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# Between Mobility and Stability: Immigration, Free Trade, and Human Rights in the Context of the Latino Immigrant

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**Between Mobility and Stability: Immigration, Free Trade, and Human Rights in the Context of the Latino Immigrant**

In Partial Fulfillment of the Requirements for the Degree

MASTER OF ARTS

in

INTERNATIONAL STUDIES

By:

**Joseph M. Stosberg**

December 2, 2013

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis has been accepted in partial fulfillment of the requirements for the degree.

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MASTER OF ARTS in INTERNATIONAL STUDIES

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### **Abstract**

This work takes a multi-dimensional approach to understanding human rights abuse toward Latino immigrants. It is argued here that the opening up of Mexico and Central American countries to free trade, and the restricted movement across borders has increased human rights abuse toward immigrants. In order to investigate these issues this research looks at: the opening up of Mexico and Central American countries to free trade; a pervasive narrative that portrays the Latino immigrant as a threat; and U.S. immigration policy. I use these respective bodies of literature to guide the discussion of the Latino immigrant experience, from the decision to migrate through settlement in the United States. Using these themes, and tying them in with first hand accounts of immigrant experiences that have been gathered through interviews, I have pieced together a narrative of what the immigrant experience is, and suggest that this has culminated in a dialectic between mobility and stability.

## **Acknowledgements**

This thesis is dedicated to those who are forced to live in the shadows, and those who have lost their lives in their pursuit of stability. I dedicate this to the resilient and incredible people who are living in the midst of great forces that work against them. I dedicate this thesis to those who were willing to share their stories with me. Without their willingness to speak to me, this work would not have been possible. I write with the deepest and sincere gratitude to those with whom I spoke. To those of you who opened up and shared your intimate stories with me about you and your families, I write with deep admiration.

I would also like to thank the organizations and friends that worked with me in helping me solicit interviews for this work. I thank you for serving as a liaison between your clients, colleagues, friends, families, and myself. To all of those who took time out of their busy lives to assist me with this project, I extend my deepest and heartfelt gratitude.

I also extend my thanks to all of those who are involved with the Master of Arts in International Studies program at the University of San Francisco. I especially thank Dr. Christopher Loperena for his guidance and advisory support with this project. I also extend my sincere gratitude to my fellow classmates and colleagues who sat beside me for hours on end while we worked tirelessly to complete our theses.

Finally, I extend the utmost deep and sincere gratitude to both my mother and father, Steve and Mona Stosberg. Without your love and support none of this would have been possible. Even in the face of uncertainty and frustration, you have always been a beacon of light and guidance.

## Introduction

Immigration into the United States from Mexico and Central America is not a new phenomenon. It has been treated and looked at differently throughout different time periods in U.S. history. We are on the horizons of immigration reform, and it is time to take a critical look at the issues that surround immigration, and what this means in the context of human rights. In recent years there has been an increase in the amount of human rights abuses that has occurred. The rates of abuse are particularly high during people's paths to migration. Human rights abuse toward Latino immigrants occur on many different levels. They occur within the structural space of hegemonic narratives that are formed through pervasive forces in U.S. society, as well as through policy initiatives, and economic struggle. I began this research by asking the question: *How has the opening up of Mexico and Central American countries to free trade, and the increased restriction of mobility across borders perpetuated human rights abuse toward Latino immigrants?* What I have found is important to our understanding of how structural forces penetrate down into the lived experience of immigrant populations.

It was important to me during the pursuit of this research to not only ask these big questions that are of concern in the social sciences, but to really get at the core of how people interpret their experiences, and reflect their experiences in writing. I compliment these accounts with secondary historical research on social structures that impact the migration experience. I wanted to understand how phenomena occurs at the structural level, and shapes the experiences of individuals whose lives are somewhere between mobility and stability. It is crucial to look at this in three important contexts. First we must look at when and why people make the decision to move. Secondly, we must look at

the process of movement. Finally, it is important to look at how people interpret their experiences within the United States. What I have uncovered is that people move due to the desire to find more stability for their families. This stability is often times obstructed through pervasive forces.

There are four key components this research looks at, and builds on in order to analyze the data that was gathered. The first is the impact of free trade initiatives that render markets in developing countries like Mexico uncompetitive with the United States. Many free trade laws have detrimentally impacted the agricultural industry in Mexico pushing people off their land, and creating higher levels of poverty. This is a significant component attributed to the reasons in which people begin to move.

The second factor in which this research takes into consideration is heavily based on the work of Leo Chavez. Chavez discusses the ideas, attitudes, and behaviors that circulate around, and build ‘The Latino Threat’<sup>1</sup>. I look at pervasive narratives and ideas that center on the Latino immigrant, and I seek to deconstruct these narratives to look at how and why they are formed. The Latino immigrant is portrayed as a certain type of person (many times in a negative fashion) in mainstream *American* culture. In this regard the immigrant becomes subjugated before the decision to migrate is made. Additionally, there is a preconceived notion of the Latino immigrant as being an intrusive force, which tears at the fabric of *American* society. I look at this narrative, and see how it is formed, and how it increases human rights abuse toward Latino immigrants.

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<sup>1</sup> This concept and idea is borrowed heavily from the work of Leo R. Chavez (See: Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and The Nation*, (Stanford: Stanford University Press, 2008)). I address this work in depth below in order to provide some of the theoretical grounding this work is based in



The third important component is an examination and critique of U.S. immigration policy. I analyze how U.S. policy has shifted over time, and how this affects the ability of the Latino immigrant to access human rights in regards to obtaining basic human dignity. I look at current policy proposals that have been made in the United States, and analyze them through a critical lens. It is important to look at the current legislation that is being proposed. This research has been conducted at a pivotal point in time. Immigration reform is on the forefront of policy discussion all over the United States right now. Understanding the complexities of immigration, and what these populations face can help attribute to the kind of comprehensive reform that can be instrumental in stemming violence and human rights abuse. I aim to draw attention to these issues with this research, and hopefully use it as a tool in the immigration reform process, as well as understanding hardships faced by such populations.

The final component I present has been developed out of a culmination of the above-discussed elements. Looking at all of these components together my research intervenes and argues that there is a dialectic that occurs between human mobility and stability. This takes into consideration why people move and become mobile, and seeks to understand if people are able to find stability through mobility. I argue that while some immigrants are able to find more stability in their lives through the migratory process, stability is not easily achievable. In fact, for many people this stability is not, and may not ever be achievable. This is due to the fact that there are structuring forces (economic forces, the 'Latino Threat Narrative', and policy) that intervene into the lives of individuals, obstructing people's ability to achieve stable lives. While people may

perceive and understand their stability to be more so than in their home countries, they still are not afforded the same freedoms as others.

The significance of this research lies in its potential to uncover new explanatory factors for the occurrences of human rights abuse that are currently targeting immigrant populations. It is not enough to simply look at these issues from a policy standpoint, economic standpoint, or strictly a social standpoint. Such things do not occur in isolation of one another. Therefore, this research bridges these components together to look at these issues through an interdisciplinary lens that gives greater insight on what is occurring, why it is occurring, and what can be changed.

I begin this research by explaining the methodology that was employed through the pursuit of this work. This was largely done through interviewing individuals about their experiences as immigrants. I then move on to a review of current literature. This is broken up into the four themes that were discussed above. I critically examine what citizenship means in the context of globalization, and how pervasive narratives surrounding the Latino immigrant has placed them in a position that forces them 'into the shadows', while asking whether or not life in the shadows is stable. I then move on to take a critical look at U.S. immigration policy, and how it has been formed over the years. The last body of literature I use looks at what work has previously been done on the experiences of immigration. In this section I also look at documentations of human rights abuses on the U.S./Mexico border. This addresses both the abuse done by those who work in the Department of Homeland Security, as well as disappearances of people in the Arizona/Sonora desert by transnational criminal groups. The fourth chapter of this

research is where I present my data analysis. I discuss and recount the narratives of the individuals that participated in the interviews that were conducted for this research.

The narratives that were provided to me by those who were interviewed have uncovered valuable insight into these issues, and have lead to the theorization and conceptualization of the dialectic between mobility and stability. While this concept is also developed out of the preexisting literature, I use the voices of the people I spoke to, to draw out the concept. It has been my goal with this research to allow these narratives to speak for themselves. While I use them to interpret a theoretical concept and build an argument around them, the lived experiences of these individuals must be understood in the context of what individuals told me. It has been my goal to build an accurate portrayal of what has been entrusted with me. Trying to understand ones lived experience is no simple task. In fact, it may be impossible. However, what has become quite apparent is that people are determined to build and sustain better lives for themselves and their families.

One of the main goals of this research was to bring the structural discussion down to the individual. We spend a lot of time discussing the things that occur in the structural space of human life. While we can come to important conclusions about why people do things as a product of structural forces, what becomes more important is how people navigate life and interpret their experiences. Through the process of conducting this research I have been able to speak with individuals, and procure a valuable narrative of understanding what it is people face in their paths to migration and in their pursuit of life. What I have aimed to achieve with this research is a critical understanding of the

structural forces that work in every day life, and how they play out in the lives of individuals.

I stand on the side of promoting the rights of people to live in a way that guarantees them dignity, stability, and the ability to move freely. I stand on the side of promoting family unification<sup>2</sup>, and I write against the deportations that pull families apart, sending people back into dangerous settings. I write against the transnational criminal groups that have created the commodification of people, as well as the fear of return people have of going back to their home countries. I seek to deconstruct the pervasive narratives that lead to the dehumanization and objectification of people. My aim is to illuminate the issues that surround free trade, and critically deconstruct how these mechanisms funnel down into the lives of the people they are supposed to help while fundamentally uprooting people from their homes and lives. I support immigrant rights, and I support the ability of all people to live with dignity, respect, and without fear.

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<sup>2</sup> This refers to making sure families stay united. Deportations tear families apart. For instance, many of the people I spoke with were the heads of their families. If they were deported they would be taken away from their families, and many times their families would lose their main source of income.

## **Research Methods**

I began this research with asking the question: how has increased economic ties via free trade between the United States and Mexico/Central America, and the restriction of mobility across the U.S./Mexico border increased issues of human rights and violence that targets immigrant populations? In order to answer this question I have relied on highly qualitative methods. Using interviews as well as relying on secondary research my aim has been to unpack and uncover important casual explanations of violence as well as human rights violations toward Latino immigrant populations. In order to do this I look at the structural economic aspects that push migration, as well as theories of racialization. Reading these things in conjunction with U.S. immigration policy, and the data that has been gathered through interviews, this research sheds light on this question.

Essentially, this research analyzes violence and human rights abuse toward immigrant populations. Using violence and human rights abuse as my dependent variable, I look how free trade, restrictive policies, and the ‘Latino Threat Narrative’ shapes and constructs the landscape of human rights abuses. In order to understand how these things occur I must look at the policy that has tightened the border along with the policy surrounding free trade and the economic effects it has had on both sides of the border. Furthermore, I look at the immigrant experience. Using face-to-face interviews my aim has been to build a narrative that draws out some of the ideas and concepts that surround the perpetuation of human rights abuse that is being looked at in this research.

When I speak of human rights abuse in this research, I am defining this in a rather broad sense. There are the obvious things one thinks of when the words *human rights abuse* or *violence* are spoken of. These are the types of issues that come to mind when we look at what happens on the U.S./Mexico border, as well as the commodification of immigrants<sup>3</sup> by transitional criminal groups. This encompasses the work that such organizations as No More Death<sup>4</sup> does - the documentation of bodies found in the Sonora desert, as well as abuse perpetuated by border patrol agents. While this research is concerned with this, and aims to draw attention to these issues. I am also concerned with more subtle forms of human rights issues – “the right to life, liberty and security of person.”<sup>5</sup>

### ***Interviews and Field Work***

This research involved a number of interviews conducted in the St. Louis metropolitan area during the month of September 2013. The reason this area was chosen was due to accessibility that began with prior established connections. I also reached out an organization that works in the community, and provides culturally significant and bilingual clinical and mental health services. The organization has a particular focus on immigrant and refugee populations. I was able to attend a nutrition literacy class held by the organization, in order to solicit participants. The second setting I worked in was with individuals in the Catholic community in St. Louis. With the help of a priest who has been working in the community for many years, I was able to speak with six individuals,

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<sup>3</sup> I use this term to describe the phenomena that is happening to immigrant individuals as they cross the border. There is a high level of individuals who become extorted and are taken advantage of during their paths to migration.

<sup>4</sup> No More Deaths is a non-profit organization that works to end and eradicate the deaths and suffering that is occurring on the US/Mexico border. (See: <http://www.nomoredeaths.org/information/history-and-mission-of-no-more-deaths.html>)

<sup>5</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 12 September 2013]

at two separate churches. Finally, I was able to speak with individuals in the restaurant industry where I interviewed five people who all work and live in the community that is at the focus of this research. All together I interview fourteen people for this research. I received different, yet similar narratives that have shed important insight into this research. What these narratives uncovered and spoke to will be addressed in depth in chapter four of this work.

All participants were asked to partake in voluntary face-to-face interviews<sup>6</sup>. I interviewed both men and women ranging in ages from nineteen to late forties. These individuals ranged in the amount of years they had been in the United States, and also their status as documented or undocumented. Additionally, while all of these individuals were from Mexico, they varied in place of origin within Mexico. The theoretical context of this research takes into consideration people from both Mexico and Central America. However, I was unable to gather interviews from anyone from Central America. I therefore acknowledge that there may be an important narrative missing here. Nonetheless, there was a compelling and interesting acknowledgment that arose from speaking with these individuals about the difference in migratory experiences between Mexicans and Central Americans. Furthermore, many of the people I spoke with were speaking with me in the presence of either a spouse or sibling. This added some depth to the discussion. The ways in which the narratives spoke to each other really helped to demonstrate how this quest for migration, and desire to migrate, is significantly embedded in the familial context. Due to time constraints I conducted many of these interviews with more than one participant present.

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<sup>6</sup> Refer to appendix A to see the interview guide, which was used for this research. Enclosed within it is a full list of questions that were asked during the interviews.

While the initial goal was to attempt to build more of an open dialogue between the participants and I, I found that once I began to ask open-ended questions people began to open up to me. I found that many of my questions were answered by simply asking about their experience as an immigrant. My goal with these interviews was to understand the perspective of immigrants on why they chose to migrate, what they have faced in the process of migration, and what they deal with on a day-to-day basis within the United States. Finally, while one of the goals of this research was to understand how free trade impacts the lives of individuals in their decisions to migrate, I found it to be something most people did not talk about. While I understand that this may be something missing from the narratives I gathered, I do not see this as an indicator that free trade is not an important push or pull factor effecting people's decisions to migrate. Instead, I see this as an indicator that this is not something people feel passionate about. What people are really concerned with is their ability to provide for their families within the United States, and navigate life uninhibited.

In almost all cases, the individuals I spoke with were proficient in English. However, there were times when I relied on a translator to clearly communicate ideas and concepts. While certain things can be lost in translation, I believe in all occasions that will be discussed here the ideas, which were conveyed, were clear enough to be represented accurately. The language barrier and my lack of proficiency in the Spanish language did prove to be an obstacle at times, and I may have been able to receive more stories and interviews if I was able to communicate in Spanish. Nonetheless, the interviews conducted for this research are compelling in their own right. This also brings into the discussion issues of positionality.



This research aims at building a narrative and a discussion of what the immigrant experience is like in order to draw out various causal explanations of violence and human rights abuse. Using these narratives I have gained great insight on these issues. However, my position as a white, male researcher, who holds citizenship status in the United States, positions me in a space that is built by a very different set of life experiences and perceptions of the world. Further, I am writing from the safety net of an academic institution. There is little real life risk involved for me as a researcher. I take this as a serious responsibility as I attempt to communicate accurate portrayals and interpretations of the narratives presented to me with this research. I therefore have taken the utmost precaution to ensure the identity of these individuals remains anonymous. Any and all data collected has been coded in such ways that any personally identifiable information has been left out. I have made use of pseudonyms in instances where I discuss people's personal narratives, as there are many instances where I will be directly quoting the individuals in which I spoke with.

### ***The Contextual Framework***

This research begins with covering a very wide range of literature on these issues. The literature is vast. While I by no means cover all of it, I believe I have been able to acknowledge and bring to the discussion some very important ideas and concepts that will be utilized in the overall analysis of this research. I cover four large concepts being taken into consideration here. First is the understanding of how free trade has been a significant push factor in migration. Secondly, I look at the 'Latino Threat' narrative and how ideas of citizenship and the nation shape the perception of individuals. Third, I look

at how policy has exacerbated these issues. Finally, I look at how all of these things come together at the structural level and funnel down into the lives of individuals.

I take these concepts and see where they illuminate the narratives that I received from speaking with people. There are many convergences within the information people provided me with. However, there are many spaces where they pull apart. Some of the things in which people spoke with me about break some of the threads that are apparent in the preexisting studies and literature. Additionally, I believe the variances between ages and background are things that contributed to the difference in the stories I heard. Nonetheless, one thing that stayed constant throughout was the importance of providing for one's family and the struggle for sustaining a viable life. Finally, there is an idea in which Laura Velasco Ortiz and Oscar F. Contreras speak of in regards to mobility and stability in which I will theorize and expand upon in order to draw out some of the important concepts, which are being discussed in this research. Essentially, people move in order to find stability in their lives, and for their families. However, what becomes apparent throughout the literature and these interviews is that there are multiple factors inhibiting stability.

## **Literature Review**

The following literature review covers a wide range of pre-existing literature discussing Free Trade, U.S. immigration policy, and the perpetuation of violence and human rights abuse toward Latino immigrants. I take a look at all of these bodies of literature to look at how human rights abuse toward Latino immigrants has been perpetuated by; the opening up of Mexico and Central American countries to free trade, a pervasive narrative that portrays the Latino immigrant as a threat, and U.S. immigration policy. I use these bodies of literature create the platform for analyzing the final argument that is presented in the data analysis chapter: migrants become mobile due to instability, and to find stability for their families. However, structuring forces impeded this stability, and takes away people's capacity to fully obtain stability. This is where this research intervenes and discusses the process of moving for stability as occurring in a dialectic between mobility and stability.

### ***The Neoliberal Agenda***

Migration and the reasons people move begin at a structural level. Before understanding violence and why and how it occurs, it is important to understand how the neoliberal agenda and free trade pushes migration and projects the subjugation of people. In the following chapter I look how economic integration has asymmetric effects between the United States and other countries it enters into trade agreements with. There are fundamental disparities between economic powers. The United States uses this power to project its own interests. This is at the cost of other less economically powerful countries. These policies benefit the few at the cost of many. What I aim to illuminate here is how free trade agreements have increased poverty and pushed and pulled migration into the

United States. There is a significant amount of literature discussing the inner workings and complexities that surround these issues. I begin here with an overall discussion of these issues, and then take an in-depth look at NAFTA, as well as give some attention to CAFTA, to see how these agreements have created many issues for immigrant populations.

