Juárez Valley which the local *perredista* joined. In 2006-2007, he joined Andrés Manuel López Obrador in the fight against the privatization of Mexico's state-owned oil company, Pemex, and in 2008 he joined Josefina Reyes and Cipriana Jurado in their fight against military abuse. During the Calderón administration, at least 11 elected officials, PRD candidates, or their family members were assassinated in Chihuahua. The local *perredista* was elected city councilman in 2007 in Guadalupe Distrito Bravo; however, he only served three years of his four-year term because three of his colleagues were murdered during this period. While he believes it was the federal police who threatened him and his colleagues, he also suspected the Juárez mafias were responsible for the murder of his colleagues and relatives.

On the other hand, regarding membership in a particular social group, in most cases the reasons cited are not explicitly those of the INA and the UN Convention, that is, the persecution by *sicarios* and corrupt law enforcement officials of entire families who either refuse to pay extortion or speak out about extortion; or the killing of murder victims' relatives seeking justice for the deceased. More specifically, for the Fifth Cir-

¹¹ A paradigmatic case of Mexican asylum seekers is that of the Reyes Salazar family, who have been persecuted both for their political opinions and their family line. Six members of the family have been killed since the Joint Chihuahua Operation was launched: Julio César Reyes Salazar (Josefina's son, who was murdered in November 2009); Josefina Reyes Salazar (murdered in March 2010); Rubén Reyes Salazar (brother, murdered in August 2010); María Magdalena Reyes Salazar (sister, murdered in July 2011); Elías Reyes Salazar; and Luisa Ornelas de Reyes (sister-in-law, murdered in July 2011). Josefina's remaining son, Miguel Ángel, was arrested on organized crime charges in 2008 for alleged links with a drug cartel, but was immediately released. The home of Sara, Josefina's mother, was burned down in her absence. The surviving members of the Reyes Salazar family (mother Sara; brother Saúl, with his wife and 3-, 6- and 12-year-old sons; sisters Olga, Claudia and Marisela; and nephews Jorge Luis, Ismael, and Ángel) traveled to Mexico City in 2011 seeking protection from the federal government after they received death threats. The Attorney General's Office placed them in a shelter, but they decided to leave a month later since long-term solutions were not offered. The surviving members of the family seized the opportunity to flee to El Paso, Texas, where all except Ismael applied for asylum. Ismael refused to leave Mexico and remained hidden in Ciudad Juárez, where he has a wife and a child, as well as a former partner and another son. Sara did go to El Paso but refused to file for asylum because she did not want to be in a position that would prevent her return to Mexico to visit Ismael. However, in June 2012, Ismael received a phone call from his former wife to tell him that armed men had visited her and asked about him. He immediately left for El Paso, and finally Ismael and his grandmother Sara applied for asylum. In only four years, an entire family was run out of Chihuahua.

cuit, a particular social group must have the following three key characteristics: social visibility, immutability, and particularity.

The Fifth Circuit defines visibility as society's perception of a group as a visible social group. Oretskin describes this in the following way: "In the Fifth Circuit of Texas where we are, membership of a social group is hard [to demonstrate] because you have to prove it is immutable, and you have to show visibility. Visibility is participating in protests and pictures. Immutability is a member of the family who has been in the media, and that the media covered this around the world because of the injustice. How's that immutable? How can you change that you're part of that family? So the social group is hard. Really hard" (2012).

Immutability refers to people who share an innate or unalterable characteristics such as their past, defined by something as basic as their identity that they should not be required to abandon (Buchanan, 2010; Pickering, 2005). For example, police officers and law enforcement officers in general could be granted asylum on account of their membership in particular group because they have a "shared past experience" and share "a common immutable characteristic," which is having been law enforcement officials, a feature that cannot be changed (Buchanan, 2010; García, 2011).

According to Cabot, this is specifically linked to characteristics unrelated to persecution itself: "The other thing about a social group is, in order to kind of prevent circular logic, . . . your social group cannot be defined by the persecution that it suffers; for example, women who suffer domestic violence cannot be a social group because domestic violence is the persecution itself. So, Mexican citizens targeted by cartels cannot be a social group because this is being defined by the persecution. That prevents us from using what might be the most obvious social group, a fairly visible thing. That's one problem" (2012). Therefore, people who refuse to pay quotas to drug cartels, criminal informants, Mexicans returning from the U.S., and business persons (wealthy merchants or families) are groups that are too broad to qualify as a "particular group." In addition, there is no voluntary relationship or innate characteristic to bind its members (García, 2011).

A possibility for establishing a particular social group for Mexicans is the family, since family meets the criteria of a particular social group: "Family membership is a characteristic that a person either cannot change (if he or she is related by blood) or should not be required to change (if he or she is related by marriage)" (The United States Court of Appeals for the Fifth Circuit, 2011: 15). Nevertheless, in the Fifth Circuit, it is not enough to belong to a family of a persecuted person; persecution on account of family as a social group seeks "to terminate a line of dynastic succession" (The United States Court of Appeals for the Fifth Circuit, 2011: 7). However, this is much tougher in the Fifth Circuit.

Many people have had their cases turned down in affirmative proceedings when trying to prove family as a particular social group, such as the Vázquez family. In August 2011, members of the Vázquez family were having their traditional Sunday lunch and family gathering at their house in Guadalupe Distrito Bravo when eight heavily armed men descended from a black truck and burst into the garden of the house where most of the family members were assembled. The unknown men forced them to hand over their mobile phones and beat everyone present, women included. The men were looking for a three-year old boy, the son of a niece of Marisela Reyes Salazar.¹² The little boy was considered a Reyes Salazar and therefore had to be eliminated. However, none of the three had arrived for the family reunion that day; since they were not present, the men got angry and took another member of the family in retaliation. This woman was kidnapped in front of her teenage daughters while her partner lay unconscious on the floor after suffering a severe beating. Before leaving, the armed men threatened to kill the entire Vázquez family if they failed to leave town that same evening. The family appealed for help from the army since they were able to identify some of the men and provided a description of the truck used to take the woman away. However, the soldiers refused to help, saying they were unable to take any action. The soldiers finally agreed to escort 14 members of the Vázquez family to the Dr. Porfirio Parra International Bridge, which connects Guadalupe with the Texan town of Tornillo, in order for them to apply for asylum. The only mistake the Vázquez Family made was being related to the Reyes Salazar family, which has been persecuted on account of both their political opinions and their family line.

This last section of the article serves to show how asylum law serves the biopolitical purposes of the U.S. government through the decisions of Fifth Circuit judges who refuse to expand the limits of asylum law and consistently use these categories to prevent Mexicans from being granted asylum.

CONCLUSION

The data indicate that while undocumented migration has decreased, a new migration trend has been established: application for asylum. While thousands of people have fled their homes and relocated within Mexico, those not protected by the Mexican state seek asylum in the United States. Consequently, asylum law, which usually corresponds to sovereign power, begins to play a biopolitical role.

¹² See note 11 for details concerning the Reyes Salazar family.

In particular, certain extra-legal and technical legal issues allow this to happen. First, the extra-legal issues are related to the affirmative/defensive divide in the asylum procedure, which serves as a filter through which only middle-class Mexicans can avoid detention. In addition, the "court-like" nature of the system permits judges' subjectivity to be used. Second, the well-founded fear of persecution, the government's unwillingness or inability to protect victims from their persecutors, and persecution for reasons of political opinion or for membership in a particular social group are all used as biopolitical tactics. Judges choose not to expand the legal concept of asylum and prefer to narrow their interpretations as a means of denying this option to people fleeing violence. Both the extra-legal and technical issues evident in asylum enforcement indicate that evidence exists suggesting that the U.S. government is using asylum law biopolitically to keep Mexicans out of its territory.

BIBLIOGRAPHY

AGAMBEN, G.

2001 *Medios sin fin*, Valencia, Spain, Pre-textos.

1998 *Homo sacer. El poder soberano y la nuda vida*, Valencia, Spain, Pre-textos.

AMNISTÍA INTERNACIONAL

2013 *Enfrentarse a una pesadilla: la desaparición de personas en México*, London, Amnesty International, 16.

BASTOS, C.

2008 "Migrants, Settlers and Colonists: The Biopolitics of Displaced Bodies," *International Migration*, vol. 46, no. 5, pp. 27-54.

BENAVIDES, L., and S. PATARGO

2012 "México ante la crisis humanitaria de los desplazados internos," *Foreign Affairs Latinoamérica*, vol. 12, no. 4.

BIGO, D.

2002 "Security and Immigration: Toward a Critique of the Governmentality of Unease," *Alternatives: Global, Local, Political*, vol. 27, no. 1, pp. 63-92.

BOLAÑOS, B.

2009 "Migración, derecho consular y justicia global," *Isonomía: Revista de teoría y filosofía del derecho*, no. 30, April, pp. 7-30.

BRUIN, R. H. M.

2002 "Working Party on Non-State Agents of Persecution: 2002 Report," in *Stemming the Tide or Keeping the Balance, the Role of the Judiciary*, record of the International Association of Refugee Law Judges (IARLJ) 2002 Conference at Wellington, New Zealand, p. 451.

BUCHANAN, H.

2010 "Fleeing the Drug War Next Door: Drug-related Violence as a Basis for Refugee Protection for Mexican Asylum-Seekers," *Merkourios. Utrecht Journal of International and European Law*, vol. 27, no. 72, pp. 28-60.

CABOT, ANNA JESSICA

2012 Oral history interview by the author with the managing attorney at Las Americas Immigrant Advocacy Center, El Paso, Texas, June 25.

CAMP KEITH, L. and J. S. HOLMES

2009 "A Rare Examination of Typically Unobservable Factors in US Asylum Decisions," *Journal of Refugee Studies*, no. 22, pp. 224-241.

CASTRO, E.

2004 *El vocabulario de Michel Foucault. Un recorrido alfabético por sus temas, conceptos y autores*, Buenos Aires, Universidad Nacional de Quilmes.

CEYHAN, A., and A. TSOUKALA

2002 "The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies," *Alternatives: Global, Local, Political*, vol. 27, no. 1, pp. 21-39.

CITIZENSHIP AND IMMIGRATION CANADA

2010 "Balanced Refugee Reform. Government of Canada," August 18, <http://www.cic.gc.ca/english/refugees/reform.asp>, accessed August 18, 2010.

DARLING, J.

2009 "Becoming Bare Life: Asylum, Hospitality, and the Politics of Encampment," *Environment and Planning D: Society and Space*, no. 27, pp. 649-665.

DISPLACEMENT MONITORING CENTRE AND NORWEGIAN REFUGEE COUNCIL

2011 México, Oslo, <http://www.internal-displacement.org/publications/global-overview-2010-americas-mexico.pdf>, accessed February 5, 2014.

DZUBOW, J.

2012 "Confusion Over Mexican Asylum Seeker Statistics," www.asylumist.com, <http://www.asylumist.com/2012/03/08/confusion-over-mexican-asylum-seeker-statistics/>, accessed February 5, 2014.

EDKINS, J., and V. PIN-FAT

2005 "Through the Wire: Relations of Power and Relations of Violence," *Millenium: Journal of International Studies*, vol. 34, no. 1, pp. 1-24.

ESPOSITO, R.

2005 *Immunitas: protección y negación de la vida*, Buenos Aires, Amorrortu.

ESTÉVEZ, A.

2012 *Human Rights, Migration and Social Conflict: Towards a Decolonized Global Justice*, New York, Palgrave Macmillan.

FITZGERALD, S. A.

2010 "Biopolitics and the Regulation of Vulnerability: The Case of the Female Trafficked Migrant," *International Journal of Law in Context*, vol. 6, no. 3, pp. 277-294.

FOUCAULT, M.

2006a *Defender la sociedad*, Mexico City, Fondo de Cultura Económica.

2006b *Seguridad, territorio, población*, Mexico City, Fondo de Cultura Económica.

2004 *The Birth of Biopolitics*, New York, Picador-Palgrave Macmillan.

2000 *Power*, New York, The New Press.

FOUCAULT, M., M. SENELLART, and A. I. DAVIDSON

2007 *Security, Territory, Population: Lectures at the College de France, 1977-78*, Basingstoke, Palgrave Macmillan.

GARCÍA, S.

2011 "Asylum for Former Mexican Police Officers Persecuted by the Narcos," *Boston College Third World Law Journal*, vol. 31, no. 2, pp. 245-267.

GIBNEY, M.

- 2000 "In Search of a US Refugee Policy," in D. P. Forsythe, ed., *The United States and Human Rights. Looking Inward and Outward*, Lincoln, Nebraska, University of Nebraska Press, pp. 52-72.

HERNÁNDEZ PACHECO, ALEJANDRO

- 2012 Oral history interview by the author with the journalist and political refugee in El Paso, Texas, June 27.

HOLGUÍN, ILIANA

- 2012 Oral history interview by the author with the lawyer and executive director of the Diocesan Migrant and Refugee Services, Inc., El Paso, Texas, June 24.

KALM, S.

- 2005 "Towards Global Migration Management? A Biopolitical Approach," paper presented at ISA Conference, March 1-5, Honolulu, *All Academic Research*, [http:// citation.allacademic.com // meta/p_mla_apa_research_citation/0/6/9/4/6/pages69460/p69460-1.php](http://citation.allacademic.com//meta/p_mla_apa_research_citation/0/6/9/4/6/pages69460/p69460-1.php), accessed June 1, 2011.

KEITH, L. C., and J. S. HOLMES

- 2009 "A Rare Examination of Typically Unobservable Factors in US Asylum Decisions," *Journal of Refugee Studies*, vol. 22, no. 2, pp. 224-241.

KELLY, M.

- 2004 "Racism, Nationalism and Biopolitics: Foucault's Society Must Be Defended, 2003," *Contretemps*, no. 4, September, pp. 58-70.

KUNZ, R.

- 2008 "Mobilising Diasporas: A Governmentality Analysis of the Case of Mexico," Lucerne, University of Lucerne, Faculty of Humanities and Social Sciences. Institute of Political Science, http://www.unilu.ch/files/Diaspora-governing_wp03.pdf, accessed June 1, 2011.

LEMKE, T.

- 2010 "'The Birth of Bio-politics': Michel Foucault's Lecture at the Collège de France on Neo-liberal Governmentality," *Economy and Society*, vol. 30, no. 2, pp. 190-207.

MASSEY, CRYSTAL F.

2012 Oral history interview by the author with the researcher/human rights advocate, El Paso, Texas, June 23.

MULLER, B.

2004 "Globalization, Security, Paradox: Towards a Refugee Biopolitics," *Canada's Periodical on Refugees*, vol. 22, no. 1, p. 57.

ORETSKIN, NANCY

2012 Oral history interview by the author with the attorney, El Paso, Texas, June 24.

OWENS, P.

2009 "Reclaiming 'Bare Life'?: Against Agamben on Refugees," *International Relations*, vol. 23, no. 4, pp. 567-582.

PASSEL, J., D. V. COHN, and A. GONZALEZ-BARRERA

2008 "Net Migration from Mexico Falls to Zero-and Perhaps Less," Pew Hispanic Center, <http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/>, accessed in October 2008.

PICKERING, S.

2005 "Crimes of the State: The Persecution and Protection of Refugees," *Critical Criminology*, vol. 13, pp. 141-163.

PRICE, M. E.

2006 "Persecution Complex: Justifying Asylum Law's Preference for Persecuted People," *Harvard International Law Journal*, vol. 47, no. 2, pp. 413-466.

RAMÍREZ DE ALBA, L., L. SOLÍS, and N. DE BUEN

2012 *Indicadores de víctimas visibles e invisibles de homicidio*, Mexico City, México Evalúa Centro de Análisis de Políticas Públicas.

RAMJI-NOGALES, J., A. I. SCHOENHOLTZ, and P. G. SCHRAG

2007 "Refugee Roulette: Disparities in Asylum Adjudication," *Stanford Law Review*, vol. 60, no. 2, pp. 295-411.

ROSENBLUM, M.R., and I. SALEHYAN

2004 "Norms and Interests in US Asylum Enforcement," *Journal of Peace Research*, vol. 41, no. 6, pp. 677-697.

ROTTMAN, A., C. J. FARISS, and S. C. POE

2009 "The Path to Asylum in the US and the Determinants for Who Gets In and Why," *International Migration Review*, vol. 43, no. 1, pp. 3-34.

SPECTOR, CARLOS

2012 Oral history interview by the author with the political activist and attorney for Mexican asylum seekers in El Paso, Texas, June 22-23.

TRAC (TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE)

2012a "Immigration Court Backlog Tool. Pending Cases and Length of Wait in Immigration Courts," Syracuse, Transactional Records Access Clearinghouse, http://trac.syr.edu/phptools/immigration/court_backlog/, accessed February 5, 2014.

2012b Judge Thomas C. Roepke, FY 2006-2011, El Paso Immigration Court, Syracuse, <http://trac.syr.edu/immigration/reports/judgereports/00054ELP/index.html>, accessed February 5, 2014.

2012c Judge William L. Abbott, FY 2005-2011, El Paso Immigration Court, Syracuse, <http://trac.syr.edu/immigration/reports/judge2010/00051ELP/index.html>, accessed February 5, 2014.

TYLER, I.

2010 "Designed to Fail: A Biopolitics of British Citizenship," *Citizenship Studies*, vol. 14, no. 1, pp. 61-74.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

2012 "Displacement. The New 21st Century Challenge," Geneva, United Nations, http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012_V05.pdf.

2011 "A Year of Crises. UNHCR Global Trends 2011," Geneva, United Nations, <http://www.unhcr.org/4fd6f87f9.html>.

2010 "Asylum Levels and Trends in Industrialized Countries, 2010, Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries," Geneva, United Nations.

- 2009 "Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," Geneva, United Nations, <http://www.unhcr.org/4c11f0be9.html>.
- 2008 "Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," Geneva, United Nations, <http://www.unhcr.org/4a375c426.html>.
- 2007 "Asylum Levels and Trends in Industrialized Countries, 2007, Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries," Geneva, United Nations.

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

- 2011 *Demiraj vs Holder*, The United States Court of Appeals for the Fifth Circuit.

USDOJ (UNITED STATES DEPARTMENT OF JUSTICE)

- 2011 "Asylum Statistics by Nationality," The United States Department of Justice, <http://www.justice.gov/eoir/efoia/foiafreq.htm>.

VACCOTTI, L.

- n/d "Biopolíticas de la inmigración y derechos humanos de los inmigrantes en Argentina," Buenos Aires, CONICET-Instituto de Investigaciones Gino Germani, Facultad de Ciencias Sociales, Universidad de Buenos Aires, http://www.iigg.fsoc.uba.ar/pobmigra/archivos/vaccotti_biopoliticas.pdf, accessed June 1, 2011.

YUING, T.

- 2011 "Migraciones y administración de la vida en el mundo," *Psicoperspectivas. Individuo y sociedad*, vol. 10, no. 1, pp. 6-20.

ZYLINSKA, J.

- 2004 "The Universal Acts. Judith Butler and the Biopolitics of Immigration," *Cultural Studies*, vol. 18, no. 4, pp. 523-537.



ANÁLISIS DE ACTUALIDAD / CONTEMPORARY ISSUES

*"One Day on the Red Hills of Georgia":
The Effects of Immigration Status on Latino Migrants'
Experiences of Discrimination, Utilization of Public Services,
And Attitudes toward Acculturation*

**Mikhail Lyubansky, Paul A. Harris,
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“One Day on the Red Hills of Georgia”: The Effects of Immigration Status on Latino Migrants’ Experience of Discrimination, Utilization of Public Services, and Attitudes toward Acculturation

MIKHAIL LYUBANSKY*, PAUL A. HARRIS**
WILLIAM E. BAKER***, AND CAMERON D. LIPPARD****

ABSTRACT

This study documents the experiences and identities of undocumented Spanish-speaking migrants in Georgia *vis-à-vis* their counterparts who have legal status. Structured interviews were used to collect data from 127 adults (49 percent undocumented at their time of arrival and 38 percent undocumented at the time of data collection) regarding their experience of discrimination, utilization of services, identity preferences, mental health, and beliefs in five domains: vulnerability, injustice, distrust, superiority, and helplessness. Significant immigration status differences emerged for education, income, utilization of some city services, and a few of the belief scales. However, the documented and undocumented samples were more similar than different. **Key words:** immigration, acculturation, immigration status, migration, Georgia, Mexican, Latino.

RESUMEN

Este estudio documenta las experiencias e identidades de migrantes indocumentados de habla hispana en Georgia *vis-à-vis* sus contrapartes que tienen un estatus legal. Se utilizaron entrevistas estructuradas para recopilar información de 127 adultos (el 49 por ciento indocumentados en el momento de su arribo y el 38 por ciento indocumentados a la hora de la recopilación de la información) acerca de su experiencia de discriminación, la utilización de servicios, sus preferencias de identidad, su salud mental y sus opiniones en cinco ámbitos: vulnerabilidad, injusticia, desconfianza, superioridad y desamparo. Resultan diferencias muy significativas para los distintos estatus migratorios en lo que concierne a escolaridad, ingreso, uso de algunos de los servicios públicos de la ciudad y en algunas de las escalas de creencias. Sin embargo, los resultados para aquellas personas con documentos y aquellas sin documentos fueron más similares que diferentes. **Palabras clave:** inmigración, aculturación, estatus migratorio, Georgia, mexicano, latino.

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On the fiftieth anniversary of Martin Luther King, Jr.'s historic "I Have a Dream" speech, in which he spoke of his desire for a day when all U.S. Americans could peacefully coexist as equals, our society is still in many ways divided, not only by race, the primary focus of King's efforts, but also by immigration. For example, a recent Pew Hispanic Center review (2006) of 10 national surveys examining public opinion on immigration suggests that U.S. Americans are practically evenly divided on whether legal immigration is good or bad for the country and whether it should be kept at its present levels or decreased. Moreover, while the percentage of U.S. Americans who see immigration as a major problem has waxed and waned over the last decade (Jones, 2012), public opinion appears to be split across the usual political lines, with 19 percent of Republicans citing immigration as the single most important problem facing the nation (Suro and Escobar, 2006; Ceobanu and Escandell, 2010).

In this context, it is not surprising that undocumented immigration, a "lightning rod" issue in the United States since before the Civil Rights Movement, is by all accounts more controversial than ever. In addition to long-standing concerns about undercut wages and educational costs, many U.S. Americans are now also worried about the potential deleterious impact on public health and national security (Camarota, 2009; Chavez, 2008). Most of the debate, however, continues to center on the economic implications of undocumented migration, with many believing that reducing the numbers of undocumented residents would lower unemployment, increase wages, and lower taxes, while others argue that the labor performed by undocumented migrants, often in undesirable and low-paying jobs, is vital to the health of the U.S. economy (Van Hook, Bean, and Passel, 2005). Altogether, the public opinion polls indicate that 50 to 60 percent of U.S. Americans consider undocumented immigration to be a "very serious" problem and another 30 percent, a "somewhat serious" one (Pew Hispanic Center, 2006).

Notably, economists tend to not share the public's concern. For example, in the mid-1980s, when immigration reform was widely debated and when the U.S. government granted legal status to large numbers of undocumented workers, public opinion polls showed that 84 percent of the public expressed concern about the number of illegal aliens in the country, and 79 percent supported penalties against businesses that hire illegal aliens (Harwood, 1986). In contrast, 74 percent of economists surveyed in 1985 believed that illegal immigration had a *positive* impact on the economy (Moore, 1986). In line with these findings, studies during that period showed that negative views about immigration generally decreased with higher income and education, suggesting that those who are less threatened economically and have greater expertise regarding immigration tend to have more favorable views about immigration's consequences (Moore, 1986).

That said, the contemporary demographic reality is vastly different from that of the mid-1980s in two important ways. For one, the undocumented population has increased from approximately 3.5 million in 1990, to 8.4 million in 2000, to over 11 million in 2011 (Passel and Cohn, 2011; Batalova and Lee, 2012). Secondly, whereas in 1990 nearly half of all unauthorized migrants lived in California and 80 percent lived in one of four traditional immigrant destinations (California, Texas, New York, and Florida), by the early 2000s those percentages dropped to 25 percent and 54 percent, respectively, with “new destination” states such as Georgia, North Carolina, Tennessee, and Arkansas all showing five- to six-fold growth since the 1990s (Massey, 2008; Lippard and Gallagher, 2011; Van Hook, Bean, and Passel, 2005). As a result, dozens of counties and many more municipalities are now for the first time grappling with the challenges of absorbing and integrating an immigrant community they view as culturally different and unfamiliar (Massey, 2008; Lippard and Gallagher, 2011; Odem and Lacy, 2009).

This is particularly evident in Georgia, where the percentage of foreign-born has increased almost 550 percent since 1990. According to the U.S. Census Bureau and recent reports, almost 400 000 immigrants entered the state of Georgia since 2000, and in 2011, 942 921 immigrants resided in Georgia, up from fewer than 175 000 in 1990 (Migration Policy Institute, 2011). Of this number, the majority (54 percent) arrived from Latin America, primarily from Mexico (29 percent). While the geographic origin of Georgia’s foreign-born population mirrors that of the United States, what is notable about the migration to Georgia is that most of its immigrants are relatively recent arrivals, with 31 percent entering the country during the 1990s and an additional 43 percent arriving since 2000 (Migration Policy Institute, 2011). It is also noteworthy that, with an estimated 440 000, Georgia now ranks seventh among all states in the number of undocumented immigrants (Redmon, 2012; Associated Press, 2012). This number comprises approximately 45 percent of the state’s foreign-born population, a percentage significantly higher than the 28-percent national average (Passel and Cohn, 2011; Immigration Policy Center, 2011).

Despite their relatively recent arrival (and disproportionate percentage with undocumented status), citizenship rates and English language fluency among immigrants in Georgia are generally comparable to national data. Specifically, just under 40 percent of Georgia’s immigrants report having citizenship status compared with 42 percent of the foreign-born nationally, and 47 percent report having limited English proficiency, compared to 51 percent nationally (Migration Policy Institute, 2011). Furthermore, according to the American Community Survey, 29 percent of all Spanish-speaking households in Georgia are linguistically isolated, meaning that all persons age 14 and over in the household have limited English proficiency (Migration Policy Institute, 2011).

Notably, neither the lack of English fluency nor other obstacles to employment (for example, documentation) seem to be keeping Spanish-speaking migrants in Georgia out of the workforce. According to the Migration Policy Institute's 2011 report, 76 percent of those in Georgia who speak Spanish at home (this includes both native and foreign-born) are in the labor force, compared to 64 percent of those who speak only English and 70 percent of those who speak an Asian and Pacific Island language. While the exact percentage of undocumented residents who are employed is difficult to determine, most are assumed to be in the workforce, which, according to Pew estimates, is 5 percent undocumented (Immigration Policy Center, 2011).

Though probably employed at comparable rates, documented and undocumented immigrants still differ on a number of social and economic indicators. For example, the March 2004 Current Population Survey shows that undocumented immigrants are more likely to have less education, be employed in low-wage, low-skill jobs, and have a significantly lower average family income (US\$27 400 in 2003) (Coffey, 2005; Passel and Cohn, 2009). More specifically, after controlling for education and type of occupation, Hall, Greenman, and Farkas (2010) found a 17-percent wage disparity between documented and undocumented Mexican immigrant men and a 9-percent disparity between documented and undocumented women. Moreover, even when they are able to overcome the legal and financial obstacles to higher education, undocumented Mexican immigrants have lower returns on education in comparison to their documented cohort (Martínez-Calderón, 2009).

Undocumented immigrants, like all citizens, are required to pay income tax, and numerous studies have shown a compliance rate from 50 to 70 percent for this population (Congress of the United States, 2007), which is estimated to contribute US\$7 billion per year just into social security (Porter, 2005). Undocumented immigrants also pay sales and state income taxes. In Georgia, the average undocumented family contributes approximately US\$2,400 in state and local sales, income, and property taxes, yielding US\$215.6 million to US\$252.5 million for Georgia's state and local coffers (Coffey, 2005; West, 2010). Also, unlike their documented counterparts, undocumented immigrants are restricted by federal law from the majority of services, including food stamps, social security, supplemental security income (ssi), full-scope Medicaid, Medicare Part A, and HUD Public Housing and Section 8 programs. Generally, the only federal benefits authorized for undocumented immigrants are emergency medical care and elementary and secondary public education (Lipman, 2006). Overall, though the conclusions are disputed by anti-immigration groups such as the Center for Immigration Studies (see, for example, Camarota, 2004), the preponderance of empirical data indicate that "undocumented [immigrants] actually contribute more to public coffers in taxes than they cost in social services" (Lipman, 2006: 2).

Data regarding the cost of these services in Georgia are not available, but, as in the nation as a whole, there is a common public perception that the costs far exceed the tax revenue generated by this population (Coffey, 2005).

Another difference between documented and undocumented immigrants has been their relative treatment in U.S. society. As suggested in public polls, undocumented Mexican immigrants are often the target of anti-immigrant sentiment (Chavez, 2008; Jaret, 1999). Lippard and Spann (forthcoming) found that undocumented Mexican immigrants reported facing higher rates of discrimination than documented immigrants in most Western North Carolina institutions, including public schools and health agencies. Undocumented respondents also reported more blatant and violent episodes of discrimination than their documented cohort. Similar findings have been reported in multiple other southern institutions and contexts (see Ansley and Shefner, 2009; Lippard and Gallagher, 2011; Massey, 2008; Odem and Lacy, 2009; Smith and Furuseth, 2006), as well as in national studies (Pew Hispanic Center, 2007). Notably, Wampler, Chávez, and Pedraza (2009) found that high levels of discrimination impacted the decisions of undocumented and documented to remain permanently in the United States, sometimes more so than actual documentation status.

Finally, levels of acculturative stress were different for documented and undocumented immigrants. As defined by Arbona et al. (2010: 364), acculturative stress refers to “the emotional reaction triggered by the individual’s appraisal of specific events and circumstances in their lives” as associated to working and living in another country. Alba and Nee (2003) and Chavez (2008) noted that undocumented immigrants struggled more with assimilating into the U.S. mainstream than documented immigrants due to their inability to access programs and even the U.S. public sphere due to restrictive anti-immigrant laws. Arbona et al. (2010) found that undocumented immigrants reported higher levels of acculturative stress due to the separation of family, “traditionality,” and language difficulties in comparison to documented immigrants. However, notably the two groups reported similar levels of fear concerning deportation and government decisions about immigration policy.

Even though much of the above would suggest that foreign-born migrants, regardless of immigration status, are attempting to acculturate and positively contribute to U.S. society, anti-immigrant sentiment continues to grow in new destinations, particularly in the state of Georgia (Lippard and Gallagher, 2011). For example, a 2001 statewide survey in Georgia found that 25 percent equated rising crime rates in Georgia with immigration, almost 75 percent asserted that immigrants get too much public assistance, and large numbers clearly viewed undocumented Mexican immigrants as the culprits of resource shortages in public education and health (Neal and Bohon, 2003).

Not surprisingly, these public perceptions have had a meaningful influence on policy. In 2006, Georgia state Senator Chip Rogers introduced Senate Bill 529 in an effort to curtail illegal immigration in Georgia. Although there was staunch opposition to the bill, it passed in a “watered-down” version that encouraged police partnerships with Immigration and Customs Enforcement (Lippard and Gallagher, 2011). Five years later, in 2011, Georgia passed another immigration bill that mirrored Arizona’s Senate Bill 1070, encouraging all Georgia law enforcement and public services to check the immigration status of people who they suspected as being undocumented.

Though economic fears were clearly salient in the context of the 2008 recession, it is doubtful that all of the tension around undocumented migration is based exclusively on perceived economic impact. Especially in the post 9/11 zeitgeist, questions of group identity and group loyalty (i.e., patriotism) weigh heavily on people’s minds and make up a substantial portion of the anti-immigration –not to mention anti-undocumented migration– discourse (Chavez, 2008; Jacoby, 2004; Jaret, 1999). For instance, Bohon and Parrott (2011) found that the most circulated newspaper in Georgia, the *Atlanta Journal-Constitution*, grossly over-estimated the numbers of undocumented immigrants and ran several emotionally-charged anti-immigrant pieces. Moreover, the journalists for this paper used several rhetorical phrases (“anchor babies”) and biased word choices (“illegals”) to socially construct undocumented immigrants as a “social problem” in Georgia.

In this context, this study presents a comparison of the lived experiences of 127 undocumented (49 percent) and documented (51 percent) Spanish-speaking migrants in Georgia. Coming from an interdisciplinary standpoint utilizing psychology, political science, and sociology, we were particularly interested in determining the areas of convergence and divergence between documented and undocumented Spanish-speaking migrants within five areas of public interest: 1) demographic and immigration statuses (for example, education, income, reason for migration); 2) experiences of discrimination; 3) utilization of city services; 4) mental health; and 5) group identity, acculturation, and group-level beliefs. We engaged in this work in the hope that a better understanding of the subtle similarities and differences between these two groups may help native-born U.S. Americans in general and Georgians in particular bridge the chasm of distrust and alleviate some of the misperceptions that currently exist both in the new destination communities where these migrants reside and in the country as a whole.

FIVE BELIEF DOMAINS: A THEORETICAL FRAMEWORK

Eidelson and Eidelson (2003) identified five key belief domains that span the personal and group contexts because they are simultaneously fundamental to the daily and existential pursuits of individuals and pivotal to the central concerns and shared narratives of groups. These five domains revolve around issues of *vulnerability*, *injustice*, *distrust*, *superiority*, and *helplessness*. Each belief has been described in detail elsewhere (Eidelson and Eidelson, 2003), so here we offer only a brief description of its particular relevance for Spanish-speaking migrants in the United States today.

Vulnerability. The vulnerability belief, whether applied to one's personal world or to the circumstances of one's group, is characterized by the conviction that the world is a dangerous and risky place, where safety and security are difficult to obtain and catastrophic loss lurks on the horizon (for example, Beck, Emery, and Greenberg, 1985). Vulnerability-related concerns have been a centerpiece of the post-9/11 environment in the United States, finding expression in heightened perceptions of both personal and national threat (for example, Eidelson and Plummer, 2005; Huddy et al., 2002). At the same time, threat perception also likely plays a key role in the context of perceived group competition between immigrants and native-born U.S. Americans over employment and educational opportunities. From a different vulnerability perspective, worries about assimilation and the loss of group distinctiveness (for example, Brewer, 1991) also appear as important features of the contemporary immigrant narrative.

Injustice. The injustice belief is based on the individual's perceptions of being personally victimized and mistreated by others or the view that ingroup members receive undeserved, substandard, and unjust outcomes, perhaps due to a biased or rigged system created by a more powerful outgroup (for example, Horowitz, 1985). This injustice mindset is also frequently linked to a historical perspective that emphasizes past episodes or periods of abuse and exploitation at the hands of others, which certainly characterizes the history of Mexican migrants in the United States. Experiences and perceptions of mistreatment persist for many (Johnson, 1996; Hing, 2002).

Distrust. The distrust belief focuses on the presumed hostility and malicious intent of other individuals or other groups. In reference to the personal world, this mindset may range from a predisposition toward suspicion and anticipated deceit to, in the extreme, outright paranoia. At the group level, the conviction that outsiders harbor malevolent designs toward the ingroup is sufficiently widespread that "dishonest" and "untrustworthy" are considered central elements in the universal stereotype of

outgroups (Campbell, 1967; LeVine and Campbell, 1972). In the U.S., heightened suspicion of non-U.S.-Americans has characterized the immediate post-9/11 environment. Similarly, many Mexican-Americans also view mainstream institutions with suspicion, including law enforcement and the judicial system (Correia, 2010; Marrow, 2011).