In an era of increased globalization and greater interconnectedness between countries, there have been both bilateral and multilateral trade agreements between the United States and Latin American countries. The United States tends to push trade agreements on states within the region in the name of democracy and economic expansion. The North American Free Trade Agreement (NAFTA), and the Central American Free Trade Agreement (CAFTA) are just two examples that are of interest here.<sup>7</sup> The U.S has also pushed for the Free Trade Area of the Americas (FTAA). FTAA would encompass the entire hemisphere and would require states that are signatories to be democratic.<sup>8</sup> However, unlike other regional agreements throughout the world, such as the European Union, neither NAFTA nor the FTAA include funds to help develop the poorest areas and permit movement of labor. Furthermore, neo-liberal policies have been a way for transnational elites and capitalists to further their growth; this comes at the expense of the poorest people.<sup>9</sup> These policies have never gained strong support from local societies. Such policies represent imperial interest without acknowledging the needs of local populations.<sup>10</sup> Ana Margheritis and Anthony W. Pereira<sup>11</sup> discuss how neo-

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<sup>7</sup> Daniel C. Hellinger, *Comparative Politics of Latin America: Democracy at Last?*, (New York: Routledge, 2011). p. 490

<sup>8</sup> Ibid.

<sup>9</sup> Ibid

<sup>10</sup> Ana Margheritis and Anthony W. Pereira. "The Neoliberal Turn in Latin America: The Cycle of Ideas and the Search for an Alternative." *Latin American Perspectives* 34.3 (2007): p. 42

liberal policies have placed Latin America in a position where their central economies have become subordinate to the central economies in the international capitalist system.<sup>12</sup> This has created a situation where subordination has eroded the ability for autonomous decision-making. Therefore, the region remains dependent on ties with the United States.<sup>13</sup>

Douglas A. Massey, Jorge Durand, and Nolan J. Malone, in their book, *Beyond Smoke and Mirrors: Mexican Immigration in and Era of Economic Integration*, provide a significant background to the issues being looked at here. The authors provide an important discussion on the theories of international migration. They put forth a complex analysis to the question of why people migrate. While the easy, straightforward answer may be for a better life, when we look deeper, it is not that simple. There are many push and pull factors embedded in society on both sides of the U.S.-Mexico border. Furthermore, while immigration has been looked at by many as simply a security or legal issue, it is significantly more complex than that. As Kristin Heyer notes, immigration issues “involve, economics, trade policy, cultural tolerance, family values, and criminal justice.”<sup>14</sup> Therefore, it is quite difficult to understand the complexities of the issues being discussed here without taking into consideration a multitude of variables.

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<sup>11</sup> While Ana Margheritis and Anthony Pereira are largely speaking of South American countries, their analysis can be applied to Mexico and Central America as well. The United States tends to act similarly in regards to these countries.

<sup>12</sup> Ana Margheritis and Anthony W. Pereira. op. cit. p. 42

<sup>13</sup> Ramon Grosfoguel, "Developmentalism, Modernity, and Dependency Theory in Latin America," *Neppantla: Views from South*, 1, no. 2 (2000): p 364

<sup>14</sup> Kristin E. Heyer, *Kinship Across borders: A Christian Ethic of Immigration*, (Washington, DC: Georgetown University Press, 2012). p. 4

On the economic side of things, migration can be explained by geographic imbalances between the supply and demand of labor.<sup>15</sup> Basically, people who live in countries with low wages tend to migrate to countries with high wages. In the case of Mexico and the United States, Mexicans and Central Americans have the potential to earn three times the average amount of annual income in the United States than in Mexico.<sup>16</sup> Furthermore, migrants move in order to maximize their own potential. These assumptions and principles however, are based in neoclassical economic theory, as Massey (et. al.) suggest. These assumptions fail to take into consideration the very important realities that migration does not happen (typically) in isolation of ones family.<sup>17</sup> International migration is an option for poor families to accumulate capital rather than resorting to borrowing for consumption.<sup>18</sup> This is acknowledged by Massey (et. al.). However, they only briefly touch on this. The authors suggest “[. . .] even if individuals are rational and self-interested, they do not enter markets as atomized individuals but as members of, families, households, and sometimes larger communities [. . .].”<sup>19</sup> Basically, there are forces that occur at the economical level that push and pull people to migrate and enter markets. Here, the authors acknowledge that this is not typically something that happens as a personal decision, but happens in the context of ones family and larger community. However, there is not enough emphasis, I argue, on this reality. In fact, this is where my research intervenes by putting emphasis on the fact

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<sup>15</sup> Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in and Era of Economic Integration*, (New York: Russell Sage Foundation , 2002). p. 9

<sup>16</sup> Ibid. p. 8-9

<sup>17</sup> Ibid. p. 12

<sup>18</sup> Ibid. p. 12

<sup>19</sup> Ibid. p. 11

that migration is significantly embedded in the familial context. This is elaborated upon and worked out thoroughly in the final chapter of this research.

Massey (et. al.) bring up an important discussion regarding the vast social science literature on the structural causes of migration. A common thread in the literature has shown that a person's position within the social structure will determine action and how decisions will be made.<sup>20</sup> Further, building on Wallerstein's world systems theory, social scientists have theorized that international migration is linked to the changing structures within the global market. This train of thought demonstrates that when markets expand into peripheral economies, populations become inclined to migrate.<sup>21</sup> This is because when markets become open, those who have traditionally worked and produced consumption products at a subsistence level are pushed to compete with markets. This puts land and labor under the control of markets, and therefore pushes people to migrate.<sup>22</sup> In essence, this is the theory that explains what has happened since the introduction of NAFTA into the Mexican economy. Nonetheless, while these economic factors are significant push factors for migration, it is important to also acknowledge the pull factors.

Michael Piore, as discussed by Massey (et. al.), suggests that migration is rooted in developed countries need for unskilled labor. Thus, according to this line of argumentation, migration is rooted in pull factors from developed countries rather than push factors. The authors attribute four components that add to the demand for immigrant labor; structural inflation, social constraints on motivation, the duality of labor and

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<sup>20</sup> Ibid. p. 13

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

capital, and the inability for employers to pull from rural areas for low waged workers.<sup>23</sup> Essentially, all of these components, as well as other various social, economic, and political components at the structural level, play into the reasons for migration.<sup>24</sup>

This understanding of the structural economic issues that pushes, and pulls migrants lies down a critical platform for launching into the other concepts being dealt with here. Without understanding economic push and pull factors embedded in neoliberal ideas and globalization, it is difficult to understand what actually perpetuates violence and human rights abuse. The discussion Massey, Durand, and Malone give helps to understand at the theoretical level what is happening on the ground. Additionally, it is important to take a closer look at how this works. By looking at how free trade agreements work, these concepts can be illuminated more thoroughly. Below I take up a thorough discussion of these issues to show how they have fundamentally been malignant forces in the lives of individuals. Understanding how free trade agreements work and perpetuate issues of human rights is often times looked over and not fully understood by people, and looked over by those who are in power or benefit from such agreements. My goal here is to re-think free trade, and discuss how it works against the very individuals it is framed to help. I aim to illuminate the problems and issues surrounding the trade agreements that feed the black market economy and perpetuate issues of human rights. These agreements fundamentally fail to reach the poorest of the poor; they push people off their lands and take away any viable solution within their own countries to sustain a healthy way of life, yet benefit the elite few. Finally, the real issue with these free trade

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<sup>23</sup> Ibid. p. 15-18

<sup>24</sup> Ibid. p. 21



agreements is that, while they liberalize economies and free up the mobility of goods and products to move across borders, labor and human mobility is restricted.<sup>25</sup>

*The North American Free Trade Agreement (NAFTA)*

Perhaps one of the best-known mechanisms of neo-liberal policy in the region is NAFTA. NAFTA integrates the economies of Canada, Mexico, and the United States by eliminating trade barriers.<sup>26</sup> The agreement allowed access for Mexico to participate in one of the world's largest and prosperous markets, as well as to institutionalize the neoliberal agenda.<sup>27</sup> NAFTA allowed the United States the ability to cement a model of development based on faith in the free market.<sup>28</sup> NAFTA presents a significant component in understanding migration. Some argue that Mexico has become dependent on the U.S. economy, which puts the country in a vulnerable position.<sup>29</sup> Further, the debate on NAFTA centers on how these policies are supposed to work in theory, versus how they actually play out. The agreement was supposed to create a comparative advantage, expand trade and reduce barriers between the member countries, improve economic capabilities of citizens within the countries, provide for economic and political stability, and reduce immigration from Mexico to the U.S.<sup>30</sup> However, the effects have been quite different. There is an extensive body of literature discussing NAFTA. Here I look at what has been said in regards to how it has perpetuated migratory flows. Furthermore, I look at the current discussions on how NAFTA has created and fostered

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<sup>25</sup> Sang Hea Kil and Cecilia Menjivar, "Immigration and Crime: Race, Ethnicity and Violence." *The "War on the Border" Criminalizing Immigrants and Militarizing the U.S. – Mexico Border*, ed. Ramiro Martinez Jr. and Abel Valenzuela Jr. p. 166

<sup>26</sup> Daniel C Levy, Kathleen Bruhn, and Emilio Zebadua, *Mexico The Struggle for Democratic Development*, (Berkeley: University of California Press, 2006). p. 149

<sup>27</sup> Ibid.

<sup>28</sup> Daniel C. Hellinger. op. cit. p. 495

<sup>29</sup> Ibid.

<sup>30</sup> Edward Hymson, Dianna Blankenship, and Anthony Daboub, "Increasing Benefits and Reducing Harm Caused by the North American Free Trade Agreement," *Southern Law Journal*, XIX (2009): p. 222

an underground economy that perpetuates not only migration, but also the violence faced by immigrant populations.

NAFTA brings up the important question of how to deal with Mexican economic dependency on the United States. Because of NAFTA, 80% of Mexico's exports go to the United States, thus the U.S. is by far Mexico's most important trade partner.<sup>31</sup> However, and consequently, the agreement creates asymmetries of interest and power, which makes Mexico significantly more dependent on trade with the United States than the United States is with Mexico.<sup>32</sup> Moreover, the agreement has failed in establishing some of its fundamental goals, such as creating a solution to conflict, and bringing Mexico to equal standing with the United States.<sup>33</sup> The agreement has kept wages in Mexico very low, and while NAFTA has brought a dramatic increase in trade, workers are still waiting for the benefits to reach them. Additionally, the agreement has allowed for the importation of cheap goods into Mexico, which has decimated domestic manufacturing and small scale farming because these sectors simply cannot compete with U.S. markets.<sup>34</sup> Greg Grandin gives the example of cheap corn, which flooded the market and forced peasants off their land. NAFTA forces the government to reduce food subsidies, which in turn increases the cost of meeting basic nutritional requirements.<sup>35</sup> Essentially, NAFTA fails to benefit the poor, and has no way to incorporate them into the global economy, thereby forcing them north to supply cheap labor to the United States economy.<sup>36</sup>

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<sup>31</sup> Daniel C. Levy (et. al.) Op. Cit. p. 149

<sup>32</sup> Ibid. p 246

<sup>33</sup> Judith A. Gentleman, "Latin American Politics and Development," Vol. 7, ed. Howard J. Wierda and Harvey F. Kline (Boulder: West View Press, 2011). p. 387-387

<sup>34</sup> Greg Grandin, *Empire's Workshop: Latin America, the United States, and the Rise of the New Imperialism*, (New York City: Metropolitan Books, 2006). p. 200

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

Free trade agreements such as NAFTA, in theory, should stem migration from poorer countries and give a competitive advantage in agricultural production; subsidies and mechanization in richer countries create distortion in market outcomes. NAFTA however, gives the United States the comparative advantage in agriculture.<sup>37</sup> While some farms in the northern parts of Mexico have seen an increase in exports, NAFTA has created an extensive increase in the imports of grain, oilseeds, and meat from the United States.<sup>38</sup> According to Bill Ong Hing, professor of Law at the University of San Francisco, this has a clear effect on migration. Before NAFTA, Mexico provided support to rural areas, however since NAFTA much of this support has been withdrawn.<sup>39</sup> The key point is; the United States has implemented major subsidies on food prices, especially corn, which creates a significant loss in the ability for Mexican farmers to sustain agricultural production that can compete in the U.S. market. This in turn pushes migration to the United States due to the lack of the ability to find work.<sup>40</sup>

With the implementation of NAFTA came the privatization of collective farms and the elimination of agricultural subsidies in Mexico, which led to the displacement of peasant workers. This in part was due to pressures put on the Salinas administration by the International Monetary fund and the World Bank to repeal Article 27 of the Mexican constitution that establishes the *ejido* system.<sup>41</sup> The *ejido* system gave pieces of land to peasants from the Mexican government for subsistence agriculture. This deregulation of agriculture which allowed the selling of land to foreign investors, and opening up of

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<sup>37</sup> Bill Ong Hing, *Ethical Borders: NAFTA, Globalizations, and Mexican Migration*, (Philadelphia: Temple University Press, 2010). p. 12

<sup>38</sup> *Ibid* p. 13

<sup>39</sup> *Ibid*

<sup>40</sup> *Ibid*

<sup>41</sup> Patricia Fernandez-Kelly, and Douglas S. Massey, "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration," *The ANNALS of the American Academy of Political and Social Science* (2007): p. 105

Mexico to food and seed markets, led to the migration of many peasant workers due to the inability to compete with foreign markets. This created a displacement of rural farmers and pressured them to leave their land in order to find work elsewhere, whether it be to cities within Mexico, or to the United States.<sup>42</sup>

David Bacon presents a compelling case study on the Mexican state of Oaxaca. His work brings us to the ground and shows the specific realities that much of the literature speaks of generally in regards to NAFTA and the negative impacts it has had. Oaxaca is a rural part of Mexico with a high level of indigenous people. Much of the economy is run through agricultural production. Oaxaca is also the second most poverty stricken state within Mexico. While poverty has plagued Oaxaca prior the introduction of NAFTA, increased poverty is a direct result of economic development policies.<sup>43</sup> Free trade meant the closure of state owned grocery stores (CONASUPO) that kept food affordable and local farmers able to make a profit and be competitive in the market. When prices became unregulated by the Mexican government, prices rose, allowed U.S. corn producers to import corn into the markets, thereby making Mexican farmers uncompetitive in the economy. Families were unable to support themselves and therefore migration became the only viable option. This migration tends to be internal before transnational. Nonetheless, since the implementation of NAFTA more people have moved from Mexico to the United States than any other previous era.<sup>44</sup>

Another common trend in migration that is seen as a result of NAFTA is rural to urban migration. Since NAFTA's implementation there has been a loss in 2 million

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<sup>42</sup> Ibid p. 105

<sup>43</sup> David Bacon, *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*, (Boston: Beacon, 2008). p. 25

<sup>44</sup> Ibid p. 51

agricultural jobs. This has resulted in a large migrant worker population moving to urban areas.<sup>45</sup> It is important to note that internal migration trends are actually higher than migration from Mexico to the United States.<sup>46</sup> Andrés Villarreal and Erin R. Hamilton explore the causal factors for this trend. They note that such internal migration trends have led to rapid increase and growth of population of urban centers. Further, this migration tends to be in border cities, and can be directly attributed to Mexico's opening up to international trade.<sup>47</sup>

There is a significant amount of literature that discusses NAFTA's underground economy. This is important to the discussion for many reasons. The most important being, it helps to understand one of the major structural issues that pushes migration, and perpetuates violence. Julie A. Murphy Erfani discusses how the integration of Mexico into the global market has increased the rates of "smuggling, trafficking, intellectual piracy, counterfeiting, money laundering, official corruption, and organized crime."<sup>48</sup> The economic integration has actually perpetuated the black market economies, migration, and the unauthorized use of undocumented Mexican labor.<sup>49</sup> What is important here however, is Erfani's discussion of how there is a tendency within the United States to view undocumented workers as the sole cause of illegal activity.<sup>50</sup> The underground economy that runs throughout North America is immense. However, this is

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<sup>45</sup> Ibid p. 105

<sup>46</sup> Patricia Fernandez-Kelly, and Douglas S. Massey, op. cit. p. 1275

<sup>47</sup> Ibid p. 1275

<sup>48</sup> Julie A. Murphy Erfani. "Crime and Violence in the Arizona-Sonora Borderlands: NAFTA's Underground Economy as a Source of In/Security, With Comparisons to the EU." *Human Rights Along the U.S. - Mexico Border: Gendered Violence and Insecurity*. Ed. Kathleen Staudt, Tony Payan, and Z. Anthony Kruszewski (Tucson: University of Arizona Press) p. 63.

<sup>49</sup> Ibid. p. 65-66

<sup>50</sup> Ibid. p. 66

not typically viewed as a two way street. So, how does this influence violence and human rights?

The underground economy of NAFTA has had major unintended consequences in regards to human rights and violence along the Arizona-Sonora borderlands.<sup>51</sup> Erfani, as well as many others, identify this area as a major corridor for human and drug smuggling into the United States, which has culminated in the creation of a major battle ground for rival criminal groups. Furthermore, the U.S. crackdown on unauthorized migration has pushed violent traffickers to compete in the process of human and drug trafficking.<sup>52</sup> This upsurge in violence can be attributed to both the inability of NAFTA to decrease income disparities between Mexicans, and U.S. crackdowns and militarization of the border. Organized crime has destabilized the region economically, and has created major barriers to the access to basic human rights.

#### *Free Trade and Migration in Central America*

While NAFTA is a tremendous force in Mexico, the Central American Free Trade Agreement (CAFTA) has been a major economic force in Central America. CAFTA ties the economies of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to the United States. Similar to NAFTA the agreement reduces tariffs and trade barriers. Raúl Moreno discusses that the true motivation of CAFTA is the interest of the U.S. government. The agreement gives the U.S. the immense ability to define trade agendas as well as determine economic outcomes. This is because there are huge asymmetries

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<sup>51</sup> Ibid. p. 71

<sup>52</sup> Ibid. p. 72

between states that are party to CAFTA.<sup>53</sup> Furthermore, CAFTA provisions have little to no advantages for social sectors, and fails to uphold some basic human rights.<sup>54</sup> Additionally, one of the major problems with CAFTA as well as other free trade agreements is that it does little to boost the interest of citizens or small enterprise. The agreement actually negates the labor rights of workers, and consumers alike. Finally, like NAFTA, CAFTA pushes migration to the United States and causes the cultural uprooting of people. While all this negativity occurs in the Central American region due to CAFTA, the agreements benefit only those elites who are part of national monopolistic enterprise and other various transnational corporations.<sup>55</sup> Additionally, the rhetoric that has surrounded CAFTA is very similar to that of NAFTA. Essentially, the U.S. government made the agreement out to be in the best interest for all parties involved. Nonetheless, those who were in opposition to the agreement saw it as a mechanism to lock in the Central American countries into an exploitative relationship with the United States.<sup>56</sup> CAFTA and discussion around it has involved the discussion of immigration policy. In theory it should lessen the push factors that bring in migration. Supporters suggest that it should provide more employment opportunities and make the desire to migrate a dissipating one.<sup>57</sup> However, as we have seen, this is a false connotation. CAFTA is based on the same model as NAFTA. These policies have failed Mexico and it is only a matter of time till the same realities become true for CAFTA.