Superiority. The superiority belief revolves around the conviction that the individual or the ingroup is morally superior, chosen, entitled, or destined for greatness, and the corresponding view that others are contemptible, immoral, and inferior (for example, LeVine and Campbell, 1972). This belief has been used to explain, legitimize, and ruthlessly enforce ingroup status advantages (for example, Sidanius, 1993), often via political entrepreneurs' selective recounting of the ingroup's history and embellished narratives of accomplishments (for example, Brown, 1997). For the United States, the 9/11 terrorist attacks brought to the fore a national narrative describing a battle of "good versus evil" (for example, Eidelson and Plummer, 2005). At the racial level, this belief domain was central to the historical institution of slavery, built in part upon assumptions of white superiority and black inferiority. More recent decades have witnessed movements to overcome still-prevalent negative stereotypes, even as many "non-prejudiced" whites continue to endorse the belief that poverty and other forms of racial inequity exist in large part due to Mexican-Americans' cultural inferiority (Larsen et al., 2009; McClain et al., 2009).

Helplessness. Finally, the helplessness belief (for example, Abramson, Seligman, and Teasdale, 1978; Buchanan and Seligman, 1995) refers to the conviction that the individual or the ingroup is unable to favorably influence or control events and outcomes. This belief plays a prominent role in different types of group mobilization. Since an effective social movement is inherently risky and depends upon the promise of some reasonable likelihood of success (for example, Brewer and Brown, 1998; Gamson, 1992; Homer-Dixon, 1999), organized political mobilization is severely hampered—while extremist activity may be simultaneously facilitated—when group members perceive their ingroup as helpless to improve circumstances by working within the system. The nation's retaliatory military action in Afghanistan in response to the 9/11 attacks was viewed in part as a demonstration that the United States was not and would never be a helpless target (for example, Eidelson and Plummer, 2005). At the same time, helplessness may indeed be salient at the racial level for many undocumented immigrants, given that efforts to achieve legal status have faced significant obstacles (Hicks, 2012; Higgins, 2012).

STUDY HYPOTHESES

Focusing on the previously described areas of convergence and divergence between documented and undocumented Spanish-speaking migrants, the hypotheses of how this theoretical perspective may impact each of the five areas of interest are listed below.

Demographics and status. Based on previous research with undocumented migrants (for example, Coffey, 2005), we expected legal immigrants to have significantly higher education and income but otherwise be virtually indistinguishable from their undocumented counterparts in terms of their reason for leaving their country of origin, reason for migrating to Georgia, length of time in the United States, and religiosity.

Experiences of discrimination. Because we are relying on subjective perceptions of discrimination that might be operationalized differently based on immigration status, it was difficult to predict which immigration status would be associated with greater discrimination. For example, a question from an employer regarding immigration status may be perceived as unfair (and, therefore, discriminatory) by a U.S. citizen but not by an undocumented migrant who expects to have to provide such documentation. Nevertheless, because immigration status is not readily apparent from one's appearance, we predicted that there would be few immigration status differences regarding perceived discrimination overall, but that such differences would emerge in particular domains such as when seeking employment.

Service utilization. Based on federal law banning undocumented migrants from having access to many services, including non-emergency healthcare, we expected significant immigration status differences across a wide range of social and medical services, including a much greater reluctance on the part of undocumented migrants to call the police and paramedics.

Mental health. The relationship between migration and acculturative stress is well documented (see, for example, Berry et al., 1987), as is the role of stress in the etiology of many psychological disorders, including depression and suicidality (Hovey and King, 1996; Salgado de Snyder, 1987). On the basis of this research, we expected both legal and undocumented migrants to have elevated levels of psychological symptoms, but given the various extra stressors associated with undocumented status, we expected undocumented migrants to report higher levels of mental health symptoms than those with legal status.

Group identity, acculturation, and group-level beliefs. Although research on social comparison and the person-group discrepancy effect (for example, Festinger, 1954; Postmes et al., 1999) suggests that group differences based on personal identity might be muted (if legal and undocumented respondents evaluated their circumstances primarily in comparison to their own fellow ingroup members), given the precarious nature of their social status and the need to avoid contact with authorities, we expected undocumented respondents to report significant higher levels of personal vulnerability, injustice, distrust, and helplessness, as well as lower life satisfaction, in comparison to their counterparts with legal status. However, because beliefs regarding one's ethnic group are generally associated with the strength of ethnic identity, which we did not expect to vary as a function of immigration status, we expected few, if any, differences to emerge on any of the respondents' beliefs regarding their ethnic group. Similarly, since we did not expect strength of U.S. American identity to vary as a function of immigration status, we expected few immigration status differences to emerge on the beliefs regarding the United States, after controlling for the length of time in the country.

METHODS

Participants and Procedure

Research participants were recruited during fall 2007 and spring 2008 from three communities in Georgia known for hosting industries that attracted immigrant labor (for example, carpet, poultry). All adult (over age 18) migrants born in a Latin American country were eligible to participate. Participants were recruited by Spanish-speaking social workers employed by Catholic Charities to provide services to this migrant group, which included both documented and undocumented residents. The social workers explicitly stated that this research project was in no way connected to any services rendered in the past and that future services would not be impacted or disrupted in any way on the basis of their participation or lack of participation.

Surveys were translated into Spanish and administered in interview format, generally lasting 30 to 45 minutes. All interviews were conducted by the same social workers who recruited the participants into the study and with whom the participants already had a trusting relationship. Because of the nature of this relationship, the migrants' immigration status was already known to the social workers, making inquiry into their status less threatening. All surveys were collected anonymously without any identifying information, preventing the researchers from having any

knowledge about who participated. As compensation for participating, respondents received a US\$5 gift certificate to Target.

Of the 127 participants, 47 percent were male and 53 percent were female. The age of respondents ranged from 18 to 60, with an average age of 31.8 years ($SD = 10.4$). Over half of the respondents (55 percent) were married, while approximately 34 percent reported being single (never married). The remainder was either divorced (5 percent), widowed (2 percent) or separated from their partner (4 percent). The vast majority (82 percent) of the respondents were Catholic.

With the exception of two respondents, the entire sample was foreign-born. The length of time living in the United States since migration ranged from 3 months to 36 years, with an average length of 10.0 years ($SD = 7.7$). The most common main reason respondents gave for immigrating to the United States was to stay with or rejoin family members (32 percent). Other common primary reasons for migration included better economic opportunity for self/spouse (23 percent) and to send money to family members in their country of origin (15 percent). Only three respondents reported push factors (that is, political instability in their country of origin) as a contributing factor in their decision to migrate to the United States. For a large portion, this decision is seen as temporary, with almost half (45 percent) reporting that they intended to remain in the United States no more than five years.

The respondents migrated primarily from Mexico (75 percent of those who reported their country of origin), with the remaining 25 percent came from eight other Central and South American countries, including Colombia, Costa Rica, Honduras, and Venezuela. The majority (67 percent) migrated directly from their country of origin, while 33 percent reported living in a different U.S. state prior to moving to Georgia. Respondents' primary reasons for migrating to Georgia were employment opportunities (40 percent) and to stay with or join family members (37 percent), although 9 percent also reported that prejudice in their previous place of residence factored in their decision. As was the case regarding intentions to remain in the country, 45 percent of respondents reported that they intended to remain in Georgia no more than five years. The very high correlation ($r = .69$) between these two variables (both assessed using an open-ended question) suggests that the migrants currently residing in Georgia generally do not have any intention of relocating to another U.S. state.

Almost half of the respondents (49 percent) reported being undocumented at the time of their arrival in the United States. Of the remainder, 18 percent had permanent resident status, 16 percent had a temporary work visa, and 9 percent a temporary student visa. At the time of the survey, 19 percent had gained citizenship and 26 percent were permanent residents. However, 38 percent were still undocumented. Of the undocumented portion of the sample, 42 percent reported having taken some

steps to receive documentation. The undocumented portion of the sample (both at time of arrival and at time of data collection) did not significantly differ from their documented counterparts in gender, age, or time in the United States (all $ps > .05$). Education and income are discussed in the “Results” section.

Measures

Demographics. The administered questionnaire included a series of demographic questions. Single-item questions asked the respondents about their age, gender, level of formal education (on a six-point scale from “no formal education” to “graduate work/advanced degree”), family income (on a six-point scale from “less than [US]\$10 000” to “[US]\$40 000 or more”), level of religiosity (on a five-point scale ranging from “Not at all religious” to “Extremely religious”), length of time in the United States, primary and secondary reasons for migration (both to the U.S. and to Georgia), and a series of questions about living arrangements (for example, number of rooms, who lives in the household).

Identity. A variety of different approaches were used to measure identity. These included having respondents rank-order their ethnic, pan-ethnic (that is, Latino), and U.S. American identities, having them select from a list of choices what each of these identities means to them (for example, “For me to be ‘Mexican’ means primarily to ... a) share the group’s culture, b) live in Mexico, c) belong to the Mexican people, or d) Speak Spanish”), and measuring their strength of identification with both their ethnic group and as U.S. “Americans.”

Strength of group identification was measured using six items (with five-point Likert-type scales ranging from *Strongly Disagree* to *Strongly Agree*) adapted from Brown et al. (1986). For the ethnic group identification scale these items read, “I identify with other members of my ethnic group,” “My ethnic group is important to my identity,” “I think of myself as a member of my ethnic group,” “I feel close to other members of my ethnic group,” “When someone criticizes my ethnic group, it feels like a personal insult,” and “When I talk about members of my ethnic group, I usually say ‘we’ rather than ‘they.’” For the U.S. “American” group identification scale, the phrase “ethnic group” was replaced by “American” in each item. Previous studies using these exact items have shown good internal reliability ($\alpha = .85$) and predictive validity (Eidelson, 2009).

Acculturation. Several different scales were used to measure various aspects of the acculturation process. Language use, media language preference, and social network

preference was measured with the 12-item Short Acculturation Scale for Hispanics (Marin et al., 1987). The first five questions were "language use" questions. The next three were "media preference" questions and the remaining four questions were "social network" questions. Scoring was done on a 5-point Likert scale, with one indicating an exclusively Latino acculturative style (for example, "only Spanish" or "only Latino") and five indicating an exclusively English or Anglo use/preference. The Cronbach's alpha of the total scale was .92, with alphas of .90, .86, and .78 for the language items, the media preference items, and the social network items, respectively (Marin et al., 1987).

The Marginality Scale (scale 2) of the Acculturation Rating Scale for Mexican-Americans (ARSMA)-II (Cuellar, Arnold, and Maldonado, 1995) was used to measure respondents' levels of marginalization from three different cultural groups: the ethnic group (for example, Mexicans), the ethnic-American group (for example, Mexican-Americans), and the host cultural group (for example, U.S. Americans). More specifically, the marginality scale allows participants to indicate how difficult it is to accept ideas, attitudes, customs, and behaviors associated with these three cultural groups. The marginality scale can be administered, scored, and interpreted independent of the rest of the ARSMA-II (Cuellar, Arnold, and Maldonado, 1995). The overall marginality scale has high internal consistency ($\alpha = .87$) and one week test-retest reliability of .78 (Cuellar, Arnold, and Maldonado, 1995).

Discrimination. Discrimination frequency was measured using a single 7-point Likert item (0 = "never", 6 = "several times per day"), in which respondents were asked to report how frequently they experienced discrimination as a result of their ethnic or racial status. Specific discriminatory situations were then assessed by using a series of 11 possible domains in which discrimination could take place (for example, looking for a job, being stopped by police) and asking respondents to check every domain in which they have experienced discrimination.

Service Utilization. Respondents' utilization of services was assessed with 25 separate questions regarding which of 10 different services (for example, general medical, dental, psychological, ESL, banking) were used, how often they were used, how easy/difficult it was to obtain each service, how sympathetic/helpful the service providers were in each domain, and which service providers required which types of documentation.

Mental Health. The Center for Epidemiological Studies Depression Scale (CES-D) (Radloff, 1977) was developed to measure depression in community populations. Its 20 items were adapted from several widely used depression scales, including the Zung

Self Depression Scale (Zung SDS), the Beck Depression Inventory (BDI), the Raskin Scale, and the Minnesota Personality Inventory Depression Scale (MMPI-D) (Radloff and Locke, 1986). Respondents were asked to self-report how often they felt each item during the previous week on a scale from 0 to 3, in which 0 = rarely or none of the time (less than 1 day), 1 = some or a little of the time (1–2 days), 2 = occasionally or a moderate amount of time (3–4 days), and 4 = most or all of the time (5–7 days). Items include all of the principle components of depression, including depressed mood, feelings of worthlessness, feelings of hopelessness, loss of appetite, sleep problems, anhedonia, psychomotor agitation or retardation, and guilt. A factor analysis of the 20 items typically produces four factors: depressed affect, positive affect, somatic-retarded activity, and interpersonal (Radloff, 1977). Total scale CES-D scores range from 0 to 60 with higher scores indicating more severe depressive symptoms. Total severity is calculated by reversing scores for items 4, 8, 12, and 16 (the items that control for response bias), then summing all of the scores. A score of 16 or higher was identified in early studies as identifying subjects with depressive illness (Radloff and Locke, 1986).

The CES-D has been translated into several languages, including Spanish, and its reliability and validity have been documented in a variety of cultural groups, including Mexican-Americans. According to Radloff and Locke (1986), the internal consistency (as measured by Chronbach's alpha) of the CES-D is typically about .85 in community samples. Similarly high reliabilities are reported in studies of Spanish-speaking immigrants. For example, a study of 272 Spanish-speaking participants reported an internal consistency of .90 and a two-week test-retest reliability ($n = 25$) of .93 (Gonzalez et al., 1995). Unlike general population studies, studies with elderly and minority populations indicate that the four factors may not be applicable and that higher cutoffs may be more appropriate for these populations (for example, Furner et al., 2006; Love and Love, 2006). More specifically, a recent study of 554 Spanish-speaking adults aged 18 to 34 found that a cutoff of 26 was most suitable, producing a sensitivity of .906 and a specificity of .918 (Vasquez, Blanco, and Lopez, 2006).

Individual and Group Beliefs. The Individual-Group Belief Inventory (IGBI) (Eidelson, 2002) was used to measure respondents' personal beliefs about their personal worlds, their racial group, and their national group with regard to issues of vulnerability, injustice, distrust, superiority, and helplessness. The complete IGBI is designed to measure each of these five belief domains at three levels of analysis: 1) beliefs about the personal world (for example, "Other people are often unfair to me."); 2) beliefs about the ingroup (for example, "I believe other groups are often unfair to my group."); and 3) perceptions of the ingroup's collective worldviews (for example, "My group

believes that other groups are often unfair to it.”). At each level, each belief is measured by three items endorsed on a 5-point Likert-type scale ranging from *Strongly Disagree* (1) to *Strongly Agree* (5). The respondent’s score for each belief scale is the arithmetic sum of the three items measuring that belief.

In this study, we did not include the third-level items (that is, perceptions of collective worldviews). In addition to the personal world items, we included two versions of the personal beliefs about the ingroup items –one set for the ethnic group (for example, Mexicans or Mexican-Americans), and one set for the U.S. mainstream group (that is, “Americans”). Sample items from each three-item IGBI scale measuring respondent beliefs about the personal world are “My safety and security are uncertain” (Vulnerability); “Other people criticize me more than they should” (Injustice); “Other people will try to deceive me if given the chance” (Distrust); “I am superior to other people in many ways” (Superiority); and “I have very little control over my future” (Helplessness). Parallel IGBI items measuring beliefs about the ethnic group and the U.S. national group are “I believe my (ethnic or “American”) group’s safety and security are uncertain” (Vulnerability); “I believe my (ethnic or “American”) group is criticized by other groups more than it should be” (Injustice); “I believe that other groups will try to deceive my (ethnic or “American”) group if given the chance” (Distrust); “I believe that my (ethnic or “American”) group is superior to other groups in many ways” (Superiority); and “I believe that my (ethnic or “American”) group has very little control over its future” (Helplessness).

Empirical research using the IGBI has provided substantial data regarding the instrument’s validity and reliability. For example, in an unrelated survey of U.S. Americans six months after 9/11, Eidelson (2002) found that respondents who scored higher on the IGBI scales measuring personal beliefs about national group vulnerability, injustice, distrust, and superiority were a) more likely to adopt an “us-versus-them” mindset, b) acknowledge greater concerns about homeland security, and c) report greater support for military action by the U.S., while those who saw their U.S. American national group as more helpless tended to express less support for the military action. A confirmatory factor analysis on this sample also demonstrated that a five-factor belief model with correlated factors provided a better fit to the data than alternative models with fewer factors, and the Cronbach alphas for the scales were also adequate. Evidence for predictive validity is also evident from a study showing that Israeli-Jewish respondents with stronger personal beliefs about ingroup vulnerability, injustice, distrust, and superiority tended to support more extreme and less compromising policies for resolving the Israeli-Palestinian conflict (Maoz and Eidelson, 2007). Preliminary evidence of the instrument’s cultural validity with ethnic minority populations has also been demonstrated (Lyubansky and Eidelson, 2005).

The survey measures used in this study were structured into five sections in the following way. The first section consisted of the demographic questions; the second section dealt with identity and acculturation questions. This was followed by the section containing discrimination questions (section 3) and the questions assessing service utilization (section 4). The final and fifth section consisted of the mental health scale and the three IGBI scales, such that the first IGBI scale measured respondents' beliefs about their personal world, the second measured their beliefs about their ethnic group, and the third measured their beliefs about their "American" group.

RESULTS

Demographics

As reported in the section on methods, the undocumented portion of the sample did not significantly differ from their documented counterparts in gender, age, or time in the United States (all $p > .05$).

Education, Income, and Financial Stability

Respondents reported an average of 11.6 years ($SD = 4.5$) of formal education (including primary school). The distribution on highest educational level attained was 7 percent, graduate work; 12 percent, bachelor's degree; 22 percent, associate degree; 18 percent, high school graduate; 28 percent, some high school; and 13 percent with an eighth grade education or less. Just under 82 percent of the sample had received most of their education in their country of origin, while 16 percent reported being educated primarily in the United States. About 53 percent of the sample reported working full time, and another 25 percent working part time. Almost all the rest of the remaining 22 percent were unemployed and looking for work (less than 1 percent was retired).

The personal annual income of respondents was well below the Georgia median (US\$40 741 for men and US\$31 580 for women), with 36 percent of respondents reporting earning less than US\$10 000; 17 percent, between US\$10 000 and US\$15 000; 16 percent, between US\$15 000 and US\$20 000; 17 percent, between US\$20 000 and US\$30 000; 7 percent, between US\$30 000 and US\$40 000; and 7 percent, more than US\$40 000. Despite these modest earnings, over 73 percent reported that their current income was "somewhat higher" or "much higher" than what they earned in their

country of origin, prior to migration. On the other hand, only 57 percent reported that their current occupation was “somewhat higher” or “much higher” status than in their country of origin, with 16 percent reporting equal status and 26 percent reporting “somewhat lower” or “much lower” status.

The study participants reported living in homes that were generally modest in size, with 80 percent of respondents living in a dwelling with four or fewer rooms (all rooms were counted except bathrooms). Over 95 percent of respondents said they had at least one financial dependent. About 48 percent lived with their spouse; 54 percent lived with one or more children; 16 percent lived with at least one parent; 19 percent lived with one or more other relatives; and 4 percent lived with one or more friends. Respondents reported financially supporting an average of 2.4 ($SD = 1.6$) people, including themselves. Approximately 35 percent of respondents said they did not have a savings or checking account in the United States. Even so, 52 percent reported sending money abroad, with an average amount of US\$261/month.

Undocumented respondents reported significantly lower education ($t [107] = -3.338$, $p = .001$) and personal income ($t [104] = -3.214$, $p = .001$), as well as poorer English fluency ($t [97] = -4.46$, $p < .001$). In addition, undocumented respondents were more likely to live with one or more children ($t [116] = 3.58$, $p = .001$) or with coworkers ($t [115] = 2.71$, $p = .038$), and were less likely to have a bank account ($t [114] = 4.84$, $p < .001$). They also were significantly more likely to report difficulty in meeting the family’s basic needs, such as feeding and clothing children ($t [95] = 3.41$, $p = .001$).

Discrimination

Almost three-quarters (74 percent) of the respondents reported at least one discriminatory event in the previous month, with more than half ($n = 49$) reporting just a single incident during that time. On the other hand, 22 percent of the total sample ($n = 27$) reported experiencing discrimination at least once a week, with 13 percent reporting discrimination on a daily basis. No significant differences in discrimination frequency emerged for immigration status ($t [115] = .884$, $p = .379$) or gender ($t [122] = -.244$, $p = .823$). Similarly, correlation analyses failed to reveal differences in discrimination frequency based on age, education, income, or time in the U.S. (all $r_s > .05$).

To further examine respondents’ experience with discrimination, we inquired about discrimination in 11 different situations/domains. These 11 items were coded dichotomously (Yes or No) and compared based on immigration status (documented vs. undocumented) using Chi-Square analyses. The results, reported in Table 1, show a general trend of undocumented respondents reporting more discrimination, par-

ticularly in seeking employment ($\chi^2[1] = 5.97, p = .015$), obtaining credit/loan, ($\chi^2[1] = 7.33, p = .009$), and purchasing home/property ($\chi^2[1] = 4.44, p = .044$).

Table 1
 PERCENT OF RESPONDENTS REPORTING DISCRIMINATION

Discrimination Domain	Undocumented (%)	Documented (%)	Total (%)
Seeking employment	59 ^a	36 ^b	45
Getting a promotion	9 ^a	10 ^a	10
Receiving service from business	32 ^a	17 ^a	23
Watched while in store	32 ^a	24 ^a	27
Renting apartment/house	23 ^a	13 ^a	17
Residence maintenance	7 ^a	3 ^a	5
Obtaining credit or loan	34 ^a	13 ^b	21
Purchasing house or property	21 ^a	7 ^b	12
Treated by police	46 ^a	37 ^a	40
Treated by education system	14 ^a	17 ^a	16
Treated by social service provider	27 ^a	28 ^a	28

NOTE: Different superscripts indicate a statistically significant difference ($p < .05$).

Service Utilization

Respondents reported difficulties accessing a wide range of services, but 38 percent said that accessing general health services was the most difficult, followed by law enforcement services (21 percent), and dental services (17 percent). Even when some access to general health services was available, respondents often remained unsatisfied with their experience, with 24 percent rating general health service providers as being least sympathetic or helpful of the 10 different service providers listed in the survey (fewer than half [46 percent] actually reported having used general health services in the previous year). Similarly, 19 percent of respondents reported law enforcement services (for example, police) to be the least sympathetic or helpful, with just 5 percent reporting using police services in the previous year. On the other hand,

20 percent of respondents reported that of all services, general health services were the least difficult to access, and 23 percent reported general health providers to be more sympathetic and helpful than any other service providers.

Since immigration status legally determines access to many services, including non-emergency health care, Chi-Square analyses were used to compare accessibility, utilization, and satisfaction with 10 different types of public services. Table 2 shows the percent of respondents utilizing each service, separated by immigration status. General health (46 percent) was the most widely utilized service, but respondents with documentation were significantly more likely (54 percent to 31 percent) to report using it ($\chi^2[1] = 5.76, p = .019$). A significant immigration status difference also emerged on banking/loans, with 30 percent of documented respondents reporting using banks, compared to just 7 percent of undocumented migrants' utilization ($\chi^2[1] = 8.15, p = .004$). Notably, 25.6 percent of undocumented respondents reported that bank service providers were least sympathetic or helpful, compared to 9.4 percent of documented respondents ($\chi^2[1] = 5.06, p = .025$).

Table 2
 PERCENT OF RESPONDENTS USING SERVICES IN PAST YEAR FOR EACH STATUS

Type of Service	Undocumented (%)	Documented (%)	Total (%)
General health	31 ^a	54 ^b	46
Dental	17 ^a	20 ^a	19
Banking/loans	7 ^a	30 ^b	21
ESL instruction	12 ^a	23 ^a	19
Law enforcement	2 ^a	6 ^a	5
Prenatal	17 ^a	7 ^a	11
Psychological	5 ^a	0 ^a	2
Education (not ESL)	31 ^a	19 ^a	23
Rescue/paramedical	0 ^a	6 ^a	4

NOTE: Different superscripts indicate a statistically significant difference ($p < .05$).

Mental Health

Although the relationship was not statistically significant, the data did show a trend in which respondents without documentation reported higher depression. It should be

noted that the cutoff for depression is 16, so the data indicate that depression scores are generally high for the entire sample. More precisely, 34 percent of our total sample scored in the depressed range, including 41 percent of those who are currently undocumented, and 31 percent of the respondents who are currently in the United States legally.

Immigration status at time of arrival did predict respondents' sense of personal vulnerability (for example, "My safety and security are uncertain.") ($t [97] = 3.250, p = .002$), injustice (for example, "Other people are often unfair to me.") ($t [98] = 2.087, p = .039$), and distrust (for example, "Other people will try to deceive me if given the chance.") ($t [100] = 4.129, p < .001$), with undocumented respondents being significantly higher on all three scales (possible range = 3-15). Interestingly, this did not translate to significant group differences in personal life satisfaction (for example, "The conditions of my life are excellent.") ($p = .249$).

When current immigration status was used to examine the same variables, vulnerability remained significant ($t [102] = 2.733, p = .009$), but injustice and distrust did not ($ps > .05$). For current immigration status, however, helplessness emerged as a significant effect ($t [104] = 2.039, p = .044$), as did personal life satisfaction ($t [104] = -3.000, p = .004$), with undocumented respondents reporting significantly more personal helplessness and significantly less life satisfaction.

Identity and Acculturation

We were interested in determining to what extent Spanish-speaking migrants in Georgia identified with their ethnic group, as Latinos, and as Americans, and which social identity was more important to them. Our survey indicated that the vast majority (77 percent) of respondents considered their primary identity to be that of their specific ethnic group (for example, Mexican), compared to Latino (12 percent) and American (11 percent). Pearson correlational analysis indicated that the only demographic variable significantly associated with primary identity is time in the U.S., with respondents living in the United States for a longer period of time being more likely to have a primary identity of "American."

In addition, respondents were also asked what membership in each group (that is, Mexican/Latino/American) meant to them to by selecting the most important meaning from four options: 1) share group's culture, 2) live in group's country, 3) belong to group's people, and 4) speak group's language. Culture was the dominant meaning assigned by respondents to their ethnic (57 percent), Latino (51 percent), and American (50 percent) identities, with the remaining options being about equally endorsed (by 15-20 percent) for each identity category. Notably, 75 percent of respon-

dents reported wanting to become part American and part culture of origin, with the remaining 25 percent being evenly split between those who reported wanting to retain as much of their ethnicity of origin as possible and those who said they wanted to become as American as possible.

Over 81 percent of respondents said that their Spanish-language fluency was "very good" (the highest option), with not a single respondent reporting that their Spanish fluency was "poor." In contrast, 14 percent reported that their English language fluency was "poor" and only 24 percent said that it was "very good."

In terms of social affiliation, 32 percent reported that all of their friends were Latino/Hispanic, and 98 percent said that at least half of their friends fell into this category. However, respondents wanted their children to have a more integrated social network, with only 8 percent stating a preference for an entirely Latino/Hispanic set of friends for their children and 69 percent hoping for an even split. The work environment was a little different, with 27 percent reporting that all of their colleagues were Latino/Hispanic, but 34 percent saying that they were surrounded by more Anglos than Spanish-speakers.

It is notable, however, that there were no significant group differences in terms of immigration status on any of the identity or acculturation variables. That is, the two groups *did not* significantly differ in the strength of their ethnic, racial, or "American" identity, or in their acculturation goals for the future (for example, to become more assimilated into U.S. culture)

No significant immigration status differences (at arrival or current) emerged on any of the beliefs regarding either the ethnic group or the national group (all $ps > .05$), though respondents who were undocumented at the time of arrival to the United States reported a significantly higher satisfaction with the status of the United States ($t [101] = 2.01, p = .047$).

Discussion

Altogether, our findings point to relative similarities across immigration status, but also some important differences. More specifically, though matched on age, gender, and time in the United States, undocumented migrants reported significantly less education, lower income, and less access to health and other services, which is consistent with past research documenting these inequities (for example, Coffey, 2005; Passel and Cohn, 2009). Undocumented migrants in our sample were also less likely than their documented counterparts to have a bank account and more likely to have trouble meeting basic family needs, such as feeding and clothing children.

While no significant differences emerged for frequency of reported discrimination, our findings also showed significant structural barriers for those with undocumented status, including in the percent of respondents reporting discrimination when seeking employment, when trying to obtain a loan, and when purchasing a home. Because of the subjective nature of self-reports of discrimination (that is, apart from individual differences, the same behavior may be perceived as discriminatory by some groups and not by others), these findings should be interpreted with caution and care. However, they do suggest that those with undocumented status are more likely to face considerable obstacles in these domains, likely due to both legal barriers and prejudice. In this regard, it is worth emphasizing that, despite the widespread belief that low-skilled immigrants depress wages and increase unemployment, as in the 1980s, economists have found that not only does immigration generally have a small but positive effect to increase the wages of even low-skilled native-born workers (Shierholz, 2010), but that the legalization of undocumented workers' status did not affect the wages of native workers, regardless of whether they were white or of Mexican origin (Sorensen and Bean, 1994). These new data are so compelling that a recent *New York Times* article concluded that "nearly all economists, of all political persuasions, agree that immigrants—those here legally or not—benefit the overall economy" (Davidson, 2013).

Similarly, respondents with undocumented status also report having less access to health and banking services and more negative experiences with these services when they are utilized. Since all non-emergency health services are legally denied to those with undocumented status, these differences in utilization of health services are unsurprising. They are, however, still noteworthy, since preventive prenatal and dental care are not only both associated with better infant and adult health but also likely with considerable long-term cost savings. Considering that, as we stated earlier, an average undocumented family in Georgia is estimated to contribute approximately US\$2 400 in state and local sales, income, and property taxes (Coffey, 2005; West, 2010), the economic viability of making limited non-emergency health services available for those without documentation should be studied and considered.

The reluctance of our respondents to access law enforcement services is understandable but is also a cause for concern in community public safety. Needs for police services will only increase as Spanish-speaking populations grow in the various neighborhoods. If community policing is to be viable—a philosophical approach that we endorse—, then local public policy will need to find ways to incorporate immigrants and build trust in immigrant communities.

In spite of state laws such as the 2006 *Georgia Security and Immigration Compliance Act*, which represented the toughest state law against unauthorized immigrants to curb unauthorized migration up to that point (Lippard and Gallagher, 2011), high

birth rates and continued migration from Latin America mean that the number of immigrants making Georgia their destination is likely to continue. "The U.S. is in tough economic times, but Mexico is in worse economic times. There are areas of deep, deep poverty in Mexico," notes University of Georgia demographer Doug Bachtel. "Migrants are looking for a better life for their kids. They are really go-getters, willing to work long hours, and they take jobs a lot of [U.S.] Americans don't want" (cited in Witman, 2013).

Legal questions aside, this study also provides some perspective on the ongoing debate regarding the existential situation of undocumented immigrants. Specifically, activists on both sides of the debate have described this group as "living in the shadows." As befitting their image, the shadows are complex and ambiguous places. To the progressives, they are where the undocumented are harassed by overzealous law enforcement officers, exploited by unethical employers, and denied access to not only government services but also to U.S. American institutions and identities. Political conservatives use the same image to describe places where the undocumented sneakily use public services to which they are not entitled and engage in a variety of illicit activities and crimes (Skerry, 2013).

While we did not collect data on illegal activity, our findings suggest, much as Skerry did, that the truth is somewhere in the middle. Undocumented immigrants, like their documented counterparts, often live with family members who have documentation. They avoid law enforcement when possible, use emergency health services when necessary, and contribute to the workforce, often doing unskilled labor. At the same time, they understandably under-utilize health and banking services and are more likely to experience difficulty in obtaining employment, qualifying for a loan, and purchasing a home. Despite this, the vast majority orient themselves toward becoming either a hyphenated [U.S.] American or as [U.S.] American as possible. While some intend to return to their country of origin and retain a shadowy existence in the meantime, others, like their documented counterparts, have embraced the U.S. American dream and live relatively openly and with at least some meaningful contact with U.S. institutions and culture.

In conclusion, we contend that even though U.S. Americans in general and Georgian citizens in particular have socially constructed a difference between documented and undocumented immigrants, stigmatizing the undocumented as a culturally alien group uninterested in acculturation, our findings suggest that there are few real differences in their backgrounds, desires, identities, and even experiences with discrimination following migration. Moreover, as discussed earlier, the data fail to support the popular belief that undocumented immigrants either exert a downward pressure on wages or are a net drain on tax revenues (Lipman, 2006). These

findings have important policy implications, especially with immigration reform a likely focus of the current presidential administration. On the basis of these findings and the broad literature base, lawmakers should feel confident that neither the U.S. economy nor the nation's social fabric would be harmed by amnesty for undocumented individuals currently in the United States. To the contrary, the data suggest that immigrants, including the undocumented, comprise an essential part of U.S. families, workplaces, and communities and are likely to continue to do so in the foreseeable future (Immigration Policy Center, 2011).

BIBLIOGRAPHY

- ABRAMSON, L. Y., M. E. P. SELIGMAN, and J. D. TEASDALE
1978 "Learned Helplessness in Humans: Critique and Reformulation," *Journal of Abnormal Psychology*, vol. 87, no. 1, pp. 49-74.
- ALBA, R., and V. NEE
2003 *Remaking the American Mainstream: Assimilation and Contemporary Immigration*, Cambridge, Massachusetts, Harvard University Press.
- ANSLEY, F., and J. SHEFNER
2009 *Global Connections and Local Receptions: New Latino Immigration to the Southeastern United States*, Knoxville, University of Tennessee Press.
- ARBONA, C., N. OLVERA, N. RODRIGUEZ, J. HAGAN, A. LINARIES, and M. WIESNER
2010 "Acculturative Stress among Documented and Undocumented Latino Immigrants in the United States," *Hispanic Journal of Behavioral Sciences*, vol. 32, no. 3, pp. 362-384.
- ASSOCIATED PRESS
2012 "Georgia Illegal Immigration 6th Largest," March 23.
- BATALOVA, J., and A. LEE
2012 "U.S. in Focus: Frequently Requested Statistic on Immigrants and Immigration in the United States," Migration Information Service, <http://www.migrationinformation.org/usfocus/display.cfm?id=886>, accessed October 10, 2013.

BECK, A. T., G. EMERY, and R. L. GREENBERG

1985 *Anxiety Disorders and Phobias: A Cognitive Perspective*, New York, Basic Books.

BERRY, J. W., U. KIM, T. MINDE, and D. MOK

1987 "Comparative Studies of Acculturative Stress," *International Migration Review*, vol. 21, pp. 491-511.

BOHON, S., and H. PARROTT

2011 "The Myth of Millions: Socially Constructing 'Illegal' Immigration," in C.D. Lippard and C.A. Gallagher, eds., *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, Boulder, Colorado, First Forum Press.

BREWER, M. B.

1991 "The Social Self: On Being the Same and Different at the Same Time," *Personality and Social Psychology Bulletin*, vol. 17, no. 5, pp. 475-482.

BREWER, M. B., and R. J. BROWN

1998 "Intergroup Relations," in D.T. Gilbert, S. T. Fiske and G. Lindzey, eds., *Handbook of Social Psychology*, New York, McGraw-Hill, pp. 554-594.

BROWN, M. E.

1997 "Ethnicity and Violence," in M. Guiberman and J. Rex, eds., *The Ethnicity Reader*, Malden, Massachusetts, Blackwell, pp. 80-100.

BROWN, R., S. CONDOR, A. MATHEWS, G. WADE, and J. WILLIAMS

1986 "Explaining Intergroup Differentiation in an Industrial Organization," *Journal of Occupational Psychology*, vol. 59, no. 3, pp. 273-286.