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<sup>53</sup> Raul Moreno, "The Bush Doctrine and Latin America," *Free Trade Agreements, CAFTA and FTAA: Key Pieces in the Accumulation of Transnational Capital*, ed. Gary Prevost and Carlos Olivia Campos (New York City: Palgrave Macmillan, 2007). p. 176

<sup>54</sup> *Ibid.* p. 177

<sup>55</sup> *Ibid.*

<sup>56</sup> Mary Finley-Brooks, and Katherine Hoyt, "CAFTA: Opposition: Divergent Networks, Uneasy Solidarities," *Latin American Perspectives*, 36, no. 6 (2009): p. 28

<sup>57</sup> Ruth Ellen Wasem, "Immigration Issues in Trade Agreements," *CRS Report for Congress* (2005), p. 20

William I. Robinson carefully analyzes migration in Central America in an era of global capitalism. He looks at this migration specifically in the last decades of the twentieth century noting that this marked a major shift in the demographic make up of Central America. While he attributes the above-discussed reasons that are embedded in neo-classical economic theory to reasons for migration, he notes that much of this started during the post WW2 capitalist expansion.<sup>58</sup> He suggests that historically, economic relations with the United States have come with political control in the region as well. This drew ties with the countries closer, making the Central American region dependent on economic ties with the United States. Additionally, political instability in the 70's and 80's in Central America, along with heavy U.S. intervention created a major push for migration to the United States. U.S. economic expansion created the need for new labor, which created a heavy pull for migrant workers. Many of these have been in the industrial, service, and agricultural sector.<sup>59</sup> Expansion of globalization and capitalism has essentially worked in asymmetrical ways. These policies have been significant in the push and pull factors for migration from the region.

Robinson also acknowledges how out migration from the Caribbean basin into the United States established new minority groups in the United States. This creates shifts in both gender and racial hierarchies within the United States.<sup>60</sup> Because such migration is causing a shift in labor relations, Robinson argues there is a new sense of xenophobia that targets immigrant populations.<sup>61</sup> These groups are looked at as people who are causing job loss and become a scapegoat for these issues. This idea can help us understand how

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<sup>58</sup> William I. Robinson, *Transnational Conflicts: Central America, Social Change, and Globalization*, (London: Verso, 2003). p. 276

<sup>59</sup> Ibid.

<sup>60</sup> Ibid. p. 277

<sup>61</sup> Ibid.



the ‘Latino Threat Narrative’, discussed in great depth below, becomes entrenched in the social realities of the American conscious. While outside economic forces are both pushing and pulling people to move and migrate, people become subjugated and painted in a particular light well before they decide to move. The idea that surrounds the immigrant is one of xenophobia and fear. These ideas and concepts are expanded and worked out in great detail below.

What I have aimed to illuminate with this section is how neoliberal economic policies and free trade agreements effect migration and perpetuate issues of violence and human rights. These concepts will be important to the over all analysis of this research. These economic issues fundamentally shape the lives of individuals. People simply cannot compete, and therefore they move. This is but one aspect that leads to a flawed system in which the subjugation of individuals occurs. It is important to understand the broad economic situation because, as will be discussed below, this is what perpetuates and causes the subjugation of individuals before the decision to migrate is made. This together with racialization of individuals and restrictive immigration policy all come together in causing the phenomenon being observed here.

### ***The Nature of Citizenship and the ‘Latino Threat’***

Before moving on it is important to lie out the theoretical groundwork for why immigrants are perceived the way they are within the United States, and how this fundamentally perpetuates ideas that lead to the subjugation of individuals. There are important threads throughout the literature that are important to discuss here along with important conclusions to be made. First, subjugation of individuals occurs through multiple layers. Beginning with the state, ideas trickle down through and within civil

society. The state is able to determine the legal status of a person as a citizen. This initiates the battle between citizens vs. non-citizens. Additionally, what it means to be a citizen is not only a product of the state, it is a product of cultural ideas of the nation that are perpetuated by various outlets such as the media. Further, academics within the social sciences also feed the flames that cement people into a particular category. The way people are represented in the media and academic writing can fundamentally shift the ways in which people within society will view others. The following takes on a discussion of these components. I first look at the way in which the state builds the legality of people; I then look at how citizenship works as a product of the state as well as a product of a nation. Finally, I look at ways in which the media will perpetuate a particular view and stereotype of a group of people, and bring it all together to show how this all culminates a narrative that fuels the subjugation of individuals and leads to human rights abuse.

Mae Ngai's work in *Impossible Subjects* presents a critical framework to understand the perceptions of immigrants in the United States, and how U.S. immigration policy leads to the dehumanization of immigrant populations, especially immigrants of color. Ngai discusses how this marginalization separates immigrants into a caste that puts them in a space where they are "unambiguously situated outside the boundaries of formal membership and social legitimacy."<sup>62</sup> Ngai employs the use of two concepts - impossible subjects and alien citizens. While I will do little to operationalize Ngai's terms in my own data analysis, what becomes clear when we contextualize her distinctions is that

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<sup>62</sup> Mae Ngai, *Impossible Subjects: Illegal aliens and the making of modern America*, (Princeton: Princeton University Press, 2004). p. 2

“impossible subjects” refers to those who *live in the shadows*<sup>63</sup>. Alien Citizens, the way I interpret her analysis, are those who fit the legal definition of citizen, however do not fit in some context into the cultural idea of citizenship. This is due to many factors imbedded in power balances and hegemonic narratives that perpetuate a false image of the Latino immigrant. This is theorized and drawn out below.

Additionally, Ngai suggests, United States immigration policy has been notoriously restrictive. This is what creates impossible subjects Ngai speaks of. She demonstrates that restrictive immigration policies have been elementary in shaping the racial and spatial dynamics within the U.S.<sup>64</sup> Ngai further brings up the important point that Euro-Americans have seen an uncoupling of racial and ethnic identity, yet Asians’ and Latinos’ racial and ethnic identity remain intact, and has been used as a tool of othering within the United States. It is these racial formations, exacerbated by the legal racialization that has produced “alien citizens.”<sup>65</sup> The discussion Ngai gives is important to understanding the construction of the societal position immigrants are put in. Her discussion sheds insight on how various legal frameworks perpetuate a particular perception of immigrant populations. Further, her talk about legal racialization through immigration policy can help get at some of the bigger, structural, ‘why’ questions to explain and understand the perpetuation of violence toward immigrant populations within the United States.

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<sup>63</sup> The ‘living in the shadows’ motif is something that is widely used for those who go unrecognized, or for those who must live outside the typical mainstream of society due to the fear of exposure. For instance, this has been used to describe the LGBT community as well. In this context, however, it has been employed rather than other language such as ‘living under the radar’ first, because it was a term that many of the individuals who I spoke with used to describe their status. Secondly, I use this concept to illustrate how individuals who are undocumented must live behind the scenes so as not to draw attention to themselves. As discussed below, people navigate their lives in the United States in such ways that they will avoid doing particular things such as going out to public events.

<sup>64</sup> Ibid. p. 3

<sup>65</sup> Mae Ngai. Op. cit. p. 8

Ngai's work can be further expanded upon when we take into consideration Arjun Appadurai's work in *Fear of Small Numbers*. In his work, Appadurai has the objective to "seek ways to make globalization work for those who need it most and enjoy it least, the poor, the dispossessed, the weak, and the marginal populations of our world."<sup>66</sup> A key part of this research is placed on the understanding of how increased globalization and economic liberalization has failed people - in this case, migrant communities. Not only has it failed, it has increased the violence people are faced with. Appadurai, like so many others, understands the role globalization has played in the perpetuation of growing disparities between classes, nations, and regions.<sup>67</sup> While globalization is a concept of positive force for corporate elites, it means something quite different for migrants and 'people of color'. It strikes fear and uncertainty in regards to jobs and deeper marginalization.<sup>68</sup> Globalization presents a fear of both inclusion and exclusion according to Appadurai. This is quite an interesting paradox to relate to immigrant communities. Through greater inclusion and integration through free trade and economic liberalization, those on the fringes of society are simultaneously excluded. Further, this is a major factor in pushing migration. While people migrate to the United States, they become subjected to legal racialization via U.S. immigration policy. This is further perpetuated through the media as well. It is here where marginalization begins and situates immigrants into what Ngai describes as "simultaneously a social reality and a legal impossibility"<sup>69</sup>: the paradoxical situation of simultaneous exclusion and inclusion.

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<sup>66</sup> Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger*, (Durham: Duke University Press, 2006). p. XI

<sup>67</sup> Ibid. p. 23

<sup>68</sup> Ibid. p. 35

<sup>69</sup> Mae Ngai op. cit. p. 4

There are many components that create and situate Latino immigrants into the position of impossibility described above. Policy is but one component that is cementing individuals into a particular characterization - as one of being outside of *the* mainstream *American* culture. There is a body of literature that discusses the *Hispanic or Latino Threat*. This rhetoric can produce a grim outcome. Academics such as Samuel Huntington spread ideas that perpetuate a culture of exclusivity. It is important to think critically about the influence academic writing can have on these issues. Academics such as Huntington, who publish work suggesting that the entry of Hispanic immigrants into the United States tears the fabric of American society into two separate identities, pose a particular barrier in the struggle for human rights advocacy. It is important to look at such writings and approach it with a critical lens. Huntington represents a side of the debate that poses a particular threat to the stability and ability of people to exist in society where their cultural values and human dignity is able to persevere. His work points to a group of people (the Hispanic community) and identifies them as a group outside of the norm of American values. His work threatens the integrity of the field of social sciences as a field of study that can have a positive force in the deconstruction of hegemonic narratives that 'other' people into a position of inferiority.

I take time here to look at this argument at length because we must take into consideration the impact such academics can have on public thought. Huntington was a prolific academic who is widely known, and who held a position of prestige within the American academy. Social scientists have a power in their hands that is unprecedented. They have the power to voice opinions and present research that is reflective of a group of people. His work uses statistics, and a rigorous analysis of data to formulate an

argument that is fundamentally racist and degrading to the value of individuals. This frame of thinking that is characteristic of Huntington's work is reflective of the othering and demeaning rhetoric that heightens fear of individuals.

Huntington frames his argument about Hispanic immigrants in a way that presents such immigration as one of the most important, and critical challenges to modern U.S. security and cultural sustainability. *The Hispanic Challenge*, according to Huntington, is apparent in his opening statement where he suggests; "the persistent inflow of Hispanic immigrants threatens to divide the United States into two peoples, two cultures, and two languages."<sup>70</sup> Huntington's work does do a thorough job of showing how much power the Hispanic immigrant community has in terms of altering the social, political, and economic landscape of the United States. However, he frames this as a very negative thing that threatens to tear the cohesiveness of the United States. Culture in the United States has always been fluid and shifting. This is because, and as Huntington discusses as well, the United States is a country made of immigrant populations. I take issue with his argument in that he suggests that the Hispanic community is *the* group that is threatening a particular system of cultural values. The United States is fundamentally built upon borrowed cultural customs. Why now is the Hispanic community such a threat to Huntington: because the influx of immigrants is creating a shift toward a more bilingual society? The way in which Huntington frames his arguments suggests that the United States is a homogenous nation of shared cultural values that reflects an Anglo-Protestant belief system. Huntington's work, in essence is promoting the notion that there is a hegemonic culture and value system within the United States that should be preserved. Rather than deconstructing the narratives and ideas of why a hegemonic system is in

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<sup>70</sup> Samuel Huntington, "The Hispanic Challenge," *Foreign Policy* (2004): p. 30

place that subjects individuals, he points to a fabricated problem of his own creation. This creates further issues. This is where it is useful to draw upon the work of Antonio Gramsci to analyze some of Huntington's claims.

If we use Gramsci's work and look to how concepts become hegemonic, we can see that hegemony is developed out of ideas. Gramsci illustrates the relationship between dominant and subordinate groups in societal structures. For Gramsci, the emergence of ideas and values become key dividers between classes of people rather than strict economic factions. Dominic Strinati argues that "it is best to think of hegemony as a contested and shifting set of ideas by means of which dominate groups strive to secure the consent of subordinate groups to their leadership, rather than as a consistent and functional ideology working in the interest of a ruling class by indoctrinated subordinate groups."<sup>71</sup> Therefore, what we need to ask now, in relation to Huntington's work is - is the ideology of the 'Anglo-Protestant American' the hegemonic discourse and ideology of the United States? Huntington essentially claims that there is a hegemonic identity of what it means to be *American* and the entry of Hispanic people is taking this identity and splitting it into two exclusive identities. Perhaps, this idea is hegemonic. If we accept this idea as being hegemonic we can see how the ideology, and what Huntington describes as the *American identity* is perpetuating the subordination of the Latino immigrant by putting the value of one system of cultures and values above the other. While I would argue that what Huntington is claiming to be the hegemonic ideology and pervasive culture of the United States is false, we can nonetheless observe how this conception is being used in a hegemonic fashion to coerce a group within society. Hegemony also relies on the consent of the subordinate. Therefore, it could be suggested that immigrants

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<sup>71</sup> Dominic Strinati, *An Introduction to Theories of Popular Culture*, (London: Routledge, 1995).p. 170

have begun to consent to coercive legal mechanisms through political apathy and the inability to act against restrictive, and discriminatory policy. The idea of the Latino immigrant being a threat is, however, fundamentally driven through what Foucault refers to as the production of discourse.

According to Foucault, the production of discourse can mobilize power relations.<sup>72</sup> Huntington feeds the discursive rhetoric that reinforces the idea of the American system of values and beliefs being homogenous. This discursive rhetoric comes from what Foucault calls “local centers.”<sup>73</sup> Meaning, the discourse is produced from a position of power that subjugates those who do not hold it. In this sense, we see the production of knowledge and discourse that surrounds immigrant populations place them in a position of inferiority. This occurs through labeling of the immigrant as a threat, which in turn becomes a perceived truth throughout the social landscape. As will be discussed more below, this discourse is again fueled by media spectacles, and discourse on the idea of what it means to be a citizen in the political, legal, cultural, and economic sense. Therefore, domination and power is held in the constructed use of a hegemonic false dichotomy that culminates in the perception of what has become the narrative of ‘The Latino Threat.’

Leo R. Chavez takes issue with Huntington’s work as well while making note of the historical context in which Huntington was writing. In the middle of the U.S. invasion of Iraq, and when the war on terrorism was at a peak, Huntington singled out Latin American migration into the U.S. as the biggest problem the U.S. was facing. However, Chavez takes a deeper look into this and asks why, and how, Latino migration became

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<sup>72</sup> Michel Foucault, *The History of Sexuality: an Introduction*, (New York: Random House, 1978). p. 98

<sup>73</sup> Ibid.



viewed as an issue of national security in popular discourse.<sup>74</sup> Chavez makes a revealing, and compelling statement in this regard – “Such ideas do not develop in a vacuum. They emerge from a history of ideas, laws, narratives, myths, and knowledge production in social sciences, sciences, the media, and the arts.”<sup>75</sup> This concept is important to our understanding of what becomes of the immigrant experience within the United States. Chavez goes beyond the scope of Ngai’s work and takes a multi-dimensional approach to understanding how, and why Latino immigrants become a constructed non-citizen. Chavez works through a variety of concepts that helps to shape the way we conceptualize and understand why there exists this perception of a *Latino Threat*.

Chavez discusses the ‘Latino Threat Narrative’, and how this culminates in the idea that Latinos make up a group within society that threatens the very continuity the *American* way of life. This sort of alarmist rhetoric however, is not a new phenomenon. Previous groups within the United States have also had discourse culminating in anti-immigrant sentiment. There exists a constructed reality that results in a perceived ‘truth’ of the immigrant that threatens society.<sup>76</sup> However, the Latino immigrant, and more specifically the Mexican immigrant, represents more than any other immigrant group before, a perceived threat. Chavez states; “their social identity has been plagued by the mark of illegality, which in much public discourse means that they are criminals and thus illegitimate members of society underserving of social benefits, including citizenship.”<sup>77</sup> This social identity is thought of in terms of a shifting idea of what citizenship is. Chavez challenges the meaning of citizenship in the context of globalization and discusses how

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<sup>74</sup> Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and The Nation*, (Stanford: Stanford University Press, 2008). p. 22

<sup>75</sup> Ibid.

<sup>76</sup> Ibid. p. 3

<sup>77</sup> Ibid.

citizenship is becoming redefined by not only legalistic terms but on economic, social, and cultural terms. Citizen and non-citizen is a way to define membership to a nation, and who is let into the nation as a citizen defines the make up of what the nation looks like as a people.<sup>78</sup> Chavez shows that those we create obstacles for entry into the United States fundamentally demonstrates how we imagine ourselves as a nation.<sup>79</sup> Therefore, policy and politics that surround immigration reform, according to Chavez, “frames the public discourse over immigration.”<sup>80</sup>

This idea of citizenship is central to the discussion here. Citizenship has implications of both inclusion and exclusion. Those who live in the sphere of exclusion bear the burden of exclusion, which often times seems to be manifested as a position of inferiority. Therefore for migrants to reach a position of inclusiveness or incorporation into society they must undergo the process of shifting from ‘other’ into ‘us’. In order to make this transformation they must realize and fit into a legal, political, and collective identity that congeals with both the state and the nation.<sup>81</sup> Therefore, there are many boundaries one faces. They must overcome the legal boundaries put on them by the state as well as the subjugations that are created by the imagined nation. The citizen is constructed through a held legal status, by way of political rights, political activity, and ones ability to fit within a collective identity.<sup>82</sup> Chavez suggests that through the relationship of these four elements the constructed notion of citizen vs. noncitizen manifests.<sup>83</sup> Furthermore, through this process the understanding of the ‘illegal’ person is

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid. p. 5-8

<sup>80</sup> Ibid. p. 9

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

created. The state confers upon a person the status of illegal. This title is what individuals experience, and what creates issues that perpetuate human rights abuses against Latino immigrant populations.<sup>84</sup>

The formation of the Latino Threat and how it manifests as a discourse comes across in binaries of us vs. them. Chavez speaks of this in terms of Foucault's notion of knowledge and power. Essentially, once Latinos become constructed as a threat, and as an 'other', they become represented as 'space invaders' and their very presence and reproduction in a social and biological context threatens to dismantle the identity of the nation.<sup>85</sup> Chavez also discusses this in the context of Gramsci's theory of hegemony and common sense. The Latino Threat Narrative becomes imbedded in the minds of individuals and becomes typified within the common sense of society. This is why it is able to work so well. Basically, it is looked at as a truth. This creates a homogenized and essentialized view of the Latino immigrant.<sup>86</sup> When a group can be homogenized as a single entity, subjugation is made more possible and effective. The narrative that floats through society is one of the "uneducated, monolingual Spanish [speaking]"<sup>87</sup> Latino immigrant.<sup>88</sup> This creates a viewpoint that Latino immigrants are unable to contribute positively to society. Therefore, they become 'unassimilable'. This is how the citizen vs. non-citizen clash is able to persevere. It creates a dichotomy that puts more value on a particular group over the other. This culminates in state practices that put higher restrictions and subjugation on one immigrant group over others.<sup>89</sup>

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<sup>84</sup> Ibid. p. 11

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid. p. 40-42

How though, are images and perceptions of people as holding specific qualities or characteristics perpetuated? As discussed above there are many components to citizenship and inclusiveness within a social context - the social context here being a 'nation'. There are many forces that work in order to place people in positions of inferiority. While the state can confer upon people a title of illegality, the position of impossibility in which Ngai speaks of, and the rhetoric of threat stems from many facets of society. These ideas are perpetuated through media outlets that create the platform for public discourse. The ways in which the nation is perceived along with ideas about what characteristics individuals hold, and what positions they hold within society are fundamentally shaped by numerous components. One of the most important is the media. Chavez speaks of media spectacles. The media turns individuals into spectacles. This shapes and constructs knowledge about people. "Media spectacles transform immigrant's lives into virtual lives, which are typically devoid of nuances and subtleties of real lived lives."<sup>90</sup> The media is able to objectify people and turn them into things rather than people. Omi and Winant speak of this as well. The media is able to reflect pervasive portrayals of individuals. In their work *Racial Formation in the United State*, Omi and Winant discuss that film and television are powerful actors in spreading images and representations about particular groups of people.<sup>91</sup> The media establishes an image of individuals that become what the mass populous comes to know. Basically, the media is a key-driving factor in the shaping a dominant racial ideology. Linking this with the ideas Chavez discusses in terms of spectacles, we can begin to understand how media, and what

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<sup>90</sup> Ibid p. 6

<sup>91</sup> Michael Omi, and Howard Winant, *Racial Formations in the United States from the 1960s-1980*, (New York City: Routledge and Kegan Paul Inc., 1986). p. 63

is covered and depicted in it, can fundamentally shape and construct social ideas of individuals.<sup>92</sup>

Additionally, the rhetoric that circulates around these issues – the rhetoric of loss of sovereignty, and invasion, along with subjugating the Latino immigrant as an enemy - is what has lead to the view that militarizing the border is viable option for controlling a perceived threat. It is what has lead to such ludicrous ideas and as the Minuteman Project<sup>93</sup> to be understood as an acceptable measure. This in turn has created even more of a spectacle. The Minuteman Project has taken place on the public stage, and has been made increasingly more public through the media.<sup>94</sup> The Minuteman Project, as Chavez shows works as a public display, and has been a way of exerting upon individuals the privilege of being a citizen and subjecting the immigrant. Further, one of the goals of this project was to draw the media's attention to the topic of illegal immigration. This further allowed the minuteman project to allow its self to become a major voice in the discussion on immigration.<sup>95</sup> The Minuteman Project is now a national recognized anti-immigration group that feeds the flames of discriminatory practices. The way in which they were able to gain this position was fundamentally fostered by their ability to capture the media's attention and create a spectacle of the situation.<sup>96</sup>

The subjugation of immigrants through various facets of society creates many issues. The above discussion has illuminated key issues and themes that will be used to guide and illuminate concepts within this research. The discussion of citizenship and

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<sup>92</sup> Leo R. Chavez. Op. cit. p. 132

<sup>93</sup> The minuteman project is a group of people who are self proclaims vigilantes who patrol the border looking for illegal immigrants. They are activists who have taken the job of 'securing' the border into their own hands.

<sup>94</sup> Leo. R. Chavez. Op. cit. p. 132-148

<sup>95</sup> Ibid.

<sup>96</sup> Ibid

what it means is a key concept here into understanding how there is a layer of exclusivity and inclusiveness that guides the experience of individuals within and outside of the United States. Furthermore, it is important to understand what citizenship is, and how it is experienced within an era of globalization. As discussed above there are multiple layers of citizenship. It exists at a legal, economic, cultural, and political level. People are integrated in to a society by economic means; this economic status, and the way people interact within the global economy, transcends political boundaries and legal typologies of citizenship. Individuals, no matter where they are located, experience all of these concepts of citizenship. One may legally, and politically be a citizen of one country but may be participating economically, and even to a degree culturally, within another. However, individuals do not experience the same rights and privileges of those who are legally a citizen. In fact, the United States uses state power to disregard rights of individuals who are legally citizens of other countries. Corporations do this as well. While citizens of the United States have particular constitutional rights that are guaranteed, these rights do not, and are not, observed by those who are citizens of other countries. Therefore, state and economic actors have created the subjugation of individuals. These concepts and ideas are important to this discussion for many reasons. There is a reason people move. There are reasons people experience what they experience during the journey of migration and within the United States. There are similar forces working together that culminate in the experience of people. The ideas of citizenship, and the quest to move and be integrated or live within a particular boundary are drivers that push people to migrate. By employing these concepts we can begin to draw out important causal explanations of human rights issues. However, we still must understand how

immigration policy has had adverse effects on immigrant populations in the United States.

### ***U.S. Immigration Policy***

Massey (et. al.) refer the United States immigration policy as hypocritical. The authors suggest that this policy has sought to bring in Mexican workers while at the same time dehumanizing them. They also call U.S. immigration policy “schizophrenic”.<sup>97</sup> This characterization is quite accurate. Until 1930 the United States had an open immigration policy. However, the great depression ushered in an era xenophobia causing a closure of the border and restrictive action against immigrants.<sup>98</sup> Nonetheless, there was an era of repatriation, followed by the World War II era, which welcomed migrants due to labor shortages. 1965 marks a landmark year for U.S. immigration policy.<sup>99</sup> The Immigration Act of 1965 turned immigration policy into a social and political issue that catered to the needs of private interest of permanent residents and their families.<sup>100</sup> In the late 70’s the U.S. Congress passed legislation that put a ceiling on immigration. The early 1980’s constituted an era where immigration became a major concern, and harsh restriction began to be put in place on those who hired illegal immigrants, border enforcement increased, but amnesty was granted to those who had been in the U.S. for a specific amount of time.<sup>101</sup>

In 1986 Congress passed the Immigration Reform and Control Act. Massey (et. al.) discuss how the 1986 Immigration Reform and Control Act (IRCA) had many

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<sup>97</sup> Ibid. p. 57

<sup>98</sup> JoAnne D. Spotts, "U.S. Immigration Policy on the Southwest Border From Reagan Through Clinton, 1981-2001," *Georgetown Immigration Law Journal*, 16 (2001-2002): p. 605.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid. p. 606

<sup>101</sup> Ibid. p. 606- 608

negative effects both for immigrants and those who are native to the United States.<sup>102</sup> This act had three components to it. First, it allowed amnesty to those who were in the U.S. Secondly, it was aimed at the prevention of future migration by placing harsh sanctions on employers in order to do away with jobs that appealed to immigrant populations. The final component of the IRCA increased funding to the border patrol.<sup>103</sup> This policy is commonly regarded as a failure for many reasons. Essentially the IRCA of 1986 increased fraud significantly, and increased the amount of uneducated and unskilled workers.<sup>104</sup>

The Immigration Act of 1990 enacted under Bush senior, was supposed to be a major overhaul of the immigration system, but instead it created a major increase in the levels of illegal immigration, and increase border patrol. In 1993, Clinton became a major supporter of a strict immigration policy.<sup>105</sup> Clinton took aggressive measures to strengthening border patrol. By 1994 the new border strategy was aimed at focusing on particular points of entry, and closing off routs that saw the most traffic.<sup>106</sup> This significantly increased the amount of border patrol personnel whose main tactic was to increase the amount of human and physical barriers to entry, and make passage difficult to the point that people would be deterred from attempting to cross the border.<sup>107</sup> Essentially, the policy was to prevent crossing through deterrence. This deterrence was to stem migration and slow down the rate unto which immigration occurred. This kind of policy was embedded in the political discourse of the time, that involved a fear of losing

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<sup>102</sup> Douglas S. Massey, Jorge Durand, and Nolan J. Malone. Op. cit. p. 58

<sup>103</sup> JoAnne D. Spotts. op. cit. p. 610

<sup>104</sup> Ibid. p. 611

<sup>105</sup> Ibid. p. 612-613

<sup>106</sup> Ibid. p. 614

<sup>107</sup> Ibid. p. 614



a majority race within the U.S.<sup>108</sup> There was a fear that immigration would perpetuate a demographic change that would be harmful to U.S. society.<sup>109</sup> Such fear and discourse is very much so still alive.

The next significant component to look at in regards to immigration policy is how it has been in the post 9/11 era. Such policy ranges from local policies aimed at the elimination of day labor, to an overhaul and change of rights laid out in the U.S. Constitution. Further, these debates are becoming increasingly racialized.<sup>110</sup> The post 9/11 era saw an influx of politicians looking to frame immigration issues as issues of national security.<sup>111</sup> There has become a new localization of geopolitical issues surrounding immigrant policy. Furthermore, in 2002 the U.S. Department of justice began training local law-enforcement agents as enforcers of border policy.<sup>112</sup> Finally, there has been a significant influx of southern states' anxieties toward Latino immigrants, which has culminated in restrictive policy and ill treatment of immigrant populations.<sup>113</sup>

It is important to note that under the U.S. constitution, regardless of immigration status, everyone is entitled to "due process, equal protection and the rights to human dignity, physical integrity and freedom from abuse and lethal use of force by authorities."<sup>114</sup> Such rights are also guaranteed under international law and treaties ratified by the United States. Within the last decade, however, the U.S. government has begun to create various spaces in the borderland region that are "Constitution-Free", as

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<sup>108</sup> Ibid. p. 616

<sup>109</sup> Ibid.

<sup>110</sup> Jamie Winders, "Bringing Back the (B)order: Post-9/11 Politics of Immigration, Borders, and Belonging in the Contemporary US," *Post-9/11 Politics in the Contemporary US South* (2007): p. 921

<sup>111</sup> Ibid. p. 925

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> American Civil Liberties Union, "Human Rights Violations on the United States-Mexico Border." (2012). p. 1

well as have begun to criminalize migration which has led to the increased militarization of the border. This has led to significant amounts of human rights abuse.<sup>115</sup>

Additionally, the 1990's saw the introduction of restrictive immigration policies such as "Operation Gatekeeper", which created a strategy to stem unauthorized migration. The goals of such projects were to make unauthorized migration risky. The assumption being, that if unauthorized migration became too risky people would stop doing it. In the post 9/11 era, with the creation of the Department of Homeland Security (DHS), the U.S. has funneled significant resources to the border region. With this intensification of border patrol agents, and efforts to stem unauthorized migration, policy has failed to take into consideration the cultural and economic contributions of immigrants, and has failed to recognize the human right to family unity.<sup>116</sup>

Finally, further investigation and discussion is needed in regards to such pieces of law as SB 1070 – a senate bill from the state of Arizona, which had the intent to deter 'illegal aliens' from entering the country. The law widened the legal enforcement powers of local law enforcement agencies in the area of immigration. The law has been at the center of significant controversy (and rightfully so) for its dehumanizing qualities. The law has been instrumental in exaggerating issues and exploiting individuals. Andrea Christina Nill explores the realities of the law and its role in creating a "Hispanophobia".<sup>117</sup> She suggests that the law has promoted demonization of the Latino community, led to increased approval in racial profiling, and has created stronger

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<sup>115</sup> Ibid.

<sup>116</sup> Ibid. p. 2

<sup>117</sup> Andrea Christina Nill. "Latinos and SB 1070 Demonization, Dehumanization, and Disenfranchisement." *Harvard Latino Law Review*. (2011). p. 36

movements looking to repeal birthright citizenship.<sup>118</sup> The law has meshed dangerous undocumented criminals with other members of the Latino community. Laws such as SB 1070 further imbed the institutionalization of racialization within the immigration debate. It breeds racial profiling and increases negative public perception of immigrant populations.<sup>119</sup> SB 1070 represents an issue that is at the core of this research. It represents how laws function as a mode of legal racialization. It is also of great importance to take a critical look at current immigration reform policies.

### *Immigration Reform: 2013 Legislation*

This research is being conducted at pivotal time in immigration reform. Therefore, it is important to address the current debates and undertakings of immigration reform within the United States. The 2013 immigration bill drafted by the ‘gang of 8’ - a group of U.S. Senators, “Border Security, Economic Opportunity, and Immigration Modernization Act,” or S. 744, is a comprehensive bill that addresses multiple components of immigration. It addresses border security, legalization of current undocumented people, regulation of future legal immigrants, interior enforcement, visa programs already in place for nonimmigrant workers, and a fund for job opportunities for low-income youth.<sup>120</sup>

Section I of the bill, which centers on border security, would put an extra 19,200 border agents on patrol on the border. Furthermore, the bill calls for an extra 700 miles of fencing and calls for an elaborate system of surveillance. This surveillance is intended to cover the border in its entirety with a targeted “90 percent effectiveness rate in preventing

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<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Immigration Policy Center, "A Guide to S.744: Understanding the 2013 Senate Immigration Bill ." Last modified June 2013. Accessed November 22, 2013. <http://www.immigrationpolicy.org/special-reports/guide-s744-understanding-2013-senate-immigration-bill>. p. 4

illegal crossings.”<sup>121</sup> All of this comes with a price tag of \$46.3 billion. While the bill has a key objective of providing a path to Lawful Permanent Residence for undocumented people, the above mentioned ‘security goals’ must be met before a path to permanent residence can be considered.<sup>122</sup>

Section II of the bill focuses on immigrant visas. There are three subtitles within section II. Subtitle A and B both serve the purpose of allowing undocumented immigrants who currently reside within the United States the ability to claim eligibility for immigration status as well as pave the path for citizenship.<sup>123</sup> Subtitle C is the driver for laying out reform and the effective pursuit of a new immigration system, which tackles backlogs as well as immigration levels. It puts in place a merit-based system, which favors those with education and work experience.<sup>124</sup>

Section III deals with interior enforcement, and the Department of Homeland Security’s capacity to enforce immigration laws. Additionally, this section aims to fix existing problems within the immigration system. It would increase use of the E-Verify system, an Internet system that employers are able to use to check employment eligibility. For those who do not follow the rules and requirements and do employ unauthorized individuals are subject to \$25,000 in fines, and extra \$10,000 and two years in prison for repeated offenders. All employers must use the E-verify systems within the next five years.<sup>125</sup> Furthermore, title three of the bill does allow the right to counsel for “unaccompanied minor children, immigrants with serious mental disabilities, and other particularly vulnerable individuals, and requires that a lawyer be appointed to represent

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<sup>121</sup> Ibid p. 6

<sup>122</sup> Ibid p. 5-6

<sup>123</sup> Ibid p. 7

<sup>124</sup> Ibid p. 9

<sup>125</sup> Ibid p. 13

them.”<sup>126</sup> This is something that current immigration law does not cover. S. 744 would also create measures to be put into place that provides protection for individuals who are detained by the government. This includes the limiting of solitary confinement of children and the seriously mentally ill as well as allows for alternatives to electronic monitoring. Moreover, it puts in place measures for increased oversight in detention facilities.<sup>127</sup>

Section IV implements reforms to nonimmigrant visa programs. This section serves the purpose of providing immigrant worker visas for those who have low skill levels. It also serves the purpose of making sure that the U.S. economy has an avenue to accessing important labor that is essential to investment in order to keep the economy running.<sup>128</sup> This section does include components that serve to protect workers’ rights, and have oversight to be sure worker exploitation does not occur. The bill also makes changes the H-1B and L-1 visa programs, which are short-term visas for skilled workers who do not have the intention of staying in the United States.<sup>129</sup> Many of these individuals are highly skilled in the hard sciences, tech industry, medical fields, engineering, etc. S. 744 raises the cap for these visas and increase wage requirements. Furthermore, S. 744 includes provisions from lesser skilled non-agricultural worker visas. These visas are for nonimmigrant individuals who are looking to fill positions that are non-agricultural but less skilled such as janitorial positions. Finally, section V is targeted at creating employment for low-income youth.<sup>130</sup>

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<sup>126</sup> Ibid. p. 14

<sup>127</sup> Ibid. p. 15

<sup>128</sup> Ibid. p. 16

<sup>129</sup> Ibid. p. 17

<sup>130</sup> Ibid. p. 18

The Immigration Policy Center offers some important analysis and answers central to the immigration reform debate. They state, “A public policy that seeks to end unauthorized immigration must understand the reasons it occurs in the first place. While enforcement plays a role in reducing unauthorized immigration, the deciding factors are often based on economic need, family unity, or fear of persecution, which will never be fully addressed through enforcement-only measures.”<sup>131</sup> It is of extreme importance to keep these issues in mind when we think about immigration reform. As I have discussed above, immigration rarely happens in isolation of the family, or is an individual decision. It is a decision made in the face of significant hardships and at high risk. Too often is immigration policy and positions on such policy approached from an enforcement only tactic. It is important to think about this from a standpoint that looks to seek why people migrate. Deterrence through hardline enforcement, as we have seen, does little but perpetuate issues that create more issues from people who are leaving lives of hardship. We have seen enforcement coming in the form of militarization of the border. This is no way to carry out enforcement measure.

In contrast to the Senate, the House has proposed passing a series of many smaller bills that would address various facets of immigration reform. Rather than the comprehensive reform the Senate has passed, the House has proposed to do it in smaller chunks. The most current being H. 1417, *Border Security Results Act of 2013*. This piece of legislation focuses solely on enforcement only mechanisms in dealing with immigration reform. However, these mechanisms are similar to those laid out in S. 744. Both bills aim to increase surveillance and border security significantly. In the

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<sup>131</sup> "Tackling the Toughest Questions on Immigration Reform: Short Answers to the Most Common Questions." *Immigration Policy Center* . (2013). p. 8

Immigration Policy Center's analysis of both bills, they acknowledge that both have the primary goal of deterring unauthorized immigration into the United States as a major security enforcement method. However, they make an important observation. These methods target the wrong individuals in terms of border security. Rather than focusing on the individuals who are migrating and entering as unauthorized people, it would be more effective to focus on the transnational cartels and drug smugglers. These pieces of legislation acknowledge the threat posed by transnational criminal cartels, however they fail to effectively address the problem. Essentially the legislation targets the immigrants rather than the real threat of the transitional criminal cartels.