BUCHANAN, G. M., and M. E. P. SELIGMAN, eds.

1995 *Explanatory Style*, New York, Routledge.

CAMAROTA, S. A.

2009 "Immigration's Impact on U.S. Workers," testimony prepared for the U.S. House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, November 19.

2004 "The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget," Center for Immigration Studies, <http://www.cis.org/High-Cost-of-Cheap-Labor>, accessed February 27, 2013.

CAMPBELL, D. T.

1967 "Stereotypes and Perception of Group Differences," *American Psychologist*, vol. 22, no. 10, pp. 812-829.

CEOBANU, A. M., and X. ESCANDELL

2010 "Comparative Analyses of Public Attitudes toward Immigrants and Immigration Using Multinational Survey Data: A Review of Theories and Research," *Annual Review of Sociology*, vol. 36, pp. 309-328.

CHAVEZ, L. R.

2008 *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*, Stanford, Stanford University Press.

COFFEY, S. B.

2005 *Undocumented Immigrants in Georgia: Tax Contribution and Fiscal Concerns*, Georgia Budget and Policy Institute, http://gbpi.org/wp-content/uploads/2011/12/20060119_UndocumentedImmigrantsinGeorgia.pdf, accessed March 5, 2014.

CONGRESS OF THE UNITED STATES, CONGRESSIONAL BUDGET OFFICE

2007 "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments," <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/87xx/doc8711/12-6-immigration.pdf>, accessed February 27, 2013.

CORREIA, M. E.

2010 "Determinants of Attitudes toward Police of Latino Immigrants and Non-Immigrants," *Journal of Criminal Justice*, vol. 38, no.1, pp. 99-107.

CUELLAR, I., B. ARNOLD, and R. MALDONADO

1995 "Acculturation Rating Scale for Mexican Americans-II: A Revision of the Original ARSMA Scale," *Hispanic Journal of Behavioral Sciences*, vol. 17, no. 3, pp. 275-304.

DAVIDSON, A.

2013 "Do Illegal Immigrants Actually Hurt the U.S. Economy?" *The New York Times*, <http://www.nytimes.com/2013/02/17/magazine/do-illegal-immigrants-actually-hurt-the-us-economy.html?pagewanted=1&r=0>, February 12.

EIDELSON, R. J.

2009 "An Individual-Group Belief Framework: Predicting Life Satisfaction, Group Identification, and Support for the 'War on Terror,'" *Peace and Conflict: Journal of Peace Psychology*, vol. 15, no. 1, pp. 1-26.

2002 "Measuring Parallel Beliefs about Self and Group: Development and Validation of the Individual-Group Belief Inventory," unpublished manuscript.

EIDELSON, R. J., and J. I. EIDELSON

2003 "Dangerous Ideas: Five Beliefs that Propel Groups toward Conflict," *American Psychologist*, vol. 58, no. 3, pp. 182-192.

EIDELSON, R. J., and M. D. PLUMMER

2005 "Self and Nation: A Comparison of Americans' Beliefs before and after 9/11," *Peace and Conflict: Journal of Peace Psychology*, vol. 11, no. 2, pp. 153-175.

FESTINGER, L.

1954 "A Theory of Social Comparison Processes," *Human Relations*, vol. 7, no. 2, pp. 117-140.

FURNER, S. E., K. WALLACE, L. ARGUELLES, T. MILES, and J. GOLDBERG

2006 "Twin Study of Depressive Symptoms among Older African-American Women," *Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, vol. 61, no. 6, pp. 355-361.

GAMSON, W. A.

1992 *Talking Politics*, Cambridge, UK, Cambridge University Press.

GONZALEZ, V. M., A. STEWART, P. L. RITTER, and K. LORIG

1995 "Translation and Validation of Arthritis Outcome Measures into Spanish," *Arthritis and Rheumatism*, vol. 38, no. 10, pp. 1429-1446.

HALL, M., E. GREENMAN, and G. FARKAS

2010 "Legal Status and Wage Disparities for Mexican Immigrants," *Social Forces*, vol. 89, no. 2, pp. 491-514.

HARWOOD, E.

1986 *In Liberty's Shadows: Illegal Immigration and Law Enforcement*, Stanford, Hoover Institution Press.

HICKS, J.

2012 "Obama's Failed Promise of a First-year Immigration Overhaul," *The Washington Post*, September 25.

HIGGINS, S.

2012 "Why Immigration Reform Didn't Happen in 2007," *The Washington Examiner*, November 20.

HING, B. O.

2002 "Vigilante Racism: The De-Americanization of Immigrant America," *Michigan Journal of Race and Law*, vol. 7, Spring, pp.1-16.

HOMER-DIXON, T. F.

1999 *Environment, Scarcity, and Violence*, Princeton, Princeton University Press.

HOROWITZ, D. L.

1985 *Ethnic Groups in Conflict*, Berkeley, University of California Press.

HOVEY, J. D., and C. A. KING

1996 "Acculturative Stress, Depression, and Suicidal Ideation among Immigrant and Second-generation Latino Adolescents," *Journal of the American Academy of Child and Adolescent Psychiatry*, vol. 35, no. 9, pp. 1183-1192.

HUDDY, L., S. FELDMAN, T. CAPELOS, and C. PROVOST

2002 "The Consequences of Terrorism: Disentangling the Effects of Personal and National Threat," *Political Psychology*, vol. 23, no. 3, pp. 485-509.

IMMIGRATION POLICY CENTER

2011 "The Unauthorized Population Today," March 22, <http://www.immigrationpolicy.org/just-facts/unauthorized-population-today>, accessed March 13, 2014.

JACOBY, T., ed.

2004 *Reinventing the Melting Pot: The New Immigrants and What It Means to Be American*, New York, Basic Books.

JARET, C.

1999 "Troubled by Newcomers: Anti-immigrant Attitudes and Action During

Two Eras of Mass Immigration to the United States," *Journal of American Ethnic History*, vol. 18, no. 2, pp. 9-39.

JOHNSON, K. R.

1996 "Aliens and the U.S. Immigration Laws: The Social and Legal Construction of Nonpersons," *The University of Miami Inter-American Law Review*, vol. 28, no. 2, pp. 263-292.

JONES, J.

2012 "Americans More Positive about Immigration," Gallup, <http://www.gallup.com/poll/155210/americans-positive-immigration.aspx>, accessed October 2, 2012.

LARSEN, K., K. KRUMOV, H. VAN LE, R. OMMUNDSEN, and K. VAN DER VEER

2009 "Threat Perception and Attitudes toward Documented and Undocumented Immigrants in the United States: Framing the Debate and Conflict Resolution," *European Journal of Social Sciences*, vol. 7, no. 4, pp. 115-134.

LEVINE, R. A., and D. T. CAMPBELL

1972 *Ethnocentrism: Theories of Conflict, Ethnic Attitudes and Group Behavior*, New York, John Wiley.

LIPMAN, F. J.

2006 "The Taxation of Undocumented Immigrants: Separate, Unequal, and without Representation," Legal Studies Research Paper Series, 06-20.

LIPPARD, C., and C. GALLAGHER, eds.

2011 *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, Boulder, Colorado, First Forum Press.

LIPPARD, C., and M. G. SPANN

Forthcoming "Mexican Immigrant Experiences with Discrimination in Southern Appalachia," *Latino Studies*.

LOVE, A. S., and R. J. LOVE

2006 "Measurement Suitability of the Center for Epidemiological Studies-Depression Scale among Older Urban Black Men," *International Journal of Men's Health*, vol. 5, no. 2, pp. 173-189.

LYUBANSKY, M., and R. J. EIDELSON

2005 "Revisiting Du Bois: The Relationship between African American Double Consciousness and Beliefs about Racial and National Group Experiences," *Journal of Black Psychology*, vol. 31, no. 1, pp. 3-26.

MAOZ, I., and R. J. EIDELSON

2007 "Psychological Bases of Extreme Policy Preferences How the Personal Beliefs of Israeli-Jews Predict their Support for Population Transfer in the Israeli-Palestinian Conflict," *American Behavioral Scientist*, vol. 50, no. 11, pp. 1476-1497.

MARIN, G., F. SABOGAL, B. VANOSS MARIN, R. OTERO-SABOGAL, and E. J. PEREZ-STABLE

1987 "Development of a Short Acculturation Scale for Hispanics," *Hispanic Journal of Behavioral Sciences*, vol. 9, no. 2, pp. 183-205.

MARROW, H. B.

2011 *New Destination Dreaming: Immigration, Race, and Legal Status in the Rural American South*, Stanford, Stanford University Press.

MARTÍNEZ-CALDERÓN, C.

2009 "Out of the Shadows: Undocumented Latino College Students," Institute for the Study of Social Change, <http://escholarship.org/uc/item/9zj0694b>, accessed October 11, 2013.

MASSEY, D.

2008 *New Faces in New Places: The Changing Geography of American Immigration*, New York, Russell Sage Foundation.

McCLAIN, P. D., M. LYLE, E. PEREZ, J. JOHNSON-CAREW, G. LACKEY, and S. NUNALLY

2009 "Black and White Americans and Latino Immigrants: A Preliminary Look at Attitudes in Three Southern Cities," paper presented at the 2009 American Political Science Association, September 2-6, Toronto.

MIGRATION POLICY INSTITUTE

2011 "2011 American Community Survey and Census Data on the Foreign Born by State," <http://www.migrationinformation.org/datahub/acscensus.cfm?CFID=1789698&CFTOKEN=47287436#>, accessed October 10, 2013.

MOORE, S.

- 1986 "Social Scientists' Views on Immigrants and U.S. Immigration Policy: A Post-script," *Annals of the American Academy of Political and Social Science*, vol. 487, no. 4, pp. 213-217.

NEAL, M., and S. BOHON

- 2003 "The Dixie Diaspora: Attitudes toward Immigrants in Georgia," *Sociological Spectrum*, vol. 23, no. 2, pp. 181-212.

ODEM, M., and E. LACY

- 2009 *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press.

PASSEL, J., and D. COHN

- 2011 "Unauthorized Immigrant Population: National and State Trends, 2010," Pew Research Center, <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-brnational-and-state-trends-2010/>, accessed March 13, 2014.
- 2009 "A Portrait of Unauthorized Immigrants in the United States," Pew Hispanic Center, April 14, <http://www.pewhispanic.org/2009/04/14/a-portrait-of-unauthorized-immigrants-in-the-united-states/>, accessed March 13, 2014.

PEW HISPANIC CENTER

- 2007 "2007 National Survey of Latinos: As Illegal Immigration Issue Heats Up, Hispanics Feel a Chill," <http://www.pewhispanic.org/files/reports/84.pdf>, accessed October 2, 2013.
- 2006 "The State of American Public Opinion on Immigration in Spring 2006: A Review of Major Surveys," Pew Hispanic Center, <http://www.pewhispanic.org/files/2011/10/18.pdf>, accessed on April 1, 2009.

PORTER, E.

- 2005 "Illegal Immigrants Are Bolstering Social Security with Billions," *New York Times*, April 5, http://www.nytimes.com/2005/04/05/business/05immigration.html?ex=1270353600&en=78c87ac4641dc383&ei=5090&_r=0, accessed February 27, 2013.

POSTMES, T., N. R. BRANSCOMBE, R. SPEARS, and H. YOUNG

- 1999 "Comparative Processes in Personal and Group Judgments: Resolving the

Discrepancy," *Journal of Personality and Social Psychology*, vol. 76, no. 2, pp. 320-338.

RADLOFF, L. S.

1977 "The CES-D Scale: A Self Report Depression Scale for Research in the General Population," *Applied Psychological Measurement*, vol. 1, no. 3, pp. 385-401.

RADLOFF, L. S., and B. Z. LOCKE

1986 "The Community Mental Health Assessment Survey and the CES-D Scale," in M. Weissman, J. Myers, and C. Ross, eds., *Community Surveys of Psychiatric Disorders*, New Brunswick, New Jersey, Rutgers University Press, pp. 177-189.

REDMON, J.

2012 "Georgia to Start Enforcing Key Part of Its Immigration Law," *Atlanta Journal Constitution*, December 11.

SALGADO DE SNYDER, V. N.

1987 "Factors Associated with Acculturative Stress and Depressive Symptomatology among Married Mexican Immigrant Women," *Psychology of Women Quarterly*, vol. 11, no. 4, pp. 475-488.

SHIERHOLZ, H.

2010 "Immigration and Wages: Methodological Advancements Confirm Modest Gains for Native Workers," Washington, D.C., Economic Policy Institute, briefing paper 225.

SIDANIUS, J.

1993 "The Psychology of Group Conflict and the Dynamics of Oppression: A Social Dominance Perspective," in S. Iyengar and W. McGuire, eds., *Explorations in Political Psychology*, Durham, North Carolina, Duke University Press, pp. 183-219.

SKERRY, P.

2013 "Splitting the Difference on Illegal Immigration," *National Affairs*, vol. 14, Winter, pp. 3-26.

SMITH, H., and O. FURUSETH

2006 *Latinos in the New South: Transformations of Place*, Burlington, Vermont, Ashgate.

SORENSEN, E., and F. D. BEAN

1994 "The Immigration Reform and Control Act and the Wages of Mexican Origin Workers: Evidence from Current Population Surveys," *Social Science Quarterly*, vol. 75, no. 1, pp. 1-17.

SURO, R., and G. ESCOBAR

2006 "2006 National Survey of Latinos," Pew Hispanic Center, <http://www.pewhispanic.org/2006/07/13/2006-national-survey-of-latinos/>, accessed March 13, 2014.

VAN HOOK, J., F. BEAN, and J. PASSELL

2005 "Unauthorized Migrants Living in the United States: A Mid-Decade Portrait," Migration Information Service.

VASQUEZ, F., V. BLANCO, and M. LOPEZ

2006 "An Adaptation of the Center for Epidemiologic Studies Depression Scale for Use in Non-psychiatric Spanish Populations," *Psychiatry Research*, vol. 149, no. 1, pp. 247-252.

WAMPLER, B., M. CHÁVEZ, and F. PEDRAZA

2009 "'Should I Stay or Should I Go?': Explaining Why Most Mexican Immigrants Are Choosing to Remain Permanently in the United States," *Latino Studies*, vol. 7, no. 1, pp. 83-104.

WEST, D.

2010 *Brain Gain: Rethinking U.S. Immigration Policy*, Washington, D.C., Brookings Institution.

WITMAN, E.

2013 "Survey Shows Latino Population Surging: Hall County Numbers Increase 69 Percent from 2000-11," *Gainesville Times*, February 23, www.gainesville.com/section/6/article/80114/.

Shaping Twenty-first-century Civil Rights Advocacy: Latinos in Metro Atlanta

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ABSTRACT

This article chronicles the Mexican American Legal Defense and Educational Fund's civil rights history in Atlanta and the Southeast from 2000 to 2009 and beyond. It draws on testimonies of MALDEF officials, as well as pertinent historical, social science, and legal scholarship and media accounts, to reveal changing regional Latino migration and settlement patterns and emerging twenty-first-century legal advocacy strategies. Also covered are organized responses to state and local anti-immigrant ordinances passed after September 11, 2001, resistance to residential and workplace discrimination faced by suburban undocumented immigrants, and the fragile nature of coalitions in the contemporary Latino civil rights movement.

Keywords: Mexican-American civil rights, Latino legal advocacy, Latinos in the Southeast.

RESUMEN

Este artículo hace una crónica de la lucha del Mexican American Legal Defense and Educational Fund por los derechos civiles en Atlanta y el sureste entre 2000 y más allá de 2009. El texto recurre a testimonios de funcionarios del MALDEF. Se parte de estudios académicos pertinentes desde los ámbitos de la historia, las ciencias sociales y el derecho, y también de relatos en los medios masivos de comunicación, para mostrar los patrones cambiantes de la migración y los asentamientos de los latinos, y las estrategias de activismo legal emergentes en el siglo XXI. También se cubren las reacciones organizadas a los decretos antiinmigrantes estatales y locales aprobados tras el 11 de septiembre del 2001, la resistencia a la discriminación residencial y laboral afrontada por los inmigrantes indocumentados suburbanos y la frágil naturaleza de las coaliciones en el movimiento de derechos civiles latino contemporáneo.

Palabras clave: derechos civiles mexico-americanos, promoción y defensa de los servicios legales latinos, latinos y el sureste.

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According to a 1988 *National Geographic* article, Atlanta, whose population was more than two-thirds black, enjoyed and prided “itself on a degree of racial harmony and cooperation rare among large U.S. cities.” Its boosters pointed to it as a “rough-and-tumble place, forging ahead, gung ho for progress,” a sprawling metropolis of 2.6 million persons with great contrasts between rich and poor. Most important, however, was the “amazing growth of the suburbs [that] has had a centrifugal effect on municipal life, creating satellites that rarely touch the central city” (Zwingle, 1988: 7). In the intervening 25 years, with the influx of Latinos, most of these characteristics have persisted, and, like African-Americans, the newcomers have also developed many successful businesses; unlike them, they have moved into the suburbs in great numbers. Another area where the two groups have differed has been the lack of broad-based civil rights leadership. This article explores the advocacy efforts that have taken place and seeks to contextualize them within larger regional and national developments.

Scholars have noted that in the wake of the 1986 Immigration Reform and Control Act (IRCA), labor markets saturated with newly legalized immigrants (particularly in southern California) saw their residents relocate to other parts of the country. They sought greater economic opportunity, less job competition, and, if undocumented, less likelihood of apprehension. Southern metropolitan areas presented increasingly viable options for settlement. In Atlanta, for example, the construction trades relied heavily on the recruitment of skilled and unskilled workers from Mexico and Latin America to complete the numerous building projects for the 1996 Olympic Games. Over the past decade, roughly half of the immigrants arriving in Georgia have been undocumented, leading to legal and other challenges in a wide range of issues involving immigration status, education, employment, and public policy, all of which necessitated civil rights advocacy (Durand, Massey, and Charvet, 2000; Odem and Lacy, 2009).

In 1999, Antonia Hernández, long-time president and general counsel of the Mexican American Legal Defense and Educational Fund (MALDEF), a UCLA Law School graduate born and raised in northern Mexico, had seen preliminary figures from the upcoming 2000 census confirming the demographic explosion of Latino (mostly of Mexican-origin) migrants and immigrants to the Southeast. She promptly dispatched to the region María Blanco, a MALDEF attorney based in San Francisco, to explore the possibility of expanding the organization’s reach into the Southeast. At the time, MALDEF, a non-profit legal advocacy group founded in Texas in 1968, had some 75 employees working in its regional offices in San Antonio, Los Angeles (its national headquarters), Chicago, Washington, D.C., San Francisco (which covered northern California and the Pacific Northwest), as well as smaller satellite offices in Sacramento, Houston, and Phoenix. Blanco, a graduate of U.C. Berkeley’s Boalt Hall School of Law, had in prior years gained experience in many areas of civil rights litigation.

She soon began commuting to Georgia, Alabama, and the Carolinas to observe ongoing efforts in litigation and advocacy to lay the groundwork for opening a full-fledged MALDEF regional office to serve Latino newcomers (Blanco, 2013).

The challenge of building a new civil rights organization required Blanco to diligently study the changing demographics, employment patterns, and other statistics, which she did via monthly trips beginning in early 2000 and lasting until 2002, when the Atlanta office formally opened. She met with leaders of southeastern non-profit and community organizations, with public interest and civil rights lawyers, and with “just community folks” to determine their main concerns, all the while explaining the nature of MALDEF’s work and potential contributions. Blanco noticed that the resident population experienced anxiety over the influx of this new, non-white population especially as it “was beginning to flex a little muscle” in Atlanta, Nashville, the North Carolina cities of Charlotte and Raleigh-Durham, and even in Greenville, South Carolina. Immigrants also settled in rural areas, where they worked in agriculture and in the poultry processing industry, as well as in small towns such as Dalton, Georgia, long known as the “Carpet Manufacturing Capital of the World” (Blanco, 2013).

Blanco’s exploratory visits coincided with the opening of a MALDEF “outreach office” that served as a liaison between schools and Latino parents and also sought to encourage Latino participation in the upcoming 2000 census. In the previous three censuses, MALDEF had actively monitored Latino participation in the Southwest and Midwest; the results were essential in determining decennial redistricting lines, and thus voting outcomes. In conjunction with the Census Bureau, MALDEF mounted bilingual national television, radio, and newspaper campaigns. This public policy advocacy complemented the organization’s litigation campaigns in the area of education, voting rights, and employment, which yielded precedent-setting class action decisions in the 1970s and 1980s that helped alleviate the effects of discrimination against both native-born Latinos and immigrants. It litigated the landmark *Plyler v. Doe* case, which resulted in a 1982 U.S. Supreme Court ruling requiring states and local school districts to provide free public education to undocumented children (Olivas, 2012). MALDEF was also one of several groups in California to go to federal court and stop the implementation of Proposition 187, the 1994 ballot initiative that restricted benefits (and the constitutional rights) of undocumented immigrants (Badillo, 2005: 10-11).

Of all the possible locations for a southeastern office, Atlanta turned out to be best because of its central location within the region and its setting within the federal court system. The Carolinas and Virginia also contained booming Latino populations, but having the Eleventh Circuit Court of Appeals (with jurisdiction over Georgia, Alabama, and Florida) based in Atlanta offered a huge advantage. Historically, it

had a more favorable judicial climate than the neighboring Fourth Circuit where, noted Blanco, many judges tended to be “Strom Thurmond picks.” Blanco found, though, that even the Atlanta-area courts were “not as sympathetic” as those in Texas, where, somewhat surprisingly, several veteran judges had issued key rulings supporting African-Americans and Latinos in desegregation struggles, bilingual education, and other civil rights issues in decades past. The Southeast, in contrast to Texas and Southwest, had endured no historic legacy of conflict and coexistence between Anglos and Mexicans; nor did it have any prior first-hand experience with Latinos as an ethnic group. Moreover, the region lacked ready litigation targets such as the Texas Educational Agency. These factors made it difficult to determine exactly how to launch a southeastern Latino civil rights movement and develop a litigation agenda. Blanco recalls meeting with lawyers in North Carolina who surprisingly preferred to litigate in state rather than federal courts, especially in cases involving labor and residential discrimination. This contradicted the lessons learned from the prior experience of both African-Americans in the South and Mexican-Americans in the Southwest (Blanco, 2013).

This article chronicles MALDEF’s Atlanta efforts by drawing on the testimonies of MALDEF officials, as well as pertinent historical, social science, and legal scholarship, interviews with MALDEF litigators, and media accounts gleaned mostly from *The Atlanta Journal-Constitution*. The history of the period of between 2000 and 2009 (when MALDEF reluctantly closed its Atlanta office) involves not only changing Latino migration and settlement patterns but emerging twenty-first-century legal advocacy strategies, including those employed to resist state and local anti-immigrant ordinances passed in the wake of the September 11, 2001 attacks and others tied to the ongoing campaign for comprehensive immigration reform. MALDEF contested state and local ordinances regulating the hiring of day laborers, photo identifications, and housing and law enforcement policies not only in northern Georgia but throughout the Southeast. In the process, it not only addressed civil rights issues but at the same time helped expand social, political, and ethnic networks among migrants facing persistent conflicts over civic space and institutional access.

THE URBAN CONTEXT: ATLANTA’S PIONEER LATINO ORGANIZATIONS

Its economic growth during the 1990s made the Southeast, especially its outlying areas, particularly attractive to newcomers of all stripes, and by 2005, fully 95 percent of its immigrants lived in suburbs (Singer, Hardwick, and Brettell 2008: 311). Major cities such as San Antonio, Los Angeles, Houston, and Denver, and even small towns in

Texas, southern California, and New Mexico have been important venues of civil rights activity in the past. (*Plyler*, for instance, emerged in relatively isolated Tyler, a medium-sized East Texas city that hosted a small Mexican immigrant population at the time. In the twenty-first century, however, the large-scale shift to suburban developments has been completed. Urban scholars of the late twentieth century chronicled the rise of Sunbelt metropolises in the post-World War II era in much of the West and South. Meanwhile the annexation of outlying territories became part of a trend of decentralization observable as far back as the nineteenth century, as population spread out from northern cities such as New York to adjacent areas (such as Brooklyn) as either bedroom, streetcar, or a wide variety of other types of suburbs (Jackson 1985). Focusing on the metropolis as a whole provides historians and social scientists with a more precise lens for situating urban life, including civil rights, within broader trends of migration, ethnicity, and geography. This approach helps, too, in understanding Latinos' recent experience in Atlanta, where smaller urban and rural venues increasingly play into overarching patterns of the metropolis.

In the early 2000s, MALDEF's activities in Atlanta, by virtue of its expertise and experience, regional strategy, and connections to national developments, supplanted the legal activities of the consulate and other local groups that had proved effective prior to the demographic surge of the 1990s. Perhaps the most influential of these early groups was the Latin American Association, begun in Atlanta in the 1970s and led by individuals of diverse Latin American origins, including a large number of Cuban refugees resettled away from Miami. That pan-Latino group helped cultivate a pioneer generation of Latino leadership and served tens of thousands annually in its Atlanta headquarters and satellite offices in suburban Clayton, Cobb, and Gwinnett Counties, offering immigration advice as well as housing and employment assistance to an increasingly Mexican-dominant, yet nonetheless diverse, population that also included Puerto Ricans and Colombians. Another group, the Mexican-American Business Chamber of Atlanta, founded in 1998 in suburban Norcross, supported numerous Mexican-owned businesses, while the Georgia Hispanic Chamber of Commerce promoted international trade and local entrepreneurs connecting Latino- and non-Latino-owned companies (Bixler, 2002).

As was often the case in the Southwest and Midwest, the office of the Mexican Consul General in Atlanta helped spur institutional development among immigrants, encompassing activities considerably broader than the mundane issuance of visas and overseeing paperwork. María Blanco found that Teodoro Maus, the Atlanta consul general since 1989, was actively engaged in all aspects of "servicios de protección" for Mexican nationals, including investigating complaints of mistreatment and discrimination throughout the Southeast. During the 1990s, as North Georgia's Mexican

population grew from 30 000 to 300 000 –the latter figure did not include Mexican-Americans or other Latino communities, which represented another 100 000–, his consular staff had increased from a handful to 24 employees covering South Carolina, Tennessee, and Alabama, as well as Georgia. Maus assisted unauthorized Mexican immigrants in filing for driver’s licenses and publicly opposed local ordinances targeting the activities of day laborers working in several suburban north Atlanta towns. Maus, who stepped down in 2002 following the defeat of the Institutional Revolutionary Party (PRI) in Mexico and the advent of the Vicente Fox administration, moved on to head the national Mexican-American Chamber of Commerce and later the Georgia Alliance for Human Rights. Allowing for his lack of resources and the absence of other leadership, he proved to be an effective civil rights advocate. His successor, Remedios Gómez Arnau, continued in his footsteps by seeking adoption of the *matrícula consular* (consular card) as a legal form of identification for Mexican nationals. The piecemeal advocacy efforts of the consulate, however, were insufficient to serve a growing population within an increasingly complex social, political, and economic landscape that required the mobilization of experienced legal personnel (Bixler, 2000, 2001).

Atlanta, the largest city in the Southeast, had offered plentiful jobs during the 1980s and 1990s in low-wage service and manufacturing industries, but housing, especially in the city proper, proved inadequate for the needs of the newcomers. Latinos, in fact, went directly to the suburban periphery, settling first primarily in inner-ring suburbs in northern DeKalb and Fulton Counties, which together embraced most of the city of Atlanta in their southern portions; then in outlying Cobb and Gwinnett Counties along the Buford Highway and I-85 corridors; and finally in the far northern reaches, such as Cherokee County (Winders and Smith, 2012; Winders, 2005). In the northern DeKalb County towns of Chamblee and Doraville, Latinos, though comprising less than half of the total population, formed an extensive expanding settlement along the Buford Highway. Here, they came to reside near public transportation stops, including the few northern suburban MARTA (Metropolitan Atlanta Rapid Transit Authority) stations. The area connected via regular bus and van service to locations in Mexico and was dotted with businesses noting in their signs diverse regional origins in Mexico, El Salvador, and other homelands. Older immigrants have left apartment complexes for single-family homes in the northern counties. Since 1980, social service agencies, churches, and voluntary and government agencies have served a wide variety of incoming Latino migrants as well as non-Latinos, including many from India, Jamaica, and Vietnam (Mohl, 2003; Dameron and Murphy, 1997).

In response to Latino migration, even relatively small towns came to hold annual processions and observances on December 12 for Our Lady of Guadalupe in

makeshift churches. Atlanta's archbishop dedicated *La Misión Católica Nuestra Señora de las Américas* (Catholic Mission of Our Lady of the Americas) on December 12, 1992, which, though affiliated with the nearby Immaculate Heart of Mary Church, served as a *de facto* Latino national parish, transcending customary ecclesiastical boundaries. More than 500 parishioners regularly attended Sunday mass, and, in addition to pursuing religious interests, the venue's large numbers of undocumented immigrants established social and employment networks that facilitated the sharing of scarce resources. By 2002, 48 of the archdiocese's 110 parishes offered a Spanish mass as Latino Catholics came to outnumber European-origin Catholics in Atlanta (Odem, 2004).

By 2000, most Georgia Latinos had become year-round residents, and, due to greater difficulties in traversing the Mexican border, fewer routinely traveled back to their homeland. Significantly, Atlanta never developed huge barrios for its immigrant population. Settlement patterns differed in several other respects from earlier migrations to other regions, especially with respect to their weaker institutional links with the homeland and with its political as well as church associations. Moreover, there was no previous generation of compatriots in the region on which the newcomers could rely for leadership and mutual aid. Growth remained impressive, however, despite the economic downturn beginning in the mid-2000s. By 2006, there were 700 000 Latinos in Georgia (65 percent of them of Mexican origin) and 467 000 in the metro area.

CIVIC ENGAGEMENT AND ADVOCACY: THE SOUTHEASTERN LATINO CIVIL RIGHTS STRATEGY

María Blanco, MALDEF's national counsel who first guided the Atlanta office and set the stage for MALDEF's presence in the Southeast, took a broad yet realistic view of the organization's history and trajectory. While recognizing the challenges faced in the region, she also hoped that the office would at the outset take on important cases. The fact that none emerged during the first decade of the twenty-first century was not due to inactivity or inexperience. Rather, the times had changed and so, too, had strategies and practices of legal advocacy and litigation. Egregious instances of segregation, while increasingly rare, were more easily addressed. MALDEF's lawyers in the Southeast soon intervened with local school districts to avoid lengthy, expensive, and (from the defendants' point of view) ultimately unsuccessful outcomes. Blanco recalls, for example, informing one North Carolina kindergarten principal of the illegality of turning away Spanish-speaking students merely because their parents

could not speak English. "Educational institutions," she observed, "were completely uninformed, [but] once they figured things out they adjusted" (2013).

Another problem area concerned police treatment of immigrants at traffic stops, where Latinos were often asked for social security cards in order to catch them in possession of falsified documents, a deportable offense. This, Blanco says, amounts to an unreasonable penalty for a minor traffic offense. Such everyday encounters resulted from overzealous policing, a practice MALDEF helped to curb. Blanco hoped that somehow several cases could be "keyed up" in the litigation pipeline so that the Atlanta office could hit the ground running, but conceded that litigation was not the organization's primary tactic in settling issues. Instead, change occurred first through "community education and leadership development" based on "community-based civil rights lawyering." In sum, Blanco found that the opening of the Atlanta office coincided with public recognition of "the shock of this first wave," which caused previous residents to wonder, "What just happened? My town just turned brown and there are people speaking Spanish!" (2013).

In 2002 in Fulton County, just as MALDEF began its full-fledged operation in Georgia and the Southeast, Mexican-American Democrat Sam Zamarripa won a seat in the state Senate, along with a Puerto Rican and a Cuban in the Georgia assembly, all first time occurrences (Rodriguez, 2002). While each of these individuals served only briefly in the legislature, the experience of Zamarripa, former head of Atlanta's Latin American Association, is worth recounting because he had already served on MALDEF's Board of Directors for several years prior to his election. (The board is the body that determines litigation priorities and other aspects of governance.) Zamarripa, an investment banker whose grandfather was Mexican and who was born in Fort Benning, Georgia, embraced a unique vantage point *vis-à-vis* the progress of Latinos in the Southeast as well as their struggle for civil rights. He found that "the speed of change in the South is intersecting with the ambitions and the appetite of the Latino workers." The South's fast-moving regional landscape, he believed, should therefore update its historic belief that it needed "cheap labor" to survive by wholeheartedly embracing the new immigrants. He described the "Nuevo New South" as consisting of dispersed Latino communities "integrating the [remnants] of the Old South with the powerful [immigrant] culture." Although Atlanta-area Latinos lacked the "native elites" that had formed the business backbone of Mexican-American communities in southwestern cities such as Laredo and San Antonio, Zamarripa noticed positive signs of entrepreneurship in the growth of Latino-owned businesses in the construction industry. In the cultural sphere, he pointed to significant intermarriage between Latinos and non-Latinos as paving the way to a new kind of immigrant assimilation (Zamarripa, 2003).

Zamarripa's initial legislative priorities targeted educational improvement and economic expansion, especially positioning Georgia for increased trade with China. Immigration, however, soon emerged as a key issue throughout his two terms as state senator. When federal control of immigration policy "goes awry," he noted, the states and immigrants will suffer. He was disappointed with the state legislature for refusing to pass his bill that would have allowed undocumented residents without social security numbers to get driver's licenses, which he considered important for public safety. Despite having become the unofficial face of the opposition to Senate Bill 529 in 2006 and having served briefly as a player in the halls of the Georgia legislature, Zamarripa withdrew from politics after his second term to return to the private sector (Jacobs, 2006). Personal and professional circumstances led him to fall short of his goal of making MALDEF as widely known in Atlanta as it was in San Antonio and Los Angeles. He had unsuccessfully pressed the board to maintain a higher profile of the organization and to seek litigation strategies that would result in a "major class action case impacting the larger workings of the U.S. legal and political system" (Zamarripa, 2003).

The 2000 census had confirmed the demographic explosion in the Southeast, and this, along with growing concern for the civil rights of the undocumented, provided new opportunities for litigation and advocacy. In 2002, after Blanco's exploratory visits had paved the way for a permanent office and she had returned to California, MALDEF's Atlanta headquarters opened officially under the direction of Tisha Tallman, a Mexican-American from the Midwest, who became southeast regional counsel. At the beginning of her tenure, Tallman wanted MALDEF to be seen as part of a larger coalition between Latinos and African-Americans. She scheduled educational forums with administrators and parents as well as legislators that pooled resources and expanded community networks. Tallman early on settled several education cases out of court. Educational access remained particularly challenging with Latino graduation rates hovering around only one-third. Georgia Latinos tended to leave high school before graduation due to a lack of understanding of the school system, excessive residential mobility, and the language barrier. Their unauthorized status meant, moreover, that many students, even if they met academic requirements, would remain ineligible for higher education scholarships and affordable in-state tuition rates (Bohon, Macpherson, and Atilas, 2005; Salzer, 2013).

Tallman noted that whereas MALDEF worked with national groups such as the NAACP Legal Defense Fund (LDF), the League of United Latin American Citizens (LULAC), and the National Council of La Raza (NCLR), those organizations never established a strong local presence with permanent offices in the Southeast, even in Atlanta. MALDEF sought to merge within the rich, preexisting civil rights infrastructure and develop a

coalition of grassroots organizations focusing on the issue of racial profiling and joining in a statewide “right-to-vote” campaign for “felony enfranchisement,” which had previously been considered exclusively an African-American issue. Tallman broke new ground by taking on local immigration ordinances targeting the Latino community in overly-broad “dragnets.” She noted, “Local officers aren’t trained to recognize or deal with fraudulent documents. That’s something for [federal] immigration officers to handle.” Failing to recognize jurisdictional boundaries eroded trust between police departments and communities and discouraged the reporting of crimes. Day laborers and domestic violence victims would never come forward as long as local officials enforced immigration laws (Tallman, 2005). Even Gwinnett County police agreed that determining the legal status of arrested persons remained the responsibility of the U.S. Immigration and Customs Enforcement Agency (ICE) on behalf of the Department of Homeland Security (McCarthy, 2004).