While I commend the efforts of the senate to address the issues of the lack of oversight by the Department of Homeland Security as well as address issues of human rights on the borderland region, the legislation is still not addressing the wider issues here. Moreover, the Corker-Hoeven addition to the legislation adds more militarization to the border.<sup>132</sup> This intensifies the concern that the provisions that add humanitarian protections could be made irrelevant due to a lack of oversight of military forces.<sup>133</sup> These measures only tighten the border, and look to address concerns by way of enforcement only mechanisms, which do not look at the issues that surround immigration. If controlling immigration and deterring individuals from entering the United States illegally is the goal, we must think of ways that address the larger structural issues at play here that also protect the rights and dignity of the human beings that are effected. It is important to understand also that for any effective policy to be made Mexico and the United States must work together. People moving between borders must

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<sup>132</sup> "An Unlikely Couple: The Similar Approaches to Border Enforcement in H.R. 1417 and S. 744." *Immigration Policy Center*. (July 2013). p.4

<sup>133</sup> Ibid.

not be looked at the as *the* major problem here. Policy makers must understand the violence and abuse people face in the process of migrating. The border is already highly militarized; putting more people on the border is only going to lead to more problems. Rather than enforcement only mechanism, the United States needs to work on a cooperative strategy with Mexico and Central American countries. Additionally, there needs to be a complete rethink and overhaul of NAFTA as well as the neo-liberal agenda as well.

The Immigration Policy Center suggests that the most effective border-security measures would target transnational criminals that traffic people, drugs, and money into the United States.<sup>134</sup> These groups represent a major problem for immigrant individuals. By turning immigrants into a commodified product, these transnational criminal cartels are a major source of violence that occurs. Additionally, cutting of the funding and targeting the heads of these criminal organizations rather than focusing on the petty, low-level cartel employees would be another effective strategy.<sup>135</sup> Finally, drawing the focus away from areas between ports of entry and at ports of entry should be addressed because contraband tends to flow through ports of entry.<sup>136</sup> Essentially, these policies main concerns and strategies are to flood the border with military and surveillance in order to completely stop anyone from entering. These policies make the immigrant out to be the security threat, and fail to address the real threat that exists of drug cartels and transnational criminal groups. If securing the border is goal here, then these groups must be targeted, rather than the average person who is looking to cross. Targeting these individuals only produce more victimization and subjugation of people.

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<sup>134</sup> Ibid. p. 5

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.



This section has provided an overview of what the United State's immigration policy has looked like in the past. It has gone through many changes and revisions over time. Policy has vacillated between restriction and non-restriction. Now, current proposed policy is being formed in ways that highly restrict movement. This is only going to increase the issues that have been face amongst immigrant populations. It is important to think critically of how policy is formed and what implications it has on the populations it is targeting. We must also look at how these laws are formed, and play on the ground in people's lives. The next section looks at this. In the following section I take a look at how structural forces penetrate down into the lives of individuals.

***Violence, Human Rights, and Experiences: Bringing the Structural Down to the Individual***

*“The Structural frontier seeps into the life of each person differently, depending on his or her particular circumstances, life trajectory, the capacity for agency as they are linked to the structuring effects of social class, ethnicity, and gender.”<sup>137</sup>*

- Laura Velasco Ortiz and Oscar F. Contreras

The focus of this research looks to understand violence and human rights abuse on both the U.S. and Mexico sides of the border. So what is happening, what does this look like, and how do structural explanations play out in the lives of individuals? Key to the arguments made in this research is how human rights abuse toward Latino immigrants has been perpetuated by the opening up of Mexico and Central American countries to free trade, a pervasive narrative that portrays the Latino immigrant as a threat, and U.S. immigration policy. Each of these components are intricately tied and related to each other. All three function together at a structural and institutional level that comes down into the lived experience of people. In this section I look at what has been discussed in

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<sup>137</sup> Laura Velasco Ortiz, and Oscar F. Contreras, *Mexican Voices of the Border Region*, (Philadelphia: Temple University Press, 2011). p. 4

the preexisting literature, as well as work that has been done by NGO's that have documented border violence, and bring the discussion down to the individual. By discussing the lived experience and structural violence my goal is to illuminate the multi-dimensionality, and complexity of the violence and human rights abuse that is occurring. I use this to build the final argument that will be made in this research surrounding the dialectic that occurs between mobility and stability.

There are many components to take into consideration here. Violence is wide spread and we can take a look at isolated cases. However, violence is multi-dimensional and spreads across geographic boundaries. The lived experience of individuals across geographic spaces is important to take into consideration. How we come to understand this, and how these experiences manifest is central to the discussion. What becomes clear throughout the literature, and what I aim to illuminate below is how the process of violence and subjugation of individuals begins before the decision to migrate takes place. This is what becomes clear when we look at these issues from the structural level. Bringing the discussion from the structural level down to the individual can help in the process of understanding just how complex the issues really are. Additionally, it is important to do this because too often do those who work in the social sciences speak of phenomena as occurring solely the structural level, when what really matters is how this discussion of 'structural' forces actually play out on the ground, and how they shape lives. When we speak of things only from a theoretical or structural level we void humans of agency by making the assumption that structures are the only thing that governs action. However, before I move on it is important to make clear what is meant when I speak of structures.

We often discuss phenomena that occur at the ‘structural level’. What does this mean, and why am I trying to show how these phenomena that occur at the structural level funnel down into individual’s lives? Anthony Giddens, as discussed by William H. Swell, Jr., suggests that structures, and the way we think about them must be thought of in a duality. Meaning structures shape people as much as people shape structures.<sup>138</sup> Additionally, Swell refers to structures as “constituted by mutually sustaining cultural schemas and sets of resources that empower and constrain social action and tend to be reproduced by that action.”<sup>139</sup> Therefore, people, or agents, can be both empowered and disempowered by them.<sup>140</sup> This is because they empower people differently, and they reflect the wants and intentions of people differently as well.<sup>141</sup> Therefore, we must look at how these structural issues discussed in the preceding sections affect the agency of people.

To recap, there are multiple structural issues I have looked at above. I started at the economic and state level to show how the effects of neoliberal policy and free trade shape migration and subjugate individuals. I then looked at theories of racialization and citizenship to understand how people are constructed and disempowered within the political, social, cultural, and legal structural spheres. What this section aims to do is understand how these phenomena occur at a structural level and funnels down into the lives of people. I look at what these phenomena look like on the ground and pose the questions: how do these structures shape people lives? I analyze this in the context of

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<sup>138</sup> William H. Swell Jr., "A Theory of Structure: Duality, Agency, and Transformation," *American Journal of Sociology*, 98, no. 1 (1992): p. 4

<sup>139</sup> Ibid. p. 19

<sup>140</sup> Ibid. p. 27

<sup>141</sup> Ibid. p. 21

how people move within the shadows, and navigate structural barriers in the pursuit of stability.

I look to pre-existing literature and studies in this section to get a snap shot of what is happening on the ground in people lives. I first look at what happens in the path to migration within Mexico and Central America. I then look at the current realities of the Arizona-Sonora borderland. I take this specific area into consideration because it is a geographic location of significant human rights abuse. I then look at how people have been treated by border patrol agents, and those working in the Department of Homeland Security. Finally, I look at the realities of living as an immigrant within the United States.

#### *The Path to Migration*

Laura Velasco Ortiz and Oscar F. Contreras do a great job of bringing this discussion down to the ground. They begin by showing how people's lives have begun to transcend geographic boundaries. They help us to understand the quest to migration and how this manifests in peoples lives. There is a dialectic, the authors suggest, between mobility and settlement whereby movement through borders breaks the social continuity of life. This mobility of human life is connected with search for employment. Through mobility, stability is sought. Looking at how mobility and stability work in conjunction with each other is important to this discussion.<sup>142</sup> Additionally, this idea is heavily employed to guide my arguments that will be made in the next chapter where I analyze the interviews that were conducted for this research. Their work represents a pivotal understanding on these issues. Their outlook on the dialectic between mobility and stability is provoking to be sure. First however, it is important to look at the process of mobility, and how it looks very different for various groups of people.

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<sup>142</sup> Laura Velasco Ortiz and Oscar F. Contreras. Op. cit. p. 4

Academics have just begun to really turn away from solely focusing on Mexican migration through the Arizona Sonora Borderland, and have begun to examine the paths to migration through Mexico for Central American migrants. This is important to look at because the experience of migration for Mexicans is different than that of the Central Americans. While both face difficult paths, Mexicans are able to navigate through Mexico with significantly less trouble than Central Americans. This is due to prior established networks. Central Americans must navigate different paths that increase their vulnerability.<sup>143</sup> Rodolfo Casillas is addressing these issue head on. In his work, *The Dark Side of Globalized Migration: The Rise and Peak of Criminal Networks – the Case of Central Americans in Mexico*, he looks at how there has been a surge in violence toward Central Americans in Mexico. Additionally, this violence often times goes unreported. Local officials work with criminal groups because the trafficking of humans and other commodities has proven to be a very lucrative and low cost business. This only heightens the abuse people face. There are many occurrences of rape, beatings, robberies, etc. that leave people with physical and emotional scars. Criminal cartels will also recruit immigrants as drug mules.<sup>144</sup>

Kidnappings tend to be a major component that plays into the violence that occurs. Criminal groups kidnap people migrating through Mexico and demand hefty ransoms. Therefore, remittances that were originally supposed to go back to the family have now become a source of income for criminal groups. Again, this practice tends to prevail due to lawlessness and the ability for criminal groups to navigate local law

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<sup>143</sup> Sirenia Jimenez, "The rout of death for central and south American Illegal Immigrants Can come to an end with a change in the United States policy," *Global Business & Development Law Journal*, 24 (2012), p. 455

<sup>144</sup> Rodolfo Casillas, "The Dark Side of Globalized Migration: The Rise and Peak of Criminal Networks—The Case of Central Americans in Mexico," *Globalizations*, 8, no. 3 (2011): p. 296-302

enforcement agencies. Immigrants represent a vulnerable population. Casillas suggests that criminal groups have begun to fully understand this and exploit these people for their own interest. Exploiting immigrant populations actually increases the productivity of criminal activity and decreases the risk associated with such activity for those who work within the criminal networks. Furthermore, there is strong lack of urgency to shed light on these issues. Casillas notes that the kidnapping and murder of a high profile Mexican child received more media attention than the 10,000 Central Americans who were kidnapped over a six-month period.<sup>145</sup>

Migration for Central Americans through Mexico is difficult. Sirenia Jimenez illuminates this and puts it into perspective. Jimenez, like Casillas, discusses the vulnerability of the migrant and how this increases crime rates. Many of these migrants come from El Salvador, Guatemala, and Honduras.<sup>146</sup> Despite the knowledge of a toilsome journey, many still choose to migrate and fill the demand for labor in the United States, as well as Canada.<sup>147</sup> Jimenez makes use of a specific case study, exploring the realities of one of the paths to migration for Central Americans. There is a freight train near the Guatemala-Mexico border that runs to Mexico City. These trains do not make stops, however. Therefore, people are forced to jump aboard while it is in route. People are forced to ride on the roof or cram into the carriage of the train. Women face significant danger on the train. Due to the close proximity of people, women are at high risk for sexual assault. Additionally, many are killed or seriously injured in their pursuit of jumping off the train. The train is just one step in the path to migration for these

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<sup>145</sup> Ibid. p. 302-303

<sup>146</sup> Sirenia Jimenez. *Op. cit.* p. 452

<sup>147</sup> Ibid.

individuals. Human traffickers victimize migrants due to their legal and physical status that leaves them vulnerable.<sup>148</sup>

This vulnerability originates in the lack of resources one has in their own country. Often times the decision to migrate is not a choice, but rather a condition to preserve ones life. Navigating the path to migration without knowledge and prior established networks put these people at even higher risks. Additionally, due to the lack of legal status within Mexico, immigrants must traverse the legal landscape unnoticed. This pushes movement to the outskirts and the side roads. People do not understand the rights they have, therefore, when confronted they do not know how to use them. This increases the subjugation people receive.

While these are the realities, understanding why this happens is of concern here. This is why it is important to begin with the structural levels. We can see here how globalization perpetuates the disparities between people. It is how people interact within these structures that shapes their lives. When people are unable to achieve a stable life in their home countries they become mobile. Structuring forces create these circumstances, and therefore people become void of agency, and choices are made due to preventable circumstances. Additionally, while stability is sought, it is often times a difficult status to achieve. The path to migration and mobility is all but stable. People are victimized by the institutions that fail to support them. Additionally, people are made vulnerable in this pursuit to stability. Essentially, people are made vulnerable and given no help. People are victimized by the neoliberal agenda that destroys their ability to compete and have economic opportunity, as well as the political institutions that fail to serve them. These things funnel down into the lives of people and take the control out of their hands.

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<sup>148</sup> Ibid. p. 453-454

Border Politics and Realities

The Arizona Sonora Borderland is rife with conflict and violence for migrating people. People migrate and settle in places for different reasons. While some are successful in crossing and find work within the United States, others fill a particular aspect of the dangerous economy that involves drug smuggling, prostitution, and human trafficking<sup>149</sup> – all which have seen an increase as a result of NAFTA's underground economy.<sup>150</sup> Smugglers have begun to use migrants as human decoys for their criminal initiatives. Using human decoys allows these organizations to clear the routes for drug smuggling. Furthermore, drug cartels will charge protection fees for helping them cross the border.<sup>151</sup> However, in reality this is just a way for the cartels to test, and make sure the routes are safe for drug smuggling. Drug smuggling is no longer a one-pronged business. It has turned into human trafficking that involved extorting the people who these criminal organizations are 'helping' to cross into the United States.<sup>152</sup> Moreover, there have been many instances of kidnappings of migrants, which has proved to be a rather lucrative business for the *bajadores* (border bandits). *Bajadores* are able to gain significant sums of money as ransoms from migrants.<sup>153</sup> These kinds of things are exactly what constitute the commodification of immigrants.

Border politics are a fundamental component in the perpetuation of violence. Militarization has placed military equipment and personnel on the border. This has pushed migration paths from urban areas to less safe, and more arduous paths across deserts and through the mountains of Arizona. This has increased the death toll of

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<sup>149</sup> Laura Velasco Ortiz, and Oscar F. Contreras. Op. cit. p. 6

<sup>150</sup> Julie A. Murphy Erfani op. cit. p 63

<sup>151</sup> Ibid. p. 76

<sup>152</sup> Ibid. p. 77

<sup>153</sup> Ibid.



immigrants.<sup>154</sup> It is a hard reality that this militarization not only perpetuates death tolls, but also violent responses to undocumented border crossings. Sang Hea Kil and Cecilia Menjivar suggest that strategies of militarization and criminalization of immigrants along the border region have fostered situations of violence similar to those that are experienced in immense political conflicts.<sup>155</sup>

Kristin E. Heyer writes in line with many who discuss the various human rights abuses, and experiences immigrants face in their efforts to cross the border. Heyer however, gives an important account of what occurs as immigrants cross. Heyer discusses, as Julie A. Murphy Erfani similarly examined, the commodification of immigrants by drug cartels. The immigration journey is filled with suffering, death, and exploitation.<sup>156</sup> In fact, deaths have risen in recent years, and continue to rise. Even with increased border patrol and more search and rescue missions, death tolls and dangers for immigrants are increasing. This is in part due to the increased patrol of the board causing a rerouting of the paths immigrants take. Rather than moving across safer and less brutal terrain, these people are moving through more dangerous and increasingly rough terrain.<sup>157</sup>

Experiences of violence are all too common on the border region. These experiences have been well documented by such organizations as No More Deaths. They look specifically at the Arizona-Sonora borderland in Nogales, Arizona. In their interviews with migrants they demonstrate instances where people are denied medical

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<sup>154</sup> Ibid.

<sup>155</sup> Kil, Sang Hea, and Cecilia Menjivar. "The "War on the Border": Criminalizing Immigrants and Militarizing the U.S. Mexico Border." *Immigration and Crime: Race, Ethnicity, and Violence*. Ed. Ramiro Martinez Jr. and Abel Valenzuela Jr. (New York: New York University Press: 2006): p. 196

<sup>156</sup> Kristin Heyer op. cit. p. 3.

<sup>157</sup> Ibid p. 9

treatment, and access to proper food and water. Further, there are high occurrences of people who are torn apart from their family members.<sup>158</sup> They attribute this to a 'culture of cruelty' that is fostered by ineffective oversight within the Department of Homeland Security.<sup>159</sup> In their report, *No More Deaths* demonstrates the broken system that perpetuates this culture of cruelty. There is a fundamental lack of transparency with in the border patrol culture that breeds the abusive treatment toward migrants.<sup>160</sup> Their report offers a compelling account of what occurs on the border region. It is important to take such accounts into serious consideration with this research.

*No More Deaths* is doing important work documenting occurrences of human rights abuse along the border -- especially by United States border patrol agents. They did a two-year study that was a conducted by a compilation of work done by health professionals as well as trained volunteers that documented gross human rights abuse. They documented instances of human rights violations during field apprehension, in processing centers, as well as during the repatriation process.<sup>161</sup> They outline twelve areas of concern that they have conclude from their documentation:

- 1) the failure to respect the basic dignity of migrants;
- 2) the routine failure to provide and the denial of water;
- 3) the routine failure to provide and the denial of food;
- 4) the failure to provide medical treatment and access to medical professionals;
- 5) inhumane processing center conditions;
- 6) pervasive verbal abuse;
- 7) pervasive physical abuse;
- 8) dangerous transportation practices;
- 9) the separation of family members;
- 10) the repatriation of children, women, and the vulnerable at night;
- 11) the failure to return belongings to migrants prior to repatriation; and,
- 12) the failure to inform migrants of their rights, coercing them to sign forms, and failing to provide copies of these forms to the migrant in a language they

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<sup>158</sup> "Culture of Cruelty: Abuse and Impunity in Short-Term U.S. Border Patrol Custody." *No More Deaths*. (2011). p. 4

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> "Crossing the Line Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border." *No More Deaths*. (2008). p. 10

understand.<sup>162</sup>

Their report is compelling and is backed up by empirical evidence and forceful narrative. They note that from 1998 to 2008, 5,000 people lost their lives trying to cross.<sup>163</sup> The organization, from its beginning to 2008 when the report was written, had provided aid to over 250,000 people. Many of these people were in need of hospital treatment.<sup>164</sup> Furthermore, their report displays first hand narratives of people experiencing sexual abuse, made to do humiliating and degrading things, pregnant women and children denied food and water, pregnant women falling and no attention given, and people in near death conditions being repatriate with no attention given.<sup>165</sup> Their report is filled with these sorts of documentations. They offer an important analysis and critical display of human rights abuse that are at the center of discussion here. No More Deaths presents a compelling study that lets us understand that militarized borders are no solution to any problem. Rather, a humanitarian presence, they suggest, is the most effective solution to ending these abuses.<sup>166</sup> No More Deaths provides important data exposing the harsh realities. While this work is highly important, it is vital to look at some of the key ethnographic work that has been done on these issues as well.

Gilberto Rosas, in his ethnographic study, *Barrio Libre: Criminalizing States and Delinquent Refusals of the New Frontier*, offers a valuable analysis of the phenomena being observed in this research. His work is critical in bridging the structural to the individual. Rosas, like others, depicts the realities of the Arizona/Sonora borderland as quite stark. Deeming it the new frontier, he shows how increased globalization has placed

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<sup>162</sup> Ibid. p. 4

<sup>163</sup> Ibid. p. 6

<sup>164</sup> Ibid. p. 7

<sup>165</sup> Ibid. p. 12-15

<sup>166</sup> Ibid. p. 6

people in the situation of becoming subjects to the nation-state via power relations of direct and indirect political violence.<sup>167</sup> He discusses the power relations of nation-states and sovereignty and how this power transcends through borders in an age of globalization. His work shows how the power of the border and various mechanisms of power perpetuate the disparities between nations therefore building the ‘over there’ poverty stricken ‘Mexican’. Rosas’ work is grounded in key theory that sheds important nuances on the power balances that occur between the United States and Mexico. Starting at a structural level he brings it down to the ground to exemplify clearly how the subjugation of the immigrant begins well before they cross.<sup>168</sup> Rosas demonstrates that this is how violence begins. He brings an important discussion to the forefront about violence and what it means in this context.

When we speak of violence it is important to understand that globalization and the lack of mobility through borders perpetuates many types of violence. It feeds societal violence by boosting the underground economy. As Rosas’ work demonstrates, criminal violence on the ‘New Frontier’ has become an exceedingly troublesome issue. This violence hinders people’s day-to-day routines, and how they navigate in the border region. Further he demonstrates the violence faced by border patrol agents as well as the violence by police officials on the Mexico side of the border. This violence possesses an interesting dynamic. Rosas discusses his own encounter with the police officials of Barrio Libre whereby his possession of an American passport saves him from a brutal beating.<sup>169</sup> This dynamic says a lot about the concept of citizenship, and how it affords particular

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<sup>167</sup> Gilberto Rosas, *Barrio Libre: Criminalizing States and Delinquent Refusals of the New Frontier*, (Durham and London: Duke University Press, 2012). p. 8

<sup>168</sup> Ibid. p. 13

<sup>169</sup> Ibid. p. 101

people rights over others. This also can show how state power and sovereignty can transcend boundaries, directly effecting how individuals experience violence.

Rosas discusses violence through Foucault's notion of biopower. Relating this to Agamben's notions of the state of exception, Rosas engages these theories to conceptualize our understanding of how individuals are "stripped of the sovereign protections of citizenship."<sup>170</sup> Individuals have been reduced to non-citizens and placed in a state of exception whereby they have been "reduced to the status of bare life without legal protection."<sup>171</sup> These experiences of individuals, Rosas further suggests, marks the manifestation of institutionalized political violence. This violence is carried from the very decision to migrate, through the process of doing so, and finally when the individual reaches the intended destination. This became apparent in the narratives I was unable to uncover from those I spoke with as well. The people I spoke with exemplified the phenomena Rosas speaks of. This is discussed below.

### *Life Within the United States*

Carol Cleaveland provides an important study of immigrant experiences in the United States. Her work comes from an intriguing perspective because it is written from the viewpoint of a social worker. Her work puts us on the ground to understand what is being experienced within the United States. She contextualizes and provides a concrete study of the migrant experience in the suburban context. Typical of what is said throughout the literature on the subject, Cleaveland discusses how many of these immigrants are arriving here seeking unskilled labor at very low wages. Mexican laborers come here to find work, but become very disempowered. Further, they are unable to

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<sup>170</sup> Ibid. p. 102

<sup>171</sup> Ibid.

access decent jobs, social services, health care, and ability to access proper rental agreements.<sup>172</sup> Many times they do not have the ability to gain legal status and are exposed to poverty, which exacerbates marginalization.<sup>173</sup> While all of this is a very common finding in much of the literature, Cleaveland's work is worth taking a more in-depth look at because she addresses some fundamental question I seek to look at as well.

Cleaveland looks at why migrants chose to move, how they supported themselves, and how they understood and interpreted their experiences.<sup>174</sup> Unsurprisingly, her work shows NAFTA played a major role in the migration decision. Further, her work catalogues important testimonies demonstrating the dangerous border crossing experiences. This work also demonstrates the hard realities of the risk migration poses on these people. Immigrants go into massive debt to criminal organizations, face getting robbed, dying of thirst and exposure, and getting caught in the cross fire of various gangs just to come here to do extraordinarily difficult labor, at low wages, all in the hope of gaining the ability to improve their families living conditions at home. Essentially, the narrative Cleaveland shows is that migrants come here to suffer so others at home do not have to.<sup>175</sup>

Social work groups have been instrumental in shedding light on these issues, as well as advocating for the protection of basic human rights. The Washtenaw Interfaith Coalition for Immigration Rights, based out of Michigan, does significant work in advocating and bringing to surface the abuse people are facing. They note that since 9/11 U.S. immigration policy has been tightened in ways that does not respect the rights of

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<sup>172</sup> Carol Cleaveland, "In this country, you suffer a lot': Undocumented Mexican immigrant experiences," *Qualitative Social Work*, 11 (2012): p. 568

<sup>173</sup> Ibid. p. 569

<sup>174</sup> Ibid. p. 575-576

<sup>175</sup> Ibid. p. 575-579

immigrants. Additionally, with the creation of the Immigration and Customs Enforcement (ICE), worksite raids are up as well as arrests.<sup>176</sup> While previously people who were detained due to non-citizenship were afforded the right to refuse to answer questions regarding their immigration status, that right has been taken away.<sup>177</sup> Work site and home raids have come with substantial brute force as well. The organization in their report, *Grassroots Responsiveness to Human Rights Abuse: History for the Washtenaw Interfaith Coalition for Immigrant Rights*, catalogues some specific occurrences of this.

They begin with talking about the case of ‘Carmen’ who witnessed her husband pushed to the floor while they were held at gunpoint by ICE agents, and told to shut up when she plead for the well-being of her children.<sup>178</sup> The authors of this piece point out that all people regardless of their status are afforded basic human rights under the U.S. constitution. This is true for international law as well. However, they document instances of illegal home enters, detainment of non-suspects, illegal searches, and racial profiling.<sup>179</sup> Once detained they find that “often detainees are unable to contact their relatives, rapidly transferred within the detention system; coerced into signing incriminating documents; held for long stays without access to bond; housed with serious criminals; not offered an attorney or federally mandated interpreter; not given access to food warmth, medicine; and unnecessarily physically searched and verbally abused.”<sup>180</sup> This is quite troublesome considering this is the treatment people receive essentially for just living. People are treated like violent criminals for crossing a border and residing in a

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<sup>176</sup> Laura Sanders, Ramiro Martinez, Margaret Harner, Melanie Harner, Pilar Horner, and Jorge Delva, "Grassroots Responsiveness to Human Rights Abuse: History of the Washtenaw Interfaith Coalition for Immigrant Rights," *National Association of Social Workers* (2013): p. 120

<sup>177</sup> Ibid.

<sup>178</sup> Ibid. p. 121

<sup>179</sup> Ibid.

<sup>180</sup> Ibid. p. 122

country. As the authors here point out “even though crossing the U.S. border without documents is a type two misdemeanor, on par with certain traffic violations such as driving 20 miles over the speed limit. It is considered civil, rather than a criminal, violation.”<sup>181</sup> This dimension of legality is an important one to explore.

Cecilia Menjivar and Leisy J. Abrego look at how legal status is experienced within the United States amongst Central American immigrants. They show how immigration and criminal law perpetuate forms of violence. They look at work, family and school, to show how immigrants who are criminalized at the federal, state, and local level results in violent outcomes for families. They suggest that immigration law has been gradually linked with criminal law thus culminating in what they refer to as “legal violence.”<sup>182</sup> The authors argue, “legal violence best explains the living conditions and experiences of contemporary immigrants in tenuous legal statutes in the United States [. . .]”<sup>183</sup> Undocumented immigrants tend to be unaware that they have legal protections and therefore are rendered vulnerable. Once immigrants arrive into the United States their families are faced with long separations, raids and deportations, children are unable to receive higher education and health care, and people are unable to make enough money for rent.<sup>184</sup>

I would like to end this section with taking the discussion back to the question of whether or not people have agency over their lives. If we take into consideration all of what has been discussed throughout this research thus far, it is possible to conclude that people in this sense become void of agency. Structuring factors that occur at the

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<sup>181</sup> Ibid. p. 121

<sup>182</sup> Cecilia Menjivar, and Leisy J. Abrego, "Legal Violence: Immigration Law and the Lives of Central American Immigrants," *American Journal of Sociology*, 117, no. 5 (2012): p. 1381

<sup>183</sup> Ibid. p. 1386-1387

<sup>184</sup> Ibid. p. 1399



economic level disallow people the ability to make choices. Meaning, at times people are forced to move due to economic forces that are out of their control. Additionally, the Latino immigrant is already painted in a negative image well before they come to the United States. Doing things like militarizing the border makes this an even greater issue. This puts forth the image that Latino immigration is force to be reckoned with that is so great the U.S. border must be completely shut and militarized. Finally, and what will be elaborated more fully in the next chapter, once people make it into the United States they must live in the shadows. This deters people from living in a way that allows them to navigate society uninhibited. This section has had the aim to bring together the concepts of how the Latino Threat narrative, immigration policy, and economic factors come together and play out in the lives of individuals.

The next section uses these concepts to analyze the interviews that were conducted for this research. Many of these themes come out within the narratives I was able to gather. I use these concepts to illuminate the idea that there exists a dialect between mobility and stability. If we take into consideration all of the factors that have been discussed this far we see that there are forceful structuring factors that come down and penetrate into to lives of these individuals that inhibit the pursuit of stability. These things void humans of agency by creating societal obstacles in the ability to navigate through and within social settings uninhibited. These ideas are elaborated upon in greater depth below in the context of the interviews that were collected for this research.

## Immigrant Narratives and the Dialectic of Mobility and Stability

### *Introduction*

In this chapter I present the data I collected through the interviews I conducted with both undocumented and documented immigrants in St. Louis, MO. I use this section to look at how the experiences of immigrants are interpreted, and what the narratives about these experiences can tell us about human rights abuse and violence that targets Latino immigrants. I argue, that the experiences of immigrants exist within a dialectic between mobility and stability. This discussion has been under theorized and merits significantly more work. This idea is something that has been briefly touched on by Laura Velasco Ortiz and Oscar F. Contreras in their work *Mexican Voices of the Border Region*.<sup>185</sup> I use this concept to explain why people move, discuss the movement process, and examine life within the United States. Life happens between mobility and stability as well as during these processes.

I look at how these experiences are shaped by the structural forces that penetrate down into the lives of individuals. What becomes apparent is that people move and become mobile through the pursuit of stability. However, before discussing the pursuit of stability I must first answer the question of why people move. What comes out in these narratives is that people move for family and work, as well as difficult political situations. After answering the question of why people move I look at what this experience of mobility is. I then look at what stability looks like, or if stability is something that has been achieved. While stability is sought, to a degree, there remains a curtain of uncertainty that hangs over many of these people's lives. This uncertainty follows people

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<sup>185</sup> See: Laura Velasco Ortiz, and Oscar F. Contreras, *Mexican Voices of the Border Region*, (Philadelphia: Temple University Press, 2011).

from their decision to move, and into their lives within the United States. Furthermore, once people reach the United States they face a new type of inhabitation on mobility that pushes people ‘into the shadows’. There is also a fear of return to people’s countries for many of the individuals I spoke with. This fear is due to instability and violence, as well as the inability to move back into the United States, thereby remaining separated from people’s families.

I end this section with a discussion of human rights issues that occur in this dialectic between mobility and stability, and how structural forces play into this. There are many issues that have been uncovered with these interviews. What we see is first, people experience awful conditions during their paths to migration. This is a very dangerous journey, and much of the struggle people face occurs during this time through such things as extortion by police and criminal cartels. Secondly, many people do not have access to basic services, or are afraid to use the ones they do have access to within the United States. This is also a product of the fear of being exposed. People establish lives in the United States, yet they are living in the darkness, and unable to fully enjoy an uninhibited life.

### ***The Dialectic Between Mobility and Stability***

When discussing the border area, and the ‘lived border’, Laura Velasco Ortiz and Oscar F. Contreras suggest that “the dialectic between mobility and settlement, between setting down roots and being uprooted, gives the region a sense of vitality, of constant renewal.”<sup>186</sup> I ask here: where does this dialectic fit into the context of the individuals who have successfully crossed through the border and established lives in the United States? I suggest that this dialectic occurs between the two concepts of mobility and

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<sup>186</sup> Ibid. p. 3

stability. When we ask the question of why people become mobile in this context we can see that the answer is in order to find stability. Therefore the dialect between mobility and stability starts first with the fact that people move. Secondly, people move because they perceive the ability to find stability elsewhere to be a viable and worthwhile solution to instability in their home countries. However, during this path of mobility and pursuit of stability there are structuring forces that impeded the pursuit of stability both in their countries of origin and in the United States. Nonetheless, what is observable is that some stability is achieved through settlement within the United States.

It is further suggested by Velasco Ortiz, and Contreras that; “[the] transportation of people that separates and uproots migrants from their homes arises out of a search for stability and security, generally via a better job and better living conditions.”<sup>187</sup> The authors additionally make four typologies of migrants, one of them being those who have traversed the border, or those who have left the border behind. This means that these people have left the border behind and it is a concept that is behind them as a lived reality. The border now only exists as a line and geographical boundary inhibiting mobility. Although these individuals have lived experiences that are rooted in Mexican culture and what it means to be Mexican, their lives are now deeply embedded in the United States, and they are active members of the United States, participating as significant actors and residents in U.S. society. For these individuals their life trajectory and vitality exists within the United States.<sup>188</sup> What I find within the narratives of the individuals I have spoke with is that they hold the characteristics of those who have traversed the border - their life trajectories and their ability to continue onto a path to

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<sup>187</sup> Ibid.

<sup>188</sup> Ibid. p. 186-187

stability lies in their ability to stay within the borders of the United States. For those who hold the status of an undocumented immigrant, the threat of instability looms over them. People have moved in order to pursue prosperous lives, however, stability and prosperity becomes inhibited. These concepts and ideas are what I aim to draw out below where I provide the narratives of the individuals I have spoken with.

Before moving further I must contextualize what I mean by stability. When I make use of the term stability I am referring to the ability to live and pursue life in a way that is uninhibited by the threat of violence or outstanding poverty. Additionally, I see the concept of stability referring to the ability of people to move and navigate their lives freely, without the fear of action being taken against them for navigating through society in the public sphere. I therefore ask the questions – is living ‘in the shadows’, as many must do, stable? Furthermore, does citizenship afford people stability? When is stability achieved, and how do people interpret their experiences and pursuit of stability?

***Why do people move, and what is the experience of movement?***

While there are a number of reasons people move that we can observe, the most prevalent narrative I uncovered from the people I spoke with was to build a better life for their families. It is difficult for people to sustain and support their families in their own countries. Therefore, people move. Even in the face of great uncertainty, which occurs the process of moving, people still risk their lives in order to sustain their families, and to work toward a better life.<sup>189</sup> People come to the United States in search of work. Although they may have had work in Mexico, the fact is, they can make a higher income in the U.S. than they can in their home country. Therefore, people come and they take the

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<sup>189</sup> Mariah, Catalina. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

first job, and the first opportunity they are able to get. It becomes quite clear how structural economic explanations of why people migrate factor into this. Taking into consideration the idea that geographical imbalances between supply and demand of labor, as well as to maximize potential are reasons to migrate<sup>190</sup>, we can begin to see that while these are in fact important components to this discussion, what is really important to people is the ability to provide for their families. All but one person I spoke to discussed the importance their family had in their decision to move. Essentially, people become mobile in order to seek stability for their families. Migration is significantly embedded in the familial context.

While work and family are indeed two important components in this decision, political instability that can be attributed to corruption within the Mexican government, and violence also plays into these reasons for movement. People are faced with instability and lives that are fraught with danger and uncertainty. It was not uncommon to receive responses such as: “Mexico has a corrupt government. People have no chance if they do not own land. They have no money, and they will starve to death. They don’t have resources like we do here. Even if they come here they aren’t eligible for those resources, but at least they are eligible for more here.”<sup>191</sup> What became clear throughout all of the interviews is people move due to the political situation as well as increased opportunity to simply feed their families. The discussion of corrupt local officials, especially on the border, came up time and time again.<sup>192</sup> There is significant work that has been done that

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<sup>190</sup> Douglas S. Massey, Jorge Durand, and Nolan J. Malone op. cit. p. 9

<sup>191</sup> Mariah, Catalina. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

<sup>192</sup> There was a theme that came up when discussing these issues with people. That is, not only are people exploited by criminal groups, there are instances of local law enforcement colluding with criminal groups, as well as ineffectively handling the situations of violence. This appears to be most prevalent on the border.

discusses the ineffectiveness of local political institutions in protecting the safety of citizens.<sup>193</sup> As will be discussed more in depth below, one individual spoke to the cruelty that is faced by officials that extort individuals.

I spoke with a leader in the health community that works with immigrant populations in the St. Louis area who gave interesting insight on the false perception of why people move. He started with addressing the realities of why people move - “work number one - and because of the situation in their own countries. We are looking at Mexico and Central America. The vast majority comes because there is more opportunity to feed their families.”<sup>194</sup> He continued with addressing the false perception of why people move. “There is a whole myth of people leaving their home country for things that are not work, and it is ridiculous. Who leaves their home country and becomes completely uprooted for no reason? You come because you have no job, and you need money to support you and your family.”<sup>195</sup> This myth is interesting when we take a deeper look and ask the question – why are such myths created? I would suggest that this is part of the ‘Latino Threat Narrative’ that was discussed above. Understanding why people move is important to this conversation, and is critical for launching into the discussion of what the experiences of movement is.