After three years at the helm, Tallman reflected that MALDEF’s activities were having a favorable impact: “To the day laborers [in Georgia and Virginia], the outreach that we’re doing is the only outreach that is being done at all.” Tallman noted that “nearly every day laborer has at one time or another worked a full day and not received full pay. . . . But there hasn’t been an organized attempt, on a large scale, to educate them [on how to respond in defense of their rights].” The office also worked to alleviate recurrent violence against Latino agricultural farm workers in South Georgia and advocated on behalf of Latinos unable to obtain the proper identification needed to set up bank accounts, which resulted in their carrying cash and hence becoming more vulnerable to robbery (Tallman, 2006; Brett, 2004). MALDEF, along with the Mexican consulate, had joined in an effort to produce wallet-sized cards for distribution at day laborer pick-up spots. The cards contained a list of Spanish-language help hotlines and space for day laborers to write down the name, license plate number, and address of places worked, which would also help encourage the reporting of robberies, unpaid work, and other infractions (Feagans, 2005a). The Atlanta office also tried to shape workers compensation laws; in one situation, MALDEF represented three Georgia slaughterhouse workers denied benefits based on their perceived immigration status. Local cases, Tallman believed, should serve as models for other states throughout the region (Tallman, 2005).

Tallman acknowledged the vision of MALDEF’s founders who, she believed, understood the importance of measuring public policy *vis-à-vis* litigation. She concluded, “A lot of what we do may have been done ten or twenty years ago [elsewhere], but we’re doing it in a different context and a different period, which raises challenges but also opportunities.” Educational forums proved important as well, whether in higher education or with respect to limited English-proficiency issues in elementary and secondary schools: “As a result of our litigation in Virginia, two schools changed

their policies and [more] will follow suit in the near future because we continue to be involved" (Tallman, 2005). One important non-litigation tactic concerned the development of MALDEF's Parent School Partnership Program (PSP) in Georgia, which sought to give parents tools for advocating on behalf of their families. The 16-week PSP program alerted them to the perils of standardized testing as well as the right to request a review of student records. PSP-trained parents were assigned translators and received guides to help them prepare for parent-teacher conferences. One MALDEF staffer in charge of the program noted, "Parents don't know that in the same classroom, there are kids who are in different levels. We focus on the elementary schools because high school is a bit late." She helped the students realize the importance of preparation for getting a higher education. Some school officials requesting MALDEF's involvement in their districts, most often due to the districts' need to adhere to requirements of the federal mandates of the *No Child Left Behind Act* of 2002, were "wonderful people who really want to have the Latino community involved." However, other parents of non-Latino students voiced their disapproval of the immigrant presence by pulling their children from school (Sance-Valverde 2005).

For Latino immigrants and for the MALDEF, from the outset, the year 2006 seemed ominous. Debate opened with a lengthy public hearing on the *Georgia Security and Immigration Compliance Act* (SB529), which steadily passed through the state legislature. Tisha Tallman labeled the proposed legislation unconstitutional, claiming that the state was "attempting to preempt the federal government's immigration authority." MALDEF was unable to mount a successful challenge to the senate bill, provisions of which at first targeted large employers and, beginning in 2008, the smaller ones as well (Campos, 2006; Campos and Tharpe, 2006). However, some 50 000 people gathered on April 10, 2006, at the Plaza Fiesta Shopping Mall along "La Buford" (Buford Highway) in favor of allowing a path to citizenship, while simultaneously protesting the Georgia Security and Immigration Compliance bill that would inevitably accelerate deportations. Nonetheless, the statute passed easily, instituting work eligibility verification requirements that prohibited employers from claiming as a tax deduction any wages paid to any newly hired public employees, contractors, and subcontractors who could not prove their legal presence (Tharpe, 2006; Odem, 2008).

CIVIL RIGHTS ON THE ROAD TO COMPREHENSIVE IMMIGRATION REFORM

During the 1970s and 1980s, MALDEF had emerged on the national stage as a feared and powerful defender of Mexican-Americans, mounting vigorous litigation cam-

paigns that enervated lingering *de facto* school segregation throughout the Southwest and granted greater access to voting rights while challenging discriminatory redistricting schemes. With the acceleration of undocumented immigration from Mexico, as well as immigrants and refugees from El Salvador, Guatemala, and other Central American countries, MALDEF became the voice of non-citizens and non-Mexican Latinos as well. The organization also came to share the spotlight with other organizations as its legal focus completed the shift from its earlier exclusive emphasis of Mexican-American desegregation and voting rights struggles to efforts on behalf of preserving the civil rights of unauthorized immigrants. The first decade of the twenty-first century proved to be a trying time for MALDEF—nationally and for its Atlanta office—as a more restrictive civil rights climate emerged in the aftermath of September 11, 2001, which contributed to diminishing MALDEF’s resources even as it enhanced the need for advocacy. The organization was still effective in forestalling the more obvious instances of discriminatory actions and legislation by states and localities; however, funding for litigation became scarce.

Despite its illustrious history of civil rights victories (most notably *Plyer v. Doe* in 1982), MALDEF was forced by circumstances early in the twenty-first century to join with—and sometimes follow the lead of—other litigants such as the American Civil Liberties Union, whose focus on immigration issues included the case of *Hazleton v. Lozano* in Pennsylvania in conjunction with the Puerto Rican Legal Defense and Education Fund, the suburban Dallas litigation in *Villas at Parkside v. City of Farmers Branch*, and other lawsuits in southern California, Texas, and the Midwest. Mexican migrants remained in limbo, unable to chart a path out of the shadows of undocumented status yet unable to return to their homeland without the risk of losing everything. Local ordinances to regulate day-labor sites and restrict access to mobile homes and apartment house complexes, along with new alien registration and reporting requirements, reflected abiding concerns over perceived unwillingness of newcomers to assimilate. This was not entirely new: in 1999 the northern Atlanta suburbs of Chamblee, Marietta, and Roswell passed ordinances limiting pickup sites for workers. In Atlanta itself, MALDEF had intervened to avoid deportations and arrests, in one notable case in a Home Depot parking lot (Bixler, 1999).

Tisha Tallman stepped down after four years as Southeast Regional Counsel to work for a private firm at the same time that her sister, Anne Marie Tallman, resigned after a brief term as president and general counsel. She was eventually succeeded by Elise Shore, a former prosecutor who presided over the final stretch from 2007 until April 2009. In her first month on the job, Shore spoke out against Gwinnett County’s new ordinance requiring contractors to ensure that the undocumented were not hired on public works jobs. She also opposed an anti-loitering ordinance in

Cherokee County (in the far north of metro Atlanta) that prohibited day laborers from gathering. Cherokee County passed restrictive rental ordinances compelling landlords to check on renters' immigration status and providing for fines or revocation of landlords' licenses if found to be renting to the undocumented. Shore judged this to be clearly unconstitutional and filed a lawsuit in 2007 challenging landlords' right to investigate the legal status of family members at a mobile home park. Local governments, MALDEF argued, lacked authority to establish penalties for "harboring" or "aiding and abetting" the undocumented, which remained exclusively a federal matter (Pickel, 2009, 2007). Property owners, employers, and others in private and public capacities on local levels lacked authority to make determinations on immigration status. MALDEF's legal brief, gleaned from prior experience in southern California and similar challenges throughout the country, listed a host of alleged violations: of Fourteenth Amendment equal protection guarantees; of the *Civil Rights Act of 1964* and subsequent federal and state fair housing laws; and of Fourth Amendment search and seizure protections (*Robert Stewart v. Cherokee County*, 2007).

Such unenforceable local ordinances placed local business owners in the predicament of potentially violating either federal civil rights laws or local laws. Moreover, according to legal scholars—and this point also came up in *Plyler*—, immigrant families consisted of individuals of "mixed" immigration status within the same household. Therefore, if a landlord refused rental after failing to confirm the status of one of the members, the result could be the unconstitutional denial of rights to citizens and others with a verified legal presence (Olivas, 2011). Although the legal expense and the final outcome of Cherokee County's mobile home challenge became increasingly worrisome to county officials, they continued to fight the preliminary injunction in 2007 that barred enforcement pending a final decision from the Third Circuit Court of Appeals in the *Hazleton* case (Moscoso, 2006).

MALDEF followed other issues closely in Atlanta, including measures declaring English as Cherokee County's official language and targeting landlords in still unincorporated areas who rented to the undocumented, which proved ineffective and futile—indeed the proposals in Cherokee County were never actually implemented (Poole, 2006). Such policies inhibited full civic engagement by complicating transportation arrangements and access to jobs, churches, and needed family services. In 2008, Regional Counsel Shore warned that the mere act of driving an automobile not only brought Georgia's undocumented to the brink of deportation but created "an incentive for racial profiling," since "you can't tell if someone is driving without a license just by looking [at them]" (Pickel, 2008). One newspaper account included an interview with a Latino car salesman on the Buford Highway reflecting prevalent strategies adopted by immigrants to circumvent residency requirements. The salesman

suspected that most of his Latino customers brandishing out-of-state “certificates of driving” actually lived in nearby Gwinnett County rather than Tennessee, where unauthorized immigrants and foreign visitors could for a brief spell readily obtain such provisional licenses. Such loopholes, however, quickly closed (Feagans, 2005b). MALDEF’s Atlanta office also monitored issues of guest-worker exploitation in farming and also in poultry and in the crabbing industry on the coast of the Carolinas. Workers with temporary H-2A visas were recruited from Mexico to work in the Southeast by Tyson and other big companies under IRCA’s guest worker provisions. Meanwhile, companies recruited and hired undocumented workers in violation of the 1986 *Immigration Reform and Control Act*.

It remains difficult to predict from where, or when, the next big case or civil rights movement will emerge in any region—or if indeed a Latino *Brown v. Board of Education* is on the horizon. In 2006, President and General Counsel John Trasviña (who replaced Ann Marie Tallman, Tisha’s older sister) sought to double the Southeast’s “litigation capacity” within five years by “beefing up” staff and creating additional partnerships with private attorneys” (Varela, 2006). In ensuing years, MALDEF became involved in litigation in Arizona, which consumed considerable human and financial resources and contributed significantly to the closing of the Atlanta regional office in April 2009 (and also, at roughly the same time, of Sacramento’s satellite office monitoring that state’s legislative activities). The closing was due to several factors: lack of finances and the need to devote resources to struggles emerging in Arizona made it increasingly difficult to monitor local developments. Dispatching MALDEF lawyers to the Southeast proved less effective than engaging in hands-on litigation and advocacy, including face-to-face meetings with potential plaintiffs to formulate strategies, and including also discussions with legislators and leaders of community organizations concerning local impacts of federal policies (Blanco, 2013).

Georgia followed Arizona’s lead with the passage of its own copycat legislation by doubling down against the presence of undocumented immigrants. In 2011, Georgia legislators, concerned with blocking the undocumented from competing for jobs with U.S. citizens, disappointed with discussions over the progress of border security, and not eager to explore pursuing a path to citizenship for recent immigrants, passed HB87 (*The Illegal Immigration Reform and Enforcement Act*). This statute expanded the use of E-Verify to the private sector and authorized state and local police to investigate the immigration status of suspects they believe have committed state or federal crimes and who could not produce identification, such as driver’s licenses or passports. The U.S. Justice Department, however, in contrast to its response to Arizona’s passage of SB1070, never joined litigation to stop implementation of the 2011 Georgia statute. The ensuing lawsuit, to which MALDEF was not a party, resulted

in an August 2012 Eleventh Circuit three-judge panel ruling upholding the constitutionality of allowing state and local law enforcement authorities to investigate the immigration status of suspects believed to have committed state or federal crimes, while invalidating those sections dealing with the “harboring” and transporting undocumented residents, which fell within the purview of federal immigration authorities (Redmon, 2012).

An important element in the current debate over immigration involves aspects of the Supreme Court’s June 2012 ruling in *Arizona v. United States*. Legal scholar Lauren Gilbert argues that the *Arizona* ruling served to acknowledge the importance of genuine ties that immigrants had in communities. It downplayed the merely formalistic interpretations of national sovereignty while validating a model of immigration “that would offer a pathway to legal status to undocumented persons within our borders who have put down roots, raised families, and shown themselves to be reliable and productive members of society” (2013: 300). Gilbert views the initiative begun in 2012, Deferred Action for Childhood Arrivals (DACA), which provides for temporary, renewable work authorization and status adjustment, as partially designed to ameliorate the potentially harsh effects of the Arizona law and its copycats in other, mostly southern, states. Tens of thousands of undocumented Georgia immigrants and almost half a million people nationwide, most of them of Mexican origin, have applied. Approval is generally granted only to those children of the undocumented who were born abroad and have graduated from a U.S. high school, earned a GED, or who are still attending school. In Georgia, as elsewhere, those approved for deferred action receive authorization to work legally for two years. They also receive social security numbers and can apply for Georgia driver’s licenses. Meanwhile, DREAM Act legislation, designed to special consideration to illegal immigrants who arrived as children, remains on hold, as do discussions of guest-worker programs that would allow the undocumented greater levels of entry into society (Gilbert, 2013).

Georgia, for its part, joined dozens of states in trying to rectify what it considered an abdication of responsibility by the federal government as state and local officials passed new laws targeting the undocumented, often on feeble constitutional grounds. They included limitations on access to work, denial of social services and housing, and generally restrictive measures often aimed at encouraging “self-deportation.” These measures reflect sentiments that coalesced as previously non-Latino suburbs faced waves of newcomers. One recent Alabama statute tried unsuccessfully to undermine –if not reverse– the Supreme Court’s 1982 ruling in *Plyler v. Doe* by seeking to deny that state’s undocumented children full access to public education (Olivas, 2012). Notable in Texas is the case of Farmers Branch, located in the northwest Dallas metropolitan area, where restrictive housing practices date to 2006. In

fall 2013, both Hazleton and Farmers Branch petitioned the U.S. Supreme Court for writs of certiorari, which, if granted, would pave the way for the Court to hear arguments on the constitutionality of local ordinances aimed at preventing unauthorized immigrants from working and renting property.

The total Latino population of Georgia as reported by the 2010 census reached 854 000, almost 9 percent of the state's residents (Scott, 2011), of whom an estimated 440 000 were undocumented immigrants. There were fewer arrivals subsequently due to the economic downturn, yet metro Atlanta's overall Latino population has nearly doubled since the 2000 census as suburbs boomed. Gwinnett experienced the greatest Latino increase—from 64 000 to 162 000—while formerly homogeneous rural areas suddenly became heterogeneous outer-ring suburbs. Still, the lives of the new immigrants may not be too far removed from those of earlier waves from other homelands, even though European immigrants settling in the East and Midwest tended to arrive via central cities teeming with tenement houses rather than by going directly to suburban apartments and single-family homes. Moreover, according to one historian, the twenty-first-century newcomers have become increasingly "unsettled" by the reception afforded them by their neighbors, as well as the instability of their lives owing to, among other factors, their undocumented immigration status. Yet suburban immigrant families in their new venues still need to support their families, take in visiting relatives, and sometimes rent to boarders to make ends meet. These contemporary immigrant manifestations require civil rights advocacy, a role that MALDEF filled locally. That experience offers historical precedent to help address the current absence of leadership (Odem, 2008: 122).

BIBLIOGRAPHY

BADILLO, DAVID, A.

2005 "MALDEF and the Evolution of Latino Civil Rights," Research Report of the Institute of Latino Studies, University of Notre Dame, pp. 4-17.

BIXLER, MARK

2002 "Georgia's Hispanics: Changing of the Guard," *The Atlanta Journal-Constitution*, April 24, p. B5.

2001 "New Mexican Consul Takes Reins," *The Atlanta Journal-Constitution*, April 24, p. B4.

2000 "Advocate for State Latinos Retiring," *The Atlanta Journal-Constitution*, November 28, p. B5.

1999 "Day Laborers in Roswell Get Place to Call Their Own," *The Atlanta Journal-Constitution*, December 19, p. D1.

BLANCO, MARÍA

2013 Oral history interview with David Badillo, January 4.

BOHON, S. A., H. MACPHERSON, and J. H. ATILES

2005 "Educational Barriers for New Latinos in Georgia," *Journal of Latinos and Education*, vol. 4, no. 1, pp. 43-58.

BRETT, J.

2004 "Gwinnett Crime Preys on Hispanics," *The Atlanta Journal-Constitution*, January 10, p. A1.

CAMPOS, C.

2006 "State Immigration Bill Faces Legal Threat," *The Atlanta Journal-Constitution*, March 30, p. D4.

CAMPOS, C., and T. THARPE

2006 "Legislature 2006: First Face-Off on Illegals Debate," *The Atlanta Journal-Constitution*, February 22, p. B1.

DAMERON, REBECCA J., and ARTHUR D. MURPHY

1997 "An International City Too Busy to Hate? Social and Cultural Change in Atlanta: 1970-1995," *Urban Anthropology and Studies of Cultural Systems and World Economic Development*, vol. 26, no. 1, pp. 44-69.

DURAND, JORGE, MASSEY, S. DOUGLAS, and FERNANDO CHARVET

2000 "The Changing Geography of Mexican Immigration to the United States: 1910-1999," *Social Science Quarterly*, vol. 81, no. 1, pp. 1-15.

FEAGANS, B.

2005a "Fliers Tell Workers' Rights," *The Atlanta Journal-Constitution* May 10, p. JJ3.

2005b "Real ID Act Reroutes Drive for Licenses," *The Atlanta Journal-Constitution*, May 17, p. JJ2.

GILBERT, LAUREN

- 2013 "Obama's Ruby Slippers: Enforcement Discretion in the Absence of Immigration Reform," *West Virginia Law Review*, vol. 116, no. 1, pp. 255-312.

JACKSON, KENNETH T.

- 1985 *Crabgrass Frontier: the Suburbanization of the United States*, New York, Oxford University Press.

JACOBS, S.

- 2006 "Latino State Senator to Blow Out of Politics," *The Atlanta Journal-Constitution*, April 6, p. C2.

McCARTHY, REBECCA

- 2004 "Immigration Status Not Local Matter: Police, Others Resist U.S. Legislation to Have Them Enforce Law," *The Atlanta Journal-Constitution*, May 17, p. J11.

MOHL, RAYMOND A.

- 2003 "Globalization, Latinization, and the Nuevo New South," *Journal of American Ethnic History*, vol. 22, no. 4, pp. 31-66.

MOSCOSO, EUNICE

- 2006 "Illegal Immigrant Laws Challenged: Rights Group Joins Hispanics in Suing Cities," *The Atlanta Journal-Constitution*, November 25, p. A3.

ODEM, MARY E.

- 2008 "Unsettled in the Suburbs: Latino Immigration and Ethnic Diversity in Metro Atlanta," in A. Singer, S. W. Hardwick, and C. B. Brettell, eds., *Twenty-first-century gateways: Immigrant Incorporation in Suburban America*, Washington, D.C., Brookings Institution Press, pp. 105-136.
- 2004 "Our Lady of Guadalupe in the New South: Latino Immigrants and the Politics of Integration in the Catholic Church," *Journal of American Ethnic History*, vol. 24, no. 1, pp. 26-57.

ODEM, MARY, and ELAINE LACY

- 2009 "Introduction," in Mary E. Odem and Elaine Lacy, eds., *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press, pp. ix-xxviii.

OLIVAS, MICHAEL A.

- 2012 *No Undocumented Child Left Behind: Plyler v. Doe and the Education of Undocumented Children*, New York, New York University Press.
- 2011 "The Political Efficacy of *Plyler v. Doe*: the Danger and the Discourse," *UC Davis Law Review*, vol. 45, no. 1, pp. 1-26.
- 2007 "Immigration-related state and local ordinances: preemption, prejudice, and the proper role for enforcement," *University of Chicago Legal Forum*, pp. 27-56.

PICKEL, M. L.

- 2009 "Immigrants Lose Local Legal Office," *The Atlanta Journal-Constitution*, April 10, p. B1.
- 2008 "Law Cracks Down on License-less Driving: Immigrant Advocates Fear Unequal Enforcement," *The Atlanta Journal-Constitution*, May 31, p. B3.
- 2007 "Ex-Prosecutor to Lead Latino Community's Legal Rights Group," *The Atlanta Journal-Constitution*, July 11, p. D10.

POOLE, S. M.

- 2006 "Cherokee in Line of Fire on Illegal Immigrants: Language, Rental Laws," *The Atlanta Journal-Constitution*, December 13, p. D1.

REDMON, J.

- 2012 "'Show-Me-Your-Papers Law' a Go," *The Atlanta Journal-Constitution*, August 21, p. A1.

ROBERT STEWART V. CHEROKEE COUNTY, GEORGIA

- 2007 United States District Court for the Northern District of Georgia, Atlanta Division, January 4.

RODRIGUEZ, Y.

- 2002 "Latinos' Political Showing 'A Victory,'" *The Atlanta Journal-Constitution*, August 28, p. E1.

SALZER, J.

- 2013 "State Last in Latino Grads," *The Atlanta Journal-Constitution*, November 14, p. E1.

SANCE-VALVERDE, ISABEL

- 2005 Oral History Interview with David Badillo, April 11.

SCOTT, J.

- 2011 "Region's Hispanic Population Doubles: Metro Atlanta Numbers Exceed Rise Statewide," *The Atlanta Journal-Constitution*, March 18, p. A14.

SINGER, AUDREY, SUSAN W. HARDWICK, and CAROLINE B. BRETTTELL

- 2008 "Afterword: Coming to Terms with Federal and Local Immigration Reform," in *Twenty-First-Century Gateways: Immigrant Incorporation in Suburban America*, Brookings Institution Press, Washington, D.C., pp. 308-317.

TALLMAN, TISHA

- 2006 "Stop Anti-Immigrant Violence," *The Atlanta Journal-Constitution*, October 11, p. A15.
- 2005 Oral History Interview with David Badillo, April 11.

THARPE, JIM

- 2006 "Perdue Signs Bill on Illegals: Crackdown Law Faces Challenges," *The Atlanta Journal-Constitution*, April 18, p. A1.

VARELA, A.

- 2006 "Latino Defense Group Chief Quits: Mexican American Legal Defense and Educational Fund's Tisha Tallman Joins a Private Law Firm," *The Atlanta Journal-Constitution*, November 22, p. B3.

WALCOTT, SUSAN M., and ARTHUR MURPHY

- 2006 "Latino Communities in Atlanta: Segmented Assimilation Under Construction," in *Latinos in the New South: Transformations of Place*, Burlington, Vermont, Ashgate Publishing, pp. 153-166.

WINDERS, JAMIE

- 2005 "Changing Politics of Race and Region: Latino Migration to the US South," *Progress in Human Geography*, vol. 29, no. 6, pp. 683-699.

WINDERS, JAMIE, and BARBARA E. SMITH

- 2012 "Excepting / Accepting the South: New Geographies of Latino Migration, New Directions in Latino Studies," *Latino Studies*, vol. 10, nos. 1-2, pp. 220-245.

ZAMARRIPA, SAMUEL

2003 Oral History Interview with David Badillo, November 12.

ZWINGLE, ERLA

1988 "Atlanta on the Rise: Energy and Optimism in the New South," *National Geographic*, vol. 174, pp. 3-28.

Immigration Policy at the Subnational Level In North America: Quebec and Georgia In Comparative Perspective

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ABSTRACT

One of the fundamental goals of immigration policy is the “integration” of new immigrants, which reaches its fullest success with naturalization. Most integration efforts take place at the subnational level. I use case studies of Georgia and Quebec to identify indicators and patterns that can be applied to the comparative study of immigration policy in Canadian provinces, U.S. American states and meso-level governmental units around the world. I believe my analysis captures some of the broad range of variation in immigration policy between Canadian and U.S. jurisdictions and helps us to assess the comparative success in terms of naturalization.

Key words: immigration, integration, Canada, U.S., naturalization, MIPEX.

RESUMEN

Una de las metas fundamentales de la política de inmigración es la “integración” de los nuevos inmigrantes, que alcanza su éxito total con la naturalización. La mayoría de los esfuerzos de integración ocurren en el nivel subnacional. Utilizo estudios de caso de Georgia y Quebec para identificar indicadores y patrones que pueden aplicarse al estudio comparado de la política de inmigración en las provincias canadienses, los estados de la unión americana y las unidades gubernamentales de nivel medio en todo el mundo. Mi análisis pretende mostrar el amplio rango de variación en las políticas migratorias entre las jurisdicciones de Canadá y Estados Unidos, y puede ayudarnos a evaluar el éxito comparativo en términos de naturalización.

Palabras clave: inmigración, integración, Canadá, Estados Unidos, naturalización, MIPEX.

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INTRODUCTION

Increasingly, immigration issues have risen to the fore in public consciousness and among decision-makers not just at the national level but at the subnational level as well. The expansion of the role of Canadian provinces in immigration was spearheaded by Quebec, but now involves all the others, albeit in a less significant way. Quebec's leadership in immigration has been primarily motivated by nationalist, cultural, linguistic, and economic considerations and tends to be pro-immigration and integration of immigrants into Quebec society. This is not the case with U.S. American states, which, in terms of legal immigration, participate only in refugee resettlement, but not in systematic ways in other core areas of immigration policy like integration, recruitment, and selection. However, in the last few years, states have begun to play a more profound role in the area of "undocumented" ("illegal") immigration. This involves primarily the sphere of enforcement, culminating in restrictive immigration laws in Arizona, Georgia, Alabama, South Carolina, Utah, and Indiana, and similar proposals in other state legislatures.

To gain a better understanding of the role and processes of integration and naturalization, it is thus necessary to explore the role of subnational units in immigration. However, there has been little real comparative data on immigration policy at the state and provincial levels where much of the action now appears to be taking place. It is clear that these subnational policies are not uniform, especially within federal countries like the U.S. and Canada. In Canada, the role of Quebec is quite different from that of Ontario, for example, while in the U.S., Georgia's policies are quite different from those of New York. One of the aims of this article is to help identify indicators and patterns that can be applied to the comparative study of immigration policy in Canadian provinces, U.S. American states and meso-level governmental units around the world more generally.

Perhaps the best way to understand a policy like immigration is to examine it from a comparative perspective. In this article, I employ an inductive approach, initially using case studies of Quebec and Georgia to capture some of the broad range of variation in immigration policy between Canadian and U.S. jurisdictions. Therefore, throughout, I will compare immigration policies in Quebec with those of other Canadian provinces and U.S. American states, particularly Georgia.

In recent years, interest has grown in the comparative study of immigration. One major effort to lay the groundwork for systematic comparative analysis, the Migration Integration Policy Index (MIPEX), was developed by the British Council and the Migration Policy Group. It is designed to measure and compare immigration policies in European Union (EU) member states, plus Norway, Switzerland, the U.S.

and Canada (MIPEX, 2010) at the national level.¹ That research identifies seven major policy areas: labor market mobility, family reunification, education, political participation, long-term residence, access to nationality, and anti-discrimination. The shortcoming of the index is that it fails to take into account the fact that many of those functions, especially in terms of implementation, are under the purview of or at least shared with intermediary and local governments and vary significantly between these units in the same country. Increasingly immigration issues have come to the fore in the public consciousness and among decision-makers at the subnational level throughout Canada, the U.S., Europe, Africa, Australia, and New Zealand.

By definition, immigration policy involves national governments in the issue of citizenship and residency, whether permanent or for limited time periods, and includes economic, family, social, human rights, refugee, and asylum-seeker concerns.² Intermediate administrations like provincial governments and states are involved because of economic and employment needs, residency –all immigrants live in local jurisdictions–, education, health, language, social services, and cultural integration. In Canada, provinces, particularly Quebec, can also play a key role on the selection side. In the U.S., states have very little say in the selection of legal immigrants. In terms of “illegal” immigrants, some states are increasingly involved in policing and the potential deportation of the undocumented. In Canada, that remains an entirely federal function.

Currently, little comparative data exists on immigration policy at the provincial and state levels in either Canada and the U.S. or the EU. One of the key aims of this research is to identify indicators that can be applied comparatively at the subnational, particularly the intermediary, meso (state and province) level. In this article, I employ a comparative inductive approach (Lijphart, 1971) examining two important yet very similar case studies, Georgia and Quebec. However, in terms of the key policy variable, immigration policy, they may be regarded as polar opposites. Using deep case analysis, I will attempt to derive common core comparative indicators. This research will provide a clearer picture of the diversity of immigration policies being applied throughout the United States and Canada and establish the basis for comparison with provincial-, regional-, and state-level units in EU countries and elsewhere. It will provide the basis for a preliminary assessment of the comparative success in terms of naturalization of immigrants in Georgia and Quebec.

Several key assumptions underlie this study of immigration policy. My base assumption is that among the fundamental goals of immigration policy is the “integration”

¹ Australia and Japan have recently (2012) been added to the MIPEX.

² Switzerland, with permanent residency decided at the canton level and citizenship at the municipal level, is the most notable exception.

of new immigrants, which reaches its fullest success with naturalization (citizenship). Although some scholars would question the use of naturalization as the endpoint of integration, it does provide a clearly comparative assessment tool for examining immigration policy. It is one of the key variables in the MIPEX Index: “access to nationality.” This measure is highly correlated with the overall MIPEX ranking of a country. For example, on the overall rating based on 148 different indicators (among 31 countries in the MIPEX III), Canada ranks third overall and third on the “access to nationality” measure. The comparable rankings for the U.S. are ninth and ninth.

As suggested by the MIPEX approach, the success of immigration policy depends on the nature and quality of the legal and political framework and government sponsored integration efforts (MIPEX, 2012). Strong government intervention efforts at integration are employed in the Canadian model. In the U.S., the so-called “laissez-faire” approach is practiced where little if any integration services are publicly funded or offered.

Based on these empirically supported assumptions, the key operational hypothesis of this article is that the policy choices available to and made by provinces and states are reflected in multiple ways in the rate of success of the immigrant population (integration and citizenship) and simultaneously in the attitudes and interactions between their respective countries.

MOTIVATION FOR SUBNATIONAL INVOLVEMENT IN IMMIGRATION

A number of key factors have contributed to a trend toward greater involvement by meso-units in immigration. These include increasing globalization, new international—including continental—trade agreements, the on-going impact of federalism, nationalism, and the process of decentralization.

Global competitiveness now dictates that in addition to sovereign countries, states, provinces, and cities must work to attract and retain the most creative talent, regardless of national origin and cultural and lifestyle preferences (Florida, 2005). Immigration policy designed to attract and retain talent and investment has become a critical component of policies calculated to address global competitiveness. Canada, China, India, the UK, and other EU members all have serious merit-based programs to attract the “best and the brightest” (Gafner and Yale-Loehr, 2010). Subnational units all over the industrial world are working in various ways to ensure their positions as “globally” attractive and, hence, competitive in terms of human resources. For example, in the Canadian case, how provinces set their priorities for economic development directly impacts the countries from which they seek to attract or discourage

immigrants. According to the Canadian minister of immigration, “The prime goal is a fast and flexible immigration system whose primary focus is meeting Canada’s economic and labour needs” (CIC NEWS, 2012).

In the U.S, the *Comprehensive Immigration Reform Act* proposed as a bipartisan initiative in 2007 by then-President George Bush would have changed “the balance of legal immigration away from family reunification and toward admitting English speaking immigrants with specialized skills” (Citrin and Sides, 2008: 54). For the moment, the U.S. remains far behind its competitors in launching comparable programs. However, since the conclusion of the recent presidential election and the growing significance of Hispanics as voters, immigration reform has been given a high priority with the second Obama administration. The need to increase the number of visas for highly-skilled workers (H1B, 1-5) is the most politically accepted aspect of reform in the U.S. immigration system. Once again, however, it seems that comprehensive immigration reform in the U.S. faces very significant political hurdles.

Constitutional issues also come into play. While immigration (entry, permanent residence, and citizenship) are clearly in the purview of the federal government in Canada, post-arrival functions such as language training, healthcare, settlement, social services, labor, and employment remain provincial prerogatives (McIlroy, 1997: 434; Nossal, 1997; Dupras, 1993). All of the provinces and territories are committed “to working together . . . in three priority areas: immigration levels planning, economic immigration, and settlement and integration of newcomers.” (CIC NEWS, 2012). By way of contrast in North America, in Mexico such activities are constitutionally prohibited, but increasingly tolerated.

The U.S. Constitution explicitly mentions immigration,³ and the U.S. Supreme Court has ruled that Article 1, Section 8 assigns the naturalization of citizens (and hence immigration) to the federal government (White, 2012). The individual states have little or no direct say in the recruitment or acceptance of “legal” immigrants. The only area in which they have significant input and involvement is in refugee resettlement, an area in which they are at least consulted by Washington. Refugees and asylum seekers, however, represent a very small portion of legal immigrants admitted to the U.S. The positive potential role of the states in the selection of immigrants based on economic development and labor needs has been largely under-utilized and government heavily critiqued by the business community as hindering economic development.

³ The word “naturalization” was the commonly used word for immigration when the Constitution was written.

THE CASES FOR ANALYSIS: QUEBEC AND GEORGIA

In a number of important ways Georgia and Quebec share some very important characteristics. Both include relatively large geographic areas. Although Quebec has a much greater surface area, the size of the populated zones is fairly similar. Georgia has 9.7 million residents (2010), while Quebec has 7.9 million (2011). Both are very active in the technology sector, in industrial production and agriculture. The level of trade between the two is considerable, with Canada as Georgia's largest trade partner and Quebec involved in a significant portion of that. Each is dominated by a large metropolitan region, Atlanta and Montreal respectively, where roughly half the people and the vast majority of new legal immigrants choose to reside (81.6 percent and 86.9 percent respectively). However, on the issue of legal immigration, Georgia and Quebec are on different trajectories in terms of both policy and public opinion. They therefore meet the basic conditions for a good comparison (Lijphart, 1971).

Legal immigration to Georgia averages about 28 000 a year (27 015 in 2011); the largest source is Asia, accounting for just over 40 percent (led by India, China, South Korea, and Vietnam, in that order). More than four out of five new fully documented immigrants settle in the greater Atlanta metropolitan area. The state's foreign-born inhabitants number just under a million, or about 10 percent of the total population. However, of those, approximately 460 000 are undocumented (Hoefer, Rytina, and Baker, 2012). Uncontrolled, "undocumented" immigration has become the dominant source of new international residents. Overall, the single largest immigrant group in Georgia is composed of undocumented Mexican workers and their families.

In the last few years, several U.S. states have begun to play a greater role in immigration *vis-à-vis* the undocumented, based on the delegation of immigration authority as stipulated in Section 287(g) of the *Immigration and Nationality Act*. Sixty-eight law enforcement agencies in twenty-four states (Beeks and Frye, 2012) have become involved in implementation, in many but not all cases, in collaboration with the federal government. An indicator of this involvement is the fact that "in 2010, state legislatures in 47 states enacted 346 immigration-related laws and resolutions" (American Immigration Council, n.d.). Virtually all these laws involve restrictions and in some cases proactive state and local efforts to deny access to state services and to arrest and deport undocumented immigrants. In the state of Georgia, four counties (Cobb, Gwinnett, Hall, and Whitford) continued to participate until the program was terminated in June 2013. Since 2006, over 16 287 people in Georgia have been deported or voluntarily departed under this program. The Secure Communities Program, a national fingerprint data base is now in use in all prisons in the U.S., in collaboration with local law enforcement officials and will replace 287(g).