For people who are moving between Mexico and Central American Countries, the journey is notoriously dangerous. At times I found this question to be the most difficult to ask. There was some silence that surrounded this question in regards to people’s personal

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<sup>193</sup> Transparency International’s CPI, shows a high level of corruption in political institutions, (*See*: Transparency International, "Country Profiles: Mexico." Last modified 2011. Accessed November 3, 2012. <http://www.transparency.org/country>); For more analysis on this see Roderic A. Camp’s work who discusses the lack of faith in many of the institutions in Mexico. (*See*: Roderic A. Camp, *Politics in Mexico: the Democratic Consolidation*, (New York: Oxford UP, 2007) p. 190-194)

<sup>194</sup> Sanchez, Luis. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>195</sup> *Ibid*.

experiences. However, I was able to gain some critical insight on this. Many spoke to the troublesome, long, and arduous journey that occurs during movement between their countries of origin and the United States. Additionally, this experience is different for people depending on where they are from, and equally importantly, when they came. It has become apparent through this research that this journey is becoming more and more dangerous. Additionally, this danger exists heavily in Mexico, and seems to be attributed to corruption within political institutions as well as the existence of criminal groups that have begun to put a price on immigrants. Meaning, extortion and exploitation<sup>196</sup> is something people are likely to run into. In this regard the immigrant has become commodified.

I will first begin this discussion with re-counting the narrative of two brothers I spoke to, Miguel and Joaquin. Miguel and Joaquin are two brothers from Guanajuato, a city in Central Mexico. Miguel has been in the U.S. for about nine years, has a family, and has established ties here. Joaquin has not been here long, but works with his brother in the hopes of being able to return to Mexico to support himself. Joaquin is young, just nineteen. Miguel is not much older. Just twenty-four, and has two children with another on the way, and a wife in which he is the main supporter of. They grew up working on their father's farm, where life consisted of working with the animals, and selling them when they needed things. They spoke of fond memories in Mexico, but acknowledged that there just is not a lot of opportunity there for them. Both provided an important narrative for this work. Both of their stories, while similar, were different. Miguel was the translator for Joaquin, and myself. Therefore, I received more detail from Miguel.

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<sup>196</sup> While this is elaborated more thoroughly below through the discussion of these narratives, this extortion and exploitation manifests in a number of ways. This involves, being forced to pay bribes, being used as drug mules by criminal groups, kidnappings for ransoms, merciless killings, etc.



Nonetheless, Joaquin's story adds important points. Miguel told me how they took a bus from Guanajuato to the border. When they reached the border they attempted to enter at Ciudad Juarez, however they were not able to enter there so they entered at Laredo Tamaulipas. It took them about a month just to get there, and when they finally did, they had to cross a river. It took them about two weeks to finally get to the United States, and upon their arrival to the U.S. they stayed in a hotel for three to four days. They continued the journey in a van with about twenty other people packed into it. They had to go up to Ohio then on to New York before finally reaching St. Louis. Perhaps one of the most compelling aspects of Miguel's story was his discussion of crossing the border.

When I asked Miguel about the challenges he faced at the border, and what was challenging about it he told me:

Everything man. The people were really mean on the border. The Mexican border men are really mean to you, and you can't talk to them. When I crossed the border the first time I was 15 and they got me one time. The guy that was sitting in the office - I lied to him. I told him; I'm 18! I'm 18! I'm 18! He was like you need to shut up or I will beat you up and put you in jail. One of my friends, who came with me, was like; "just let him go! We only have money to come to the border. We only have enough money and if you keep him here they have to go ask somebody for money because his parents will have to come get him."<sup>197</sup>

He continued, "It's hard to get here, and cross the border. It's very dangerous too. Some people get mixed up with the coyotes. They sell you like an animal."<sup>198</sup> He told me that he knew people that got mixed up with the coyotes. Coyotes represent a particular threat when it comes to the commodification of immigrants. They are a major force that extorts and puts a price on people. This has turned the immigrant into something that can be bought or sold, and in which money can be made off of. Coyotes may represent

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<sup>197</sup> Lopez, Miguel. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

<sup>198</sup> Ibid.

themselves as a leader through the path of migration; in reality they are putting a price on people. As will be discussed below, the price of migration is increasing. This puts people at a larger risk of exploitation. Additionally, as discussed in the previous chapter, criminal groups have begun to compete over human trafficking. People have been used to map out the paths of drug trafficking, and in this way have been used as a valuable resource for drug trafficking groups. Returning to Miguel's story, he spoke of people who were involved with the coyotes as a 'guide' to migration who were stopped mid way through and told they needed to give more money. If this price is not paid, they will call the persons family telling them to send more money, or they will be unable to go. Miguel told me how some simply do not make it through this. Coyotes will just kill people, leaving them to disappear on the border.<sup>199</sup>

Miguel's story took an interesting shift when he began to speak about the differences between being in Mexico and the United States during his movement. His narrative diverges from some of what much of the literature covers in that he speaks of how well the U.S. officials have tended to treat him. There is lot of work done on documenting immigration and customs enforcement officials making life difficult, and even perpetuating human rights abuse on the border. However, Miguel spoke of a different reality. He told me:

The Immigration here, I love them because they give you medicine, water, and food; but in Mexico, if they see you and you can't walk they just leave you there. The Mexican police are real mean. They are really bad. It's hard. It's dangerous. Sometimes they stop the busses and, I hear about my friends who got stopped. They steal your money, and when you're driving they have guns, and they are like; "give me your money". They take your shoes. It is not safe down there. When you are on this side, you're safe. On

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the other side you don't know if you're gonna get here or go back home. You don't know. It's just hard.<sup>200</sup>

Miguel's story revealed an important insight on the realities of the border area. His biggest worry was simply getting across, because by entering into the United States he gained safety. Mobility for him seemed to be deeply imbedded in the idea that stability was soon to follow. It is possible to therefore conclude, when we take into consideration the dialectic of mobility and stability, making it to the U.S. side does afford some stability as well as safety. Nonetheless, stability does remain restricted. This is largely due to the idea of people 'living in the shadows'. This is addressed more fully in the next section.

Joaquin had a similar story. However, he spoke of being a long way from home and having no money because all of his money was spent on getting here. They walked for eighteen hours straight, and when they got to the border he simply said, "it was just not a good sight at the border. I mean it was bad. It was a really long journey."<sup>201</sup> This account speaks to the hardships people face in Mexico during their journey. It also speaks volumes if we return for a moment on why people move. Miguel's story was intriguing as well because I had the chance to ask him about what makes this danger worth the attempt to come here. He told about being on the border and how everything in his head told him to go back home, but he did not feel he could because there is simply nothing he is able to do in Mexico. People are aware of troubles that lie in front of them when they choose to move yet there seems to be a hope, an idea, and a promise of stability within the United

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<sup>200</sup> Sanchez, Luis. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>201</sup> Lopez, Joaquin. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

States. This hope and promise is what feeds the notion that stability will be attained. However, the reality, I argue, is quite different.

Mobility and movement has only become increasingly dangerous. Armando, a man in his thirties who has been in the U.S. for about fifteen years with his wife Lorena, has three children here who depend on them. Their oldest helped with translating for them. Lorena and Armando, both small in stature, were soft spoken, but gave a powerful narrative. They do a lot here for their children. Their oldest is in advanced placement classes, and she's trying to get one of their younger enrolled in them. She told me about how difficult it was to get them enrolled because there are a lot of barriers they face, and many times teachers and administration just do not want to help them. I will return to this below.

Armando and Lorena spoke about their journey of getting into the United States. Armando started with talking about a tiring journey through the mountains in order to get here. He made the journey a total of four times: "The first time it was easy. The second time - not bad. The third time, I tunneled underground and crawled for three hours. The fourth time, it was even worse."<sup>202</sup> This is where he stopped. Lorena continued with her story, who first came on a visa after getting married in Mexico. She told me, "One day my mom was sick, and so I decided to go back and see what was going on there. At the time when I tried to come back I had no papers."<sup>203</sup> Armando clarified, "She lost her visa. She lost her visa, and since she has me and her family here she decided not to stay in

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<sup>202</sup> Morales, Armando. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 19, 2013.

<sup>203</sup> Morales, Lorena. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 19, 2013.

Mexico and come to us.” Lorena continued, “The only chance to come here was to cross the border with no papers.” When she again fell silent, Armando spoke for her:

When she crossed the border it was real, real dangerous. In Mexico there is a gang called Zetas. They control the whole border. When she called me she said “I have to be with you guys”. Then she called me really scared because it is something unimaginable how they treat people on the border to cross the line. Even worse, sometimes they put backpacks full of drugs on you. They make people carry drugs. Now it is real, real dangerous crossing the line, and sometimes your lucky to be alive. They don’t care. They just kill people with no heart. No mercy.<sup>204</sup>

People become expendable resources in this sense. I spoke above about the commodification of immigrants, however this demonstrates an even more stark reality whereby people become valueless. They become an object that is used, rather than a person. It is commodification through objectification. People are only worth as much as they can be extorted for to these criminal organizations that wreak havoc through the border region. This reality was demonstrated and contextualize by many of the individuals I spoke with.

I was able to ask Armando and Lorena on their opinions on why movement has become so violent, and what things have increased the danger of the border and path to migration. Lorena told me:

Every time we go it’s more and more poverty. It has made it harder for the poor to live. The drugs and drug traffickers have complicated things because they are looking for mules<sup>205</sup>. La Migra [immigration officials] makes it even worse for us to cross because it is so well watched, and it is almost impossible to cross now. On the other side, the drug cartel controls the whole situation. If I want to cross it use to be 500 dollars to cross the line. Now it is 5,000 or 7,000 dollars for us from Mexico.<sup>206</sup>

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<sup>204</sup> Morales, Armando. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 19, 2013.

<sup>205</sup> Drug mules refer to people in which drug cartels use and exploit in order to traffic drugs.

<sup>206</sup> Morales, Lorena. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 19, 2013.

Movement is uncertain. Increased poverty seems to be only heightening the situation. Additionally, heightened issues with drug cartels and criminal organizations increase this danger and uncertainty. This movement is becoming even more dangerous depending on place of origin. The further people must move, the more dangerous the journey is.

Those who move from Central American countries tend to face a more arduous journey. Luis Sanchez was able to speak to this a bit. The organization for which he works provides culturally significant and bilingual health care services to those in the Hispanic community, and “provides a point of access of care for those who are uninsured, and those who lack access to other sources of care.”<sup>207</sup> This involves both physical and mental health. So when asked about the difference between their clients from Central America and Mexico he had this to say:

The further you have to travel, the likelihood that you have been exposed to a traumatic or a violent event goes up exponentially, and we see that play out here in terms of the number of people our mental health program serves that have been victims of some type of trauma. The closer you are to the border the more likely you are to avoid that situation. The more borders you cross the more likelihood you will have run into somebody who has extorted you and threatened your family.<sup>208</sup>

This seems to be something in which the literature and research on these issues is just now really beginning to address. Movement, and the experiences people face during movement, are very different depending on place of origin. There is a substantial amount of abuse that is faced both by government bodies, as well as criminal groups. The research is thin here however, and this is absolutely something that needs to be addressed

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<sup>207</sup> Sanchez, Luis. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>208</sup> Ibid.

with more rigor and closeness. However, this is not to disregard the importance of what has been said here, and what is embedded in the narrative of the individuals I spoke to.

Mobility and movement can be a two way street. While the path and movement into the United States is dangerous, the restriction of mobility through borders has also made movement back into Mexico quite dangerous. This danger and fear manifests in two significant ways. First, there is the fear that surrounds the ability to return and reunite with ones family. This is primarily for those who do not hold citizenship status. Meaning, while people have created and established lives in the United States they still have deep ties with family back in their countries of origin. Therefore, people are unable to return to their home countries to visit their family due to their inability to move successfully through borders to return to their lives in the United States.

The second type of fear manifests itself in a more violent way. Essentially, going back to Mexico can be very dangerous for some people. For those who do not hold citizenship status and get deported, they face being extorted by criminal organizations upon return. This is because, as one individual told me, when undocumented people come into the United States, some of which are capable, will save a significant amount of money, serving as a security precaution to being deported. If by chance the latter occurs this lump sum of money can help them reestablish their lives in Mexico.<sup>209</sup> Criminal organizations have begun to catch on to this trend, and have therefore begun to extort people for this money. Additionally, those who hold citizenship status may fear to return to Mexico as well. As one woman, Rosa Pacheco, told me:

Right now I do not go back to Mexico because, you know, Mexico is really dangerous right now. I am afraid they are going to kidnap me

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<sup>209</sup> Vasquez, Javier. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

thinking my kids have the money and can gather the money. I go over there and they know my kids are over here. They will try to kidnap me. You know for their money. So that's why I don't go. It's hard - the cartels and all that and the border. Five years ago it was not like that. I took a truck over there and they didn't bother me, but now you go and people kill you for the car.<sup>210</sup>

People returning with money are in danger. This has a lot of implications when we think about this in the context deportation. This is something I address in more depth below.

***Stability? –Uncertainty and ‘Life in the Shadows’***

If there is one word to describe the lives of many of these individuals who are living in the United States it is uncertainty. Mixed with loneliness, this seems to be what many of these individuals deal with on a regular basis. Within this narrative, the dialectic between mobility and stability becomes widened. To recap and put into context, through mobility, stability is sought. When we take into consideration the narratives that people have given, we see that stability seems to be a very flexible term. People's lives seem to become stable in a way in which they are able to make more money and provide more for their family. However, what becomes apparent is that there are a lot of uncertainties and difficulties people face within the United States as well. One component of my research dealt with the ways in which people are able to navigate and live their lives freely. While people may become liberated and free of some constraints, meaning less violence, and perhaps more economic capability, what seems to become apparent in this discussion is that a set of new constraints manifest. What I was trying to understand with the questions and narrative that will be discussed below was how people live and work within society *in the shadows* per se, and how they deal with these issues. What further became apparent

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<sup>210</sup> Pacheco, Rosa. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.



is that even when people gain citizenship, and have this legal representation, or “legal respect”<sup>211</sup>, as one person so eloquently put it, at times there is still attached the perception of ‘illegality’.

These sorts of concepts became illuminated very quickly. Lorena told me; “I feel here, by myself. It is very complicated. You don’t know the language, and the culture is completely different.”<sup>212</sup> Armando followed by saying; “the first years there was a lot of racism. After some years you get used to it so you don’t pay attention to it. After ten years everything changes. I got a real good job and I got used to the American way now.”<sup>213</sup> They both spoke also about when people come here they lose a lot. “You lose your religion and you don’t go to church any more. You left your people behind, your friends, and brothers. After ten years though, everything has changed.”<sup>214</sup> There seems to be this period of adjustment for people. However, eventually people establish lives here. Nonetheless, people feel as if they live in the shadows. “I feel like I am in the shadow here. Especially when you go to the store and you try to get beer and they ask you for your driver’s license. Well, I don’t have it. And when people have a racist attitude it makes you feel bad. You’re scared to talk back to them though because you do not know what is going to happen. They might call ICE<sup>215</sup> or something.”<sup>216</sup> When people are here undocumented there is a lot of fear. This is the fear of deportation, and a fear of uncertainty, that surrounds being torn away from their lives, their family, and all they

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<sup>211</sup> Vasquez, Javier. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>212</sup> Morales, Lorena. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

<sup>213</sup> Morales, Armando. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

<sup>214</sup> Ibid.

<sup>215</sup> Immigration and Customs Enforcement

<sup>216</sup> Morales, Armando. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

have worked to establish here in the United States. This fear is what pushes people to live in the shadows.

Living in the shadows is difficult, but this is how people are able to deal with uncertainty. Fernando, a married man, in his forties, and with two children told me, “I come out of my house everyday knowing that if I get stopped by the police lots of troubles will come.”<sup>217</sup> Therefore people are in the shadows. “We are in the darkness. We are in the Shadows. We don’t do much.”<sup>218</sup> Fernando has been in the St. Louis area for about twenty years, after moving here from Guadalajara. He spoke about how others who have been in the area just as long do not even know about many of the things they can do for fun in St. Louis simply because they are afraid to go out. This restriction of movement deters people from wanting to do things. “We are in the shadows. A lot of people are in the shadows, and they don’t want to do things.” This fear moves upward into more pressing issues. For instance, medical issues. People have fear that if they go to a certain institution for medical services, and do not have proper documentation they will expose themselves and simply not receive treatment. This keeps people from accessing social services in which they would actually have access to. The lack of having access to such services is something difficult people must cope with. Not having this access can funnel down into the lives of these people’s children, people who are citizens, as well.

Veronica moved here in 1981 from Mexico City. She has three children, all of whom are adults now. While she is now a citizen she told me about her experience as a non-citizen affected her ability to receive child support. Before she had citizenship status she separated from her husband. Therefore, she was not able to access proper

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<sup>217</sup> Desoto, Fernando. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>218</sup> Ibid.

mechanisms to take him to court in order to get child support. Furthermore, people project the false sense of non-citizen on to people. This affects people in serious ways. Veronica also told me about her experience of discrimination based on the false assumption she did not have citizenship. She told me; “They assume that because you are Mexican you are illegal or trafficking drugs.”<sup>219</sup> She was told that she was not called back for work in some instances because there is word that a lot of people do not have papers. Even with citizenship she still does not feel like she has the same rights. This is a narrative that came up again and again. Nonetheless, when asked, “what does citizenship mean to you?” This tended to be one of the most important things people desired.

Having citizenship allows people to be able to move both in the sense that they no longer have to live below the surface, and they are able to have a driver’s license. Driver’s licenses recurrently came up as something that inhibits people to be able to do things. Still though, citizenship allows people to be able to live their lives with their families without fear. Miguel told me:

For me it [citizenship] means a lot, because I can get a drivers license and live like a normal person. You are going to feel free. You don’t have to be scared. For me, its hard, but I love working here. I love living here. Sometimes I think if I get citizenship here and get legal I can provide for my family better. I have my family here, and I am the one who pays for everything. I pay for the car, for everything. If they take me down to Mexico everything goes down.<sup>220</sup>

People begin to grow and establish attachments here. Miguel’s entire family is here. Even though he is undocumented, the United States has become their home. People are able to build a life here, and many do. These people take pride in being in the United States too.

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<sup>219</sup> Posada, Veronica. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

<sup>220</sup> Lopez, Miguel. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

While they all discussed missing their homes and families in Mexico, they all have families here as well that depend on them. As Catalina Mariah so powerfully explained in this regard: “Just being told you don’t qualify, you will never qualify, you are ineligible permanently for life. Those are some pretty hard words to swallow.”<sup>221</sup>

Many of these individuals want to be able to work in the community and give back. Not having citizenship has inhibited this in some regards. For instance Fernando was invited to be a deacon at the church he attended. However, due to his non-citizenship status he was ineligible. This frustrated him greatly. He wanted to donate his time to the community, but he was not able to due to his citizenship. Additionally, his wife Mariela discussed how they wanted to be able to take in foster children and help them. They cannot though.<sup>222</sup> They are unable to work in the communities they want to serve.