In this type of legislation, historically, California led the way with anti-undocumented immigrant Proposition 187, which passed in referendum in 1994 but was declared unconstitutional three years later. That law would have cut all benefits to the undocumented (*Huffington Post*, 2012). More recently, other state governments have responded to the lack of comprehensive immigration reform and a perceived ineffective enforcement of existing federal laws. The now infamous SB1070 passed in Arizona has become a model, although a legally contested one, for laws passed in a number of other states, culminating in recent restrictive immigration legislation in Georgia, Indiana, Alabama, South Carolina, and Utah and similar proposals in numerous other state legislatures (Beeks and Frye, 2012; White, 2012). On the other side of the coin, in October 2013, California became the eleventh state to allow “illegal” immigrants to obtain drivers licenses.

Table 1
KEY GEORGIA ANTI-IMMIGRATION LAWS

Law/Agreement	Description
Georgia Security and Immigration Compliance Act	6-percent state withholding tax for 1099 employees who cannot provide a taxpayer ID number; required citizenship verification of state employees and employers with state contracts and subcontracts; citizenship verification to establish eligibility for individuals over 18 years of age seeking state services
Memorandum of Understanding with ICE for 287(g)	Permits local law enforcement agencies to perform immigration enforcement functions in collaboration with ICE; 4 Georgia county sheriffs, plus the Georgia Department of Public Safety participate; 3 private jails in Georgia hold detainees
SB20	Prohibits “sanctuary” policies by county and municipal governments and agencies (“catch and release”); authorities must determine lawful presence in the U.S. of those stopped for violations
Immigration Reform and Enforcement Act (HB87)	Several provisions similar to Arizona law (SB1070); several provisions disallowed by courts (recruitment, transport, “show me your papers”); upheld checks on those stopped or arrested for other issues. Establishes Immigration Enforcement Review Board (IERB) to investigate complaints made by citizens (registered voters only) about non-enforcement by state and local officials

QUEBEC

The role of provinces in immigration in Canada, spearheaded by Quebec, has expanded dramatically since 1990. We should recall that Canadian provinces, and especially Quebec, play a very active role in both the recruitment and selection processes for immigrants. In Quebec, roughly one in nine residents (about the same percentage as for Georgia) was born outside the country (compared to about 20 percent for Canada and 28 percent for neighboring English-speaking, Ontario). This may reflect the fact that the top immigrant-sending countries to Canada over the last 40 years have been English-speaking (the UK, the U.S., India, and Hong Kong) (Gogia and Slade, 2011). Quebec selects its immigrants largely from the economic category (69.8 percent), with about one in five (19.4 percent) from the family reunification category, and one in 10 (9.7 percent) who have refugee status. Through its Ministry of Immigration and Cultural Communities, and under the Canada-Quebec Accord, Quebec is charged with putting together and updating a strategic five-year immigration plan for the province, setting priorities about characteristics and types of immigrants desired and coordinating the effort with Ottawa in what amounts to an “asymmetrical” federalist model. The provincial role in targeting immigrants as part of the broader economic growth, and the preservation of cultural identity contributes to making Quebec a place where both government and citizens generally favor immigration.

Table 2
TIMELINE OF QUEBEC’S INVOLVEMENT IN IMMIGRATION

Year	Accord or Action
1968	Quebec established its own immigration department
1971	The first Canada-Quebec immigration agreement was signed (Lang/Cloutier), allowing Quebec to have representatives in Canadian embassies and to do counseling abroad
1975	The Andras/Bienvenue agreement gave Quebec a part in the selection process, allowing Quebec to do interviews and to make recommendations to visa officers
1978	The Cullen/Couture agreement gave Quebec a say in the selection of immigrants abroad, allowing Quebec to define its own selection criteria
1991	Gagnon-Tremblay, Rémillard /McDougall Accord builds on this mutual commitment; it was the first agreement to give Quebec selection powers in Canada

Source: Government of Canada, Immigration and Citizenship (2011a).

Table 3
GAGNON-TREMBLAY/MCDOUGALL CANADA-QUEBEC ACCORD 1991
KEY PROVISIONS

1. This accord relates to the selection of persons who wish to reside permanently or temporarily in Quebec, their admission into Canada, their integration into Quebec society, and the determination of levels of immigration to Quebec.
2. One objective is the preservation of Quebec's demographic importance within Canada and the integration of immigrants to that province in a manner that respects Quebec's distinct identity.
3. Canada shall determine national standards and objectives relating to immigration and shall be responsible for the admission of all immigrants and the admission and control of aliens. Canada shall discharge these responsibilities in particular by defining the general classes of immigrants and classes of persons who are inadmissible into Canada, by setting the levels of immigration and the conditions for the granting of citizenship, and by ensuring the fulfillment of Canada's international obligations.
4. Quebec has the rights and responsibilities set out in this accord with respect to the number of immigrants destined to Quebec and the selection, reception, and integration of those immigrants.

Source: Government of Canada, Immigration and Citizenship (2011b).

The importance of immigration at the provincial level is underlined by the very significant investments in it. All 10 Canadian provinces and the three territories have ministries/services/departments, and, in one case, PEI, a crown corporation, to deal with immigration and immigration-related issues. Section 95 of the *Constitution Act* is cited as legitimizing the sharing of authority between the provinces and the federal government regarding immigration.

In Canada, Quebec led the way, establishing under the Union Nationale government of Premier Daniel Johnson, Sr., a Department of Immigration in 1968. This was an area of high priority for Quebec, particularly for "sovereignists," as a symbol of nationhood. The philosophical/legal justification was provided by the Gérin-Lajoie Doctrine, which argues that treaties signed by the Canadian government that involve provincial functions can only be implemented with the agreement of the province. Furthermore, the argument goes that provinces have the right to engage in international agreements of their own in areas of provincial responsibility. Even though the federal government in Canada never recognized the Gérin-Lajoie doctrine, much of it has been implemented *de facto*. As can be seen in Table 2, a series of agreements between Quebec and the Canadian government expanded the provincial role and legitimacy in immigration. These gradually evolved from the placement of Quebec representatives in Canadian embassies into the prominent leadership role Quebec has played in this process since 1991.

The Cullen-Couture Agreement of 1978, negotiated under the government of René Lévesque, codified the serious collaborative role of Quebec and Ottawa in the implementation of immigration policy. In 1990, this agreement was expanded and a year later replaced with a new intergovernmental accord (the Gagnon-Tremblay, Rémillard/McDougall Accord). This agreement includes the transfer of federal funds to Quebec for the implementation of immigration policy, especially integration programs for immigrants. The agreement's key provisions show Quebec's core values and goals in terms of the social, cultural, and economic realms. This agreement remains in effect right up to the present and provides Quebec with a leading but collaborative role in immigration, a role only partially shared by other provinces. For example, while the other provinces' and territories' representatives met with the federal government to work out a new agreement on strategic objectives and new approaches (particularly the new "expression of interest," or EOI, initiative), Quebec's minister of immigration chose not to attend. The background on the meeting clearly stated that the agreement did not in any way affect past agreements on immigration under the Canada-Quebec accord.

The current Ministry of Immigration and Cultural Communities in Quebec employs nearly 1 600 staff and has four overseas immigration offices (Paris, Hong Kong, Mexico City, and Brussels) and seven regional offices throughout Quebec. For most of the provinces, active involvement in immigration began in 2001 with the "Provincial Nominee Program," launched in collaboration with the federal government. That program allows provinces to nominate a relatively small number of individuals for immigration to Canada based on the economic and skilled-labor needs they determine. All Canadian provinces are now employing this mechanism, with revisions based on an agreement reached in November 2012. In addition to Quebec, two other provinces, Ontario and Alberta, have elevated immigration to ministerial status. Most others have an office embedded in a ministry with broader responsibilities (often intergovernmental relations or commerce).

THE IMPORTANCE OF PUBLIC OPINION ABOUT LEGAL IMMIGRATION

Canada is an outlier among advanced industrial nations in terms of the overall degree of support for "existing levels" of immigration. In the U.S., a country whose image is inextricably linked with immigration ("We are a nation of immigrants."), public opinion lies somewhere between that in Canada and Western European nations on this issue. As noted, "Europeans display negative attitudes towards immigrants in general and to immigration in particular" (Davidov and Meuleman, 2012).

Right wing anti-immigrant political parties seem to be in the ascendancy in much of Europe (for example, the Netherlands, Denmark, etc.)

According to Bloemraad (2012) "About two-thirds of Canadians feel that immigration is a key positive feature of their country." This support is quite consistent across Canada's provinces, including Quebec. The picture is far less positive in U.S. American states where immigration, on the input side, remains almost entirely in the hands of the federal government. It has recently become a salient issue, since 9/11 and the rise in concern about the number of undocumented immigrants.

Measuring support for or opposition to immigration using survey research methods can be quite daunting. As Jedwab (2008) demonstrated, changing the introduction to some commonly used immigration-related survey items can change the responses quite significantly. In several surveys of U.S. citizens only, 18 percent agreed that immigration has a positive effect on the country, while in a recent PEW survey, 49 percent agreed with the statement "immigrants today strengthen our country because of their hard work and talents" (Pew Research, Center for the People and the Press, 2013). Even so, for comparative purposes two survey items, the question of increasing, keeping the same, or decreasing immigration levels (without telling the interviewee the actual numbers,) and the question of whether immigration is good or bad for the country, still produce useful comparative data on perceptions.

Overall, public opinion in Canada remains quite favorable to immigration, especially when compared to the U.S. and other Western democracies. Support by Canadians remains high, even in the face of economic challenges (Hiebert, 2006; Simon and Sikich, 2007). What accounts for this and the differences between Canada and other advanced industrial nations on this issue? This support is rooted in the country's perceived economic, social, demographic, and historic cultural dimensions (particularly "multiculturalism") (Reitz, 2011). Fortin and Loewen (2004) disaggregated responses (increase level, remain the same, and decrease level of immigration) and found different dynamics associated with support for increasing or maintaining current levels of immigration and for establishing restrictions on immigration. These differences are based on economic and cultural affinity and symbolic politics hypotheses. Individual prejudice came into play in explaining the "decrease the level of immigration" responses but showed little impact in the others.

These findings need to be nuanced by changes occurring over time. As indicated in Table 4, Canadians are now evenly split on whether immigration has a positive or a negative effect on the country (39 percent to 39 percent). This is still far more positive, however, than similar findings in Europe, where those saying the impact is negative outnumber those saying it is positive by nearly two to one. Furthermore, Québécois are far more positive than Canadians as a whole (44 percent positive vs.

32 percent negative). Surprisingly in Ontario, the province with the largest number of immigrants, trends are moving in the negative direction.

Table 4
ATTITUDES TOWARD IMMIGRATION IN THE U.S. AND CANADA

Statement in Survey	United States (%)	Canada (%)	Quebec (%)	Georgia (%)	Ontario (%)
Immigration in the country should be decreased	35	41	44	48	44
Immigration in the country should be maintained at present levels	42	37	36	32	36
Immigration in the country should be increased	21	15	11	11	15
Immigration has a positive effect on the country*	18	39	44		35
Immigration has a negative effect on the country	57	39	32		42
Not sure of the effect of immigration on the country	25	22	24		22

* Wording has a dramatic effect on responses to this type of question.
Source: United States (Gallup, 2012); Canada (Angus Reid Public Opinion), Georgia (Carl Vinson Institute of Government, 2006).

Some additional evidence seems to be consistent with the Canadian “exceptionalism” thesis. A recent study found, surprisingly, that higher levels of national pride are associated with support for immigration in both Quebec and English-speaking Canada, while the reverse is the case in the U.S. (Citrin and Wright, 2012). Looking at Francophone and Anglophone daily newspaper reactions to a new government guide defining citizenship for new and potential immigrants, Winter and Sauvageau (2012) found a convergence of opinion. This suggests consensus around “core values” that guide immigration efforts throughout Canada.

Linked to these core Canadian values is a sense of fairness, especially as it relates to the undocumented. According to a recent Angus Reid poll, “the views of Canadians on illegal immigration have hardened. . . . Half of respondents (50 percent, +6 since September 2010) believe illegal immigrants in Canada take jobs away from Canadian workers” (Angus Reid Global, 2012). In addition, only 23 per cent of respondents

would allow illegal immigrants to stay in Canada and eventually apply for citizenship, while 50 percent think illegal immigrants should be required to leave their jobs and be deported" (Angus Reid Global, 2012). These findings regarding sanctions for "illegal" immigration surprisingly approach levels currently found in the U.S., where the undocumented are far more numerous and it is a more salient issue.

On the negative side, the "cultural affinity" arguments, often labeled "reasonable accommodation," came to the fore in Quebec and spread across Canada, as they have in many Western European countries. In 2007, the small Quebec municipality of Hérouxville publicly raised the issue in dealing with immigrants, specifically in relation to some perceptions of Muslim and Sikh practices. It immediately became salient and resulted in the creation of a provincial commission and widespread debate and discussion.

The Liberal government in the National Assembly in Quebec City passed Bill 94 in 2010 requiring Muslim women to show their faces in public in order to receive government services. Although this was quite controversial and regarded by many as anti-Muslim, it hit a responsive chord across Canada. In a national survey, the Angus Reid Global (2010) reported 80-percent approval of the bill by Canadians (and 95 percent of Quebecois). According to Quebec's immigration minister "to work in the Quebec public service or to receive the services of the Quebec state, your face has to be uncovered." The Canadian government followed suit in December 2011 with a similar administrative regulation put into effect by the federal minister of citizenship and immigration (*National Post*, 2011). Furthermore, the so-called Charter of Secularism being considered by Quebec's National Assembly would make it illegal for government officials to wear religious symbols while on the job.

Thus, even in one of the most welcoming of countries in the world, attitudes vary considerably depending on how an immigration issue is framed and the context and the nature of the immigration-related policies at the provincial level. In the print media, Winter and Sauvageau (2012) noted the sense that core culture and values need to be protected from the "other," Muslims in particular. The controversy has not entirely disappeared and was raised again in Quebec's 2012 provincial election campaign. The discussion once more brought to the fore the issue of the wearing and display of religious symbols by government workers. Pauline Marois, at the time leader of the opposition Parti Québécois (PQ) –now leader of a minority government–, contended that Quebec is a secular state. She proposed a new Secularism Charter. "Civil servants," she argued, "should not be allowed to wear" obvious religious signs such as turbans, "yarmulkes," and "hijabs" (Séguin and Clark, 2012). When a PQ candidate for the National Assembly, Djemila Benhabib, stated that the crucifix ought to be removed from the Quebec legislature, she was attacked by the mayor of Saguenay

who said Quebecois should not be dictated to by someone from Algeria. Benhabib narrowly lost the election in Trois Rivières to a Liberal Party candidate. We do not know how much this controversy contributed to that outcome, but I would suspect it had at least a small impact. The debate became even more heated when the discussion turned to making sure that new immigrants were prepared to adopt and/or adapt to Francophone Quebec language and culture. In this, the Coalition for Quebec's Future (Coalition Avenir Québec, or CAQ) concurred with the "Péquistes," or members of the Parti Québécois (PQ).

Among the major Quebec parties, there was considerable variation in the emphasis placed on immigrants. The PQ proposed creating a distinct Quebec citizenship that would apply to all current residents but limiting access to future immigrants to those who speak French and know about the history, culture, and values of Quebec. Furthermore, it proposed restricting access to English medium general and vocational colleges (CEGEPs, or the equivalent of junior colleges) for newcomers to the province and not allowing Francophone Quebecois to study in them either. They went on to argue in favor of requiring French fluency for all candidates for public office (Beaudin, 2012). On the economic side, companies with fewer than 50 employees, heretofore excluded from Bill 101, would now be subjected to French-language requirements in the workplace.

The CAQ, an upstart successor to Democratic Action (Action Démocratique, or AD), suggests cutting back on the number of immigrants admitted and strengthening the program of "Francization" in order to protect the French language. The Liberal Party, which actively sought the support of "Allophones" (an immigrant whose mother tongue is neither English nor French), generally avoided the immigration debate, except for offering greater support for French-language programs for new immigrants and the dissemination of a "Quebec values" statement to all actual and potential immigrants.

The September 4 elections put the PQ in office, but as a minority government with only 54 of 125 seats and the support of only 32 percent of the electorate. As noted above, its program emphasized some not insignificant immigration-related issues (establishing a Quebec citizenship, additional language tests, language restrictions on running for office, and limits on access to English-language CEGEPs). However, as the leader of a minority government, Pauline Marois had to put some of these plans on hold or at least modify them before they could be presented to the National Assembly. The CAQ and Liberal Party leaderships have already labeled several of Marois's immigration proposals as non-starters.

Some accommodations may be possible for the PQ government if an informal accord can be reached with the third-place party, CAQ (19 seats), which also favors

some modifications in immigration policy, especially regarding language, integration, and numbers. Marois, as a strong advocate for Quebec independence, has talked about confronting Ottawa and demanding more control for Quebec over a variety of policies, including immigration. The emphasis is on strengthening the French-language component for admission and training of immigrants. In an October 2, 2012 press release, the new minister is quoted as saying, "This preoccupation is consistent with my charge in immigration as well as language. The vitality and quality of the French language includes the "Francization" of new arrivals and is clearly a priority for me." The release of linguistic data from the 2011 census showing mixed results for French usage, particularly in Montreal, has sparked new demands by the PQ to strengthen the historic Bill 101.

Unlike the U.S., Canada employs a point system for new immigrants that emphasizes the economic and labor needs of the country and the provinces. About 60 percent of all new immigrants are classified as "economic immigrants." They "apply for permanent residence papers and are selected by Canadian governments based on their education, language skills, occupational training, work experience, and age. An additional, smaller group is chosen based on ability to invest in business and job creation" (Bloemraad, 2012). Only about a quarter are admitted based on family ties and 11 percent as refugees. Contrast this to the U.S., where selection and admission policies are almost the exact reverse, dominated by family relations rather than economic needs.

As per the accord between the province of Quebec and Ottawa, responsibilities are shared with the federal government. The Quebec Ministry of Immigration and Cultural Affairs maintains four overseas immigration offices for recruitment and screening of potential immigrants and seven regional offices in Quebec to assist new immigrants in adapting and for local governments to coordinate their employment needs. Quebec selects immigrants for the economic category, for some in the refugee category (overseas), and for certain humanitarian purposes (for example, Haiti after the earthquake). The federal government does the selection for family reunification and asylum seekers. About three-quarters of all immigrants to Quebec are selected by the province, issued Quebec certificates of acceptance, and then accorded permanent resident status by the Canadian government. Figures for the first six months of 2012 for Quebec indicate that, consistent with past practice, 74.8 percent of immigrants to the province were selected by Quebec. They are subject to screening and final approval by the federal government based on health, national security, and crime-related issues. Nonetheless, the overwhelming majority of those selected by Quebec are admitted. The numbers for this year continue to surpass expectations, with over 51 000 admitted. The demand remains high and does not appear to have been

affected by the internal charter of secularism debates (DeCourcy, cited in *The Canadian Press*, 2013).

After a series of public hearings conducted by its Ministry of Immigration, the Quebec government established goals for the 2012-2015 plan that include economic qualifications (65 percent), relative youth (65-75 percent under the age of 35), representation of diverse world regions, and the ability to speak or at least have some experience with and understanding of French (at least 50 percent). About 63 percent of new immigrants are French-speaking at some level, and all new immigrants are expected to master French after arriving. As noted above, the province issues a certificate of acceptance (selection) to those who meet their criteria and this is communicated to the federal immigration service in Ottawa. The ministry also contracts with non-profits to help immigrants integrate into Quebec society.

Given the priority placed on language and prospects for integration into Quebec society, those admitted tend to come from Francophone countries, particularly France and former French colonies. The countries of the Magreb, especially Morocco, Algeria, and Tunisia, have been high on the list, along with Haiti, Lebanon, and Cameroun. Outside the Francophone world, China, Columbia, Iran, and Egypt contributed important numbers of immigrants in recent years.

In the revised point system, greater weight will be assigned to language competency, relative youth, Canadian work experience, and "the introduction of a mandatory assessment of educational credentials" (Quebec Immigration, 2012). This last requirement is designed to eliminate fraud and to assist with employment placement where professional credential equivalence is established. This seems to be very consistent with Quebec's broad policy goals. However, under the current PQ government, Quebec chose not to participate in a meeting of the federal and provincial immigration ministers. At this meeting the ministers unanimously approved major changes in policy designed to streamline and expedite immigrant selection. It will employ an "expression-of-interest" approach to the recruitment and acceptance of new immigrants under the Federal Skilled Workers Program. Based on a similar system launched in New Zealand and more recently in Australia, this approach will be implemented by the federal government and all provincial governments, except Quebec, in 2014. This policy moves in the direction of greater central control in Ottawa and less autonomy for the provinces. Quebec, however, will not be affected and will continue to operate under its existing agreement with Ottawa. (CIC News, 2012). Quebec has, however, adopted basically the same expression-of-interest model for its own use.

GEORGIA AND IMMIGRATION

Interest in immigration issues reached a fever pitch in Georgia in 2010, following the arrest of a Kennesaw State University student, Jessica Colotl, on a minor traffic violation. This undocumented dean's list student, brought to Georgia by her parents at age 11, became a national *cause célèbre* for both the anti-immigrant and the pro-Dream Act groups. With a semester to go to graduate, she faced the prospects of deportation to Mexico. She was eventually granted a one year delay by ICE, but was forced to serve a brief jail sentence for driving without a license.⁴ This highly publicized incident and the virulent response by Tea Party ideologues led right-wing –and even some more moderate– Republican lawmakers to push for additional restrictions on state services to undocumented immigrants and passage of an Arizona-type immigration bill.

Although opinion on immigration in the U.S. is generally less positive than in Canada, perceptions of immigrants in different states and regions vary considerably (SurveyUSA, 2005). However, U.S. Americans tend to see little in the way of economic or social benefits from immigration, and rightly or wrongly, view it as a major drain on local resources.

To this mix, we need to add those without legal documentation authorizing their stay in the country. Issues surrounding undocumented immigrants have become extremely salient and highly politicized. The sheer magnitude of the “illegal immigrant” population in Georgia (estimated at 450 000, 325 000 of whom held jobs in 2010) coupled with the linguistic, cultural, and class differences the undocumented immigrants represent, lead many Georgians and Georgia lawmakers to support an Arizona-type law to control it.

The Supreme Court recently struck down three of the Arizona law's four major provisions, and by extension, those of Georgia's anti-illegal immigration laws. “The five-justice majority was quite clear that the federal government has total authority over immigration law, and that states can assist only to the degree that the federal government allows that assistance. The court based its ruling in part on the federal government's clear, longstanding authority on matters of foreign policy. It is fundamental that foreign countries concerned about the status, safety, and security of their nationals in the United States must be able to confer and communicate on this subject with one national sovereign, not the 50 separate states,” Justice Anthony Kennedy wrote for the majority (*ABA NOW*, 2012), and Justice Scalia, who would have upheld all four provisions in the law, wrote a strong dissent. The court also ruled that

⁴ Remaining charges against Ms. Colotl were finally dismissed in January 2013.

federal officials have exclusive discretion about deciding how –and even whether– to deport those who are in the country illegally (*ABA Now*, 2012).

The important provision left standing and that applies in Georgia requires police to check the immigration status of those stopped or arrested for other reasons. It is still being contested as discriminatory. Not challenged in the courts, however, is the creation in the bill in Georgia of the Immigration Enforcement Review Board (IERB). Composed of seven members appointed by the governor, the IERB allows citizens –registered voters only– to bring complaints against state agencies and local governments for non-enforcement of E-Verify for employees and contractors, “sanctuary cities” using the so-called “catch and release” policy, and provision of public benefits for the undocumented. The board composition (seven white men with limited knowledge and/or no immigration-related experience) and functions are being questioned by immigrant advocacy and civil liberties groups. Several cases have already been brought to the board by anti-immigrant activists. Interestingly, a recent audit discovered that the state’s Department of Agriculture had failed to implement the E-Verify provision of state law until the end of 2012.

Georgia, like all U.S. states, has almost no legal control over the level of immigration and the selection of immigrants to the U.S. or the state. U.S. immigration policy places a high premium on family sponsorship and family reunification. Of the just over one million (1 062 040) legal immigrants to the U.S. in 2011, 65 percent were either family-sponsored or immediate family. Employment-based preferences, linked to economic development (EB1-5), account for only 13 percent, and refugees and asylum seekers 11 and 5 percent, respectively. The only immigration program that allows state governments to decide how many newcomers will come to the state each year is refugee settlement. However, this state-based agreement only applies to the numbers and country origins of refugees among the broader immigrant group. Once in the U.S., refugees have the right to relocate wherever they will, although most, due to service provisions, remain in the short term where they have been placed.

Recruitment of immigrants with special skills that meet the state’s or nation’s economic development needs represents a very small portion of new immigrants. Along with the temporary non-immigrant visa (H1-B), it is left in the hands of private companies, lawyers, and universities and not controlled by the states. A number of private firms specializing in immigrant visas and placement have sprung up over the years. They are required to register with the state of Georgia. By way of contrast, in 2009, “Canada admitted more employment-based immigrants than the United States” (Gafner and Yale-Loehr, 2010). The Bush administration supported the *Comprehensive Immigration Reform Act of 2007*, which included a point system that would have increased the emphasis on bringing in highly-skilled workers. In the charged

political climate regarding “illegal” immigration and with the elections coming, it failed to pass either house.

Even when dealing with legal immigrants, the state of Georgia provides limited services and those only to that small percentage of immigrants classified as refugees. These refugee services are financed by the federal government, which reimburses the state. Georgia, through its Division of Family and Children Services and with support from the federally funded Refugee Resettlement Program and a number of private voluntary agencies, provides refugees with necessary services such as public health (through local county health services), job searches, English-language instruction (under contract with two public junior colleges), and a variety of other services designed to make them self-sufficient and productive (Georgia Government, 2012).

All other legal immigrants (over 85 percent of the total in Georgia) must rely on non-profits and local community organizations for help or pay one of the registered private immigration companies or universities offering fee-driven intensive English programs. We have to remember that, unlike Quebec and Canada, the state’s human resource needs in terms of immigration are almost totally outside its control.

For the undocumented the situation is even less welcoming. As the presence of Latinos grew in North Georgia and the metro Atlanta area, state, county, and local governments enacted laws, rules, and regulations that limit access to public services, deny driver’s licenses, and restrict public space used for day laborers, as well as collaborated with ICE to identify and deport the undocumented (Lacy and Odem, 2009). The Georgia Code (OGCA, 2011) requires “verification of Lawful Presence within the U.S.” as a condition for receiving most “public benefits” except for certain health and educational services mandated by the federal government. Both Georgia House and Senate bills designed to deny undocumented immigrants access to the Georgia University System failed to pass. However, the Board of Regents has, in effect, severely constricted their admission and dramatically increased their costs. For example, undocumented students, even if they graduated from a Georgia public school, must pay out-of-state tuition, which is almost three times that of in-state tuition: US\$28 052 per academic year compared to US\$9 842 to attend the University of Georgia (UGA Admissions, 2012).

On the positive side, school systems have been very active in adapting their programs to the needs of the immigrant community. Churches, particularly the Catholic Church, play a significant role in providing social services and support, which is legally denied to the undocumented by public institutions. Some elements of the private sector are also quite supportive, but behind the scenes. Politicians in Georgia are hard pressed to resist the intense pressure put on them by extreme right-wing anti-immigrant groups. However, they are also cognizant of the needs of the business and agri-

cultural communities and the role of immigrants in the economic development of the region and state (Odem and Lacy, 2009). Publicly pushing for rigorous laws while privately expecting lax or selective enforcement has become the norm for some moderate politicians, a stance some have labeled “a wink and a nod” (Maffitt, 2012).

The private sector, particularly the carpet industry, poultry producers, and farmers, have been very proactive in recruiting and attracting workers, largely from Mexico and Central America, to fill their respective industries’ labor needs. Historically, whites fleeing Appalachia for better jobs had fulfilled these needs. Growth in demand and the generational decline among whites in following their parents into the factories necessitated a search for a new source of reliable labor (Odem, 2009; Zúñiga and Hernández-León, 2009). In terms of the carpet industry (Hernández-León and Zúñiga, 2003; Zúñiga and Hernández-León, 2009; Russakoff, 2006), it is clear that the recruitment of Mexican workers extended to other areas of heavy Mexican settlement in the U.S., particularly Los Angeles, as well as into Mexico, where billboards touted the opportunities available in Georgia. A friendly environment promoted by the carpet companies, along with growing social capital developed in the area by the Mexican community stimulated relatively large-scale settlement in the previously all-white rural towns of Northwest Georgia.

The companies worked hard to support teachers and necessary changes in the schools; the bi-national, bi-lingual Georgia Project (Hernandez and Zuniga, 2003) is the most dramatic example. They also tried to limit extremist reactions in the press and community. Many local business owners successfully adapted to the growing Latino market. In southern Georgia, the agricultural sector (Vidalia onion farmers in particular), through its congressional delegation, put pressure on the federal government to ease up on the round-ups and deportations of Hispanic laborers needed for the harvest. The availability of reasonably well-paying jobs in Georgia, low housing costs, the ready availability of “documents,” and the employers’ willingness to accept them produced a growing flow of undocumented workers to the state. Although local politicians, including Georgia’s current governor –at the time a congressman–, exploited the angst of longtime white residents, little of substance was done to affect the situation while most of the growth of the immigrant population took place. Hence, labor recruitment took a very different turn in Georgia than was the case in Quebec.

Table 5
COMPARISON OF QUEBEC'S AND GEORGIA'S IMMIGRANT POLICIES

	Quebec	Georgia
Constitutional responsibility	Joint, province and federal	Federal-minor role for the state
Number of legal immigrants annually	52 000 provincial primarily	28 000, totally federal, except refugees
Undocumented immigrants	25 000, approximately	450 000, approximately
Legal enforcement	Federal-Canada Border Services Agency (CBSA)	Federal (ICE) plus state and local police in some localities; section of the Immigration and Nationality Act; and Secure Communities Program
Recruitment effort	3 overseas offices, 7 regional offices in Quebec	None formally; economic development; some refugee group selection; international students
Recruitment criteria	Point system-Quebec certification-language, economic, age	Federal govt. family reunification; regional representation, lottery
Economic immigration	Dominant form (69%)	Relatively minor (13%)
Family reunification	Important but secondary (20%)	Dominant form (65%)
Refugees	Modest (10%)	Modest, but state involved (16%)
Main source countries	Morocco, Algeria, China, France, Haiti	India, China, South Korea, Vietnam
Support for immigrants' language	Quebec sponsors for all immigrants, French language	State covers English for refugees only; PVO/NGO, church support
Support for immigrants' health	Quebec government	Refugees only-federal support, PVO/NGO, church support
Support for immigrants' family services	All immigrants- Quebec government + NGOs	Refugees only-federal support, PVO/NGO, church support
Support for immigrants' integration	All immigrants- Quebec government + NGOs	Federal and NGOs, church
Integration of values	All immigrants- Quebec govt + NGOs, includes Quebec Values document	Federal and NGOs, U.S. American history and government exam
Subnational government organization	Ministry of Immigration and Cultural Communities (>1 600 staff)	Department of Family Services, Secretary of State
Temporary work and education visas	Quebec	Federal

Source: Developed by the author from multiple sources.

THE KEY DEPENDENT VARIABLE: NATURALIZATION AND RETENTION OF IMMIGRANTS

Key measures of the success of immigration programs include the level and rate of naturalization (citizenship). Of the MIPEX measures related to naturalization, “access to nationality,” Canada and the U.S. both rank quite high. Canada is third among the 31 MIPEX countries, with a score of 74, behind only Portugal and Sweden, which score 82 and 79 respectively. The U.S. comes in at seventh for the access-to-nationality measure, with a score of 61. When we look at the relationship between the overall score of each of the 31 countries in the MIPEX data base and the access-to-nationality measure, the correlation is extremely high, ($r = .86$, $n = 31$), showing that this measure alone accounts for much of the variation in the MIPEX score ($R^2 = .73$). Thus, it can be argued that it is relatively more important than any of the other measures included.

Naturalization rates among documented immigrants in Georgia are consistent with levels throughout the U.S., but far below those in Quebec and Canada. In 2012, over 17 000 immigrants became naturalized citizens in Georgia. Remember, legal immigrants to Georgia are predominately Asian, a group that generally has a high naturalization rate. Latinos, on the other hand, especially Mexicans, have low naturalization rates, but there are relatively few “documented” Mexican immigrants in Georgia –or most other southern states for that matter. Retention rates (those remaining in the state after naturalization) of legal immigrants to Georgia are hard to pin down, but the level appears to be quite high, especially in the Atlanta metropolitan area, where most new immigrants to the state settle.

Canada has one of the highest and most rapid rates of naturalization of any country in the world. Integration programs are supposed to teach new immigrants about Canada, its history, values, and culture. In fact, this is emphasized in all provinces except Quebec. In Quebec, the history, culture, and values of Quebec are taught but little attention is paid to Canada. It is interesting to note that despite this, a recent survey in Quebec found that over nine in ten recent immigrants (92 percent of Francophones and 91 percent of non-Francophones) “say they are attached to Canada” (Leger Marketing, 2013). This compares to 95 percent for Ontario. The conclusion drawn by the authors of that study is that immigrants to Quebec, regardless of linguistic preference, overwhelmingly identify with Canada, rather than Quebec. Furthermore, naturalization rates in Quebec (73 percent) are not significantly different from those in Ontario (77 percent, the highest provincial rate) or in Canada as a whole (76 percent) (CIC, 2013). This is, at least in part, associated with the fact that administratively, access to citizenship in Canada is among the least burdensome among advanced industrial countries (MIPEX, 2010; OECD, 2011). As a result, of those who have immigrated

to Canada, the naturalization rate after 6 to 10 years is 71 percent, while the comparable rate in the U.S. is only 24 percent. After 20 years residence, the rates increase to 89 percent for Canada and 74 percent for the U.S. This is consistent with the argument that ease of naturalization is a critical factor.

In addition, however, we need to look at the immigrant support services provided as a contributing factor to integration. Canada's significant investment in integration programs clearly contributes to its success. On the intercultural education measure Canada scores a 71, ranking it third, while the U.S., with a score of 44, is in the bottom half of the MIPLEX countries on this measure. In the U.S., the general lack of integration services significantly slows down the rate of naturalization and delays it until later in life for many immigrants.

The retention rates of immigrants who settle in Quebec are difficult but not impossible to measure, as there is a lag of a minimum of three years between becoming a permanent resident and the opportunity for naturalization. The typical period for naturalization in Canada from time of arrival is six to seven years. Furthermore, since all immigrants have full rights under the Canadian Charter, they are free to move about the country as they choose.

A recent study of retention rates comparing tax data between 2006 and 2010 was designed to see if immigrants had remained or moved to a province other than the one where they originally settled. The highest retention rates are in the largest immigrant-receiving provinces: Ontario, Alberta, British Columbia, and Quebec. The retention rate for all of these is about 90 percent (Immigration Canada, personal communication). This would indicate that the settlement and integration services in these provinces are strong, roughly equivalent, and very successful. These programs build on social capital with fellow immigrants and relatives. What is clear, however, is that even though Quebec manages its own integration services with federal transfer payments, it is neither more nor less successful than other provinces that rely on federal integration programs more directly, but far more successful than Georgia and other U.S. states.

CONCLUSIONS

Immigration policy has become a very salient issue for both states and provinces in the United States and Canada. I employ two different approaches to analysis of this issue. First, I examine the cross-national, quantitative MIPLEX index to identify the broad range of issues and measures that impact and define the immigration factors nationally. Then, I employ case studies of the province of Quebec and the state of

Georgia to capture some of the broad range of variation in immigration policy at the subnational (or meso-) level.