Speaking about stability within the United States is difficult. People’s lives do become more stable. However, this stability seems to be limited. There is the fear of living life out in the public sphere, or out of the shadows. People do all they can to not draw attention to themselves, and therefore are forced to live much of their lives more concealed than most. Nonetheless, when people were asked about their freedoms in the United States they all agreed that they have freedoms, however, they are not the same as someone as myself enjoys. Therefore, when people establish their lives here and have families, deportation becomes a significant anxiety. This means getting uprooted and torn out of your life. Furthermore, this inhibits people from being able to access basic services

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<sup>221</sup> Mariah, Catalina. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 24, 2013.

<sup>222</sup> Desoto, Mariela. Interview done by Joseph M. Stosberg. Tape recording. St. Louis, MO, September 21, 2013.

out of fear. This is where the question of whether or not living in the shadows constitutes stability.

It seems that the lives of individuals goes from instability to mobility, to a degree of stability that is draped with uncertainty and instability. Therefore the path to stability and the dialectic between mobility and stability remain void of synthesis in many instances. The degree of stability people are able to enjoy is greatly inhibited by a multitude of factors. Additionally, it became clear through some of these narratives that even with citizenship, the path to mobility might not always still be fully realized. This is the reality for Veronica, who told me she does not feel, even with her citizenship status, that she has access to the same amount of rights that others do. This is largely due to her status as a Latina immigrant.

Veronica spoke of facing discrimination in the work place based on her status as a Latina. She spoke of outright discrimination, and facing less opportunity within the factory she worked at. While her co-workers were able to communicate freely and socialize she was continuously reprimanded when she would speak with other Latina workers. Moreover, Veronica discussed how they used to play Mexican music quite frequently, but when another non-Latina co-worker complained about the lyrics being in Spanish, they were no longer able to play the music. After telling me of her story she asked me about what measures she could take to voice her concerns. She felt that she was unable to make use of the appropriate mechanisms within the company to voice her concerns about being victim of racism in the work place. Additionally, she told me many of her fellow employees were afraid to use these sorts of complaint mechanisms for fear

of being fired. Veronica, even with citizenship status, still felt she did not have access to the same rights as other individuals.

If we return to the story of Armando and Lorena, another issue arises. Armando and Lorena have three children here who are citizens. Their oldest son is enrolled in advanced placement classes. Lorena told me she realized his potential, as did his teacher, from an early age. However, after petitioning the school and the administration to get him into the classes, they continuously denied him entrance, providing various excuses. Lorena was unable to do much about this due to her citizenship status. While their oldest son is now in the advanced placement classes, she is struggling with the issue again with her oldest daughter. Her children are U.S. citizens but are being denied their rights, and ability to gain advanced achievement as a result of their parents' undocumented status. This shows how Lorena and Armando's status as undocumented immigrants prevents them from being able to advocate on behalf of their children.

While this is a real issue for Veronica, Armando, and Lorena, what I have been able to gather from these interviews is that citizenship does in fact afford individuals more stability. This allows people the appropriate mechanisms to work and navigate society. Additionally, this allows people the freedom to move back and forth across borders. While people's lives are here, there is still a strong attachment to their home countries. This in large part seems to be attributed to the fact that they have family there as well. The inability to navigate through borders freely puts a great deal of stress and hardship on people's lives.

### *The Context of Human Rights*

In order to discuss this in the realm of human rights we must look at this in a variety of different ways. There are many issues of human rights that appear in these narratives. What is most important is this discussion of how we can alleviate these pressures, and ensure the stability of people's lives. The first and most important issue to deal with is the instances of blatant outright violence and human rights abuse that occurs in the paths to migration. The commodification of immigrants, the disappearances of people, and the extortion needs to be dealt with swiftly and effectively. The situation on the border is in every sense a conflict zone. This can only be fixed through open dialogue between Mexico as well as the United States. Additionally, we must stop the deportations and provide a more direct and immediate path to citizenship for those who are already residing within the borders of the United States. Finally, and what may be the most challenging dynamic to face, is the deconstruction of the 'Latino Threat Narrative'.

Let me first return to how I am defining human rights and violence in these contexts. First, I am observing the things that come to mind when one may think of violence - the things that we can point to directly and call violent. This includes the documentation of bodies found in the Arizona-Sonora desert, and the violence and hurt that is faced during the path to migration. The second is the subtle forms of human rights issues, the protection of human dignity. This is where I look to the Universal Declaration of Human Rights (UDHR) to outline my definition of human rights abuse. The UDHR seeks to protect "the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of

life in larger freedom.”<sup>223</sup> It is this definition that speaks to the issues people face when they have settled in the United States.

If we begin looking at these issues at the moment when people choose to migrate we can go back to the discussion of how people become subjugate before the decision to migrate is made. This circles around the question of why people cannot create sustainable lives within their own countries. Trade policies and increased economic ties with the United States, as discussed thoroughly above, have been key in causing these flows of people. Additionally however, I have discussed how instability makes these individuals move. We must begin to seek out ways in which people can establish and find stability within their own countries. However, when people are unable to afford and find stability, and they do move to seek stability in the United States, why are they perceived as being a negative impact on the social fabric and setting of the United States? This is where the ‘Latino Threat Narrative’, as well as the structural economic factors begin the subjugation of individuals before the decision to move begins. The labeling of individuals begins in the hegemonic narrative that circles these issues. The immigrant is painted in a negative light well before they choose to move.

The issues people face during their paths to migration are compelling. These issues have only become worse. This is in large part due to the need to stay hidden in the pursuit of crossing. The closure of the border at large urban spaces has pushed migration and border crossing to more obscure and dangerous paths. Crossing through the desert is rough. These paths remain uncertain, and as I have discussed above people have become commodified. The trafficking of immigrants has become a lucrative business. People

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<sup>223</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 12 September 2013]



have become worth only as much money as they can be sold for. When I spoke with people about their experiences in crossing the border people discussed how criminal organizations kill with no remorse. This is one of the most significant and prevalent issues that must be faced. I see this as being perpetuated by a few different factors. First, there are instances of local law enforcement being ineffective, as well as perpetuating the issues. Additionally, it is worrisome to hear people discuss being taken advantage of by these officials. Secondly, U.S. immigration policy is framed in such a manner that it targets immigrant individuals as the criminal force that is threatening the border area. Rather than criminalizing the immigrant, policy needs to be formed that targets transnational criminal organizations. These are the people who are perpetuating human rights abuse on the border.

When people enter into the United States and settle into their lives, the issue becomes entrenched in deportation. Putting an end to deportations is something that is significant. Rather than deporting people, we need to think about the importance of family unity and what sort of situations we are sending people back to as well. Family unity needs to be something that is taken under serious consideration. For many of the individuals I spoke with they were the heads of the household. If they were to be deported their families would potentially fall apart. When people establish families here their lives become established here. Additionally, these people are important contributors to the community, and work very hard to demonstrate this image. Finally, we need to think hard about the situations people are being returned to. In many instances people are being returned to dangerous settings.

This danger of return came out many times throughout the narratives of the people I spoke with. Sending people back into instability cannot be tolerated. Furthermore, the commodification of people seems to reoccur at this point. If we recount the stories above, there were a few individuals who spoke about the fear of return and how returning with money can be dangerous for people. Criminal groups know that individuals return with money when they are deported, therefore extortion and commodification of people by criminal groups seems to be occurring both during the initial process of migration as well as when people are returned. This is something Mexico needs to deal with in dialogue with the United States. Mexico must gain control over criminal groups that are living above the law, while the United States needs to re-think its policy of sending people back into these situations.

There exists no simple solution to these issues. Perhaps one of the most difficult is deconstructing and dismantling the ‘Latino Threat’ narrative. We can easily see how such narratives are created and perpetuate a particular image. However, deconstructing the idea of threat and taking away the stigma that has been fabricated surrounding immigrant populations requires us to deconstruct the way we imagine ourselves as a nation. We must ask the question of what the nation is in the context of the United States? A country fundamentally formed by immigrant populations is viewing a portion of its population as outside of being able to become ‘American’. Whatever that means.

This section presents some of the critical arguments and analysis of this research. My goal with this section has been to illuminate the reasons why people move, what they face in the process, and what life is like within the United States. This dialectic that occurs between mobility and stability is helpful in illuminating these concepts. Life

between mobility and stability can be strenuous. There are significant barriers faced during movements. All of this is perpetuated by unstable forces at the border region. Much of this is caused by criminal organizations as well as the inability of law enforcement officials to deal with it. It is important to take into consideration what people face in every aspect of movement and stability in order to receive an all-encompassing view of these issues. Looking at this in the context of human rights is significantly important here as well. The main focus of this research is how structural forces permeate down into the lives of individuals and perpetuate issue of human rights. Therefore it is important to this discussion how this occurs. I have made many suggestions on how we can begin to tackle these issues, however this is not an easy task and much more work needs to be done on these issue with documentation of human rights abuse as well as advocacy to help end hardships people face.

## Conclusion

Throughout this work I have made many arguments. I have looked at structural components such as; the opening up of Mexico and Central American countries to free trade, a pervasive narrative that paints the Latino immigrant as a threat, U.S. immigration policies, and how these things have funneled down into peoples lives perpetuating human rights abuse. This has created a dialect between mobility and stability. Meaning these forces cause people to move to seek stability, and also inhibit people's ability to find stability once they have settled in the United States. In order to support this argument I covered a vast expanse of literature that works on these issues. There is a lot that has been written on this topic, and it is important to bring together these themes to understand how they work and perpetuate issues of human rights abuse and violence. There are a few themes that have come out in the literature as well as the interviews that have been conducted for this research that are important to return to and discuss here. First is how these themes relate to the final argument I made in this thesis in regards to the dialectic between mobility and stability.

The core argument that was in the final chapter of this research showed, through the interviews I conducted, that people move to find stability. However, stability is not easily achievable. In fact, for many people this stability is not, and may not ever be achievable. This is due to the fact that there are structuring forces (economic forces, the Latino Threat Narrative, and policy) that intersect into the lives of individuals disallowing them to achieve stable lives. While people may perceive and understand their stability to be more so than in their home countries, they still are not afforded the same freedoms someone as myself feels. This is due to my status as a white citizen of the

United States. I have the ability to navigate freely throughout society within the United States without feeling constraints due to my race, or citizenship status. I therefore am able to receive my human rights uninhibited. I am able to choose where I want to go, when I want to do it, and how I want to do it. Such things have an interesting duality when we go back to the thought of how individuals in immigrant communities live in the shadows.

Many of the people I spoke to spoke of living in the shadows. They do this because they are forced there. They must navigate society invisible by living their lives quietly and softly. This forces people to have restrictions on mobility within the United States. Mobility for someone such as myself is virtually uninhibited outside economic constraints (but that is a discussion outside of the scope of this research). I am able to live my life loudly and in the public sphere if I so choose to do so. Additionally, I can choose to live behind the scenes and in the shadows if I want to. I can remain invisible and unnoticed should I choose to do so. This is the choice that both my whiteness and my citizenship affords me. I have the choice to project as many identities, or non-identities as I want to. The Latino Immigrant however, has been painted in a certain light by things that have occurred in the structural space in terms of race, and citizenship status. The Latino Immigrant, before the decision to come to the United States is made, has pre-conceived notions that is made about their personhood due to forces such as the ‘Latino Threat Narrative’. Therefore, their choice about the identities they wish to convey is made for them. It is this choice in the ability to live out loud or behind the scenes that draws the line between the ability to access fundamental human rights. Latino Immigrants who do not have citizenship are put into a situation of having to live in the shadows and remain unnoticed, and therefore stability for those who do not have

citizenship status, and for those who will never be able to have citizenship status, is unattainable. The basic dignity in which all individuals have, and have the right to, is stripped away from their person hood through the narrative that permeates through *American* society about immigrant populations. This occurs also through legal mechanisms.

Legal mechanisms of citizenship and immigration policies that militarize the border create a very strong tension on the forefront of human rights work. U.S. immigration policy has been focused on enforcement only mechanism, which is aimed at keeping people out. Putting military on the border frames the Latino immigrant as a military threat. This makes immigration enforcement out to be an issue of conflict resolution, which frames the Latino immigrant as the conflict that needs to be resolved. This however is a false dichotomy and a fabricated threat. Rather than deploying military personnel on the border to fight incoming people we should be asking the question: what is the real threat to the well being of people? This is without a doubt transnational criminal groups that are abusing and violating immigrants without any remorse. This is perpetuated by U.S. trade policy by creating a market for the trafficking of humans. This creates the commodification of people, and makes criminal groups compete for human and drug trafficking. Additionally, we must ask the questions of why people are moving, and why they are unable to live prosperously in their own countries. This is where we must return back to the issue of neoliberal policies that work as a push and pull factor that voids people of agency over their own lives.

One of the largest concepts in this work has been how free trade agreements violate the rights of people and cause them to move. These agreements take away from

people the opportunities to live well in their home countries. They perpetuate the underground economy and black market, and push people off of their lands. They fail to reach the poorest of the poor and benefit the elites who design them. Additionally, these free trade agreements open up the economy and free up the mobility of goods and production to move across borders, but labor and human mobility remain isolated. Therefore, people must move 'illegally'. This choice is made for them and the immigrant is there for made criminal and painted with a particular perspective well before the decision to move is made. The United States has also implemented major subsidies on food prices, which creates the loss in the ability for rural farmers to sustain agricultural production. This in turn further pushes migration. Many of these issues could be fixed, and help to reestablish people the capacity to have autonomy over their lives.

One possible solution to fixing these issues would be to increase use of the *ejido* system, as well as make further use such programs within Central American countries. Government issued collective farm systems would expand state control over land, and would put economic power back into the hands of individuals who need it in order to sustain a quality of life. The way this has worked in the past is that the federal government would transfer the land to local farmers, thereby allowing them access to important resources and local political institutions.<sup>224</sup> Moving toward such systems would give more control over crops to local farmers, and give governments more autonomy over the agricultural industry, thereby moving away from the dependence on the United States agro-industry. Further, this could potentially stem migration by returning the means of production back to the local farmers.

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<sup>224</sup> Eric P. Perramond, "The Rise, Fall, and Reconfiguration of the Mexico Ejido," *The Geographical Review*, 98, no. 3 (2008): p. 358

Secondly, free trade agreements must be restructured in a way that gives governments more autonomy of its policy making. Further, the governments need to be able to funnel foreign direct investment into domestic agricultural growth. These agreements need to be rethought in a way that allows countries to operate on par with the United States economy. Rather than being dependent on the U.S. economy, trade agreements should liberate the economies of these countries by keeping open dialogue with the U.S. in regards to trade, but allowing the governments to still maintain its reigns on the national economy. These countries need to move away from its binding economic partnership with the U.S. and follow the model of other various Latin American countries (e.g. Brazil). Completely detaching itself from the U.S. would be detrimental; however, renationalizing the agricultural sector by limiting the amount of food that is imported would allow such countries the ability to sustain themselves. This kind of thinking would allow the kind of economic opportunity for individuals within their respective countries and stem migration, thereby stemming occurrences of human rights abuse.

A complete rethink of the neoliberal agenda needs to happen before we can begin to fix these issues. The type of free trade and neoliberal agenda that has been implemented in these countries has had adverse effects on Mexico as well as Central America. What becomes apparent is such policies effect rural communities and poor populations significantly. While historically rural farmers have been able to work by relatively efficient means in order to sustain the agricultural industry, the opening up of Mexico to free trade has drastically undermined the ability for rural farmers to sustain growth on their lands. This has pushed the rural and local farmer industry to the edge, whereby sustaining an agricultural industry is no longer a viable way for economic



development. While the aims of these free trade agreements are optimistic and helpful in theory, there are inequities and devastating outcomes for countries that are less developed. Although there have been some mutual benefits between Mexico and the United States, the costs far outweigh them for Mexico. Although Mexico now has access to the U.S. market, this has undermined the ability for the local Mexican farmer to prevail. The result is increasing migration. Nonetheless, this migration occurs transnationally and in an era of globalization. The way this occurs has caused us to rethink the way we think about citizenship.

What citizenship means in an era of globalization is important here. This is where the multiple layers of citizenship has begun to manifest. It exists legally, economical, culturally, and politically. People have been integrated into the United States economically through the global economy, which transcends political boundaries and legal typologies of citizenship. Individuals may be legally, and politically a citizen of one country and participating economically and culturally within another. However, individuals still may not experience the same rights and privileges of those who are actually legally a citizen.

All of these concepts are immensely important to this research. Nonetheless, there is room for expansion here. To be sure there is room to bring in more components to this research. I spoke with people in one geographic location. Had I been able to speak with people across more geographic locations I may have received different testimonies and narratives. This is where future research will be able to expand here. Additionally, this research could be expanded upon by doing a more in-depth analysis of human rights abuse that occurs on the border and how we can resolve these issues through various

conflict resolution models. Finally, while this research focused on Central American migrants as well as Mexican migrants, all of the people that were interviewed were Mexican. There is a significant amount of research that details the experience of the Mexican immigrant, the ability to speak to the experiences of Central American immigrants is important.

Finally, this research set the foundations for how we can look at structural phenomena and how they penetrate down into the experiences of people. There is still much that can be said and expanded upon with this work. This research has been able to communicate many ideas and concepts, and bring them together in one place. Migration, human rights abuse, and violence is multi dimensional, therefore it has been important to take a multidimensional lens in the pursuit of this research. Rather than using one explanation of violence and human rights abuse I was able to take many and analyze them through a multidisciplinary lens, which I believe was able to add a significant amount of rigor to this research.

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**Appendix A:**Interview Questions/Prompt:

When did you migrate to the United States?

What were the main causal factors in your decision to migrate?

- Sub Questions to be asked depending on how this is answered:
  - Are you familiar with NAFTA?
  - What role do you see NAFTA in the push factors in your decision to move?
  - Was your decision to move more as a result of personal interest, or as a means to provide for our family?

Can you tell me about your experience moving between the United States and Mexico (or other place of origin)?

- Sub Questions to be asked depending on how this is answered:
  - What means did you use to enter the United States?
  - Did you have issues crossing the border?

Can you tell me about your experience as an immigrant within the United States?

- Sub Questions to be asked depending on how this is answered:
  - Do you feel, or in what ways, does your citizenship status (if non-citizen) makes you feel vulnerable? How do you deal with this vulnerability?

Can you tell me about the sort of things you did in (place of origin) before migrating, such as, work, fun, etc.? How have these things changed as a result of being in the United States, or have they?

- Sub Questions to be asked depending on how this is answered:
  - Can you tell me about what your work experience is like?
    - Do you feel you get taken advantage of?
    - How do you see your citizenship status playing into this?
    - Do you see your status as a Latino immigrant plays into this?

What does citizenship mean to you, and how important is having a path to citizenship, or attaining citizenship status to you?

Do you feel you have increased opportunity within the United States? Do you feel your citizenship status, or status as a Latino immigrant effects this?