At one end of the spectrum, Quebec is able to play an important role at virtually every step of the Canadian immigration policy process. Canada's federal government checks and certifies all immigrants in terms of national security clearances, but by intergovernmental agreement, leaves almost everything else to Quebec. Planning and prioritizing in terms of economic development needs, recruitment, selection, integration services (including language, "Francization") and targeting of needed skill sets are all done provincially (less so by provinces other than Quebec). A point system emphasizing economic needs, education, language ability, and relative youth of potential immigrants is in place. Economic immigration is the dominant, but not the only, type.

Public opinion on legal immigration, despite some reservations associated with "reasonable accommodation" and secular values, has been and remains very favorable to immigration. In fact, Canada is an outlier among industrial countries in terms of opinion on immigration. Quebec fits into that broadly positive, generally favorable range of opinion toward immigrants and immigration.

On the other end of the spectrum is the state of Georgia (and other U.S. states). Georgia's role and influence over legal immigration policy, particularly on the input side, is minimal. The state has no say in the selection, number, qualifications, or integration of immigrants except for the small category of refugees. For refugees and asylum seekers, Georgia, like other states, is consulted before refugees are settled, and it participates, with federal support, in providing a variety of integration services.

However, the policy disconnect is that the vast majority of Georgia's recent immigrants are undocumented. This has become a very salient issue, resulting in the state and various localities becoming involved in efforts to detain and deport "illegals." This is despite the clear economic interests of several of Georgia's important industries that rely heavily on these workers. Due to the virulence of some segments of the anti-immigrant population, most state services, including higher education, are being denied to the undocumented. Even for "legal" immigrants, state involvement in service provision is minimal and does not present a friendly face.

The comparative study of immigration is a relatively new area and most of the research has concentrated on the nation-state as the unit of analysis. The MIPEX index was designed and is being employed for just that purpose at the national level. There is nothing comparable at the increasingly important "meso-" (intermediate) level. The MIPEX data fail to take into account the tremendous variations within countries. Furthermore, the index does not effectively differentiate between independent and dependent variables. In this paper, I chose to measure the success of immigration policy (my dependent variable) in terms of the rate of naturalization and retention of

immigrants. Doing so provides us with empirical evidence of the contribution of government integration efforts in naturalization outcomes and is mirrored by the very different rates of naturalization in Georgia and Quebec. If we are to undertake a serious comparative effort to assess the relative success of immigration programs, we need to be able to evaluate immigrant integration where it occurs, at the subnational level. That is a process this article aims to contribute to.

BIBLIOGRAPHY

ABA Now

2012 American Bar Association Commission on Immigration, November.

AMERICAN IMMIGRATION COUNCIL

n.d. "State Immigration Legislation," Immigration Policy Center, www.immigrationpolicy.org.

ANGUS REID GLOBAL

2012 "Canadians Are Divided on the Actual Effect of Immigration," January 31. www.angusreidglobal.com/polls/44322/canadians-are-divided-on-the-actual-effect-of-immigration.

2010 www.angusreidglobal.com/issue/immigration.

BEAUDIN, MONIQUE

2012 "What Quebec's Parties Are Offering in the Election," *Montreal Gazette*, September 2.

BEEKS, JAMES, and TONY FRYE

2012 "A Case Study of Arizona's Petition to the U.S. Supreme Court and the Unintended Impact of Immigration Laws Passed by Georgia," paper presented at the 4th Annual Southeastern Immigration Conference, Kennesaw, Georgia, October 16-18.

BLOEMRAAD, IRENE

2012 "Understanding Canadian Exceptionalism," in *Immigration and Pluralism Policy*, Migration Policy Institute, <http://www.migrationpolicy.org>.

THE CANADIAN PRESS

2013 "Quebec Plans to Take in Fewer Immigrants," October 31.

CARL VINSON INSTITUTE OF GOVERNMENT

2006 Peach State Poll.

CIC (CITIZENSHIP AND IMMIGRATION CANADA)

2013 <http://www.cic.gc.ca/ENGLISH/INDEX.ASP>.

CIC NEWS

2012 "Federal, Provincial Governments Reach Agreement on Future Canadian Immigration System," <http://www.cicsnews.com>, accessed December 19, 2012.

CITRIN, JOHNSTON, and JOHN SIDES

2008 "Immigration and the Imagined Community in Europe and the United States," *Political Studies*, vol. 5, no. 1, pp. 33-56.

CITRIN, JOHNSTON, and MATTHEW WRIGHT

2012 "Do Patriotism and Multiculturalism Collide? Competing Perspectives from the U.S. and Canada," *Canadian Journal of Political Science*, vol. 45, no. 3, pp. 531-552.

DAVIDOV, ELDAD, and BART MEULEMAN

2012 "Explaining Attitudes towards Immigration Policies in European Countries: The Role of Human Values," *Journal of Ethnic and Migration Studies*, vol. 38, no. 5, pp. 757-775.

DUPRAS, DANIEL

1993 "NAFTA: Implementation and the Participation of the Provinces," Ottawa, Parliamentary Research Branch, background paper. Provided by the office of the NAFTA Secretariat in Ontario.

FAIR (FEDERATION FOR AMERICAN IMMIGRATION REFORM)

2010 "Georgia Poll Data," http://www.fairus.org/facts/states/poll_GA, www.fairus.org, 2010 state polls.

FLORIDA, RICHARD

2005 *The Rise of the Creative Class*, New York, Basic Books.

FORTIN, JESSICA, and PETER LOEWEN

2004 "Prejudice and Asymmetrical Opinion Structures: Public Opinion toward Immigration in Canada," paper presented at the Canadian Political Science Association meeting, Winnipeg, June, 3-5.

GAFNER, CHRIS, and STEPHEN YALE-LOEHR

2010 "Attracting the Best and the Brightest: A Critique of the Current U.S. Immigration System," *Fordham Urban Law Journal*, vol. 38, pp. 183-215.

GEORGIA CODE

2011 OGCA 50-36-1, Title 50, Chapter 36, www.lexisnexis.com.

GEORGIA GOVERNMENT

201 Refugee Resettlement, Georgia Department of Family and Children Services, www.dfcs.dhs.georgia.gov/refugee-resettlement.

GERIN-LAJOIE, PAUL

1989 *Combats d'un révolutionnaire tranquille*, Montréal, Centre Éducatif et Culturel.

GOGIA, NUPUR, and BONNIE SLADE

2011 *About Canada Immigration*, Halifax, Fenwood Publishing,

GOVERNMENT OF CANADA, IMMIGRATION AND CITIZENSHIP

2011a <http://www.cic.gc.ca/english/departement/laws-policy/agreements/quebec/can-que-guide.asp>.

2011b <http://www.misc.gouv.qc.ca>.

HERNÁNDEZ-LEÓN, RUBÉN, and VÍCTOR ZÚÑIGA

2003 "Mexican Immigrant Communities in the South and Social Capital: The Case of Dalton, Georgia," *Southern Rural Sociology*, vol. 19, no. 1.

HIEBERT, DANIEL

2006 "Winning, Losing and Still Playing the Game: The Political Economy of Immigration in Canada," *Tijdschrift voor Economische en Sociale Geografie*, vol. 97, no. 1 (February), pp. 38-48.

HOCKING, BRIAN

- 1999 "Patrolling the 'Frontier': Globalization, Localization, and the 'Actress' of Non-central Governments," in Francisco Aldecoa and Michael Keating, eds., *Paradiplomacy in Action. Foreign Relations of Subnational Governments*, London, Frank Cass Publishers.

HOCKING, BRIAN, ed.

- 1993 *Foreign Relations and Federal States*, London, Leicester University Press.

HOEFER, MICHAEL, NANCY RYTINA, and BRIAN BAKER

- 2012 "Estimates of Unauthorized Immigrant Population Residing in the United States: January 2011," Office of Immigration Statistics, Department of Homeland Security, March.

HUFFINGTON POST

- 2012 August 20.

JEDWAB, JACK

- 2008 "Uses and Abuses of Public Opinion Surveying on Issues of Identity," *Metropolis*, Power Point presentation, www.lexisnexis.com, November 20.

LACY, ELAINE, and MARY ODEM

- 2009 "Popular Attitudes and Public Policies: Southern Responses to Latino Immigration," in Mary Odem and Elaine Lacy, eds., *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press.

LIJPHART, AREND

- 1971 "Comparative Politics and the Comparative Method," *American Political Science Review*, vol. 65, no. 3 (September), pp. 682-693.

MAFFITT, KENNETH

- 2012 "From 'the Big Wink' to the Big Rebuff: The Rise of Georgia's Immigration Enforcement Complex," paper under review for publication, Migration Integration Policy Index (MIPEX).

MCILORY, JAMES P.

- 1997 "NAFTA and the Canadian Provinces: Two Ships Passing in the Night," *Canada-United States Law Journal*, vol. 23, pp. 431-440.

MIPEX (Migration Integration Policy Index)

2012 www.mipex.eu.

2010 www.mipex.eu.

NATIONAL POST

2011 December 12.

NOSSAL, KIM R.

1997 *The Politics of Canadian Foreign Policy*, 3rd edition, Scarborough, Ontario, Prentice-Hall Canada.

ODEM, MARY

2009 "Latino Immigrants and the Politics of Space in Atlanta," in Mary Odem and Elaine Lacy, eds., *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press, pp.112-125

ODEM, MARY, and ELAINE LACY

2009 *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press.

PEW RESEARCH, CENTER FOR THE PEOPLE AND THE PRESS

2013 "Public Sees U.S. Power Declining as Support for Global Engagement Slips," *America's Place in the World 2013*, December 3, <http://www.people-press.org/2013/12/03/section-2-views-of-trade-and-the-global-economy/>.

n.d. www.people-press.org.

REITZ, JEFFREY

2011 *Pro-immigration Canada*, IRPP Study, www.irpp.org.

RUSSAKOFF, DALE

2006 "U.S. Border Town, 1,200 Miles from the Border. Georgia's 'Carpet Capital' Relies on Immigrants," *Washington Post*, July 17.

SÉGUIN, RHEAL, and CAMPBELL CLARK

2012 "Reasonable Accommodation, Religion Come to the Fore in Quebec Election," *Globe and Mail*, August 15.

SIMON, RITA, and KERI SIKICH

2007 "Public Attitudes toward Immigrants and Immigration Policy across Seven Nations," *International Immigration Review*, vol. 41, pp. 956-962.

SURVEYUSA RESEARCH INNOVATION

2005 www.surveyusa.com/50State2005/50Stateimmigration05128ByState.htm.

UGA (UNIVERSITY OF GEORGIA) ADMISSIONS

2012 www.admissions.uga.edu.

WEISS, DEBRA

2012 "Supreme Court Overturns Three Sections of Arizona Immigration Law, Upholds Paper Checks," *ABA Journal*, June 25.

WHITE, KENNETH

2012 "Dual Federalism and Immigration in the United States," paper presented at the 4th Annual Southeastern Immigration Conference, Kennesaw, Georgia, October 16-18.

WINTER, E., and M. SAUVAGEAU

2012 "La citoyenneté canadienne dans la presse écrite anglo-canadienne et franco-qubécoise: convergence ou divergence?" *Canadian Journal of Political Science/Revue canadienne de science politique*, vol. 45, no. 3, pp. 553-578.

ZÚÑIGA, VÍCTOR, and RUBÉN HERNÁNDEZ-LEÓN

2009 "The Dalton Story," in Mary Odem and Elaine Lacy, eds., *Latino Immigrants and the Transformation of the U.S. South*, Athens, Georgia, University of Georgia Press, pp. 34-50.



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Discourses in School and Community Contexts*
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Teaching Immigration: Informing and Elevating the Debate

MARGARET M. COMMINS*

ABSTRACT

Based on the insights gained through my own teaching and that of others who participated in a roundtable discussion on the topic at the 4th Annual Conference on Immigration to the Southeast: Policy Analysis, Conflict Management (Kennesaw State University, October 2012), this essay uses current research about pedagogical best practices to argue that we should teach courses about immigration that are problem-based and interdisciplinary and include some combination of civic engagement, service learning, and faculty-student research. These practices are demonstrated to improve students' skills, knowledge, and understanding, as well as their desire to be civically engaged.

Key words: immigration, pedagogy, interdisciplinary experiential learning.

RESUMEN

Con base en mi propia experiencia docente y en la de otros que participaron en la discusión en una mesa redonda sobre el tema en la "IV Conferencia Anual sobre Inmigración en el Sureste: Análisis de las Políticas, Manejo de Conflictos" (Kennesaw State University, octubre de 2012), este artículo utiliza la investigación actual sobre las mejores prácticas pedagógicas para argumentar que debemos impartir cursos interdisciplinarios sobre inmigración que estén orientados a la solución de problemas reales y que incluyan una combinación de compromiso cívico, aprendizaje a través del servicio social, e investigación conjunta entre los alumnos y el profesorado. Se ha comprobado que este tipo de prácticas mejora las habilidades, los conocimientos y la comprensión de los estudiantes, además de que incrementa su deseo por un compromiso cívico.

Palabras clave: inmigración, pedagogía, aprendizaje interdisciplinario basado en la experiencia.

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Institutions of higher learning are missing a vital opportunity. While researchers at these institutions produce substantial (and growing) research about immigration, colleges and universities in the southeastern United States lack substantial undergraduate course offerings in this area. In West Virginia, the southeastern state with the fewest immigration course offerings, one of the colleges surveyed did not offer a single course about immigration. The average in North Carolina, the state with the most offerings, is just under five courses per institution. These are very low numbers. Immigration is a topic spanning many disciplines: history, economics, political science, sociology, and others. It is surprising that our universities offer so few courses either structured around or including the study of immigration.

This missed opportunity is problematic in many ways, but for those of us employed in the academy, two stand out. For one, learning about immigration is essential if we are to encourage the conditions for reasonable and effective deliberation about immigration policy, a necessary condition for good policy outcomes. And, just as importantly, courses that seek to help students understand the complexity of immigration can support higher education's mission to promote strong intellectual and practical skills as well as a sense of social responsibility (AAC&U, 2012). The study of immigration demands a creative and interdisciplinary approach, the type demonstrated to produce strong learning outcomes in key areas, including graduating individuals better prepared for and more interested in being engaged in the world around them (Finley, 2012).

Deliberation –reasoned consideration and discussion– is noticeably lacking in United States discourse about many issues (Shea and Fiorina, 2013). And issues of immigration reform are no different. If anything, they are worse. The public discourse about immigrants and immigration reform is laden with negative terms and stereotypes, and, in my experience, this is true on college campuses as well. I am constantly surprised by how little my students know about the United States immigration system, the most important factors in decisions about migration, and immigrants themselves. Though students know little, they are often not reticent about offering their opinions. And these are usually reflective of themes in the dominant political discourse which Chavez (2008) argues is characterized by a “Latino Threat Narrative,” portraying Latino immigrants as fundamentally different from previous immigrant groups. Highly emotional, the narrative is built on the concept of an “invasion” by “illegal aliens . . . bent on reconquering land that was formerly theirs (the U.S. Southwest) and destroying the American way of life” (Chavez, 2008: 2).

Our students are immersed –consciously and unconsciously– in this discourse. And it is not one that helps them to engage responsibly and intelligently in the essential work of addressing what everyone agrees are very real problems with the United States immigration system. In fact, according to a recent study, undergraduate

students are not developing the tools necessary to contribute meaningfully and intelligently to this or any other policy conversation. In a very disturbing quantitative study of undergraduate education in the United States, Arum and Roksa (2011) find that the majority of college graduates demonstrate no significant increase in learning after four years of undergraduate education.

Though these problems are deep and difficult to address, this essay argues that colleges and universities can help improve the situation a very simple way: offer more undergraduate courses about immigration. Learning outcomes from my immigration courses demonstrate significant progress in my students' skills and understanding, and colleagues in other colleges and universities report similar results. To develop this argument, the first section offers an overview of the current state of affairs: how colleges and universities in the southeastern United States approach teaching about immigration. How many courses are offered? Which departments offer them? A survey of a sample of undergraduate institutions in the southeastern United States yields the conclusion that undergraduate courses about immigration are relatively rare, and, when taught, almost always done so from a particular disciplinary perspective. The rest of the article argues that well-designed courses structured around immigration issues offer the potential to promote the kinds of learning outcomes stressed by organizations like the American Association of Colleges and Universities (AAC&U), the United States Department of Education, and the Carnegie Foundation for the Advancement of Teaching: a sense of social responsibility, strong intellectual and practical skills, and the ability to apply them in real-world settings (Klein, 2005; Gale, 2007). In addition, courses exploring immigration broadly are well-suited to employing best practices like an interdisciplinary approach, a focus on problem solving, and the integration of experiential and service learning. The last section of the essay includes a discussion of some experiential learning techniques that colleagues shared in a roundtable discussion on the topic at the 4th Annual Conference on Immigration to the Southeast: Policy Analysis, Conflict Management (Kennesaw State University, October, 2012). Offering immigration courses that employ these best practices will improve student learning, and equip undergraduates to navigate the immigration debate in reasoned and effective ways; and, one hopes, convince them of the importance of doing so.

TEACHING IMMIGRATION IN THE SOUTHEASTERN UNITED STATES: STUDY RESULTS

How is immigration taught in colleges and universities in the southeastern United States? What do we know about the courses offered and the departments that teach

them? To answer these questions, we searched the undergraduate course catalogues of 50 colleges and universities in the region, looking for the words “immigration” or “migration” in either the course title or course description. The states included were Alabama, Arkansas, Florida, Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Virginia, and West Virginia. Averaging five institutions per state, the search included a mixture of large and small, public and private colleges and universities. The major findings are the following:

- At the undergraduate level, immigration courses are not common (Table 1). The state with the highest average number of courses per school is North Carolina: just under five. Half of the states averaged two or fewer courses per school. Given that immigration is a subject relevant to any number of disciplines and pre-professional programs (history, political science, anthropology, sociology, economics, education, social work, etc.), and that the survey included all undergraduate courses listed in the catalogue, these numbers are very low.
- In addition, about half of these courses cover immigration as part of the syllabus. But, they are not entirely devoted to the subject; thus further diluting undergraduate coverage of the topic (Table 2).
- The vast majority of the courses including at least some aspect of immigration are taught in just four disciplines: history, political science, anthropology, and U.S. American or interdisciplinary studies (Table 2). A wide variety of other disciplines or subject areas include immigration in their courses: social work, Spanish, Latin American studies, geography, religion, education, English, and law, among others. In terms of total numbers of courses in each discipline, however, none included more than eight total courses across all the institutions surveyed, and most had fewer than five.

The picture emerging from the survey is surprising. Given the prominence of migration as a social, economic, and political issue, as well as its importance to the history of the United States and countries around the world, the subject area does not appear to be taught extensively. The survey methodology employed has some weaknesses, to be sure. It could not capture special topics, honors, or seminar courses that may include a focus on immigration, but are listed in catalogues generically (“Topics in Modern U.S. History,” for example), and thus would not show up in the search. And, of course, the sample could be larger. Even allowing for some undercounting, however, these numbers indicate very little attention to the subject of immigration at the undergraduate level. Given the explosion of academic research about immigration across a variety of disciplines, the relative infrequency of atten-

Table 1
UNDERGRADUATE IMMIGRATION COURSES OFFERED BY COLLEGES
AND UNIVERSITIES IN THE SOUTHEASTERN UNITED STATES

	Average Number of Immigration Courses per School	Hispanics as a Percentage of State Population	Hispanics as a Percentage of K-12 Students
Alabama	1.6	4	5
Arkansas	1.8	6	9
Florida	4.0	23	27
Georgia	3.2	9	11
Louisiana	2.3	4	4
Mississippi	1.0	2	NA
North Carolina	4.9	8	12
South Carolina	1.2	5	7
Virginia	4.6	8	10
West Virginia	0.7	1	NA

Source: Authors' own research using university and college catalogues and data on Hispanic population from the Pew Research Center Hispanic Trends Project (2011).

Table 2
DISCIPLINE IN WHICH THE IMMIGRATION COURSES WERE TAUGHT

Discipline	Main Focus of Course	Immigration Mentioned in Course Description	Total
History	11	18	29
Sociology	14	15	29
Political Science	9	9	18
[U.S.] American or IDS Studies	8	5	13
Anthropology	1	7	8
English	3	4	7
Social Work	2	5	7
Spanish	0	7	7

Source: Authors' own research using university and college catalogues.

tion to the subject in undergraduate courses stands out. Clearly, the work we are doing as scholars in the field is not being carried into our work in the classroom.

AN ARGUMENT FOR TEACHING PROBLEM-BASED, INTERDISCIPLINARY COURSES ABOUT IMMIGRATION

According to the Association of American Colleges and Universities, undergraduate education is best when characterized by the following:

An approach to college learning that empowers individuals and prepares them to deal with complexity, diversity, and change. It emphasizes broad knowledge of the wider world (e.g., science, culture, and society) as well as in-depth achievement in a specific field of interest. It helps students develop a sense of social responsibility as well as strong intellectual and practical skills that span all areas of study, such as communication, analytical, and problem-solving skills, and includes a demonstrated ability to apply knowledge and skills in real-world settings. (AAC&U, 2012)

Well-designed courses about immigration promote these goals. Such courses can integrate pedagogical best-practices such as an interdisciplinary approach, problem-based inquiry, experiential and service learning, and faculty-student research. These best practices are demonstrated to promote the kinds of practical and intellectual skills emphasized by the AAC&U (2012) and others (Newell, 1992; Rhoten et al., 2006; Kantor and Schneider, 2013; Elder and Paul, 2008; Gale, 2007). Well-designed courses can help students develop a sense of civic and social responsibility as well (Finley, 2012). The causes and consequences of immigration are unfolding outside our classrooms, and sending students into the field to learn and to try to make sense of these phenomena will increase understanding and encourage civic engagement.

The study of immigration is fundamentally interdisciplinary. But, while many education policy researchers argue for a greater use of interdisciplinary courses in undergraduate education, the survey of immigration course offerings in the southeastern United States indicates that most of them are taught within disciplines, employing discipline-specific approaches to learning. But, one cannot understand why people migrate, how migration affects communities (sending and receiving), the economic effects of migration, and the politics surrounding immigration without reference to history, politics, foreign policy, sociology, economics, law, and a range of other disciplines. When I teach my course on the politics of immigration reform, I do so in the university's honors program, rather than within my discipline of political

science. Teaching the course with an honors designation enables me to go outside disciplinary boundaries to explore the multiple influences on immigration politics and policy, as well as the ways in which both are experienced in our community.

What does it mean to take an interdisciplinary approach? Well-crafted and consciously interdisciplinary courses approach a topic using theories, skills, data, and ideas from multiple disciplines (Rhoten, 2004). Such an approach emphasizes *integration* across disciplines, with the goal of greater synthesis and thus greater understanding of complex issues, events, and ideas (Rhoten et al., 2006). As Boix Mansilla (2005: 15) explains, interdisciplinary courses promote understanding that reflects “the capacity to integrate knowledge and modes of thinking in two or more disciplines to produce a cognitive advancement –e.g., explaining a phenomenon, solving a problem, creating a product, raising a new question– in ways that would have been unlikely through single disciplinary means.” Although most discipline-specific courses integrate some insights from other academic disciplines, an intentionally interdisciplinary course will integrate these more systematically, including both knowledge emphasized and methods employed to obtain that knowledge.

Such courses provide excellent opportunities for improving student learning. Newell (1994) finds that interdisciplinary courses promote a range of measurable benefits for undergraduate students. Such courses improve precision and clarity in writing, reading, speaking, and thinking; help students confront challenges to their assumptions about themselves and the world; lead to more creative, original, or unconventional thinking; and develop students’ ability to synthesize and integrate. Interdisciplinary approaches are increasingly promoted for research (NAS, 2004) as well as for teaching (Newell, 1994; Latucca, Voigt, and Fath, 2004; Gale, 2007).

As Rhoten, et al. (2006) argue in a study for the Teagle Foundation, interdisciplinary approaches are ideal for problem-based learning, and, indeed, are required by many of today’s complex problems. These approaches challenge students to integrate multiple ways of thinking in order to understand the complexity of interactions among the forces at the center of academic disciplines (economics and politics, sociology and the law, history and public policy). Students are forced to think about how to approach learning, rather than just to learn answers (Sill, 1996; Bain, 2004). This approach is particularly helpful when asking politically-charged questions (Elder and Paul, 2008) –which immigration questions are, to be sure. Since the emphasis is on the *process* of learning rather than a particular conclusion, students feel less manipulated, and more open to exploring multiple perspectives. For those who teach about immigration, consciously focusing on asking good questions and providing the skills and concepts necessary to seek answers to them helps to avoid some of the pitfalls of teaching a subject about which our students typically have very strong

emotions. Though it is difficult to teach outside our disciplines, it is essential if we are to encourage students to think beyond the simplistic contemporary discourse about immigrants and immigration and to produce students with the intellectual and practical skills to contribute meaningfully to efforts to address complex immigration—and other—issues.

Though I am a political scientist, when I teach about contemporary issues in U.S. immigration policy, I begin with history. It is impossible to understand current issues without understanding policies and patterns of the past. For example, unless students learn about the historic pattern of circular migration between Mexico and the United States, a pattern that characterized the bilateral migration relationship since before current international boundaries were drawn, they cannot understand the recent surge in the Mexican-born population living in the United States. This surge can be explained with reference to many variables (economic recession in Mexico, the boom in construction in the United States, drug violence along the border, etc.). But one must also understand how historic patterns collided with a shift in United States policy toward stricter border enforcement in the late 1980s. The border, historically quite permeable, became very difficult and expensive to cross as a result. This shift disrupted established circular migration patterns, essentially closing the option of seasonal migration to most low-skilled migrants from Mexico. The choice to put down roots in the United States, bringing families and building communities, is a rational response to the closing of other options. I find the best way to get my students to think critically about popular immigration discourses that focus on “anchor babies” and unscrupulous migrants seeking to live off the welfare state is to examine more comprehensive explanations grounded in history, economics, and policy. These explanations are based on individuals responding rationally to the opportunities and constraints they face. When these change, individual responses change. Developing an understanding of historical patterns and policies encourages students to challenge simplistic explanations about the current situation, understanding it more deeply and comprehensively.

Indeed, studies show that problem-based learning is one of the best ways to engage students and to improve their intellectual skills (Newell, 1992; Bain, 2004; Elder and Paul, 2008). Students prefer puzzling through an issue to being lectured to about a variety of solutions. They learn better that way. Bain (2004) calls the first pedagogical approach the “transmission model” (through lectures, professors try to transmit information to students). He finds that the best educators avoid this model. Rather, the best educators “think of teaching as anything they might do to help and encourage students to learn. Teaching is engaging students, engineering an environment in which they learn” (49).

Immigration questions are excellent problems around which to focus undergraduate coursework. Lattuca, Voigt, and Fath (2004) argue that immigration is an “ill-structured problem,” one with considerable ambiguity because the data necessary to understand it are incomplete, the “right” solutions are uncertain, more than one solution is possible, and the problem requires analysis from multiple frames of reference. Teachers should exploit this ambiguity to promote better inquiry and learning. For example, a strong interdisciplinary immigration course could be organized around a central question like “what should the United States do about the millions of immigrants living in the country without legal status?” Students could then be challenged to

- 1) analyze the data we have about the numbers and characteristics of the unauthorized population in the United States: how is data about unauthorized migration collected? What can we “know,” and what is essentially a guess? What about other data used to assess the current situation? How do we assess the impact of a large unauthorized population on wages, educational systems, other public services?
- 2) think about, and, in some cases, engage in collecting their own data. What data would help them to understand the problem better? Can they design a research project to collect such data?
- 3) learn how different disciplines approach the question: How do demographers understand the forces that affect migration? What about economists? When political scientists study immigration, they focus on legal responses to immigration. What tools do students need to understand these?
- 4) assess the various proposals or solutions offered by law-makers, public policy institutes and others. What about existing laws like Arizona’s SB1070? What are their strengths? Weaknesses? Actual and potential consequences?
- 5) propose a solution themselves. How would they answer the central question? How do they support their position?

Not only does problem-based learning enhance students’ intellectual and practical skills, it also encourages intellectual curiosity and the desire to learn. Elder and Paul (2008: 32) argue that “it is only when students apply what they are learning to actual situations or problems that they come to see the value in what they are learning.” And, of course, it is only when they see the value in what they are learning that they will be intrinsically motivated to learn. I found that of all the requirements for my honors immigration course, the one that captured the students’ interest the most was the requirement that they do something to try to improve people’s understand-

ing of immigrants and proposals for immigration reform. After learning about immigration from a number of different perspectives, the students decided that they would host a public forum in which they would emphasize reasoned public discourse. They invited both the university and local communities and organized the event around an invited panel. The panel represented a diversity of experiences, including an immigration attorney, a police officer, a representative from Catholic Social Services' Refugee Resettlement Program, and the consul general of the Mexican consulate in Raleigh, North Carolina. With no input from me, the students planned and organized a very effective event that attracted well over 100 participants. The structure of the event encouraged thoughtful and reasoned discourse between the panelists and the audience. Feedback from attendees was overwhelmingly positive. Many remarked that they had learned far more than expected and that the format encouraged them to think about immigration in a more complex and nuanced way. Interestingly, the students' decisions about how to complete the requirement reflected the way we approached learning in the course: seeking to understand the complexity of immigration from a range of positions and points of view, each grounded in both ideas and experience.

When designing an interdisciplinary and problem-based course—or any course—one difficulty to keep in mind is most students' lack of information literacy. Though our students are technology-savvy, this is often mistaken for the ability to capitalize on that skill in an academic setting. To succeed in college—and after—, students need to be able to find, retrieve, understand, and use information (Davis, 1995). But, this is difficult to do, particularly in an area like immigration where the quality of sources varies dramatically, from the high-level academic study to the polemic blog. Well-designed interdisciplinary courses can help students navigate this landscape. Such courses encourage students to see, evaluate, and select from differing perspectives that bear on an issue (Lattuca, Voigt, and Fath, 2004). Thus, immigration courses should include an emphasis on teaching students how to discern quality sources. To help students learn about good sources, I work with a university librarian to put together a "LibGuide" for all my courses. This guide includes links to a range of different types of sources: high quality journalism, peer-reviewed articles, reports from public policy institutes, government documents, etc. And, the guide includes background information on the different types of sources so students understand better the perspectives and potential biases of those who work and write for various purposes. I design the syllabus and readings to use a variety of sources, from multiple perspectives, disciplines, and organizations. And, I spend significant class time discussing not just the work, but the source of that work. For required coursework, students must either use sources listed in the LibGuide or provide their own an-

notation for an outside source. Though I still receive papers and other classwork with questionable sources, the overall quality of my students' efforts has improved markedly. If we want to promote student learning and provide students with the skills necessary to be civically involved, we need to be intentional about integrating training in how to approach information-gathering in our information-saturated world.

INTEGRATING SERVICE LEARNING AND UNDERGRADUATE RESEARCH

Interdisciplinary learning is most effective when it is combined with "integrative learning," a broader concept (Klein, 2005). Integrative learning seeks to foster students' ability to integrate learning over time and across disciplinary boundaries (interdisciplinary), but also between academic, personal, and community life (integrative). As explained in a statement by the Integrative Learning Project, a three-year collaboration between the Carnegie Foundation for the Advancement of Teaching and the American Association of Colleges and Universities (2004),

the undergraduate experience is often a fragmented landscape of general education, concentration, electives, co-curricular activities, and for many students "the real world" beyond campus. An emphasis on integrative learning can help undergraduates find ways to put the pieces together and develop habits of mind that will prepare them to make informed judgments in the conduct of personal, professional, and civic life.

Integrative learning pedagogies take students outside the classroom, including experiential and service learning, as well as undergraduate research. When required to work and study in the community, students make essential connections between their academic work and life outside their campuses. It is demonstrated that these connections promote students' intellectual and practical skills, and encourage them to be more civically involved (Kantor and Schneider, 2013).

When I teach my course on the politics of immigration reform, I include a requirement to work in a local church's bilingual preschool. The school provides low-cost, bilingual preschool education for the Latino community in Charlotte, a community with few formal options to prepare children for kindergarten. Students for whom English is a second language need help preparing for kindergarten, so preschools such as this one provide an essential service. My students worked with the teachers and students on a project called *Contando mi historia* (Telling My Story). The project starts with the preschoolers working with their parents at home to

answer questions like, what do you want to be when you grow up? and, what brought your family to Charlotte? or, what do you like most/least about living here? Once the answers are submitted, my students work with the preschoolers to decorate poster boards that “tell” each child’s “story.”

The experience is transformative for my students’ understanding of the challenges faced by Latino children and families in Charlotte. One preschooler said what he liked least about Charlotte was driving to school each day because he feared that a police officer would pull over his mother and take her away. Others talked about grandparents they could never visit, parents who worked in other states or back in their home country, and dreams that they feared they could never achieve. My students had read sociological studies about the challenges of being low-income, unauthorized, or both. They learned about “Secure Communities” and the 287(g) program, both of which the city of Charlotte, where my university is located, adopted. But, until they heard these children talk about their stories, my students did not understand the nature or effects of these programs from the perspective of the community most affected by them. My students had not considered the effects on families, many of which have legal status. They did not think about the more subtle effects of programs that involve racial profiling and reinforce stereotypes about our immigrant communities. On end-of-course evaluations, this service project was mentioned consistently as a turning point in the students’ comprehension of the potential and real effects of immigration policy in our society and heightened students’ desire to continue learning about immigration politics and potential immigration policy reform.

Though they should be approached carefully, opportunities for this type of learning are boundless in the southeastern United States. Our communities are living laboratories. The southeastern United States experienced the most explosive growth in the foreign-born population—largely Hispanic—of any region in the country in the past decade. According to data from the Pew Research Center, of the 17 states with the most rapid increases in Hispanic populations between 2000 and 2010, 10 are in the southeastern United States (Motel and Patten, 2011). So, our colleges and universities are located in an area with multiple opportunities for experiential and service learning, as well as for faculty-student research.

To learn more about how colleagues are employing these integrative approaches in their courses, we held a roundtable discussion at the 4th Annual Conference on Immigration to the Southeast: Policy Analysis, Conflict Management (Kennesaw State University, October 2012). Participants in the roundtable agreed that getting students into the community to learn first-hand about the immigrant experience is critical to enhancing student learning and spoke at length about the benefits for their students. Some of the ideas presented were the following:

- Dr. Miranda Hallett (Otterbein University, cultural anthropology) emphasizes humanizing students' understanding of the immigrant experience. Her ANTH 291 students work weekly with the Community Refugee and Immigration Services organization in their area. Using insights from this experience, pupils construct an immigration simulation and invite students and members of the community to participate. The simulation gives participants a role, and each must accomplish certain tasks in a "real world" setting. Through organizing and participating in the simulation, students experience the challenges faced by immigrants in daily life. Immigrants and their challenges become humanized.
- Dr. Juan José Bustamante (University of Arkansas, sociology) employs a research-learning approach in his immigration courses. For one of his projects, he assigns students to interview community and social service institutions in the local area about the services they provide to people in the community. Then, they interview members of the community to see if they are being served by the people and programs run by these organizations. By comparing both perspectives –service and client–, students come to understand the challenges faced by those trying to provide community services (police, schools, social services, health clinics, etc.) as well as the challenges of those trying to use those services. These challenges are extensive, including obvious obstacles like a language barrier, but also underlying issues of racism, suspicion, and intolerance.
- Dr. Timothy Steigenga (Florida Atlantic University, political science) agrees that helping students to understand the human context is essential. He helped found two local organizations that provide services to the immigrant community: Corn Maya, Inc., an organization that provides services to the immigrant community in Palm Beach, Florida; and, El Sol, Jupiter's Neighborhood Resource Center, providing work-centered and other services to laborers in the local area. To encourage students to think critically about common myths and stereotypes of immigrants, Dr. Steigenga's co-authored a book with Marie Friedmann Marquardt, Philip J. Williams, and Manuel Vásquez, *Living Illegal: The Human Face of Unauthorized Immigration* (2011). The book, a product of years of integrating teaching about immigration and working in the immigrant community, is accompanied by a website with a reading guide and instructor resources: <http://www.livingillegal.org/>.
- Dr. Larry Nackerud (University of Georgia, School of Social Work) takes his immigration class to both a chicken processing plant and a detention center run by Corrections Corporation of America. Though there are some logistical challenges to this type of experiential learning (for example, students must

have criminal background checks from Immigration and Customs Enforcement to visit the corrections site), students are able to experience first-hand some of the harsh realities of the immigrant experience. The visit to the chicken processing plant is organized around questions of labor economics such as, does the presence of unauthorized immigrants in the workforce displace citizen workers? So students are challenged to channel their experiential learning into greater intellectual understanding.

These approaches share the common pedagogical emphasis on asking difficult questions and approaching potential answers not only through academic and classroom work, but through experience, research, and service. When we get students out of classrooms and into the community, learning can be so much richer. It seems obvious that these types of experiences would yield positive learning results for students. And, the research supports that conclusion. According to Finley's (2012) review of evidence on civic learning in higher education, the evidence shows that the more students participate in civic activities –from experiential to service learning– the higher they score on measures of civic outcomes like tolerance and political participation. And, it is not just civic outcomes that are achieved. The studies reviewed also show higher scores on a variety of learning outcomes.

CONCLUSION

If you teach undergraduates, you understand both its joys and the frustrations. These students are simultaneously mired in simplistic understandings and unquestioned assumptions and profoundly ready to challenge both. It is our responsibility to foster the latter. Colleges and universities need to teach more courses about immigration, and those of us who conduct research in this and related fields need to design and teach these courses effectively. With more and more research into the scholarship of teaching and learning, we know so much more about how to create courses more likely to improve students' skills, knowledge, and understanding, as well as their desire to be civically engaged. These courses are typically problem-based and interdisciplinary, and include opportunities for some combination of civic engagement, service learning, and faculty-student research.

This essay is the product of a panel discussion I organized for the 4th Annual Conference on Immigration to the Southeast: Policy Analysis, Conflict Management (Kennesaw State University, October, 2012). The impetus was to provide a forum where those of us who teach immigration courses could share our ideas and best

practices. We need more forums like this. And, we need common repositories where scholars can share good sources for undergraduate learning, pedagogical ideas, and syllabi. Some professional associations are constructing such sites. Members of the American Political Science Association just organized an academic subsection for Migration and Citizenship Scholars. The organizers have created a List-Serve for the subsection membership, a quarterly newsletter, and a website. This is proving an excellent vehicle for sharing ideas and resources about both teaching and research.

As far as I know, however, nothing similar exists in an interdisciplinary academic association. This is something that we should consider as we build academic partnerships cross-nationally around immigration studies. Most of us whose research focuses on immigration are passionate about resolving issues related to the status and treatment of immigrants in our countries. Helping each other to design and teach high-quality courses is an important part of the potential for progress in this regard. If we can prepare our students for informed and active participation in ongoing debates about immigration reform and convince them of the necessity of doing so, perhaps less emotional –and more productive– public discourse will follow, and better public policy will become a reality.

BIBLIOGRAPHY

AAC&U (ASSOCIATION OF AMERICAN COLLEGES AND UNIVERSITIES)

2012 *What Is 21st Century Liberal Education?* Washington, D.C., American Association of Colleges and Universities, http://www.aacu.org/leap/what_is_liberal_education.cfm, accessed February 15, 2012.

AAC&U (ASSOCIATION OF AMERICAN COLLEGES AND UNIVERSITIES) and
CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING

2004 “A Statement on Integrative Learning,” https://www.aacu.org/integrative_learning/pdfs/ILP_Statement.pdf, accessed February 15, 2013.

ARUM, RICHARD, and JOSIPA ROKSA

2011 *Academically Adrift: Limited Learning on College Campuses*, Chicago, University of Chicago Press.

BAIN, KEN

2004 *What the Best College Teachers Do*, Cambridge, Massachusetts, Harvard University Press.

BOIX MANSILLA, VERONICA

2005 "Assessing Student Work at Disciplinary Crossroads," *Change*, vol. 27, no. 1, January / February, pp. 14-21.

CHAVEZ, LEO R.

2008 *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*, Stanford, California, Stanford University Press.

DAVIS, J. R.

1995 *Interdisciplinary Courses and Team Teaching: New Arrangements for Learning*, Phoenix, Arizona, American Council on Education/Oryx Press.

ELDER, LINDA, and RICHARD PAUL

2008 "Critical Thinking: Strategies for Improving Student Learning," *Journal of Developmental Education*, vol. 32, no. 1, Fall, pp. 32-33.

FINLEY, ASHLEY

2012 *Making Progress: What We Know about Students' Achievements of Liberal Education Outcomes*, Washington, D.C., American Association of Colleges and Universities.

FRIEDMANN MARQUARDT, MARIE, TIMOTHY J. STEIGENGA, PHILIP J. WILLIAMS,
and MANUEL A. VÁSQUEZ

2011 *Living Illegal: The Human Face of Unauthorized Immigration*, New York, The New Press.

GALE, R. A.

2007 *Fostering Integrative Learning through Pedagogy*, Integrative Learning: Opportunities to Connect, The AAC&U and The Carnegie Foundation for the Advancement of Teaching, http://gallery.carnegiefoundation.org/ilp/uploads/pedagogy_copy.pdf, accessed February 15, 2013.

KANTOR, MARTHA, and CAROL GEARY SCHNEIDER

2013 "Civic Learning and Engagement," *Change*, vol. 35, no. 1, January / February.

KLEIN, JULIE THOMPSON

2006 "Resource Review: Resources for Interdisciplinary Studies," *Change*, vol. 38, no. 2, March / April, pp. 52-58.

2005 "Integrative Learning and Interdisciplinary Studies," *Peer Review*, vol. 7, no. 4, Summer/Fall, pp. 8-10.

LATTUCA, LISA R., LOIS J. VOIGT, and KIMBERLY Q. FATH

2004 "Does Interdisciplinarity Promote Learning? Theoretical Support and Researchable Questions," *The Review of Higher Education*, vol. 28, no. 1, Fall, pp. 23-48.

MOTEL, SETH, and EILEEN PATTEN

2011 *Statistical Portrait of Hispanics in the United States, 2011*, Pew Research Hispanic Center, February 13, <http://www.pewhispanic.org/2013/02/15/statistical-portrait-of-hispanics-in-the-united-states-2011/#14>, accessed February 13, 2013.

NAS Committee for Facilitating Interdisciplinary Research

2004 *Facilitating Interdisciplinary Research*, Washington, D.C., National Academies Press.

NEWELL, WILLIAM H.

1994 "Designing Interdisciplinary Courses," *Interdisciplinary Studies Today. New Directions in Teaching and Learning*, no. 58, San Francisco, California, Jossey-Bass.

1992 "Academic Disciplines and Undergraduate Interdisciplinary Education: Lessons from the School of Interdisciplinary Studies, Miami University, Ohio," *European Journal of Education*, vol. 27, no. 3, pp. 211-221.

PEW RESEARCH CENTER HISPANIC TRENDS PROJECT

2011 "State and County Databases, Latinos as Percent of Population, By State," <http://www.pewhispanic.org/states/>, accessed February 15, 2013.

RHOTEN, DIANA

2004 "Interdisciplinary Research: Trend or Transition?" *Social Science Research Council Items and Issues*, vol. 5, no. 1, Spring/Summer, pp. 6-11.

ROTHEN, DIANA, VERONICA BOIX MANSILLA, MARC CHUN, and JULIE THOMPSON KLEIN

2006 *Interdisciplinary Education at Liberal Arts Institutions*, Teagle Foundation SSRC White Paper, New York, Teagle Foundation, http://www.teaglefoundation.org/teagle/media/library/documents/learning/2006_ssrc_whitepaper.pdf?ext=.pdf, accessed October 1, 2012.

SHEA, DANIEL M., and MORRIS P. FIORINA

2013 *Can We Talk? The Rise of Rude, Nasty, Stubborn Politics*, New York, Pearson Education.

SILL, DAVID J.

1996 "Integrative Thinking, Synthesis, and Creativity in Interdisciplinary Studies," *The Journal of General Education*, vol. 45, no. 2, pp. 129-151.

Research and Praxis On Challenging Anti-immigration Discourses in School and Community Contexts

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ABSTRACT

Recently, harsh immigration policies have made the lives of the new immigrant Diaspora in the southeastern United States extremely challenging. Disturbed by the impact of these sociopolitical changes on students, their families, and their teachers, as multicultural educators, we have turned for help to recent research and praxis from the U.S. and Europe that overtly challenges anti-immigration discourse. We examine two theoretical perspectives that can support educators in talking back and acting against anti-immigration discourses and practices in schools and communities. We provide cases of our own work in the southeastern United States to test the value of these theories.

Key words: immigration, education, critical race theory, critical discourse analysis, resource pedagogies.

RESUMEN

Recientemente, las políticas migratorias punitivas han hecho muy difícil la vida de la nueva diáspora de inmigrantes en el sureste de Estados Unidos. Preocupadas por el impacto de estos cambios sociopolíticos en los estudiantes, sus familias, sus maestros, como educadoras multiculturales hemos buscado apoyarnos en las prácticas e investigaciones recientes en Estados Unidos y Europa que desafían abiertamente los discursos antiinmigrantes. Examinamos dos perspectivas teóricas que pueden ayudar a los docentes a responder y actuar en contra de los discursos y prácticas antiinmigrantes en las escuelas y las comunidades. Utilizamos casos de nuestro propio trabajo en el sureste de los Estados Unidos para probar el valor de estas teorías.

Palabras clave: inmigración, educación, teoría crítica de la raza, análisis crítico del discurso, pedagogía de recursos.

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Francisco was on his way to work when he got into a minor traffic accident. Instead of being released to the care of his family, he was detained and taken to Irwin County Detention Center. Francisco has lived in the U.S. for 15 years now; he has 4 children who need him, and has no criminal history. Why is he imprisoned?

TAKE ACTION-MAKE A CALL (Dream Activist, 2013)

INTRODUCTION

In the first decades of the twenty-first century, anti-immigrant discourses and harsh immigration policies have posed tremendous challenges to immigrant students, their families, their teachers, and their communities. Calls to action to protest anti-immigration violence and police actions, as articulated in the e-mail quoted above, have appeared with increasing regularity. Beginning in the mid-1990s, and with another surge in the mid-2000s, the xenophobia that was embedded in policy and daily life in the eighteenth through the early twentieth centuries (Pfaelzer, 2008; Takaki, 1989) has resurged throughout the United States. Strident voices in the national media, as well as citizen and state legislative initiatives, express open hostility toward immigrants in the United States, seemingly without any fear of social sanction (De la Torre, 2011; Pulido, 2007; Santa Ana, 1999). Aggressive enforcement of U.S. federal laws related to the employment of undocumented workers has also led to an increasing number of public, dramatic, and frightening detentions and deportations of immigrants (Argueta, 2011). These recent trends in anti-immigrant public discourse and law enforcement in the United States reflect parallel developments in European countries such as France, Great Britain, Greece, Spain, and Italy (Chrisafis, 2010; Duffy, 2012; Trilling, 2013) and other nations with expanding immigrant populations such as Israel (Greenwood, 2012), Canada (Freisen, 2012), and Australia (Wright and Masanauskas, 2012).

Fortunately, at the same time, initiatives at the regional and national levels in some countries are advocating for positive legislation and government regulations that would validate and integrate undocumented immigrants into society. The proposed federal "Dream Act" in the United States, for example, would facilitate access to higher education for undocumented students who have completed their primary and secondary education in the United States (National Immigration Law Center, 2011). In 2012, the U.S. government also implemented a new policy (referred to as Deferred Action for Childhood Arrivals) that offers the possibility of work permits to undocumented students (United We Dream Network, 2012). In France, in the wake of the 2005 anti-immigrant riots in Paris suburbs, citizens set up community advocacy

groups to support equal rights for young people with undocumented immigrant parents (Chrisafis, 2010). In Greece, a national network named Solidarity4All has coordinated initiatives to support immigrant and native-born Greek populations in coping with unemployment and falling salaries. The initiatives include discount prices on farm food and also free medical clinics and after-school tutoring for students. In Thailand, the Thai cabinet approved a resolution in 2005 granting migrant children access to a free public education (Arphattananon, 2012). These developments in a wide range of contexts demonstrate that the educational, economic, and legal terrains for immigrants, and especially for undocumented immigrants, are shifting and treacherous, but also that new possibilities are opening up in some global locales. What is also evident is that the challenges, hopes, and activism of immigrant student populations, sparked by socio-political developments in countries around the world, have permeated the collective imaginations of students, parents, teachers, and university educators working in a wide range of educational contexts (Crozier, 2009; López and Minushkin, 2008; Suárez-Orozco, Suárez-Orozco, and Sattin-Bajaj, 2010; Thorpe, 2009).

As educators immersed in our ongoing collaborative work with immigrant students and as recent co-editors of a journal special issue on immigration discourses and practices (*IJME [International Journal of Multicultural Education]*, 2012), the purpose of our article is to outline the critical socio-cultural perspectives that have helped us grapple with the complex interplay of immigration and education policies and practices. We highlight the eight research studies from our *IJME* special issue as exemplars of the praxis developing on a global level where critical and poststructuralist theories are embodied in collaborative, arts-based, and resource-based approaches that validate the lived experiences of immigrant students. At the same time, they challenge the socio-cultural conditions that *minoritize* this population (see Chapell and Faltis, 2013) in different regions of the United States and in Italy.

Our article is divided into two main sections. The first section on critical discourse analysis (CDA) explores how this theoretical and methodological framework can help educators and researchers re-conceptualize the representation of immigrants in policy and classroom contexts. We provide a case study from our work in the southeastern United States that builds on and tests the value of this approach. The second section explores how critical race theory (CRT), and corresponding resource pedagogies, support inquiry into race, identity, and power issues at state and local levels, using community voices and participatory approaches to shift classroom and social discourses away from deficit perspectives on race and identity. We provide a second case study from our work to illustrate the ways in which resource pedagogies play out in an educational project engaging a group of Latino immigrant students, their parents, and their teachers in the southeastern United States.

Throughout the article, we have used the artwork of Chris Faltis –see Section II for a description of his work– to highlight tensions and conflicts. In sum, we use the work of the other authors in the *IJME* issue, as well as our own research projects, to answer the question: How can a praxis informed by two mutually supportive theoretical orientations empower researchers to challenge anti-immigration policies, practices, and discourses in our scholarship?

CRITICAL DISCOURSE ANALYSIS AS A TOOL TO CHALLENGE ANTI-IMMIGRATION POLICIES



Chris Faltis, *Plyler Rights for Immigrants* (2010) (Faltis, 2012).

As illustrated by Chris Faltis (2012: 12) in Figure 1 above, radical right-wing groups in the U.S. frequently attempt to overturn *Plyler v. Doe*, a Supreme Court decision that provides undocumented students with equal rights to K-12 education. Very recently, state legislators have attempted to make access to schooling more difficult for undocumented students by ensuring that they needed to show their papers when registering for school (for example, in Alabama).¹ As Faltis explained about

¹ As stated in *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012), Alabama schools were required to determine whether an enrolling child “was born outside the jurisdiction of the United States or is the child of an alien

his artistic process in the painting illustrated above, he “imagined the *Virgen* with a bandana, and placed the border fence in the background to show that any effort to close off schools to children of Mexican immigrants is another type of border” (2012: 12). Faltis’s imaginative pairing of visual political art and written research engages viewers in dialectic processing of visual reception and social construction of immigrant identities.

In this way, Faltis’s work aligns closely with a critical discourse analysis (CDA) approach, which focuses on the analysis of inequitable power structures and transformative social change (for example, Fairclough, 2005). In the section below, we first discuss the main tenets of CDA, then briefly discuss two articles from our special issue including Faltis’s, and illustrate through the work of Harman and Varga-Dobai (2012) how CDA can be used as a pedagogical and analytic lens in working with K-12 emergent bilingual students. Our purpose is to provide readers with a working knowledge of how CDA might be applied in critical and transformative ways when challenging current immigration policies and practices.

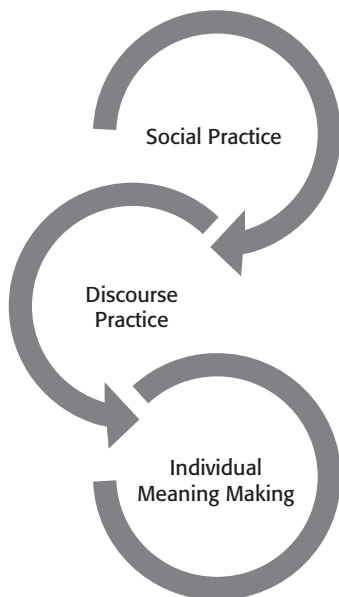
As Fairclough (2005) highlighted in his paper on transdisciplinary research, a multilayered CDA approach focuses on the dialectic between individual meaning-making events and the social structures and practices on which they rely. In other words, it explores the dynamic relationship of the social agent to social structures. To explore the interconnections, Fairclough (2005) conceptualized a three-dimensional analytic framework of text, discourse practice, and social practice (See Figure 2 below).

As Figure 2 illustrates, an analysis of the patterns of meaning making at the individual level (for example, student and teacher interactions in a second-language classroom) is connected to an investigation into the institutional and societal practices that validate and/or marginalize the communicative practices of a particular discourse community. Also from this critical perspective, hegemonic control is never fully established since it is always contested by the tactics of “subordinate” social groups. In other words, individuals are not only subjected or colonized by dominant discursive systems; they transform them, even if in very subtle ways.

A CDA analysis will often begin by exploring the configurations of language use in an individual or set of texts to see how they conform to particular pervasive ideological perspectives. In analyzing the interpersonal aspects of a political speech, for example, “we see the power of language to construe our experience of the social world and to enact social roles and relations, while at the same time creating a universe of information” (Butt, Lukin and Matthiesen, 2004: 269). In our *IJME* special is-

not lawfully present in the United States” (*Id.* § 31-13-27(a)(1)). A settlement of several lawsuits by various groups in November 2013 resulted in blocking this section of the law, among other sections.

Figure 2



sue, several researchers used critical discourse analysis or other closely related approaches to grapple with often-taken-for-granted ways of representing immigrants.

Ryan Gildersleeve and Susana Hernandez (2012), for example, integrated critical discourse analysis and policy analysis in their study titled "Producing (im)Possible Peoples: Policy Discourse Analysis, In-state Resident Tuition, and Undocumented Students in American Higher Education." They used these analytic methods to explore the human realities enacted by the discourse of the in-state resident tuition policies between 2001 and 2011 in 12 U.S. states (California, Connecticut, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, and Wisconsin). Through their multi-dimensional analyses of new discursive identities in policy documents, they showed how students without papers in higher education were afforded social labels not previously available in political, popular, or educational discourse: for example, policy documents discussed the "alien student" and the "student alien." As the authors highlighted, real living students had to confront, enact, and resist such descriptors in their college classrooms and lives. Gildersleeve and Hernandez challenge educators who see themselves as being on the "right side" of the issue of supporting immigrant students to think pro-actively about new pedagogical discourses that refrain from using and perpetuating binary terms such as "alien student" or, indeed, "undocumented student."

In a different approach that is not termed critical discourse analysis but still conforms very closely to Fairclough's tri-dimensional analytic approach, Chris Faltis used a dynamic methodology he referred to as double-imaging. In his article entitled "Art and Text as Living Inquiry into Anti-immigration Discourse," Faltis interwove illustrations of eight of his oil paintings, created in a visceral realist style, that depict borders and border crossings in the southwestern United States, with written texts that characterize immigrants' challenging experiences. Faltis's living inquiry with interwoven works of art and written text dare each of us to face the mix of emotions and commitments entangled in our work and research with immigrant students and their families.

IMMIGRATION DISCOURSES IN THE SOUTHEASTERN U.S. REGION: A CASE STUDY

To illustrate in detail how a critical discourse approach can embed analytic and critical action research around immigration issues, we discuss why and how Harman and Varga-Dobai, along with a collaborative team of teachers/ researchers (for example, 2012), conducted an arts-based critical performative approach (CPP) with emergent bilingual learners in a high-poverty middle school in the southeastern U.S. Harman had spent two years prior to the CPP action research project as a participant observer and co-teacher in an English-for-speakers-of-other-languages (ESOL) classroom using a sheltered instruction approach at Chestnut Middle School (pseudonym). Harman and her co-researchers/teachers found the social and immigration policies and practices in the region exerting a direct impact on the emotional and academic well-being of the middle-school emergent bilingual community predominately from México and El Salvador. For example, students expressed great concern about a ban instituted by the Georgia University System Board of Regents in October 2010 designed to prevent undocumented students from gaining admission to selective universities in the state regardless of high achievement records (University System of Georgia, 2010). Symbolically, the ban represented a dismissal and exclusion of undocumented students, preventing them from fulfilling their academic dreams.

In addition, other types of anti-immigration legislation were proposed and passed in the state legislature in the same time period, including 2011's House Bill 87, which re-enforced immigrant status reviews and deportations (Georgia General Assembly, 2011). Understandably, such practices triggered high anxieties for the student participants and their home communities. Some students shared that they lived in constant fear that their parents or other community members would be taken away at night by immigration services and that they and their siblings would be placed in

state custody (Harman and Varga-Dobai, 2012). As Stevenson and Beck (2013) underlined, the inequities of the immigration system have had a deleterious impact on immigrant families, especially on the millions of mixed-status households where the children know that a member of their immediate family could be swept up and deported at any time.

ARTS-BASED YOUTH PARTICIPATORY ACTION APPROACH

Harman, Varga-Dobai, and teacher/ researchers at Chestnut Middle School decided to take a critical arts-based approach informed by Boal's Theater of the Oppressed (1979) in teaching a social studies class for bilingual learners in 2009-2010. The classroom participants included one Italian/Somalian and eight Latina emergent bilingual learners. The enacted CPP approach was closely aligned with recent qualitative research on Latina/o youth literacy that encourages educators to take a critical participatory approach to literacy instruction (Gutierrez, 2008; Martínez-Roldán and Fránquiz, 2009). In Gutierrez's action research with the Migrant Institute, for example, students/teachers/researchers engaged in *teatro*, critical theory, and discussion of the socio-political context of schooling, dialogic processes which had the potential of reframing everyday and institutional literacies into "powerful literacies oriented toward critical social thought" (2008: 149).

The sequential stages of the Chestnut Middle School team's work over the course of a year and a half included the sequential use of performance, storytelling, collective voting and writing, as well as conference presentations:

- History of names through theater games
- Sharing of student and teacher family narratives (for example, about La Llorona)
- Explanation of the goal of a critical performative approach
- Boal's (1979) theater techniques used to identify community's social issues
- Voting and decision on what social action to use to address student-identified social issues (abrupt deportation and job discrimination)
- Research, community interviews, immigration lecture, and drafting of informational texts
- Publication of a newsletter and public performance for families on Cinco de Mayo
- Creation of a bilingual theatrical script and power point for conferences
- Presentations at a Women Studies Conference (fall 2010) and at a local university (spring 2011).

The critical arts-based participatory approach, in the context of multicultural and second language education, supported students and teachers in grappling with local power relations that were dialectally connected to broader institutional and societal practices that marginalize students and teachers based on race, class, gender, and other markers of difference (Nieto and Bode, 2008).

CDA ANALYSIS OF THE PROJECT

A critical discourse analysis was conducted by the adult researchers to cast a reflexive eye on how their critical arts-based approach facilitated or constrained students from engaging in collective literacy processes and social action. Systemic functional linguistics (SFL) analysis, which helps to investigate how language functions in different social contexts, was used to investigate the linguistic and rhetorical patterns in the oral and written classroom discourse (Eggins, 2004; Halliday and Matthiesen, 2004). Findings from the study pointed to how the critical arts-based approach, although problematic in terms of not involving insider community members, encouraged the students to use a range of genres in their oral and written discourse (for example, storytelling, dramatic replay, discussion, and newsletter composition) to communicate their emotions and research about immigration issues they had identified. The student involvement also supported adult participants in learning about and challenging the local community issues. Indeed, as a result of their work together, some of the adult participants became more involved with Latino families in fighting against issues such as the ban on undocumented students from entering higher ranked universities in Georgia.

When taken together, the three research studies in this section illustrate how educators in the twenty-first century can challenge the effects of immigration policies and practices through critical analysis of macro-level policies and practices; artistic exploration and challenging of discourse practices related to border crossing, bilingual policies, and linguisticism; and development of insurgent pedagogical practices that disrupt the deficit discourses about immigrant students. Civil rights organizations such as the American Civil Liberties Union and Latino activist groups are also involved in challenging legislation in various states in the U.S. that criminalizes immigrant populations through racial profiling and other nefarious policies (see footnote 1 on Alabama). It is only through consistent use of academic, legal, and collective social action that communities can effect change with and for immigrant families who have been minoritized and silenced. The shutting down and subsequent re-opening of the ethnic studies program in the Tucson school district provides an

important example of a setting in which educators, citizens, legal groups, and legislators negotiated conflicted terrain that incorporated efforts to both support and suppress immigrant, multilingual, and multicultural voices (Acosta and Mir, 2012). Critical discourse analysis, in sum, provides a robust analytic and social action framework in our collaborative work on these issues.

CRITICAL RACE THEORY AND RESOURCE PEDAGOGIES: TOOLS TO CHALLENGE ANTI-IMMIGRATION DISCOURSES AND DEVELOP NEW PRAXIS



Chris Faltis, *No More Borders vs. No More Immigrants* (2008) (Faltis, 2012).

Intertwined with critical discourse analysis, critical race theory (CRT), developed through the work of U.S. legal scholars, has been applied to educational research as well as other fields. It articulates a set of interrelated beliefs about the significance of race and racism as it operates in contemporary educational institutions and policies (Ladson-Billings and Tate, 1995; Ladson-Billings, 2005; Tate, 2005). CRT scholars such as Derrick Bell (1992) explore the multiple ways that U.S. law, politics,

and institutions of power shape the “truth” so that the rights and privileges of a dominant group are guaranteed by the simultaneous silencing and distortion of the rights of those seen as “minorities.” The insidious “techniques of power” used to create the illusion in the U. S. that we have equal justice, access, and speech rights pervade our everyday practices, our speech acts, our homes, and our communities (see Delgado and Stephanic, 2012).

Although CRT has mostly been applied to U.S. sociopolitical contexts, Gillborn (2006) suggests that the perspectives embedded in CRT also offer effective conceptual tools for educators in other geographic regions that are grappling with legacies of colonialism and school inequalities. Stephanie Love and Manka Varghese (2012), with their article “The Historical and Contemporary Role of Race, Language, and Schooling in Italy’s Current Immigrant Policies and Pedagogies,” adapt critical race theory to the Italian socio-political context. Specifically, they explore the socio-historical construction of the Italian nation-state and its current intercultural curriculum policies. By employing key CRT tenets that include *acknowledging racism as an enduring aberration in society*, Love and Varghese expose how structures of power linked to race and language play out in the workings of the historical and contemporary Italian nation-state and its nationalist ideologies.

Their analysis leads them to conclude that the curriculum approach touted in the state educational policy document titled “The Italian Way for Intercultural Schooling and the Integration of Foreign Students” is inadequate for reaching the goal of preparing students from migrant origins to participate in Italian society. They propose, instead, a CRT framework adapted to Italy’s socio-historical context that addresses global migratory patterns and anti-immigrant discourses as they are played out in Italy today. Love and Varghese see this approach as a more dynamic means for helping both educators and students grapple with the ways that schooling serves to embody and enforce language and racial ideologies in Italy and other countries experiencing immigration in the twenty-first century.

The study conducted by Love and Varghese argues for the value of critical race theory as a catalyst for teachers and students to challenge anti-immigrant discourses and practices at the national and state level, as well as in the classroom. From this CRT perspective, a logical response to the minoritizing of immigrant youth is to develop pedagogies that support and value linguistic, cultural, and literacy resources that all students, including immigrants, bring to school. Before discussing the articles in our special issue and our own work that represent key elements of such resource pedagogies, we provide a brief socio-historical overview of how the educational positioning of the cultural and linguistic “other” has evolved over time from *deficit* to *difference* to *resource* in the work of many critical educators across the globe.

Cultural and linguistic deficit models (also called cultural deprivation models) gained favor in the early part of the twentieth century as a way to explain the perceived inferiority of culturally and linguistically “different” individuals (largely immigrants) in schools, the workplace, and other social settings (for example, Darcy, 1963). The pedagogical implications of this perspective were that students from cultural and linguistic minorities were destined for academic inferiority unless their culture and language were replaced by “mainstream” culture and language. Several more modern attempts have been made to revive the argument for racial, cultural, and linguistic superiority and inferiority (for example, Herrnstein and Murray, 1994), yet such attempts have continued to be discredited as both inaccurate and unfair portrayals of cultural differences (Fraser, 1995). Still, while scholarly discourse has largely moved past a deficit view of understanding cultures and languages other than one’s own, a cultural and linguistic deficit perspective on immigrants (as well as other students of color) persists and has even strengthened in some of the popular discourse around schooling, academic standards, and educational accountability.

In the latter part of the twentieth century, the deficit perspective was replaced in educational research by models of cultural and linguistic difference that acknowledged the variations between groups and individuals without presuming that one culture or language was inherently superior to another (for example, Fordham and Ogbu, 1986). Cultural difference theories are grounded in the idea that linguistic and behavioral differences arise when groups face divergent historical, social, and economic conditions. Children learn the culture of the group through child-rearing practices that lead, in turn, to consistent patterns of behavior, language use, thinking, and feeling for individuals within groups. Numerous scholars in the later twentieth century used this framework to interpret the educational experiences of students from “non-mainstream” cultural and linguistic groups (for example, Heath, 1983; Tharp and Dalton, 1994), and, indeed, many educators continue to hold this view of culture and language in their classrooms today. The pedagogical implications of the “cultural difference” perspective are that students should be encouraged to preserve their cultural and linguistic heritage while also learning mainstream language and culture, but that these two projects are largely disconnected.

In recent years, many teacher educators have adopted the framework of resource pedagogies to replace the cultural and linguistic difference perspective. The notion of resource pedagogies is often traced to Ladson-Billings’s culturally relevant pedagogy (1995), which highlighted the need for teachers to simultaneously address three themes in their classrooms: academic achievement, cultural competence, and critical consciousness. Inherent in this approach is the belief that the linguistic, cul-

tural, and literacy tools that all students bring to the classroom can be used advantageously to develop the knowledge and skills most valued in academic settings. Focusing more explicitly on the needs of English learners (including immigrants), Lee and Fradd's (1998) model of instructional congruence and Gonzalez, Moll, and Aman-ti's (2005) funds-of-knowledge approach both highlighted the need to develop stronger connections between school-based academic content and literacy skills, and the knowledge and language that students bring from home. In the most recent variation on this perspective, Paris proposed a model of culturally sustaining pedagogy that strives to "ensure maintenance of the languages and cultures of . . . longstanding and newcomer communities in our classrooms" (2012b: 94), while taking "a critical stance toward and critical action against unequal power relations" (95). For Paris, the goal of culturally sustaining pedagogy is to foster "linguistic, literate and cultural pluralism as part of the democratic project of schooling" (95).

In the article entitled "Become History: Learning from Identity Texts and Youth Activism in the Wake of Arizona SB1070," Paris (2012a) illustrates how a critical standpoint on language, power, and identity can be practiced as well as theorized. In his action research with Latino students in a U.S. high school English class, Paris explores the disjuncture between immigrant students' participation in protests against anti-immigrant state policy in Arizona and their teachers' well-intentioned, but ultimately unsuccessful, attempts to incorporate discussion and study of race and class-based inequities in U.S. society into classroom literacy practices. He draws on a humanizing research stance, committed to developing relationships of dignity and care with his participants, as he shows himself interacting with students in the back of classrooms and hallways of the school and in a student-organized walkout and protest at the state capitol. Paris (2011) argues that our research and praxis in contexts characterized by conflict and inequities must involve "dialogic consciousness raising" with our research participants. In analyzing the seemingly disconnected texts that students actually attended to in the classroom (text messages, *corridos*, and raps), the texts they were assigned to study (Langston Hughes, William Faulkner, Elaine Hansberry), and the texts they participated in as activists (signs, shirts, and chants), Paris sheds light on the potential for educators to connect the struggles depicted in literature to the continuing struggles in students' lives.

While our school systems today often claim to honor and value diversity, the day-to-day reality of accountability policies, language policies, and policies about immigrant status send a very different message about the value of cultural and linguistic pluralism. Below, we briefly describe three more articles in the *IJME* special issue that serve as examples of how the argument for resource pedagogies can be both theorized and practiced in the classroom. We follow these descriptions with a brief account of

one of our own research projects to further elaborate on the value of a resource-pedagogies perspective to support the education of immigrant students.

In the article entitled, "Sobresalir: Latino Parent Perspectives on New Latino Diaspora Schools," Sarah Gallo and Stanton Wortham (2012) adopt a counter-storytelling approach as part of a participatory action research video project with bilingual Latino immigrant parents. The researchers integrate aspects of critical race theory with elements of resource pedagogies in their collaborative work *with* the parents to produce videos designed to inform teachers about how to better foster communication and relationship building with recently arrived Latino immigrant parents such as themselves. The video incorporated the voices of bilingual parents as they discussed the linguistic and cultural challenges of supporting their children's schoolwork on the one hand, and, on the other, their concerns about how to instill strong values and monitor their children's moral development in a new cultural environment.

In addition, the parents eloquently articulated their hopes that their children would not experience discrimination in school and that the teachers would safeguard their children from unequal treatment. These (very reasonable) fears expressed by the parents highlight just how challenging it can be to support resource pedagogies that require the resources of the "other" to be viewed as strengths, while at the same time there are those who continue to believe in and act on the assumptions of cultural deficit theories. In an encouraging development, however, Gallo and Wortham also document teachers' responses to the bilingual parents' perspectives, demonstrating the ways in which a number of the teachers began to find common ground with parents, recognizing that "they have the same hopes and dreams for their children that I have for mine."

In a second example of both the value and the challenge of developing sound resource pedagogies, Keisha McIntosh Allen, Iesha Jackson, and Michelle Knight (2012) foreground the voices of West African immigrants through their article, "Complicating Culturally Relevant Pedagogy: Unpacking West African Immigrants' Cultural Identities." In addition to reminding us that the discourse about recent immigrants to the U.S. must extend beyond the Latino community, Allen, Jackson, and Knight challenge us to reflect on the role of generational differences as well as cultural and linguistic differences as we consider the meaning of culturally relevant pedagogy. Using an interpretive in-depth interview design, the researchers conducted case studies with 18 second-generation and 1.5-generation West African immigrants—1.5 generation immigrants are those who immigrated in mid-childhood.

As Allen, Jackson, and Knight explored the ways in which their participants negotiated hybrid black identities incorporating both their West African heritages and

their U.S. American sociocultural contexts, they discovered several themes that can help us to reimagine key aspects of resource pedagogies. Perhaps most importantly, these young adult participants insisted on the heterogeneity of black immigrant experiences that challenged stereotypical views of African values, knowledge, and ideologies. Thus, an expanded vision of culturally relevant pedagogy, posited to support students and educators in answering back to anti-immigrant discourses, must engage the fluid identities and contradictory knowledges held by multi-culturally and multi-lingually diverse groups of immigrant students, such as the self-portrayals of the West African immigrants in this study.

A third example of how resource pedagogies can be used to challenge anti-immigration discourses in education contexts is the study conducted by Morna McDermott, Nancy Shelton, and Stephen Mogge (2012) entitled, "Pre-service Teachers' Perceptions of Immigrants and Possibilities of Transformative Pedagogy: Recommendations for a Praxis of Critical Aesthetics." Their investigation of the learning experiences of 78 pre-service teachers destined to teach immigrant students in the northeastern United States integrated arts-based pedagogy and ethnographic methods through a workshop designed as a series of aesthetically grounded experiences. They incorporated drama, children's literature, and immigrant first-person narratives, with the goal of bringing to light and disrupting unexamined assumptions about immigration and immigrants in their pre-service educators.

They documented how some of these pre-service teachers moved beyond initial expressions that cast immigrants in a negative light (for example, as "stealing jobs," "using our resources," and "dirty") to expressing more positive descriptors, such as "seeking opportunity," "hard-working," and having a "desire for education." McDermott, Shelton, and Mogge caution that efforts such as single-session workshops can only begin a process whereby new teachers commence with a challenging transformation that might lead to meaningful relationships with immigrant students and families in their future classrooms. Still, such a process can be critical to helping teachers—whether new or experienced—examine their implicit or explicit cultural deficit or cultural difference views and then take the first steps toward embracing resource pedagogies.

IMMIGRATION DISCOURSES IN THE SOUTHEASTERN U. S. REGION: SECOND CASE

To further illustrate how a resource pedagogy approach can support equitable education for immigrant students, we present a brief description of our Language-Rich

Inquiry Science with English Language Learners (LISELL) project. LISELL is an ongoing research and implementation project to develop and test both a pedagogical model and a professional learning framework to support science inquiry practices and academic language practices for all students, with particular attention to Latino/a immigrant students and other English learners. Teachers in the southeastern United States have generally received little if any professional preparation to meet the needs and build on the resources that English learners bring to their classrooms. Thus, one of the project's overarching goals is to help teachers, students, families, and researchers learn from and with each other about the strengths and resources, as well as the needs and aspirations, that members of each group bring to the shared endeavor of supporting immigrant students' academic success.

The LISELL pedagogical model is composed of six science and language practices meant to help all students, and particularly English learners, to develop proficiency using the language of science, and then use that language to reach their academic goals. The model is built upon a systemic functional linguistics view of language (Halliday, 2004), research on scientific reasoning (Kuhn, 2005), and our own exploratory work leading up to this project (Buxton et al., 2013).

The LISELL professional learning framework was developed to help teachers take ownership and make use of the LISELL pedagogical model to meet their needs and the needs of their students. The framework has five components, in each of which we facilitate opportunities for different groups of participants to position themselves in different ways for different purposes. For example, in the professional learning spaces of Grand Rounds classroom observations, the teachers are positioned as collaborators observing their peers and being observed in turn; the researchers are positioned as part of an observation team learning how project practices are enacted in classrooms; and the students are positioned as capable learners in cognitively and linguistically rich classroom spaces.

In the Steps to College through Science Bilingual Family Workshops, the teachers are positioned as participant observers, Spanish language learners, and advocates for their students; the researchers are positioned as facilitators, listeners, and learners across both organized and impromptu learning experiences; the students are positioned as bilingual learners engaged in authentic science practices and on a path to academic success; and the family members are positioned as active learners and teachers fully engaged in their children's academic success. In the spaces of the LISELL assessment workshops, the teachers are positioned as assessment experts and reflective practitioners, while the researchers are positioned as trainers in interpretation of assessment responses and reflections on learning from student writing, and the students are positioned (through their written responses on the assessments) as

critical thinkers learning to use the language of science to express their understanding of inquiry practices and of science content knowledge.

When taken together, we view our LISELL pedagogical model and professional learning framework as a network of support for teachers, immigrant students, and their families through the creation of multiple spaces and tools for identifying, building on, and giving voice to the identities that immigrant students wish to express. Along with the other studies in this section, this work highlights both the progress that educators have made in moving from a deficit to a resource perspective and some of the challenges involved in forwarding a project of “supporting linguistic and cultural dexterity and plurality” (Paris, 2011).

As we continue to raise questions about how best to balance linguistic, cultural, and literacy tools that are valued in academic spaces with those valued in homes and communities, we should remember that teachers have significant power to influence the tone of how immigrants are perceived in their classrooms and schools, and by extension, their broader communities. Thus, work with teachers continues to represent a critical front line in efforts to challenge anti-immigration discourses in school and community contexts. In the previous sections, we have presented brief reviews of multiple research studies engaged in social justice work involving issues of immigrant rights. Each group of researchers used praxis approaches informed by critical discourse analysis, critical race theory, and/or resource pedagogies. In the final section we briefly summarize the need for continued research and action in multiple settings to both better understand the multi-dimensional nature of immigration and education and to better meet the needs of immigrant students and communities.

A CONTINUING NEED FOR INTERDISCIPLINARY AND CROSS-NATIONAL PERSPECTIVES ON IMMIGRATION

Recent publications on immigration show that there is a clear and ongoing need for timely research across disciplines that offer new theoretical perspectives and directions for social, political, and economic policy associated with twenty-first century movements and settlement of peoples across North America. In 2011, for example, Levine and LeBaron edited a special issue of *Norteamérica* that mapped the terrain of immigration policy, patterns of settlement, and frictions in communities in the southeastern United States, the location of some of the most recent and dramatic growth in immigration in the country. In recent editions of this journal, one article outlined the broader historical and theoretical perspectives on migration between Mexico and the United States (Genova, 2012); another study explored migration trajectories from

Central America to the southeastern U.S. (Leon, 2012); and a third looked at the mapping of the circulating departure and return pathways for women from Puebla, Mexico, to North Carolina and back (Buznego, 2012).

Our current review of educational theory, research, and practice expands on this earlier work to offer the educational arena as a dynamic context in which to explore potentials and possibilities for new theory and praxis related to migration and immigration. Drawing on this educational research as well as the interdisciplinary cross-national work on immigration published previously in *Norteamérica* may provide new tools to counteract the effects of the rising tide of anti-immigration discourse in public policy and the media in the United States and Europe. The need for such tools becomes urgent in light of anti-immigrant violence erupting regularly in countries ranging from Mexico (*Animal Politico*, 2013) to Greece (Antiuk, 2012), to the U. S. (The Leadership Conference on Civil and Human Rights, 2009). Indeed, informed by approaches such as those explored in this article, we in the educational research and praxis community must further challenge ourselves to take creative and courageous action in our work with immigrant, multicultural, multilingual families and the educators who work with them. As Linda Tuhiwai Smith (1999), an Indigenous woman investigating decolonizing methodologies, states,

Taking apart the story, revealing underlying texts, and giving voices that are often known intuitively does not help people improve their current conditions. It provides words, perhaps, and insights but it does not prevent someone from dying. (3)

BIBLIOGRAPHY

ACOSTA, CURTIS, and ASIYA MIR

2012 "Empowering Young People To Be Critical Thinkers: The Mexican-American Studies Program in Tucson," *Vue*, vol. 34, Summer, pp. 15-26.

ALLEN, KEISHA MCINTOSH, IESHA JACKSON, and MICHELLE KNIGHT

2012 "Complicating Culturally Relevant Pedagogy: Unpacking West African Immigrants' Cultural Identities," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

ALLESAHT-SNIDER, MARTHA, CORY A. BUXTON, and RUTH HARMAN

2012 "Challenging Anti-Immigration Discourses in School and Community Contexts," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

ANIMAL POLÍTICO

- 2013 "Asaltan a migrantes en 'La Bestia'; muere uno," *Animal Político*, July, <http://www.animalpolitico.com/2013/07/asaltan-por-tercera-vez-en-ano-a-la-bestia/>, accessed July 5, 2013.

ANTIUK

- 2012 "A Short History of Anti-immigrant Violence in Greece: Deaths, Pogroms, and Disappearances," *Antiuk: Making the Radical Common Sense* <http://antiuk.wordpress.com/2012/06/09/a-short-history-of-anti-immigrant-violence-in-greece-deaths-pogroms-and-disappearances/>, accessed July 4, 2012.

ARGUETA, LUIS

- 2011 *Abused: The Postville Raid*, documentary video, <http://abusedthepostville.raid.blogspot.com/>, accessed November 15, 2011.

ARPHATTANANON, THITHIMADEE

- 2012 "Education that Leads to Nowhere: Thailand's Education Policy for Children of Migrants," *International Journal of Multicultural Education*, vol. 14, no. 1, pp. 1-15.

BELL, DERRICK

- 1992 *Faces at the Bottom of the Well: The Permanence of Racism*, New York, Basic Books.

BOAL, AUGUSTO

- 1979 *Theater of the Oppressed*, New York, Theater Communications Group.

BUTT, DAVID, ANABELLE LUKIN, and ANABELLE and CHRISTIAN MATTHIESEN

- 2004 "Grammar - the First Covert Operation of War," *Discourse and Society*, vol. 15, nos. 2-3, pp. 267-290.

BUXTON, CORY, MARTHA ALLESAHT-SNIDER, REGINA SURIEL, SHAKHNOZA KAYUMOVA, YOUN-JENG CHOI, BOBETTE BOUTON, and MELISSA LAND

- 2013 "Using Educative Assessments to Support Science Teaching for Middle School English Language Learners," *Journal of Science Teacher Education*, vol. 24, no. 2, pp. 347-366.

BUZNEGO, MARÍA EUGENIA D'AUBETERRE

- 2012 "Empezar de nuevo: migración femenina a Estados Unidos. Retornos y reinserción en la Sierra Norte de Puebla, México," *Norteamérica*, year 7, no. 1, pp. 149-180.

CHAPELL, SHARON, and CHRIS FALTIS

- 2013 *The Arts and Emergent Bilingual Learners: Building Culturally Responsive, Critical and Creative Programs in School and Community Contexts*, New York, Routledge.

CHAVEZ, MANUEL, SCOTT WHITEFORD, and JENNIFER HOEWE

- 2010 "Reporting on Immigration: A Content Analysis of Major U.S. Newspapers Coverage of Mexican Immigration," *Norteamérica*, year 5, no. 2, pp. 111-125.

CHRISAFIS, ANGÉLIQUE

- 2010 "Immigration: France Sees Tensions Rise Five Years on from Paris Riots," *The Guardian*, <http://www.guardian.co.uk/world/2010/nov/16/france-racism-immigration-sarkozy>, accessed December 1, 2011.

CROZIER, GILLIAN

- 2009 "South Asian Parents 'Aspirations Versus Teachers' Expectations in the United Kingdom," *Theory Into Practice*, vol. 48, no. 4, pp. 290-296.

DARCY, NICOLAS

- 1963 "Bilingualism and Measured Intelligence: A Review of a Decade of Research," *Journal of Genetic Psychology*, no. 103, pp. 259-282.

DELGADO, RICHARD, and JEAN STEFANIC

- 2012 *Critical Race Theory: An Introduction*, New York, New York University Press.

DREAM ACTIVIST

- 2013 "Imprisoned after Minor Traffic Accident: Release Francisco Now." Dream Activist: Undocumented Students Action and Resource Network, <http://action.dreamactivist.org/georgia/francisco>, accessed February 5, 2013.

DUFFY, BOBBY

- 2012 "Europe's Anti-immigrant Voters. Majorities in France, Belgium, Italy, Sweden, Spain, and Germany Want to Reintroduce Border Controls," *Wall Street Journal*, May 21, <http://online.wsj.com/article/SB10001424052702304019404577418383747935206.html>, accessed June 5, 2012.

EGGINS, S.

2004 *Introduction to systemic functional linguistics*, London, Continuum.

FAIRCLOUGH, NORMAN

2005 "Critical Discourse Analysis in Trans-disciplinary Research on Social Change: Transition, Re-scaling, Poverty and Social Inclusion," *Lodz Papers in Pragmatics*, vol. 1, pp. 37-58.

FALTIS, CHRIS

2012 "Art and Text as Living Inquiry into Anti-immigration Discourse," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

FORDHAM, SIGNITHIA, and JOHN OGBU

1986 "Black Students' School Success: Coping with the Burden of Acting White," *Urban Review*, vol.18, no. 3, pp. 176-206.

FRASER, STEVEN

1995 *The Bell Curve Wars: Race, Intelligence and Future of America*, New York, Basic Books.

FREISEN, JOE

2012 "The Immigrant Answer: Canada Ready to Open its Doors to More Immigrants, Kenney Says," *The Globe and Mail*, May 14, <http://www.theglobeandmail.com/news/national/time-to-lead/canada-ready-to-open-its-doors-to-more-immigrants-kenney-says/article4178908/>, accessed June 5, 2012.

GALLO, SARAH, and STANTON WORTHAM

2012 "Sobresalir: Latino Parent Perspectives on New Latino Diaspora Schools," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue), pp. 1-17.

GENOVA, VALENTINA

2012 "Migración entre México y Estados Unidos: historia, problemáticas, teorías y comparación de interpretaciones," *Norteamérica*, year 7, no. 1, pp. 223-238.

GEORGIA GENERAL ASSEMBLY

2011 http://www1.legis.ga.gov/legis/2011_12/sum/hb87.htm, accessed April 6, 2011.

GIBSON, MARGARET, and SILVIA CARRASCO

2009 "The Education of Immigrant Youth: Some Lessons from the U.S. and Spain," *Theory into Practice*, vol. 48, no. 4, pp. 249-257.

GILDERSLEEVE, RYAN, and SUSANA HERNANDEZ

2012 "Producing (im)Possible Peoples: Policy Discourse Analysis, In-state Resident Tuition, and Undocumented Students in American Higher Education." *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

GILLBORN, DAVID

2006 "Critical Race Theory and Education: Racism and Antiracism in Educational Theory and Praxis," *Discourse: Studies in the Cultural Politics of Education*, vol. 27, no. 1, pp. 11-32.

GONZÁLEZ, NORMA, LUIS MOLL, and CATHY AMANTI

2005 *Funds of Knowledge: Theorizing Practices in Households, Communities, and Classrooms*, Mahwah, New Jersey, Lawrence Erlbaum.

GREENWOOD, PHOEBE

2012 "Israeli Anti-immigration Riots Hit African Neighborhood of Tel Aviv," *Telegraph*, May 24, <http://www.telegraph.co.uk/news/worldnews/middle-east/israel/9287715/Israeli-anti-immigration-riots-hit-African-neighbourhood-of-Tel-Aviv.html>, accessed June 5, 2012.

GUTIERREZ, KRIS

2008 "Developing a Socio-critical Literacy in the Third Space," *Reading Research Quarterly*, vol.43, no. 2, pp. 148-164.

HALLIDAY, MICHAEL ALEXANDER KIRKWOOD

2004 *The Language of Science*, London, Continuum.

HALLIDAY, M. A. K., and C. M. I. M. MATTHIESEN

2004 *Introduction to functional grammar*, 3rd edition, London, Edward Arnold.

HAMANN, EDWARD, and LINDA HARKLAU

2010 "Education in the New Latino Diaspora," in E. Murillo, ed., *Handbook of Latinos and Education: Research, Theory, and Practice*, New York, Routledge, pp. 157-169.

HARMAN, RUTH

- 2011 "Critical Performative Pedagogy and Urban Teacher Education: Voices from the Field," in C. Lobman and B. O'Neill, eds., *Play and Performance, Play and Culture Studies*, vol. 11, no.1, pp. 89-104.

HARMAN, RUTH, and KINGA VARGA-DOBAI

- 2012 "Critical Performative Pedagogy: Emergent Bilingual Learners Challenge Local Immigration Issues," in *International Journal of Multicultural Education (IJME)*, vol. 14, no. 2 (special issue).

HEATH, SHIRLEY BRICE

- 1983 *Ways with Words: Language, Life, and Work in Communities and Classroom*, New York, Cambridge University Press.

HERRNSTEIN, RICHARD, and CHARLES MURRAY

- 1994 *The Bell Curve: Intelligence and Class Structure in American Life*, New York, Free Press.

IJME (International Journal of Multicultural Education)

- 2012 Special issue, Eastern University, St. Davids, Pennsylvania, vol. 14, no. 2.

KUHN, DIANNA

- 2005 *Education for Thinking*, Cambridge, Massachusetts, Harvard University Press.

LADSON-BILLINGS, GLORIA

- 2005 "The Evolving Role of Critical Race Theory in Educational Scholarship," *Race, Ethnicity, and Education*, vol. 8, no. 1, pp. 115-119.

- 1995 "Toward a Theory of Culturally Relevant Pedagogy," *American Educational Research Journal*, vol. 32, no. 3, pp. 465-491.

LADSON-BILLINGS, GLORIA, and WILLIAM F. TATE IV

- 1995 "Toward a Critical Race Theory of Education," *Teachers College Record*, vol. 97, no. 1, pp. 47-68.

LEADERSHIP CONFERENCE ON CIVIL and HUMAN RIGHTS, THE

- 2009 *Confronting the New Faces of Hate: Hate Crimes in America 2009*, Washington, D.C., The Leadership Conference Education Fund. <http://www.civilrights.org/publications/hatecrimes>, accessed June 5, 2012.

LEE, OKEE, and SANDRA H. FRADD

1998 "Science for All, Including Students from non-English Language Backgrounds," *Educational Researcher*, vol. 27, no. 3, pp. 12-21.

LEON, JOSEMA DE MIGUEL

2012 "Frontera sur de México, de camino al Norte," *Norteamérica*, year 7, no. 1, pp. 249-256.

LEVINE, ELAINE, and ALAN LEBARON

2011 "Immigration Policy in the Southeastern United States: Potential for Internal Conflict," *Norteamérica*, vol. 6, special issue, pp. 5-31.

LÓPEZ, MARK HUGO, and SUSAN MINUSHKIN

2008 "2008 National Survey of Latinos: Hispanics See Their Situation in U. S. Deteriorating; Oppose Key Immigration Enforcement Measures," *Pew Hispanic Center*, September 18, <http://www.pewhispanic.org/files/reports/93.pdf>, accessed June 5, 2012.

LOVE, STEPHANIE, and MANKA VARGHESE

2012 "The Historical and Contemporary Role of Race, Language, and Schooling in Italy's Current Immigrant Policies and Pedagogies," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

MARTÍNEZ-ROLDÁN, CARMEN, and MARÍA FRÁNQUIZ

2009 "Latina/o Youth Literacies: Hidden Funds of Knowledge," in Leila Christenbury, Randy Bomer, Peter Smagorinsky, eds., *Handbook of Adolescent Literacy Research*, New York, Guilford Press, pp. 323-342.

McDERMOTT, MORNA, NANCY SHELTON, and STEPHEN MOGGE

2012 "Pre-service Teachers' Perceptions of Immigrants and Possibilities of Transformative Pedagogy: Recommendations for a Praxis of Critical Aesthetics," *International Journal of Multicultural Education*, vol. 14, no. 2 (special issue).

NATIONAL IMMIGRATION LAW CENTER

2011 "DREAM Act/Senate Subcommittee on Immigration, Refugees and Border Security to hold first-ever hearing on the DREAM next week," e-mail, May 11.

NIETO, SONIA, and PATTY BODE

2008 *Affirming Diversity: The Sociopolitical Context of Multicultural Education*, New York, Allyn and Bacon.

PARIS, DJANGO

2012a "Become History: Learning from Identity Texts and Youth Activism in the Wake of Arizona sb1070," *International Journal of Multicultural Education*, vol. 14, no. 2, pp. 1-13.

2012b "Culturally Sustaining Pedagogy: A Needed Change in Stance, Terminology and Practice," *Educational Researcher*, vol. 41, no. 3, pp. 93-97.

2011 "'A Friend who Understand Fully': Notes on Humanizing Research in a Multiethnic Youth Community," *International Journal of Qualitative Studies in Education*, vol. 24, no. 2, pp. 137-149.

PETERSON, CASSIE L.

2009 "Note: An Iowa Immigration Raid Leads to Unprecedented Criminal Consequences: Why ICE Should Rethink the Postville Model," *The University of Iowa Law Review*, vol. 95, pp. 323-346.

PFAELZER, JEAN

2008 *Driven Out: The Forgotten War Against Chinese Americans*, Berkeley, University of California Press.

PULIDO, LAURA

2007 "A Day without Immigrants: The Racial and Class Politics of Immigrant Exclusion," *Antipode, A Radical Journal of Geography*, vol. 39, no. 1, pp. 1-7.

SANTA ANA, OTTO

1999 "'Like an Animal I Was Treated': Anti-immigrant Metaphor in US Public Discourse," *Discourse and Society*, vol. 10, no. 2, pp. 191-224.

SLACK, JEREMY, and SCOTT WHITEFORD

2010 "Viajes violentos: la transformación de la migración clandestina hacia Sonora y Arizona," *Norteamérica*, year 5, no. 2, pp. 79-107.

SMITH, LINDA TUHIWAI

1999 *Decolonizing Methodologies: Research and Indigenous Peoples*, New York, Zed Books.

STEVENSON, ALMA, and SCOTT BECK

- 2013 “¿Y si la migra se lleva a mamá cuando yo estoy en la escuela?” Familias transnacionales de estatus migratorio mixto en los Estados Unidos y la educación de sus hijos,” paper presented at the World Educational Research Association conference, Guanajuato, Mexico.

SUÁREZ-OROZCO, MARCELO, CAROLA SUÁREZ-OROZCO, and CAROLYN SATTIN-BAJAJ

- 2010 “Making Migration Work,” *Peabody Journal of Education*, vol. 85, no. 4, pp. 535-551.

TAKAKI, RONALD

- 1989 *Strangers from a Different Shore*, Boston, Little Brown.

TATE, WILLIAM

- 2005 “Ethics, Engineering and the Challenge of Racial Reform in Education,” *Race, Ethnicity and Education*, vol. 8, no. 1, pp. 123-129.

THARP, ROLAND, and STEPHANIE DALTON

- 1994 “Principles for Culturally Compatible Native American Education,” *Journal of Navajo Education*, no. 40, Spring, pp. 21-27.

THORPE, HELEN

- 2009 *Just Like Us: The True Story of Four Mexican Girls Coming of Age in America*, New York, Simon and Schuster.

TORRE, ADELA DE LA

- 2011 “NILC, ACLU, and Civil Rights Coalition Ask Court to Block Implementation of Georgia’s Discriminatory ‘Show Me Your Papers’ Law,” National Immigration Law Center, <http://www.nilc.org/junenews.html>, accessed July 1, 2011.

TRILLING, DANIEL

- 2013 “Greece’s People Show the Politicians How to Fight Golden Dawn,” *the guardian.com*, <http://www.theguardian.com/commentsfree/2013/may/06/golden-dawn-greece-fight>, accessed July 5, 2013.

UNITED WE DREAM NETWORK

- 2012 “Frequently Asked Questions: Obama Administration’s Relief Process for

Eligible Undocumented Youth," *National Immigration Law Center*, <http://www.nilc.org/FAQdeferredactionyouth.html>, accessed June 5, 2012.

UNIVERSITY SYSTEM OF GEORGIA

2010 New Policies on Undocumented Students http://www.usg.edu/news/release/regents_adopt_new_policies_on_undocumentedstudents/, accessed April 5, 2011.

WRIGHT, ANNE, and JOHN MASANAUSKAS

2012 "The Tide of Public Opinion is Turning Against Immigration," *The Daily Telegraph*, <http://www.dailytelegraph.com.au/archive/national-old/the-tide-of-public-opinion-is-turning-against-immigration/story-e6freuzr-1226362835067>, accessed June 5, 2012.

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Norteamérica es una revista semestral cuyo objetivo es publicar artículos académicos multi e interdisciplinarios sobre la región de América del Norte (México, Estados Unidos y Canadá), que:

- consideren a la región como objeto de análisis en sí mismo: su evolución, sus procesos particulares y su dinámica interna;
- analicen la realidad de cada una de las tres naciones, vinculándolas temáticamente con el resto de la región;
- realicen estudios comparativos sobre las naciones que conforman América del Norte;
- aborden la región y su inserción en el contexto internacional; y
- profundicen en los procesos mundiales y su impacto en la región.

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Norteamérica consta de tres secciones: “Ensayos”, “Análisis de actualidad” y “Reflexiones”. Las colaboraciones se reciben y publican en su idioma original, español, inglés o francés, y para cada sección los trabajos deben contemplar las siguientes características:

ENSAYOS Y ANÁLISIS DE ACTUALIDAD

- Se presentarán artículos resultado de investigaciones académicas de excelencia. No se aceptarán en estas dos secciones artículos de coyuntura o de opinión.
- Incluirán un aparato crítico relevante y actualizado.
- Tendrán entre 4 y 6 palabras clave y un resumen de no más de 100 palabras.
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Constituirán reflexiones académicas sobre un tema polémico y de coyuntura. La extensión será de 10 a 15 cuartillas.

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- Only articles based on scholarly research will be considered. These two sections will not publish articles on current events or opinion pieces.
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Length: 20 to 40 pages.

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CENTRO DE INVESTIGACIONES SOBRE AMÉRICA DEL NORTE

MISIÓN

Producir investigación multi e interdisciplinaria que contribuya al conocimiento sobre Estados Unidos y Canadá, y su relación con México. Mediante diversos enfoques se fomenta el estudio riguroso de la región para comprender mejor los distintos aspectos de su compleja realidad, buscando promover el análisis objetivo y plural mediante una amplia labor de difusión y extensión universitaria, así como de docencia e intercambio académico entre investigadores de México, Estados Unidos y Canadá y el resto del mundo. Además, el CISAN se ha comprometido con la formación permanente de un acervo hermerobibliográfico especializado, que cuenta actualmente con más de once mil títulos.

ANTECEDENTES

El CISAN está orgulloso de ser una unidad de investigación inter y multidisciplinaria de la UNAM, una de las más grandes universidades públicas del mundo, con más de 300 mil estudiantes, que en 2010 celebró el centenario de su fundación.

Creado a finales de 1988, el Programa Universitario de Investigación sobre Estados Unidos de América fue el antecedente directo del Centro de Investigaciones sobre los Estados Unidos de América (CISEUA). Más adelante, y a consecuencia del lugar primordial que la UNAM ha conferido a la investigación científica en esta área; a la preeminencia de Estados Unidos a nivel mundial; y a su importancia para nuestro país debido a la proximidad geográfica, la Universidad reconoció la necesidad de ampliar el campo de estudios del CISEUA. Se convirtió en una necesidad impostergable profundizar en nuestros conocimientos acerca de las dinámicas de la integración, tanto en la escala regional como en la global y, en consecuencia, iniciar con el estudio sistemático de Canadá. Fue entonces cuando nuestro Centro adquirió su actual denominación: Centro de Investigaciones sobre América del Norte (CISAN).

ORGANIZACIÓN

El CISAN organiza sus proyectos clasificándolos en seis grandes líneas de investigación institucionales con el propósito de articular nuestro trabajo académico en un ambiente más dinámico en el cual la libertad de investigación y docencia sean los pilares de la creatividad intelectual:

Seguridad y gobernabilidad • Migración y fronteras • Procesos económicos, integración y desarrollo • Identidad y procesos culturales • Estructuras, procesos y actores sociales • Ideas e instituciones políticas

En los años recientes hemos estimulado la multi y la interdisciplina, además de impulsar proyectos colectivos interinstitucionales.

COMPROMISO CON LA EDUCACIÓN

Las actividades de docencia y tutoría académica son fundamentales para nuestras metas, ya que entendemos los retos en la formación de profesionales altamente calificados no sólo como la construcción de habilidades para competir globalmente, sino también como el impulso a un compromiso con el desarrollo de un México más justo.

Como parte de la UNAM, uno de los valores principales del CISAN es el acceso a la educación y al conocimiento. Debido a su carácter de centro multi e interdisciplinario, nuestros investigadores dictan cátedras y desempeñan diversas actividades de tutoría académica en distintas facultades y escuelas de nuestra universidad.

También contribuimos a la formación de profesionales expertos en la región de América del Norte mediante diplomados varios como el denominado "Estados Unidos, México

y Canadá: una dimensión internacional y regional 2010” que aborda temas de Estados Unidos y Canadá en formato presencial y a distancia, y que se organiza anualmente.

COOPERACIÓN E INTERCAMBIO ACADÉMICO

El CISAN mantiene una importante cantidad de acuerdos de cooperación académica con un número también significativo de instituciones de educación superior dedicadas a áreas del conocimiento estrechamente vinculadas con la nuestra. Estos acuerdos se reflejan en el intercambio de profesores e investigadores visitantes; la organización de seminarios conjuntos, y la publicación de coediciones, entre otros esfuerzos, tanto en los niveles local, regional y nacional, como en el internacional.

El CISAN cuenta con facilidades para la realización de estancias de investigación, sabáticas y posdoctorales.

PRINCIPALES ACTIVIDADES DE EXTENSIÓN ACADÉMICA

El Centro de Investigaciones sobre América del Norte organiza simposios, coloquios, congresos, seminarios y conferencias nacionales e internacionales, a los cuales invita a reconocidos especialistas. Estas actividades académicas están abiertas a cualquier persona interesada en los temas de estudio de la región norteamericana.

PUBLICACIONES

Nuestro Centro cuenta con un amplio catálogo de libros que abordan los diferentes temas regionales que estudiamos, incluyendo tanto trabajos individuales como obras colectivas. Todas los libros que se publican se someten a un proceso de dictaminación académica y a la aprobación de nuestro Comité Editorial.

Asimismo, cada seis meses publicamos la revista académica *Norteamérica*, un foro abierto para el debate y el intercambio de ideas desde una perspectiva multidisciplinaria. Se trata de una revista arbitrada que incluye artículos teóricos y metodológicos.

Cada cuatro meses, el CISAN también publica la revista *Voices of Mexico*, un importante medio de difusión para la UNAM en su conjunto, debido a que es una de las pocas revistas en inglés de nuestra Universidad. Incluye contribuciones acerca de la política, la economía, el arte y la cultura, así como sobre las sociedades de los países de América del Norte, y se dirige a un público amplio interesado en los acontecimientos regionales.

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Promoviendo el estudio y diálogo de las Relaciones Internacionales de México y el Mundo

El Consejo Mexicano de Asuntos Internacionales (COMEXI) es el think tank más prestigioso en México, dedicado al análisis y el debate sobre los asuntos internacionales. De igual manera, es uno de los centros de pensamiento más importantes del mundo. Reúne a una selecta membresía de Asociados, todos ellos expertos de las relaciones internacionales, así como empresas mexicanas con proyección mundial, embajadas acreditadas ante el gobierno de México, representaciones de organismos Internacionales y centros de Investigación.

Los Asociados de Comexi forman parte de la red de especialistas más importantes de México que analizan, debaten e impactan en la toma de decisiones. Frecuentemente se reúnen con figuras de primer nivel y participan promoviendo la reflexión sobre el acontecer internacional, a través de los medios de comunicación.

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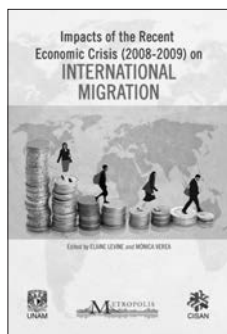
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Impacts of the Recent Economic Crisis (2008-2009) on International Migration

Elaine Levine and Mónica Vereá

El libro aborda cómo las políticas y las prácticas de migración en varias partes del mundo se han visto afectadas por las crisis económicas, y cómo, a la vez, este fenómeno ha ocasionado no sólo transformaciones económicas en los países expulsores y receptores, sino sociales, culturales y de percepción de la identidad, éstas últimas manifestados en sentimientos antiinmigrantes en Estados Unidos y Europa.



Un rompecabezas alegórico A Spanish Romance of the American Southwest

María Alejandra Gómez Camacho

Un rompecabezas alegórico aborda la representación de lo mexicano en el anuncio y el cartel de cine estadounidenses entre 1907 y 1920. Gracias a un trabajo de archivo profundo y riguroso se muestra cómo la cinematografía emerge como contenedor de los cambios sociales, económicos, científicos y culturales de la época, y cómo se construye una concepción de la mexicanidad con el ensamblaje de varios mitos importantes.



Riesgos de la fuga de cerebros en México: construcción mediática, posturas gubernamentales y expectativas de los migrantes

Camelia Tigau

Riesgos de la fuga de cerebros en México estudia la migración calificada de científicos mexicanos hacia Canadá, Estados Unidos y Europa. Parte de una investigación de campo y del análisis de un cuestionario y entrevistas en profundidad. A lo largo del libro, el lector conocerá la opinión de esta diáspora, así como el tratamiento dado por la prensa nacional al exilio voluntario, lo que permite evaluar los programas gubernamentales de repatriación y la vinculación del Estado con estos migrantes.



Multinacionales e inversión extranjera directa mundial. Análisis a través de los bloques económicos regionales

Eliisa Dávalos

Entre las profundas transformaciones que ha experimentado la economía capitalista, la inversión extranjera directa se ha vuelto un instrumento prioritario en los procesos de integración y reestructuración global. Aquí se analizan los mecanismos en los movimientos de la IED en la UE, Asia y el TUCAN; vemos que el mundo se torna más complejo y que la economía mundial sigue funcionando con un esquema de liderazgo compartido entre las tres regiones económicas principales, pero con una división internacional del trabajo cada vez más sofisticada y con rasgos novedosos.



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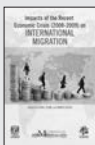
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Immigration Reform and Beyond?
The 5th Conference on Immigration to the US South
October 23-25, 2014

University of Florida, Gainesville, Florida, USA

CALL FOR PAPERS/PANELS
Proposals due March 31, 2014

The 5th Conference on Immigration to the US South (formerly Conference on Immigration to the Southeast) calls for papers/panels for a multidisciplinary meeting on immigration to the US South. We also invite papers/panels that engage in comparative analysis of other regions and/or bring in transnational and global perspectives. Now that comprehensive immigration reform is back on the legislative agenda, we especially welcome presentations that promote an understanding of short-term and long-term challenges of immigration reform with an emphasis on finding practical and realistic policy alternatives. **Because one of this conference's goals is to heighten the exchanges between our academic and community participants, we encourage presentations/panels that include interactive strategies to support this aim.**

For proposals, submit abstracts online at: <https://www.surveymonkey.com/s/598LBWV>

The conference is co-sponsored by the University of Florida's Center for Latin American Studies and the Program for Immigration, Religion, and Social Change (PIRSC); Kennesaw State University Center for Conflict Management; the Jesuit Social Research Institute (JSRI) of Loyola University; and the Centro de Investigaciones Sobre America del Norte of the Universidad Nacional Autónoma de Mexico.

We offer the following list of suggested topics and we remain open to considering papers on other related issues:

- ❖ Preparing for comprehensive immigration reform
- ❖ Immigrant integration and political participation
- ❖ The role of religious organizations in immigration reform and immigrant integration
- ❖ Immigrant health and well-being
- ❖ Migrant education
- ❖ Immigration policy at the local, state, regional, and/or national levels
- ❖ Representations of immigrants in public discourse and the media
- ❖ Immigrants in the rural and urban US South
- ❖ Local strategies for managing/resolving conflicts around immigration
- ❖ Immigration and inter-racial/inter-ethnic conflict and cooperation
- ❖ Transnationalism: cultural, economic, and political dimensions
- ❖ Perspectives from the countries of origin
- ❖ Legal/criminal justice issues and analysis
- ❖ Immigrant detention and deportation
- ❖ Advocacy and immigrant mobilization

Conference Information: **Proposals are due by Monday, March 31, 2014; pjw@latam.ufl.edu**

Accepted Papers Notified: **May 30, 2014**

Conference Registration Opens: **August 1, 2014**

Registration Fees **\$50 (subject to change)** – some need-based support available for participants.

Language: **In addition to English, Spanish is accepted for proposals, final papers and presentations. Those who choose to present in Spanish should be aware that doing so may limit their audience.**

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